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Award

## **Sale of ground with a requirement to enter into a contract for the Design and Construction of 53 No. homes for social rent**

Midlothian Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-029154

Procurement identifier (OCID): ocids-h6vhtk-02f951

Published 23 November 2021, 2:55pm

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

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

Midlothian Council

Midlothian House, Buccleuch Street

Dalkeith

EH22 1DN

#### **Email**

[procurement@midlothian.gov.uk](mailto:procurement@midlothian.gov.uk)

#### **Telephone**

+44 1312707500

#### **Country**

United Kingdom

**NUTS code**

UKM73 - East Lothian and Midlothian

**Internet address(es)**

Main address

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

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA00336](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA00336)

**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**

Sale of ground with a requirement to enter into a contract for the Design and Construction of 53 No. homes for social rent

Reference number

MID/21/59

**II.1.2) Main CPV code**

- 45000000 - Construction work

**II.1.3) Type of contract**

Works

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

Sale of ground with a requirement to enter into a contract for the Design and Construction of 53 No. homes for social rent, Moat View, Roslin

#### **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: £8,237,160

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

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

- 45000000 - Construction work

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

NUTS codes

- UKM73 - East Lothian and Midlothian

Main site or place of performance

Midlothian Council

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

Sale of ground with a requirement to enter into a contract for the Design and Construction of 53 No. homes for social rent, Moat View, Roslin

#### **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**

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

In terms of Midlothian Council's affordable housing policy, it is noted that the Roslin area is one of the Council's locations with highest demand. As a result the Council requires to secure land within the Roslin area to assist with meeting that demand and policy ambition and to deliver its Affordable Housing Supply Programme. The area of land at Roslin owned by BDW Trading Limited fits with that policy ambition. The contract for the purchase of land is an excluded contract under Regulation 11(1) of the Public Contracts (Scotland) Regulations 2015 (2015 Regulations).

The Sellers have included as a condition of the sale of its land that the Council is required to enter into a construction contract with BDW Trading Limited for the construction of 53 social rented units on the land being acquired. Without acquiring the land, the Council could not meet its policy in respect of affordable housing in the Roslin area and the scheme would not be capable of progressing.

As a result the Council progressed using the negotiated procedure without prior publication on the basis the works could only be provided by BDW Trading Limited on the basis that (i) for technical reasons competition is absent and (ii) BDW Trading Limited has exclusive rights in respect of the land and has taken steps within the missives to protect its exclusive rights. There is no reasonable alternative in the Roslin area. The negotiated procedure without publication was carried out pursuant to Regulation 33 (1) (b) of the 2015 Regulations.

Through this negotiated procedure, the Council has ensured that value for money has been achieved.

The Council will not award the contract for the period of at least 10 days from the date of publication of this notice and will also issue a contract award notice.

### **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**

MID/21/59

A contract/lot is awarded: Yes

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

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

23 November 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**

BDW Trading Ltd

3 Mid New Cultins

Edinburgh

EH11 4DH

Telephone

+44 1314425700

Fax

+44 1314425700

Country

United Kingdom

NUTS code

- UKM75 - Edinburgh, City of

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: £8,237,160

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## **Section VI. Complementary information**

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

NOTE: To register your interest in this notice and obtain any additional information please visit the Public Contracts Scotland Web Site at

[https://www.publiccontractsscotland.gov.uk/Search/Search\\_Switch.aspx?ID=674721](https://www.publiccontractsscotland.gov.uk/Search/Search_Switch.aspx?ID=674721).

(SC Ref:674721)

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

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

Edinburgh Sheriff Court

Sheriff Court House, 27 Chambers Street

Edinburgh

EH1 1LB

Country

United Kingdom