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Tender

## **Borough of Scarborough JV Partnership**

Scarborough Borough Council

F02: Contract notice

Notice identifier: 2021/S 000-028195

Procurement identifier (OCID): ocds-h6vhtk-02f590

Published 10 November 2021, 10:55pm

### **Section I: Contracting authority**

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

Scarborough Borough Council

Town Hall, St Nicholas Street

Scarborough , North Yorkshire

YO11 2HG

#### **Contact**

David Gomersall

#### **Email**

[david.gomersall@scarborough.gov.uk](mailto:david.gomersall@scarborough.gov.uk)

#### **Telephone**

+44 1723232344

#### **Country**

United Kingdom

**NUTS code**

UKE2 - North Yorkshire

**National registration number**

GB 168 4442 44

**Internet address(es)**

Main address

<https://www.scarborough.gov.uk/>

Buyer's address

<https://yortender.eu-supply.com/ctm/Company/CompanyInformation/Index/104120>

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://yortender.eu-supply.com>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://yortender.eu-supply.com>

Tenders or requests to participate must be submitted to the above-mentioned address

**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**

Borough of Scarborough JV Partnership

Reference number

SBC/001

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

- 70000000 - Real estate services

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

Services

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

Scarborough Borough Council (the “Council”) is committed to increasing the quantum and quality of affordable homes across the Borough. It is therefore seeking a strategic development partner for 30 years to fund, enable, develop, and undertake sales activity across a programme of sites within the Borough, via a 50:50 corporate joint venture (“JV”) arrangement. The JV’s purpose will be to deliver good quality and environmentally sustainable homes, with a focus on accelerating the provision of affordable housing and generating social value. The Council is proposing 8 Initial Sites from its landholdings portfolio to be committed to the JV from the outset and it may deliver additional Council owned sites through the partnership over its lifetime. The JV could also purchase its own sites from a third party or the JV partner could offer sites to the JV.

#### **II.1.5) Estimated total value**

Value excluding VAT: £3,900,000,000

#### **II.1.6) Information about lots**

This contract is divided into lots: No

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

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

- 45000000 - Construction work
- 45211000 - Construction work for multi-dwelling buildings and individual houses
- 70110000 - Development services of real estate
- 70120000 - Buying and selling of real estate
- 70331000 - Residential property services
- 70332000 - Non-residential property services
- 71500000 - Construction-related services

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

NUTS codes

- UKE2 - North Yorkshire

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

The Council is committed to increasing the quantum and quality of affordable homes across the Borough. It is therefore seeking a strategic development partner for 30 years to fund, enable, develop, and undertake sales activity across a programme of sites within the Borough via a 50:50 corporate JV arrangement. The JV's purpose will be to deliver good quality and environmentally sustainable homes, with a focus on accelerating the provision of affordable housing and generating social value.

The Council is proposing 8 Initial Sites from its landholdings portfolio to be committed to the JV from the outset (the 'Category A' and Category B' sites) and it may deliver additional Council owned sites through the partnership over its lifetime (the 'Category C' sites). The JV could also purchase its own sites from a third party or the JV partner could offer sites to the JV (the 'Category D' sites). For further information on the initial and further sites, and the approach to their investment/acquisition please refer to the draft procurement documents being released at this stage (specifically the draft Invitation to Submit Detailed Solutions ("ISDS"), which includes Key Principles and draft Contracts, and the Descriptive Document).

The estimated contract value of this opportunity is between 130 000 000 GBP and 3.9bn GBP and is based on the estimated gross development value for the 8 Initial Sites ('Category A' and 'Category B' sites) and a reasonable forecast for any 'Category C' and 'Category D' sites that may be delivered by the JV during the term of the Contracts. The range is broken down as follows: the estimated gross development value for the 8 Initial Sites ('Category A' and 'Category B' sites) is between 130 000 000 GBP and 160 000 000 GBP; the estimated gross development value for 'Category C' sites within the existing geographical area of the Council and 'Category D' sites that the JV purchases

from a third party or where the JV partner offers sites to the JV is between 575 000 000 GBP and 775 000 000 GBP; and the estimated gross development value for 'Category C' and 'Category D' sites within the geographical area of the Council's successor is between 2.8bn GBP and 3.9bn GBP.

On 22 July 2021 the Secretary of State for Housing, Communities & Local Government announced, subject to Parliamentary approval, a local government reorganisation for North Yorkshire which will create a single unitary for the whole of the administrative county of North Yorkshire. It is currently understood that the Secretary of State intends around the turn of the year to lay before Parliament the draft Orders which, if approved by Parliament, will give effect to the decision, leading to elections for the unitary council in May 2022 and for the council to be fully up and running from April 2023. It is therefore currently anticipated that, in the event the decision is approved, the relevant Contracts will be entered into by the Council and then they may be novated and/or partnership interest transferred to (as appropriate) the successor body to the Council. All references in this Contract Notice to the Council or its area include, where appropriate and unless the context requires otherwise, references to the Council's successor. All references to the Borough are to the geographical area of the Council or the geographical area of the Council's successor.

Further details of this opportunity are set out in the procurement documents. Please see Section V1.3 for details relating to the procurement documents being released at this stage.

#### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6) Estimated value**

Value excluding VAT: £3,900,000,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

360

This contract is subject to renewal

No

#### **II.2.9) Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 5

Objective criteria for choosing the limited number of candidates:

As set out within the Council's Selection Questionnaire ("SQ")

#### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

Description of options

See Section II.2.4 for further information on sites.

#### **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 procurement will be conducted in accordance with the Public Contracts Regulations 2015 as amended, and successor legislation which may follow, using the competitive dialogue procedure as set out in Regulation 30 of the Public Contract Regulations 2015.

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## **Section III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

### **III.2) Conditions related to the contract**

#### **III.2.2) Contract performance conditions**

Where bidders are bidding as part of a group of economic operators (e.g., a consortium), the Council reserves the right to require bidders to assume a specific legal form for the purpose of the award of the contracts (e.g., establishing a special purpose vehicle ("SPV") to act as the PSP member of the JV). Furthermore, where an economic operator relies upon the capacities of other entities with regard to criteria relating to economic and financial standing, the Council reserves the right to require that the economic operator and those entities to be jointly and severally liable.

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Competitive dialogue

#### **IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

#### **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: [2020/S 182-440737](#)

**IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

13 December 2021

Local time

12:00pm

**IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

21 January 2022

**IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

**IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 12 (from the date stated for receipt of tender)

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

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

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

High Court of England and Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 1723232323

Country

United Kingdom

Internet address

[www.justice.gov.uk](http://www.justice.gov.uk)

#### **VI.4.2) Body responsible for mediation procedures**

High Court of England and Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom

Internet address

[www.justice.gov.uk](http://www.justice.gov.uk)

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

Precise information on deadline(s) for review procedures

Precise information on deadline(s) for review procedures:

The Council will incorporate a minimum 10 calendar days standstill period at the point information on the intention to award the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further debriefing from the Council before any contracts are entered into. If an appeal regarding the award of such contracts has not been successfully resolved, the Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed or who are at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland).

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

High Court

Royal Courts of Justice

London

WC2A 2LL

Telephone

+44 20794760000

Country

United Kingdom