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Award

## **Royal Derby Hospital MSCP**

University Hospital of Derby and Burton NHS Foundation Trust

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-027840

Procurement identifier (OCID): ocids-h6vhtk-04027a

Published 21 September 2023, 9:17am

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

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

University Hospital of Derby and Burton NHS Foundation Trust

Royal Derby Hospital

Derby

DE223NE

#### **Contact**

Andrew Selby

#### **Email**

[andrewselby@nhs.net](mailto:andrewselby@nhs.net)

#### **Telephone**

+44 1332340131

#### **Country**

United Kingdom

**Region code**

UKF11 - Derby

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<http://www.uhdb.nhs.uk>

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

Body governed by public law

**I.5) Main activity**

Health

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**Section II: Object**

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

**II.1.1) Title**

Royal Derby Hospital MSCP

**II.1.2) Main CPV code**

- 45000000 - Construction work

**II.1.3) Type of contract**

Works

**II.1.4) Short description**

University Hospitals of Derby and Burton NHS Foundation /trust ("UHDB") intends to enter into an option agreement and lease with Noviniti Dev Co 10 Ltd ("Noviniti") in respect of a

new multi-storey car park development at Royal Derby Hospital, Derby ("the Hospital"). UHDB has structured the contractual arrangement as a land transaction exempt from the Public Contracts Regulations 2015.

#### **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: £22,000,000

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

#### **II.2.2) Additional CPV code(s)**

- 45213312 - Car park building construction work
- 98351100 - Car park services

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

NUTS codes

- UKF11 - Derby

Main site or place of performance

Royal Derby Hospital, Uttoxeter road, Derby. DE22 3NE

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

UHDB intends to enter into an option agreement and Ground Lease with Noviniti in respect of a new multi-storey car park development at the Hospital. UHDB has structured the contractual arrangement as a land transaction exempt from the Public Contracts Regulations 2015

#### **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 subject of this notice is an agreement to be entered into between UHDB and Noviniti for the grant of an option entitling Noviniti to call for the grant of a 45 years Ground Lease of part of UHDB's freehold land at the Hospital.

The area which will be subject to the option is defined within the option agreement and the option period will run for an initial period of 39 weeks (subject to extension).

UHDB has had valuation advice and will grant the Ground Lease at a premium which reflects market value

If Noviniti exercises the option and calls for the grant of the Ground Lease that Ground Lease will be for a period

of up to 45 years. The Ground Lease is subject to break clauses in favour of UHDB after 2 years and again at an agreed date reflecting the 40th anniversary of practical completion of the Potential Development (as defined below) by Noviniti.

The Ground Lease anticipates that Noviniti may choose (but with no obligation to do so) to undertake a Permitted Alteration (in accordance with a Licence for Alterations that may be entered into) of a multi-storey car park building at the Hospital (the "Potential Development").

The detail of the Potential Development will have been agreed between UHDB and Noviniti prior to the grant of the option agreement. UHDB has a right to terminate the Ground Lease if Noviniti has not commenced the works comprising the Potential Development by the second anniversary of the date of the Ground Lease. Provided it has not begun development, Noviniti has the right to terminate the Ground Lease up to the date

UHDB will have obligations to use reasonable endeavours to assist Noviniti in dealing with matters relating to the planning permission for the Potential Development including

entering into third party agreements necessary to facilitate the Potential Development.

The exercise of the option by Noviniti to call for the Ground Lease does not trigger any obligation on Noviniti to undertake or on UHDB to procure the Potential Development. If Noviniti decides to undertake the Potential Development, (and if UHDB subsequently so decides) Noviniti and UHDB may enter into an agreement for lease providing for the grant by Noviniti of an underlease of the completed development to a third party operator and a reversionary lease to UHDB. If that agreement is reached UHDB anticipates that UHDB, Noviniti and the third party operator will enter into further documents including an agreement for lease, a licence for alterations and underleases of the completed development.

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

The procurement is covered by the Government Procurement Agreement: No

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

### **Title**

MSCP Development

A contract/lot is awarded: Yes

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

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

20 September 2023

#### **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**

Noviniti Dev Co 10 Ltd

Ripon

HG4 5AE

Email

[jonathan.houlston@noviniti.co.uk](mailto:jonathan.houlston@noviniti.co.uk)

Country

United Kingdom

NUTS code

- UK - United Kingdom

Companies House

13891000

The contractor/concessionaire is an SME

No

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

Initial estimated total value of the contract/lot/concession: £22,000,000

Total value of the contract/lot/concession: £22,000,000

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## **Section VI. Complementary information**

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

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

High Court of England and Wales

Royal Courts of Justice, the Strand

London

WC2A 2LL

Country

United Kingdom