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Award

Remediation and Enabling Works Agreement in relation to Bath Western Riverside Phase II

Bath and North East Somerset Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-021690

Procurement identifier (OCID): ocids-h6vhtk-047d71

Published 15 July 2024, 2:46pm

Section I: Contracting authority/entity

I.1) Name and addresses

Bath and North East Somerset Council

Lewis House, Manvers Street

Bath

BA1 1JG

Contact

Ms Charlotte Buttery

Email

charlotte_buttery@bathnes.gov.uk

Telephone

+44 1225477355

Country

United Kingdom

Region code

UKK12 - Bath and North East Somerset, North Somerset and South Gloucestershire

Internet address(es)

Main address

<http://www.bathnes.gov.uk>

Buyer's address

<http://www.bathnes.gov.uk>

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

Housing and community amenities

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Remediation and Enabling Works Agreement in relation to Bath Western Riverside Phase II

Reference number

DN728194

II.1.2) Main CPV code

- 45112340 - Soil-decontamination work

II.1.3) Type of contract

Works

II.1.4) Short description

This is not a tender opportunity.

This VEAT is to inform the market of the Council's intention to enter into a series of contractual arrangements, including a remediation and enabling works agreement (REWA), to support a package of remediation and enabling works at the Bath Western Riverside Phase II site, informally known as the 'gas lands' (Site). The works at the Site will be funded by grant monies from the Homes and Communities Agency (Homes England) Housing Infrastructure Fund (HIF). The Council's long term ambition is the redevelopment of the Site into residential housing.

The Site is part owned by the Council and part owned by a housing developer, St William Homes LLP (part of the Berkeley group). The Council is party to a land swap agreement dated 27 January 2022 (LSA) with Berkeley which enables the parties to swap areas of their individual land holdings, as the current land ownership boundaries of the Site limit opportunities for development for both parties.

Continues II.2.4 below.

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: £4,869,225

II.2) Description

II.2.2) Additional CPV code(s)

- 45111200 - Site preparation and clearance work
- 45112340 - Soil-decontamination work
- 45112350 - Reclamation of waste land
- 45112360 - Land rehabilitation work

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

II.2.4) Description of the procurement:

(nature and quality of works, supplies or services) 1000 characters

Continues from II.1.4 above.

The LSA once triggered will create two viable development plots. Prior to the triggering of the LSA, the Council and Berkeley propose to complete remediation and enabling works as a single package across the entire Site as part of a joint remediation strategy. The Council's advisers have recommended this is necessary to prevent the cross-contamination of the Site and will in addition create efficiencies for the Council.

Under the terms of the REWA, Berkeley shall volunteer to act as Site wide contractor for the benefit of both the land Berkeley currently owns, alongside parts of the Council's current landholding, which Berkeley will ultimately own once the LSA is triggered (noting that Berkeley alone controls the trigger mechanisms for the swap under the LSA and that there are no scenarios whereby the land swap between the Council and Berkeley under the LSA does not take place). In return for granting Berkeley access to the Council's land, the REWA will include warranties to the Council for the works that shall accrue only if Berkeley completes the remediation works under the REWA, whenever that may be.

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

The date in V.2.1 below relates to the approval by the Council to proceed with the REWA.

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:

The Council considers that for the purposes of the PCR the REWA and related agreements constitute a land arrangement between the Council and Berkeley. Land arrangements are outside the scope of the Public Contracts Regulations 2015 (as amended) ("PCR").

There is no positive enforceable obligation for Berkeley to deliver the works under the REWA or any other related agreement. The works to the Council-owned land on the Site are not delivered for the direct economic benefit of the Council but for Berkeley's own future benefit once it becomes landowner following the land swap under the LSA.

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

The procurement is covered by the Government Procurement Agreement: No

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

15 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

ST WILLIAM HOMES LLP

Berkeley House, 19 Portsmouth Road, Cobham

Surrey

KT11 1JG

Country

United Kingdom

NUTS code

- UKJ2 - Surrey, East and West Sussex

Internet address

<https://www.berkeleygroup.co.uk/about-us/who-we-are/our-brands/st-william>

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £4,869,225

Section VI. Complementary information

VI.3) Additional information

The estimated value in V.2.4 and II.1.7 relates to the capital cost of the works to the Council owned land on the Site.

VI.4) Procedures for review

VI.4.1) Review body

The High Court of Justice

The Royal Court of Justice, The Strand

London

WC24 2LL

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

In accordance with Regulation 88 to Regulation 102 of the PCR 2015 (particularly, Regulations 92, 93, 94 and 99 in relation to deadlines).