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Award

Re-development of 8 Albert Embankment

London Fire Commissioner

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-021729

Procurement identifier (OCID): ocids-h6vhtk-0359d1

Published 8 August 2022, 1:12pm

Section I: Contracting authority/entity

I.1) Name and addresses

London Fire Commissioner

169 Union Street

London

SE1 0LL

Contact

John Tunnicliff

Email

john.tunnicliff@london-fire.gov.uk

Telephone

+44 2085551200

Country

United Kingdom

NUTS code

UKI44 - Lewisham and Southwark

National registration number

N/A

Internet address(es)

Main address

<http://www.london-fire.gov.uk>

Buyer's address

<https://uk.eu-supply.com/ctm/Supplier/CompanyInformation/Index/33133>

I.4) Type of the contracting authority

Regional or local Agency/Office

I.5) Main activity

Public order and safety

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Re-development of 8 Albert Embankment

Reference number

PROC5719/15

II.1.2) Main CPV code

- 45211340 - Multi-dwelling buildings construction work

II.1.3) Type of contract

Works

II.1.4) Short description

Re-development of 8 Albert Embankment

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: £67,000,000

II.2) Description

II.2.2) Additional CPV code(s)

- 45111291 - Site-development work
- 45211340 - Multi-dwelling buildings construction work
- 45211360 - Urban development construction work
- 45212350 - Buildings of particular historical or architectural interest

II.2.3) Place of performance

NUTS codes

- UKI45 - Lambeth

Main site or place of performance

8 Albert Embankment

II.2.4) Description of the procurement

Re-development of 8 Albert Embankment

II.2.5) Award criteria

Quality criterion - Name: Quality / Weighting: 50

Cost criterion - Name: Financial / Weighting: 50

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

Modifications to meet the regulatory requirements of the planning authority will be made to develop the Front Site and land at Newport Street which retains the features and objectives of the Agreed Scheme, fulfills the Authority's Facilities Condition and the other conditions precedent; a separate planning application will be made for that part of the Rear Site known as the Workshop

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:

This Notice is being published for the sake of transparency and voluntarily since the proposal to which it refers (see VI.3) is an intention to modify an existing contract in a way permitted under the relevant procurement rules and which therefore does not require a new procurement procedure or the prior publication of a contract notice. The Contract Notice sought the appointment of a development partner in order to achieve the best consideration reasonably obtainable from a disposal of the Authority's interest in land at 8 Albert Embankment whilst re-providing Lambeth Fire Station and providing a new London Fire Brigade Museum. In conformity with that Notice, published on 15/09/2016, the Authority entered into a Development and Lease Agreement on 24/08/2016 ("the Contract") for a phased mixed use development of its land at 8 Albert Embankment,

London SE1 7SP, the Workshop at Lambeth High Street and land on the west side of Newport Street ("The Development Site") which included up to 264 residential units, a new fire station, museum ("the Authority's Facilities Condition") and a hotel of up to 200 bedrooms ("the Agreed Scheme").

The Contract Award Notice dated 15/09/2016 confirmed that the successful tenderer was to pay the Authority a sum to be assessed through a price adjustment mechanism in the Contract following the grant of planning permission. The Contract provided that the "Purchase Price" for the Development Site to deliver the Agreed Scheme was £67,150,000.00, divided between "Front" and "Rear" Sites. The Contract also provided that: the Purchase Price was subject to adjustments in accordance with Schedules 13 and 15 of the Contract.

Schedule 15 contained a Land Adjustment Calculation based on the Agreed Scheme's mixed development uses for the Front and Rear Sites referable to defined net internal sq ft areas and specified numbers of hotel bedrooms, reductions to either changed the Purchase Price downwards but subject to the Purchase Price not falling below a "Guaranteed Minimum Purchase Price" ("GMPP") totaling £24,000,000 on the basis that the both Front and Rear Sites would proceed.

The Contract was conditional on the fulfillment of conditions including the obtaining of a “Satisfactory Planning Permission” and fulfilling the Authority’s Facilities Condition.

The Contract anticipated (but did not require) a single application for Planning Permission for the Agreed Scheme.

The proposal is to modify the Contract as it has proven impossible to secure a Satisfactory Planning Permission for the Agreed Scheme and obtain the best consideration reasonably obtainable as sought in the Contract Notice by pursuing the Agreed Scheme. That outcome has necessitated modifying the Contract in an insubstantial way and as set out in detail in section VI.3

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

The procurement is covered by the Government Procurement Agreement: No

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2015/S 169-307505](#)

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

28 August 2016

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

U AND I (8AE) LIMITED

7A Howick Place

London

SE1 0LL

Country

United Kingdom

NUTS code

- UKI32 - Westminster

National registration number

10167296

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: £67,000,000

Section VI. Complementary information

VI.3) Additional information

See IV 1.1. The Proposed modifications to the Contract are: in order to meet the regulatory requirements of the relevant planning authority, an application for planning permission will be made to develop the Front Site and the land at Newport Street on a smaller scale which retains the features and objectives of the Agreed Scheme, fulfills the Authority's Facilities Condition and the other conditions precedent; a separate planning application will be made for that part of the Rear Site known as the Workshop; the Purchase Price for the Development Site will be reduced to a minimum of the Guaranteed Minimum Purchase Price (GMPP) on the basis that both Front and Rear Sites proceed to development and, new provisions will be incorporated to revise the viability assessment and land values in the Development Site.

Note for the purposes of sections II1.7 and V2.4 the total value of the contract is up to circa £67m if conditions precedent are fulfilled and planning permission for an agreed scheme was obtained but subject to a downward variation in accordance with a price adjustment mechanism not exceeding (subject to conditions) a GMPP of £24m.

VI.4) Procedures for review

VI.4.1) Review body

The High Court

London

WC2A 2LL

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

The High Court

London

WC2A 2LL

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Any applications to the court must be made in accordance with Part 3 (Remedies) of the Public Contracts Regulations 2015.

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

The High Court

London

WC2A 2LL

Country

United Kingdom