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Award

Delivery of pre-construction services in relation to the delivery of Phase 1 of the development at Victory Quay (Tipner East)

VIVID Housing Ltd

UK5: Transparency notice - Procurement Act 2023 - [view information about notice types](#)

Notice identifier: 2025/S 000-016784

Procurement identifier (OCID): ocds-h6vhtk-0506fe ([view related notices](#))

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Scope

Description

VIVID is proposing to develop the site at Victory Quay (Tipner East) by reference to a number of phases. This Transparency Notice relates to the award of a Pre-Construction Services Agreement ("PCSA") in respect of Phase 1. The services covered by the PCSA include S278 / S38 design and submission, sub-structure and superstructure design review and evolution for design freeze, select planning condition discharges and amendments, drainage design review and finalisation, conclusion of Bird Conservation Area design and sign-off, SAP Modelling, Future Homes standard review & SBEM modelling, fire safety design review, hard and soft landscaping design, and liaison with Building Control, LPA & Highways.

This Transparency Notice sets out VIVID's intention to enter into a bespoke PCSA with PMC leading into the award of a JCT Design & Build Contract for the delivery of the infrastructure works and the Phase 1 works (subject to satisfactory performance under the PCSA, meeting pre-conditions set out in the PCSA, and subject to VIVID obtaining the necessary internal approvals). This Transparency Notice is published in VIVID's name, although it may be VIVID or Vestal Development Limited (group company) who subsequently enters into the PCSA and any ensuing JCT with PMC, and this notice is

therefore advertised for the benefit of both VIVID and Vestal.

The anticipated value of the PCSA to be awarded to PMC is in the region of £1.2 million to £1.6 million (ex VAT), with the overall anticipated value for the delivery of Phase 1 being in the region of £50 to 60 million (ex VAT).

The works to be delivered under the JCT D&B Contract for Phase 1 include the delivery of 181 homes plus the core main road layout, ground raising, spine road, sea wall coastal path, primary service to site, drainage & foul water pumping station, landscaping, bird conservation area, temporary and permanent boundaries and a commercial space for marketing and management. VIVID will publish a further Transparency Notice in due course ahead of awarding the JCT D&B Contract (subject to the pre-conditions and internal approvals noted above).

Contract 1

Supplier

- P.M.C. CONSTRUCTION AND DEVELOPMENT SERVICES LIMITED

Contract value

- £1,600,000 excluding VAT
- £1,920,000 including VAT

Above the relevant threshold

Earliest date the contract will be signed

7 May 2025

Contract dates (estimated)

- 7 May 2025 to 31 October 2025
- Possible extension to 31 December 2025
- 7 months, 25 days

Description of possible extension:

The PCSA may need to be extended to cover additional design work to achieve Phase 1 build cost certainty

Main procurement category

Services

CPV classifications

- 71500000 - Construction-related services

Contract locations

- UKJ - South East (England)

Other information

Conflicts assessment prepared/revised

Yes

Procedure

Procedure type

Direct award

Direct award justification

Single supplier - technical reasons

The award of the contract is permitted in accordance with section 41 and paragraph 6 of Schedule 5 to the Procurement Act 2023 on the basis that:

- (a) Due to an absence of competition for technical reasons, only PMC is able to deliver the pre-construction services under the PCSA; and
- (b) There is no reasonable alternative for the delivery of the Phase 1 works.

Under an earlier PCSA, local contractor PMC completed complex and technical whole site remediation & capping works. Followed by a 500-meter sea wall which is due to be completed by September 2025. The PCSA also included PMC entering detailed negotiations with the LPA, The Marine Management Organization, Environment Agency and Natural England to obtain a FRAP and MMO Licence for work on the shore of Tipner Lake a SSSI & RAMSAR. These licenses are in PMC's name and restrict operations between April and November due to over wintering birds.

Of particular note:

1) PMC has specific know-how (in relation to the site and works already delivered) that is essential to the effective delivery of the pre-construction services, infrastructure works and Phase 1 works (and the continued success of the overall build programme for the site as a whole) which would be prohibitively timely and expensive for another contractor to acquire and, as such, would be an unreasonable alternative for the pre-construction services;

2) Phase 1 is required to be compatible with ongoing infrastructure works that are already being provided by PMC under separate contracts (particularly in relation to the sea wall and the drainage infrastructure works that will be required for Phase 1 and the future phases) and there are therefore technical interoperability requirements which necessitate a direct award to PMC;

3) The site adjoins the Tipner intertidal lake which is included within national and international nature conservation designations (Portsmouth Harbour Site of Special Scientific Interest (SSSI), Portsmouth Harbour Special Protection Area (SPA), Dorset and Solent Coast SPA and Portsmouth Harbour Ramsar Site) and areas containing ecological interest. It is in an extremely ecologically and environmentally sensitive location and is monitored by all the relevant ecological agencies. When combined with a historical contamination legacy, it requires a detailed understanding and construction methodology to deliver and to avoid biodiversity conflict. This is particularly relevant to subterranean ground works and works alongside the foreshore, to minimize the risk to the immediately adjoining tidal lake ecology, the chalk aquifers, wading & over wintering birds, and biodiversity within the mud flats including a Protected Bass nursery area.

4) VIVID is in receipt of Homes England grant funding that requires the infrastructure works and key Phase 1 works to be completed by March 2027. Due to timing constraints imposed by this funding, VIVID requires a contractor with specific knowledge of the site and the operational requirements for Phase 1. Given PMC's prior involvement in delivering substantially similar works on the site (including PMC's technical knowledge and specific know-how in relation to the site), PMC is uniquely placed to deliver the Phase 1 design services and works as a result of the initial enabling works that have already been carried out by PMC on-site.

Given the above, VIVID considers that PMC is uniquely placed to deliver the pre-construction services for Phase 1 on the basis that there is an absence of competition for technical reasons, and that there is no reasonable alternative to PMC delivering key services and works within the required timescales.

Whilst the relevant services and works are delivered under Phase 1, VIVID will be commencing a regulated procurement exercise in accordance with the competitive flexible procedure under the Procurement Act 2023 for the delivery of the remaining phases.

Supplier

P.M.C. CONSTRUCTION AND DEVELOPMENT SERVICES LIMITED

- Companies House: 01675790
- Public Procurement Organisation Number: PPQP-1663-DXGM

80a High Street

Portsmouth

PO6 3FL

United Kingdom

Email: scripps@pmcconstruction.co.uk

Website: <https://pmcconstruction.co.uk/>

Region: UKJ31 - Portsmouth

Small or medium-sized enterprise (SME): No

Voluntary, community or social enterprise (VCSE): No

Contract 1

Contracting authority

VIVID Housing Ltd

- Mutuels Public Register: 7544
- Public Procurement Organisation Number: PNYP-8277-DWPP

Peninsular House, Wharf Road

Portsmouth

PO2 8HB

United Kingdom

Email: procurement.admin@vividhomes.co.uk

Region: UKJ31 - Portsmouth

Organisation type: Public authority - sub-central government