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Award

## **Tulse Hill Joint Venture Development Project**

Metropolitan Housing Trust Limited and Metropolitan Living Limited

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-026755

Procurement identifier (OCID): ocids-h6vhtk-02eff0

Published 26 October 2021, 11:39am

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

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

Metropolitan Housing Trust Limited and Metropolitan Living Limited

100 High Street, London N14 6PW

London

N14 6PW

#### **Contact**

Emma

#### **Email**

[Emma.Erbillur@mtvh.co.uk](mailto:Emma.Erbillur@mtvh.co.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKI - London

**Internet address(es)**

Main address

[www.mtvh.co.uk](http://www.mtvh.co.uk)

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

Body governed by public law

**I.5) Main activity**

Housing and community amenities

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**Section II: Object**

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

**II.1.1) Title**

Tulse Hill Joint Venture Development Project

**II.1.2) Main CPV code**

- 45000000 - Construction work

**II.1.3) Type of contract**

Works

**II.1.4) Short description**

The Project is the carrying out of a mixed tenure housing development on the Site on the North West side of

Avenue Park Road through a joint venture arrangement. Subject to detailed design / planning, it is anticipated

that the development will comprise the construction of 110 new homes (tenure mix to be confirmed), 494 sqm commercial space floor space, and required infrastructure works.

**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: £27,210,000

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

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

NUTS codes

- UKI - London

Main site or place of performance

Land and buildings on the North West side of Avenue Park Road, Tulse Hill, London

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

The Project is the carrying out of a mixed tenure housing development on the Site on the North West side of

Avenue Park Road through a joint venture arrangement. Subject to detailed design / planning, it is anticipated

that the development will comprise the construction of 110 new homes (tenure mix to be confirmed), 494 sqm commercial space floor space, and required infrastructure works.

The joint venture contractual arrangements between the parties will be structured as follows:

(i) Metropolitan Living Limited (MLL) (an entity within the same group as Metropolitan Housing Trust (MHT) and

Mount Anvil Avenue Park Road Limited will form a joint venture entity (the "LLP") on a 50/50 basis pursuant to the

terms of an LLP Agreement;

(ii) MHT will transfer a long leasehold interest in the Site to the LLP;

(iii) The LLP will award a Construction Contract to Mount Anvil Limited for the carrying out of the construction

works on the Site. The construction works will consist of the construction of the affordable and private sale units,

the commercial floorspace and required infrastructure works

(iv) The LLP will enter into a Development Management Agreement (DMA) with Mount Anvil (Development

Management) Limited. Under the DMA Mount Anvil (Development Management) Limited will be providing pre-

construction services, technical advice and project management of the detailed construction design, preparation

of the business plan and project programme and all required reporting requirements to the LLP. It will also

be providing administrative, corporate and financial services to the LLP including all required taxation, audit,

accounting and payment requirements.

(v) The LLP will sell the private units that are constructed on the Site on the open market; and

(vi) MHT will enter into an Affordable Housing Development Agreement with the LLP for the delivery of the

affordable housing units that are constructed on the Site. The affordable units will be retained by MHT following

completion.

It is anticipated that the LLP will be formed in the second half of 2021. In this Notice this entity shall be referred

to as The LLP.

## **II.2.11) Information about options**

Options: 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:

The Contracting Authorities consider that the contractual arrangements referred to in section II.2.4 of this Notice

fall outside the scope of the Public Contracts Regulations 2015 (PCR) for the following reasons:

1. The LLP Agreement is an agreement for the establishment, governance and operation of the LLP. It is not a

works, services or supply contract for the purposes of the PCR, hence it falls outside of their scope.

2. The Site Transfer Agreement is an agreement for the disposal of an interest in land, and so is excluded from

the scope of the PCR by virtue of Regulation 10(1)(a) of the PCR. It will not place the LLP under a positive and

enforceable obligation to develop the Site to a specification prescribed by MHT.

3. The Construction Contract and DMA to be awarded by the LLP fall outside the scope of the PCR because the

LLP will not meet the definition of a "body governed by public law" in Regulation 2(1) of the PCR nor, therefore,

will it be classified as a "contracting authority" for the purposes of the PCR. This is due to the fact that the LLP

will have a commercial character on account of it being a "for profit" entity with general

commercial objects

which exists for the predominant purpose of maximising profits from the development activities it undertakes.

4. The Affordable Housing Development Agreement is to be awarded by MHT to the LLP pursuant to Regulation

32(2)(b)(iii) of the PCR. Due to an exclusive right which the LLP will have at the point of award of the Agreement

(being its ownership of the Site) MHT will only be able to appoint the LLP to deliver the affordable units for it. It

will not be in position to procure the delivery of the affordable housing units from any other party.

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

The procurement is covered by the Government Procurement Agreement: Yes

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

### **Contract No**

1

### **Title**

Tulse Hill Joint Venture Development Project - LLP Agreement

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 October 2021

#### **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**

Mount Anvil Avenue Park Road Limited

London

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

Yes

#### **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 V. Award of contract/concession**

### **Contract No**

2

### **Title**

Tulse Hill Joint Venture Development Project - Site Transfer Agreement

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 October 2021

#### **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**

The LLP

London

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

Yes

#### **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 V. Award of contract/concession**

### **Contract No**

3

### **Title**

Tulse Hill Joint Venture Development Project - Construction Contract

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 October 2021

#### **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**

Mount Anvil Limited

London

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £26,290,000

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

### **Contract No**

4

### **Title**

Tulse Hill Joint Venture Development Project - Development Management Agreement

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 October 2021

#### **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**

Mount Anvil (Development Management) Limited

London

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £920,000

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

### **Contract No**

5

### **Title**

Tulse Hill Joint Venture Development Project - Affordable Housing Development Agreement

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 October 2021

#### **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**

The LLP

London

Country

United Kingdom

NUTS code

- UKI - London

The contractor/concessionaire is an SME

Yes

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

Total value of the contract/lot/concession: £11,130,000

### **V.2.5) Information about subcontracting**

The contract/lot/concession is likely to be subcontracted

Short description of the part of the contract to be subcontracted

The affordable housing works to be carried out pursuant to the Affordable Housing Development Agreement will

be sub-contracted to Mount Anvil Limited under the Construction Contract.

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## **Section VI. Complementary information**

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

It is intended that the contractual arrangements referred to in this notice following a minimum 10 day calendar

day standstill period starting on the day after this notice is published in the UK Find a Tender Service. The Public Contracts Regulations 2015 (SI 2015 No 102) (as amended) (the Regulations) provide for

aggrieved parties who have been harmed or who are at risk of harm by a breach of the Regulations to bring proceedings in the High Court. Any such proceedings must be brought within the limitation period specified by the Regulations according to the remedy sought.

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

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

High Court

London

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

In accordance with Part 3 of the Public Contracts Regulations 2015

