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Award

## **Site G Churchill Gardens, Bromley - Development Agreement**

London Borough of Bromley

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-024861

Procurement identifier (OCID): ocds-h6vhtk-02e88a

Published 6 October 2021, 9:50am

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

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

London Borough of Bromley

Bromley Civic Centre, Stockwell Close

Bromley

BR1 3UH

#### **Email**

[infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKI61 - Bromley

#### **Internet address(es)**

Main address

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

Buyer's address

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

#### **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**

Site G Churchill Gardens, Bromley - Development Agreement

Reference number

DN567880

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

- 45000000 - Construction work

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

Works

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

The Council holds a Development Agreement with Countryside Properties (UK) Ltd on Site G Churchill Gardens, Bromley, BR2 covering the comprehensive redevelopment of land at Ethelbert Close and rear of High Street, Bromley for a major residential led scheme representing the next phase of development of Opportunity Site G as designated within the Bromley Town Centre Area Action Plan.

Regarding the value as referenced at II.1.7 and V.2.4 of this notice: As explained herein, the VA is varying the terms of the DA. The DA and the VA can requested from the following email address: [infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk).

#### **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: £1

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

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

NUTS codes

- UKI61 - Bromley

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

The Council is varying its Development Agreement dated 28 September 2017 with Countryside Properties (UK) Ltd completed following an Expressions of Interest procurement issued on 29 April 2016 under OJEU ref. 2012/S 69-113942, utilising the Due North (now Proactis) ProContract procurement system, as the first stage tender process for the selection of a Development Partner for Site G, Ethelbert Road, Bromley.

#### **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

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 is a voluntary ex ante transparency notice (“VEAT Notice”) pursuant to regs. 99-101 of the Public Contracts Regulations 2015 (“the PCR 2015”) relating to a Variation Agreement dated 24 September 2021 (“the VA”) to a Development Agreement dated 28 September 2017 (“the DA”).

Full copies of the following documents can be requested from [infoSiteG@bromley.gov.uk](mailto:infoSiteG@bromley.gov.uk):

I. the DA dated 28 September 2017

II. the VA dated 24 September 2021

III. The DA with tracked changes indicating the impact on clauses of the VA

IV. Report to the 15 July 2021 meeting of the London Borough of Bromley’s Executive Committee

V. Minutes of the 15 July 2021 meeting of the London Borough of Bromley’s Executive Committee.

The nature, scope and effect of the VA is as set out in these documents, which any interested party is invited to read in full.

London Borough of Bromley considers that the VA does not give rise to the award of a new public contract or constitute an unlawful modification contrary to regs. 72 and 73 PCR 2015 because:

I. the modifications effected by the VA are not substantial within the meaning of reg. 72(8), PCR 2015; or

II. The modifications effected by the VA are permitted pursuant to reg. 72(1)(c), PCR 2015 because the need for the modifications has been brought about by circumstances which a

diligent contracting authority could not have foreseen. The relevant circumstances are, in summary, changes in market, economic and other conditions during the relevant period that have made performance of the DA more difficult and/or costly.

#### **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: [2012/S 069-113942](#)

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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**

16 March 2017

#### **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**

Countryside Properties (UK) Ltd

Chatham Way

Brentwood, Essex

CM14 4DZ

Country

United Kingdom

NUTS code

- UKH3 - Essex

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: £1

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## **Section VI. Complementary information**

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

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

Royal Courts of Justice

The Strand

London

WC2A 2LL

Telephone

+44 0279476000

Country

United Kingdom