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Contract

EdCity Master Development Agreement

London Borough of Hammersmith & Fulham

F03: Contract award notice

Notice identifier: 2021/S 000-022988

Procurement identifier (OCID): ocds-h6vhtk-02e13f

Published 15 September 2021, 10:45pm

Section I: Contracting authority

I.1) Name and addresses

London Borough of Hammersmith & Fulham

London

London

W6 9JU

Email

procurement@lbhf.gov.uk

Country

United Kingdom

NUTS code

UKI33 - Kensington & Chelsea and Hammersmith & Fulham

Internet address(es)

Main address

www.capitalesourcing.com

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

EdCity Master Development Agreement

II.1.2) Main CPV code

- 45210000 - Building construction work

II.1.3) Type of contract

Works

II.1.4) Short description

London Borough of Hammersmith and Fulham (the Council), EdCity Office and EdCity Development Ltd (being subsidiaries of Ark) and Ark Schools are entering into arrangements for the reconfiguration and redevelopment of the Ark Swift primary academy site at Australia Road, White City (the Site).

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: £148,473,912

II.2) Description

II.2.2) Additional CPV code(s)

- 45000000 - Construction work
- 45110000 - Building demolition and wrecking work and earthmoving work
- 45111000 - Demolition, site preparation and clearance work
- 45111100 - Demolition work
- 45111200 - Site preparation and clearance work
- 45111213 - Site-clearance work
- 45111240 - Ground-drainage work
- 45111250 - Ground investigation work
- 45111290 - Primary works for services
- 45200000 - Works for complete or part construction and civil engineering work
- 45210000 - Building construction work
- 45211000 - Construction work for multi-dwelling buildings and individual houses
- 45211100 - Construction work for houses
- 45211300 - Houses construction work
- 45211340 - Multi-dwelling buildings construction work
- 45211341 - Flats construction work
- 45211350 - Multi-functional buildings construction work
- 45211360 - Urban development construction work

- 45212000 - Construction work for buildings relating to leisure, sports, culture, lodging and restaurants
- 45212100 - Construction work of leisure facilities
- 45212170 - Entertainment building construction work
- 45212171 - Entertainment centre construction work
- 45212172 - Recreation centre construction work
- 45212200 - Construction work for sports facilities
- 45212220 - Multi-purpose sports facilities construction work
- 45212310 - Construction work for buildings relating to exhibitions
- 45212312 - Exhibition centre construction work
- 45212320 - Construction work for buildings relating to artistic performances
- 45212321 - Auditorium construction work
- 45212322 - Theatre construction work
- 45212330 - Library construction work
- 45212340 - Lecture hall construction work
- 45212411 - Hotel construction work
- 45212412 - Hostel construction work
- 45212413 - Short-stay accommodation construction work
- 45212420 - Construction work for restaurants and similar facilities
- 45212421 - Restaurant construction work
- 45212500 - Kitchen or restaurant conversion
- 45213000 - Construction work for commercial buildings, warehouses and industrial buildings, buildings relating to transport

- 45213110 - Shop buildings construction work
- 45213111 - Shopping centre construction work
- 45213112 - Shop units construction work
- 45213150 - Office block construction work
- 45214100 - Construction work for kindergarten buildings
- 45214200 - Construction work for school buildings
- 45214300 - Construction work for college buildings
- 45214310 - Vocational college construction work
- 45214320 - Technical college construction work
- 45214400 - Construction work for university buildings
- 45214420 - Lecture theatre construction work
- 45214500 - Construction work for buildings of further education
- 45214600 - Construction work for research buildings
- 45214610 - Laboratory building construction work
- 45214700 - Construction work for halls of residence
- 45215210 - Construction work for subsidised residential accommodation
- 45215212 - Retirement home construction work
- 45215213 - Nursing home construction work
- 45215214 - Residential homes construction work
- 45215220 - Construction work for social facilities other than subsidised residential accommodation
- 45215221 - Daycare centre construction work
- 45223200 - Structural works

- 45223500 - Reinforced-concrete structures
- 45232140 - District-heating mains construction work
- 45232141 - Heating works
- 45232142 - Heat-transfer station construction work
- 45251200 - Heating plant construction work
- 45251250 - District-heating plant construction work
- 45262640 - Environmental improvement works
- 45311000 - Electrical wiring and fitting work
- 45311200 - Electrical fitting work
- 45331000 - Heating, ventilation and air-conditioning installation work
- 45332000 - Plumbing and drain-laying work
- 45440000 - Painting and glazing work
- 45500000 - Hire of construction and civil engineering machinery and equipment with operator
- 70000000 - Real estate services
- 70110000 - Development services of real estate
- 70112000 - Development of non-residential real estate
- 70330000 - Property management services of real estate on a fee or contract basis
- 70332000 - Non-residential property services
- 70332200 - Commercial property management services
- 71200000 - Architectural and related services
- 71210000 - Advisory architectural services
- 71220000 - Architectural design services

- 71221000 - Architectural services for buildings
- 71222000 - Architectural services for outdoor areas
- 71240000 - Architectural, engineering and planning services
- 71300000 - Engineering services
- 71311200 - Transport systems consultancy services
- 71311210 - Highways consultancy services
- 71311300 - Infrastructure works consultancy services
- 71312000 - Structural engineering consultancy services
- 71313000 - Environmental engineering consultancy services
- 71313200 - Sound insulation and room acoustics consultancy services
- 71313400 - Environmental impact assessment for construction
- 71313410 - Risk or hazard assessment for construction
- 71313440 - Environmental Impact Assessment (EIA) services for construction
- 71313450 - Environmental monitoring for construction
- 98133110 - Services provided by youth associations

II.2.3) Place of performance

NUTS codes

- UKI33 - Kensington & Chelsea and Hammersmith & Fulham

II.2.4) Description of the procurement

The Site currently comprises a primary academy school. The redevelopment shall (subject to contract)

comprise:

— a new high-quality primary school,

— an affordable non-commercial, not-for-profit nursery to be run by Harmony which is a voluntary sector social

enterprise,

— an adult education centre,

— a youth zone to be operated by Hammersmith and Fulham Youth Zone,

— an office building,

— two separate blocks of residential social and intermediate housing units,

— a separate block of private residential and intermediate housing units and all associated infrastructure

II.2.5) Award criteria

Quality criterion - Name: Not Applicable Under Regulation 32(b)(iii) / Weighting: N/A

Price - Weighting: N/A - Regulation 32(b)(iii)

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 Council is not contracting on behalf of other contracting authorities.

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 works, supplies or services can be provided only by a particular economic operator for the following reason:

- protection of exclusive rights, including intellectual property rights

Explanation:

Absolute Return for Kids (Ark), is a non-exempt charity and company registered in England and Wales and

Ark Schools, (also a non-exempt charitable company registered in England and Wales being a multi-academy

trust regulated by the Academies Act 2010) has ownership and occupation rights over a substantial part of

the Site, pursuant to two leases granted in 2013 and 2015 for 125 years, and operates a primary academy

on the Site. Ark is the sole member of Ark schools, therefore Ark (through Ark schools) has exclusive rights

over the Site. The Council therefore genuinely believes that the Council is able to award the contract for the

redevelopment of the Site at Australia Road to EdCity Development Ltd, a subsidiary of Ark, following use of

the negotiated procedure without prior publication of a notice within Regulation 32(b)(iii) of the Public Contracts

Regulations 2015, because the Council can award the contract to an Ark controlled entity only, but not to any

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other contractor, for reasons connected with protection of Ark School's exclusive rights as leaseholder. Ark

Schools (of which Ark is the sole member) and EdCity Office (a company limited by guarantee and a wholly

owned subsidiary of Ark) wish to procure/facilitate the redevelopment of the Site as a mixed-use scheme in two

phases, as described in paragraph II 1.4) above. To that end, Ark Schools and EdCity Office intend to enter into

the Master Development Agreement with two further parties:

(i) the contracting authority (which is the reversionary freehold owner of the Site) as facilitator and part-funder of

the Works; and

(ii) EdCity Development Ltd (a company limited by shares and a wholly-owned subsidiary of Ark) as the

development arm of the Ark organisation.

The MDA is thus a works contract which is proposed to be entered into between four parties, comprising three

different entities within Ark's control and the Council and the relevant works are to be procured principally for the

benefit of Ark Schools, its associated companies and the Council. The contracting authority is willing to enter

into the MDA with Ark Schools, EdCity Office and EdCity Development Ltd because:

(i) it is the reversionary freehold owner and it wishes to secure efficient use of the Site;

(ii) as a local authority with education duties it wishes to facilitate the provision of educational facilities;

(iii) as a local authority it wishes to secure regeneration within its administrative area;

(iv) as local housing authority with strategic responsibility to enable its administrative area's housing needs to be

met, it wishes to part-fund the works.

Accordingly, the Council is entering into a Master Development Agreement and related agreements for

surrenders and leases and other agreements with EdCity Development Ltd under which EdCity Development

Ltd will redevelop the existing Ark Swift primary academy site in two phases. EdCity Development Ltd intends to

award the Works contract to Bowmer and Kirkland.

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: [2020/S 087-209334](#)

Section V. Award of contract

Title

EdCity Master Development Agreement

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

14 September 2021

V.2.2) Information about tenders

Number of tenders received: 1

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

V.2.3) Name and address of the contractor

EdCity Development Limited

The Yellow Building, 1 Nicholas Road

London

W11 4AN

Country

United Kingdom

NUTS code

- UKI33 - Kensington & Chelsea and Hammersmith & Fulham

National registration number

11511870

The contractor is an SME

No

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

Total value of the contract/lot: £148,473,912

V.2.5) Information about subcontracting

The contract is likely to be subcontracted

Value or proportion likely to be subcontracted to third parties

Value excluding VAT: £121,963,212

Short description of the part of the contract to be subcontracted

Subcontracting 100% of the building contract (£121 963 212) to Bowmer and Kirkland (B&K). The building contract forms part of the overall value of the Master Development Agreement of £148 473 912. B&K intends to sub subcontract 84% of the building contract (£102 449 098). The sub subcontract tenders have been assessed by both B&K and Gleeds, with the most competitive quote being selected

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

The Contracting Authority has conducted itself in accordance with the Public Contracts Regulations 2015