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Award

## **Multi-storey car park development**

Wrightington Wigan and Leigh NHS Foundation Trust

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-020762

Procurement identifier (OCID): ocids-h6vhtk-047b87

Published 8 July 2024, 12:26pm

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

Wrightington Wigan and Leigh NHS Foundation Trust

The Elms, Royal Albert Edward Infirmary, Wigan Lane

Wigan

WN1 2NN

#### **Contact**

Lesley Wallace

#### **Email**

[lesley.wallace@boltonft.nhs.uk](mailto:lesley.wallace@boltonft.nhs.uk)

#### **Telephone**

+44 7592944028

#### **Country**

United Kingdom

**Region code**

UKD36 - Greater Manchester North West

**Internet address(es)**

Main address

<https://www.wvl.nhs.uk/>

Buyer's address

<https://www.wvl.nhs.uk/>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Multi-storey car park development

Reference number

FTS-011801

#### **II.1.2) Main CPV code**

- 45000000 - Construction work

#### **II.1.3) Type of contract**

Works

#### **II.1.4) Short description**

Wrightington, Wigan and Leigh Teaching Hospitals NHS Foundation Trust ("WWL") intends to enter an option agreement ("Option Agreement") with Noviniti Dev Co 13 Limited ("Noviniti") leading to the grant by WWL of a ground lease to Noviniti in respect of land at Freckleton Street by Royal Albert Edward Infirmary ("the Hospital") ("the Site"). The Site is intended to be the location of a new multi-storey car park development ("the Potential Development") for the benefit of the Hospital. The contractual arrangements are structured as a land transaction, which do not satisfy the definition of a "public works contract" and are exempt from the Public Contracts Regulations 2015 ("PCR") and the Concession Contracts Regulations 2016 ("CCR") ("the Regulations").

#### **II.1.6) Information about lots**

This contract is divided into lots: No

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

Value excluding VAT: £14,000,000

### **II.2) Description**

#### **II.2.2) Additional CPV code(s)**

- 45213312 - Car park building construction work

- 45213312 - Car park building construction work
- 98351100 - Car park services

### **II.2.3) Place of performance**

NUTS codes

- UKD36 - Greater Manchester North West

Main site or place of performance

Wigan

### **II.2.4) Description of the procurement**

The Contract which is the subject of this Notice is the Option Agreement to be granted by WWL to Noviniti for an initial period of 39 weeks (extendable by agreement between the parties) pursuant to which Noviniti may call for the grant of a ground lease ("Ground Lease") over the Site at the Hospital. If granted the Ground Lease will be for a term of 40 years and will be granted at a premium determined by external valuation of market value.

The Ground Lease will contain a definition of "Permitted Alterations" which describes the Potential Development. It will contain no development obligation on Noviniti but will contain a break clause in favour of WWL exercisable in the event that Noviniti has not received permission to undertake the Permitted Alteration and has not commenced the Potential Development within 2 years of the date of grant of the Ground Lease.

WWL have structured the contractual arrangements as a land transaction which do not satisfy the definition of a public works contract for the purposes of the Regulations and are exempt from the Regulations.

### **II.2.5) Award criteria**

Price

### **II.2.11) Information about options**

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

### **II.2.14) Additional information**

Explanation: (2500 characters with spaces)

The subject of this notice is the Option Agreement entitling Noviniti to call for the grant of a 40 year Ground Lease of the Site at the Hospital.

The Site is defined within the Option Agreement and the option period will run for an initial period of 39 weeks (subject to extension). WWL has had valuation advice and will grant the Ground Lease at a premium determined by external valuation of market value.

The Ground Lease anticipates that Noviniti may choose (but with no obligation to do so) to undertake the Permitted Alteration which constitutes the Potential Development (in accordance with a Licence for Alterations that may be entered into in relation to the Ground Lease). The Ground Lease is subject to a break clause in favour of WWL if no Licence for Alterations has been issued and work on any Permitted Alteration begun before the date which is 2 years after the date of grant of the Ground Lease. The Ground Lease is subject to further break clauses in favour of WWL (and Noviniti) on the 35th anniversary of practical completion of the Potential Development.

The details of the Potential Development will have been agreed between WWL and Noviniti prior to the grant of the Option Agreement. Noviniti will have the right to terminate the Ground Lease if Noviniti has not commenced the works comprising the Potential Development by the date 52 weeks after the date of the Ground Lease.

The exercise of the option by Noviniti to call for the Ground Lease does not trigger any obligation on Noviniti to undertake or on WWL to procure the Potential Development.

(Whilst there is no contractual obligation upon either party within the Option Agreement or the Ground Lease), if WWL chooses to do so, it is anticipated that Noviniti and WWL would enter into an agreement for lease providing for the execution of the Potential Development and the grant by Noviniti of an underlease of the completed Potential Development to a third party. It is anticipated that the agreement for lease would contain provision for the grant of further leases (including potentially a reversionary underlease of the Potential Development in favour of WWL taking effect from the date of expiry of the third party operator lease and for the remainder of the Ground Lease term).

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## **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:

Explanation: (2500 characters with spaces)

The subject of this notice is the Option Agreement entitling Noviniti to call for the grant of a 40 year Ground Lease of the Site at the Hospital.

The Site is defined within the Option Agreement and the option period will run for an initial period of 39 weeks (subject to extension). WWL has had valuation advice and will grant the Ground Lease at a premium determined by external valuation of market value.

The Ground Lease anticipates that Noviniti may choose (but with no obligation to do so) to undertake the Permitted Alteration which constitutes the Potential Development (in accordance with a Licence for Alterations that may be entered into in relation to the Ground Lease). The Ground Lease is subject to a break clause in favour of WWL if no Licence for Alterations has been issued and work on any Permitted Alteration begun before the date which is 2 years after the date of grant of the Ground Lease. The Ground Lease is subject to further break clauses in favour of WWL (and Noviniti) on the 35th anniversary of practical completion of the Potential Development.

The details of the Potential Development will have been agreed between WWL and Noviniti prior to the grant of the Option Agreement. Noviniti will have the right to terminate the Ground Lease if Noviniti has not commenced the works comprising the Potential Development by the date 52 weeks after the date of the Ground Lease.

The exercise of the option by Noviniti to call for the Ground Lease does not trigger any obligation on Noviniti to undertake or on WWL to procure the Potential Development.

(Whilst there is no contractual obligation upon either party within the Option Agreement or the Ground Lease), if WWL chooses to do so, it is anticipated that Noviniti and WWL would enter into an agreement for lease providing for the execution of the Potential Development and the grant by Noviniti of an underlease of the completed Potential Development to a third party. It is anticipated that the agreement for lease would contain provision for the grant of further leases (including potentially a reversionary underlease of the Potential Development in favour of WWL taking effect from the date of expiry of the third party operator lease and for the remainder of the Ground Lease term).

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

The procurement is covered by the Government Procurement Agreement: No

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## **Section V. Award of contract/concession**

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

8 July 2024

#### **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**

Noviniti Dev Co 13 Limited

Unit 2 The Stables, Newby Hall Ripon

Harrogate

HG4 5AE

Email

[jonathan.houlston@noviniti.co.uk](mailto:jonathan.houlston@noviniti.co.uk)

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

14261857

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £14,000,000

Total value of the contract/lot/concession: £14,000,000

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## **Section VI. Complementary information**

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

High Court

The Strand

London

WC2A 2LL UK

Country

United Kingdom

Internet address

<https://www.judiciary.uk/courts-and-tribunals/high-court/>