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Contract

## **Newcastle-under-Lyme Borough Council Development Partner Project**

Newcastle-under-Lyme Borough Council

F03: Contract award notice

Notice identifier: 2023/S 000-021218

Procurement identifier (OCID): ocids-h6vhtk-03c491

Published 24 July 2023, 8:49am

### **Section I: Contracting authority**

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

Newcastle-under-Lyme Borough Council

Castle House, Barracks Road

Newcastle-under-Lyme

ST5 1BL

#### **Contact**

Simon McEneny

#### **Email**

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#### **Telephone**

+44 1782717717

#### **Fax**

+44 1782711032

**Country**

United Kingdom

**NUTS code**

UKG23 - Stoke-on-Trent

**Internet address(es)**

Main address

<http://www.newcastle-staffs.gov.uk/>

Buyer's address

[https://www.mytenders.co.uk/search/Search\\_AuthProfile.aspx?ID=AA0592](https://www.mytenders.co.uk/search/Search_AuthProfile.aspx?ID=AA0592)

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

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

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

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

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

Newcastle-under-Lyme Borough Council Development Partner Project

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

- 70110000 - Development services of real estate

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

Services

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

Newcastle-under-Lyme Borough Council (the “Council”), as with the Local Government sector at large, is facing significant financial pressures and is seeking ways to take a proactive commercial approach to both address its financial position and to maximise the value from a variety of surplus, or underutilised assets that make up its portfolio.

The Council has a significant portfolio to sites that it wishes to utilise to both support regeneration and deliver financial return. It is therefore looking to establish a new Joint Venture (JV) partnership that will have access to a number of these underutilised assets to deliver development schemes. Three such key sites are:

- > York Place;
- > Parkhouse Road West.; and
- > Midway Car Park

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

This contract is divided into lots: No

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

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

- 70110000 - Development services of real estate

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

NUTS codes

- UKG23 - Stoke-on-Trent

Main site or place of performance

Newcastle-under-Lyme, Staffordshire.

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

Newcastle-under-Lyme Borough Council (the “Council”), as with the Local Government sector at large, is facing significant financial pressures and is seeking ways to take a proactive commercial approach to both address its financial position and to maximise the value from a variety of surplus, or underutilised assets that make up its portfolio.

The Council has a significant portfolio to sites that it wishes to utilise to both support regeneration and deliver financial return. It is therefore looking to establish a new Joint Venture (JV) partnership that will have access to a number of these underutilised assets to deliver development schemes. Three such key sites are:

- > York Place;
- > Parkhouse Road West; and
- > Midway Car Park

These are planned to be the “Initial (Category A) Sites” that will be taken forward by the partnership, but a number of others have been identified and can come forward subject to the partnership successfully taking forward these initial sites. These are known as the “Additional Council Owned (Category B) Sites”. A number of others have been identified and can come forward subject to the partnership successfully taking forward these initial sites. These include sites such as Rycroft 'Middle Site', the existing Civic office site and other operational sites that are likely to become surplus.

It should be noted that a number of these sites are likely to be residential led developments, and therefore bidders will need demonstrate their expertise in delivering residential schemes.

The Council believes that there is latent value in these Sites and has undertaken significant work with its advisors as part of the FHSF to understand both the potential that is locked up within them and the potential approaches it could use to maximise return from them.

The traditional route the Council has followed has been to dispose of these assets for a

capital receipt. However, there is a consensus of opinion within the Council that there are realistic business opportunities to add wider value to the disposal process with the aim of creating commercial agility with an outcome of improving the pace of delivery, impact of these sites on economic growth and financial receipts, for example by partnering with an appropriate organisation that has development and funding expertise so that the Council can secure enhanced benefits and financial returns including potentially sustainable long term income streams. The value of a partnering process can be increased further by being brought in at the earliest stages through creating, then promoting new opportunities in sharing the market and delivery expertise with access to emerging land information.

The Council is seeking a development, investment and optimisation programme for its sites that supports housing and economic growth across the borough.

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

Quality criterion - Name: as per procurement docs / Weighting: 100

Price - Weighting: 0

#### **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

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Competitive dialogue

#### **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: [2023/S 000-012073](#)

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

### **Contract No**

N/a

A contract/lot is awarded: No

### **V.1) Information on non-award**

The contract/lot is not awarded

Other reasons (discontinuation of procedure)

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## **Section VI. Complementary information**

### **VI.3) Additional information**

The Public Contracts Regulations 2015 apply to this procurement (the "Regulations"). The Authority is using the Competitive Dialogue Procedure in accordance with Regulation 30 of the Public Contracts Regulations 2015.

The Council reserves the right to withdraw from or discontinue the procurement at any stage of the procurement process which shall include the right to not award the contract/s or award only part of the opportunity described in this Contract Notice.

The Council shall not be liable for any costs incurred by those expressing an interest or tendering for this opportunity, including their associated entities or any other person.

If you wish to be considered as a Bidder, you must complete and submit a selection questionnaire by the specified closing date and time specified.

The Council undertakes to hold confidential any information provided in the tender submitted, subject to the Council's obligations under law, including the Freedom of Information Act 2000.

If the Bidder considers that any of the information submitted in the tender should not be disclosed because of its commercial sensitivity or for reasons of confidentiality, then this should be stated with the reason for considering it sensitive. The Council will then endeavour to consult with the tenderer about such commercially sensitive or confidential information when considering any request received under the Freedom of Information Act 2000 before replying to such a request, but the decision of the Council in deciding whether an exemption applies is final.

The Council reserve the right to carry out additional financial checks on all economic operators tendering for this opportunity at any time during the procurement process, to ensure that they continue to meet the Council's requirements and remain financially viable to deliver the contract/s.

(MT Ref:229912)

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

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

Centre for Effective Dispute Resolution

100 St. Paul's Churchyard London

London

EC4M 8BU

Country

United Kingdom

#### **VI.4.2) Body responsible for mediation procedures**

The High Court

Royal Courts of Justice, Strand

London

WC24 2LL

Country

United Kingdom

#### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

In accordance with Regulation 55 of the Regulations, Candidates / Bidders who are unsuccessful shall be informed by the Council as soon as possible after the decision has been made as to the reasons why the Candidate / Bidder was unsuccessful. The Authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract/s is communicated to Bidders. If any clarification regarding the award of the contract/s has not been successfully resolved, the Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take legal action. Any such action must be brought within the applicable limitation period. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order the Council to amend any document and may award damages. If a contract has been entered into the Court may, depending on the circumstances, award damages, make a declaration of ineffectiveness, order the Council to pay a fine, and/or order that the duration of the contract be shortened. The purpose of the standstill period referred to above is to allow the parties to apply to the Courts to set aside the award decision before the contract/s are entered into.

#### **VI.4.4) Service from which information about the review procedure may be obtained**

The High Court



Royal Courts of Justice, Strand

London

WC24 2LL

Country

United Kingdom

Internet address

[www.tcpdf.org](http://www.tcpdf.org)