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Award

Design, development, and construction of the Casement Park Stadium new build for Ulster Council

The Department for Communities and The Ulster Council of the Gaelic Athletic Association

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-020559

Procurement identifier (OCID): ocds-h6vhtk-03e2bd

Published 17 July 2023, 9:42pm

Section I: Contracting authority/entity

I.1) Name and addresses

The Department for Communities and The Ulster Council of the Gaelic Athletic Association

Causeway Exchange, 1 - 7 Bedford Street

Belfast

BT2 7EG

Contact

Aidan McGoran

Email

Aidan.McGoran@communities-ni.gov.uk

Country

United Kingdom

Region code

UKN06 - Belfast

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://www.communities-ni.gov.uk/>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Recreation, culture and religion

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Design, development, and construction of the Casement Park Stadium new build for Ulster Council

II.1.2) Main CPV code

- 45000000 - Construction work
 - IA01 - Design and construction

II.1.3) Type of contract

Works

II.1.4) Short description

In December 2013 the Ulster Council of the Gaelic Athletic Association ("GAA") concluded a contract with Heron Buckingham Joint Venture ("HBJV"; "the Contract") after a procurement advertised on 15 January 2013. Invitations to tender were originally issued in May 2013, and reissued in July 2013.

GAA is not a contracting authority, but the Contract is one to which the Public Contracts Regulations 2015 (the "PCR 2015") (and previously the Public Contracts Regulations 2006 (the "PCR 2006")) apply by virtue of Regulation 13 of the PCR 2015. The Department for Communities is the relevant contracting authority, and has a funding agreement with GAA, originally made by the Department of Culture Arts & Leisure ("DCAL"), including terms to ensure compliance with procurement law including the PCR 2015 (and previously the PCR 2006), as required by Regulation 13.

GAA is not awarding a new contract, but instead now proposes to modify the Contract, considering that, if the proposed modifications amount to a substantial modification of the Contract within the meaning of PCR 2015, they are permissible without a new procurement procedure because the conditions set out in Regulation 72(1)(c) and 72(1)(f) of the PCR 2015 are fulfilled.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Lowest offer: £112,000,000 / Highest offer: £140,000,000 taken into consideration

II.2) Description

II.2.2) Additional CPV code(s)

- 45212221 - Construction work in connection with structures for sports ground
 - IA01 - Design and construction
- 45212224 - Stadium construction work
 - IA01 - Design and construction
- 45220000 - Engineering works and construction works
 - IA01 - Design and construction

II.2.3) Place of performance

NUTS codes

- UKN06 - Belfast

Main site or place of performance

Casement Park Stadium, Andersonstown Road, Belfast, Antrim, BT11 9BY

II.2.4) Description of the procurement

The Contract is for the reconstruction of the Casement Park stadium in Belfast. It uses the NEC3 Engineering & Construction (Option A) form with additional clauses and requires the contractor to develop the RIBA Stage E design to Stage K and to construct the stadium in accordance with that design, for a specified price.

This VEAT notice relates to permitted modification of the Contract.

The modifications are connected with changes to the original design, as explained in Annex D1 below. Planning permission for the revised design was granted on 28 July 2021. Implementing it will involve modifying the Contract in relation to: a change to the Stage E design; further services similar to those pre-construction services for which the Contract originally provided; and a resulting increase in the contract price.

The overall nature of the Contract will remain the same, i.e. demolition of the existing stadium and construction at the same location of a new stadium for Gaelic sports and ancillary activities.

The design has been modified to reduce the capacity of the stadium from approximately 38,000 to 34,500 and incorporate a 360° circulation zone around the proposed structure, accommodated by a change to the topography and insertion of a mezzanine standing terrace. The other principal changes flowing from or made possible by these changes include: reduced seating height, and the use of a cantilevered roof covering all spectators (in place of the original truss roof enclosing only three sides of the stadium), producing an overall reduction in the height of the building; and the construction of a new inner crowd loaded wall with a planting zone around the boundary.

The anticipated cost for the contractor to deliver remaining works required under the modified contract has been assessed and is expected to be in the range of £112M to £140M. These figures have been reflected in II.1.7 above and V.2.4 below (as 'lowest offer considered' and 'highest offer considered'). This represents an increase of between c.£52M and c.£80M above the original contract value, which was estimated at c.£60m. Such increase in costs can be broadly attributed to inflation since the time of contract award, the cost of design changes and other additional costs associated with the implementation of the proposed modification, noting that all figures presented have been subject to estimating tolerances which have been contributed to the range quoted above.

II.2.11) Information about options

Options: No

II.2.14) Additional information

Refer to section VI.3

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

GAA proposes to modify the Contract now due to the anticipated advantages of being economically advantageous for the public purse (including Contract cost and risk profile) and more expedient delivery of a functional stadium.

The modifications do not alter the overall nature of the Contract. The majority of the proposed modifications result from circumstances a diligent authority in GAA's position could not have foreseen when the Contract was originally procured (in particular, when issuing invitations to tender in July 2013). The remainder of the proposed modifications are not substantial or the value of which, taken together, is below the values described in regulation 72(5) of PCR 2015 in respect of regulation 72(1)(f).

When GAA sought planning consent in June 2013, it believed in good faith the design would permit safety certification for stadium operation with up to 38,000 spectators. It was not foreseeable that the responsible bodies would take a contrary view.

The original design was produced by experienced professional advisers and considered by a Safety Technical Group (STG) established by DCAL, including persons from Sport NI (responsible for sports ground safety), Belfast CC (responsible for certification), and the police, ambulance and fire and rescue services. Its role included confirming to DCAL, before a planning submission, that relevant scenarios had been anticipated and the design was capable of operation at full capacity.

In June 2013 it was confirmed to DCAL that the design had the potential to be operated in a manner enabling a safety certificate based on physical condition and safety management. As a result, the planning application was submitted, and the procurement proceeded. The STG later suggested that emergency evacuation to a place of relative safety must be possible within the time specified in safety guidance, even in a scenario involving closure of all exits along one side of the ground; and also that in such a scenario the pitch was not a place of relative safety. This was not foreseeable given: previous certification of the existing stadium; the way GAA's advisors understood the guidance; that this scenario had not been raised previously; and STG's confirmation prior to the

planning submission. After the original grant of planning permission was quashed in 2015, in particular because of the planning authority's failure to correctly assess traffic and related implications of a 38,000- capacity stadium, GAA had no alternative but to alter the design so as to meet this new approach to emergency evacuation, as well as dealing with traffic issues and minimising the risk of a new planning application being rejected or challenged. This process (and associated legal challenges) resulted in five years' delay.

Certain changes were made (including to roofing materials) to effect community engagement and mitigate risk of challenge to planning application. The design has also been altered to update floodlights and pitch specifications due to improved technologies and quality standards that have become available since 2013, and which are of a standard reflective of a stadium of the calibre Casement Park has always been intended to achieve.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2013/S 014-018924](#)

Section V. Award of contract/concession

Contract No

UC IST001

Title

Casement Park Stadium Redevelopment and Rebuild for Ulster Council GAA

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

11 July 2023

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Heron Buckingham JV

Silverstone Road, Stowe, Buckingham,

Buckingham

MK18 5LJ

Email

andrew.scott@buckinghamgroup.co.uk

Telephone

+44 1280823355

Fax

+44 1280812830

Country

United Kingdom

NUTS code

- UKJ1 - Berkshire, Buckinghamshire and Oxfordshire

Justification for not providing organisation identifier

Not on any register

The contractor/concessionaire is an SME

No

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Lowest offer: £112,000,000 / Highest offer: £140,000,000 taken into consideration

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

Royal Courts of Justice

Chichester Street

Belfast

BT1 3JF

Email

adminoffice@courtsni.gov.uk

Telephone

+44 3002007812

Country

United Kingdom

Internet address

<https://www.justice-ni.gov.uk/topics/courts-and-tribunals>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Any proceedings alleging breach of duties under the Public Contract Regulations 2015 must be started in the High Court of Northern Ireland, in accordance with the time limits set out in those regulations (including the requirement to start proceedings within thirty days beginning with the date when the economic operator first knew or ought to have known that grounds for starting proceedings had arisen). GAA will not enter into the agreement to modify the Contract before the end of a period of at least 10 days beginning with the day after the date on which this notice is published in Find a Tender and the Official Journal.