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Contract

Contract for the Development of Flowers Lane and Purchase of 460 Additional Housing Units

Torus62 Developments Limited

F03: Contract award notice

Notice identifier: 2022/S 000-030838

Procurement identifier (OCID): ocds-h6vhtk-037e20

Published 1 November 2022, 2:05pm

Section I: Contracting authority

I.1) Name and addresses

Torus62 Developments Limited

Helena Central, 4 Corporation Street

St.Helens

WA9 1LD

Contact

Eamonn Cullen

Email

eamonn.cullen@torus.co.uk

Telephone

+44 7718707048

Country

United Kingdom

Region code

UKD - North West (England)

Internet address(es)

Main address

<https://www.torus.co.uk>

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Housing and community amenities

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

Contract for the Development of Flowers Lane and Purchase of 460 Additional Housing Units

II.1.2) Main CPV code

- 45111291 - Site-development work

II.1.3) Type of contract

Works

II.1.4) Short description

The development agreement relates to sale of Torus62 Developments Ltd's Flowers Lane site to the developer, who will provide build-out of 120 x s.106 units and provide a further 460 x housing units to Torus62 Developments Ltd across various additionality sites. The development agreement is being entered into by Torus62 Development's Ltd for the purpose of providing affordable housing that will support the existing and future needs of the local community.

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: £124,000,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKD - North West (England)

Main site or place of performance

NORTH WEST (ENGLAND)

II.2.4) Description of the procurement

This Contract Award Notice is being published to provide notice of the use of a negotiated procedure without prior publication, in accordance with Regulation 32 of the Public Contracts Regulations 2015.

Torus' Flowers Lane site benefits from full planning permission with the Section 106 requirement for a minimum of 30% affordable homes. Provisionally, the site was openly advertised to the market with proposals invited for any of the following: -

i)The building out of the site

ii)The purchase of the land

iii)The building out of the s.106 units and the remainder of the site for the developer

iv) Any other proposals.

Given exceptional market conditions and significant costs, the building out of the site was not a viable option. Castle Green Homes Limited proposed to buy the land and provide build-out of 120 x Section 106 units and provide a further 460 x housing units to Torus at additionality sites.

While alternative offers were received, none were comparable with Castle Green Homes Limited's proposal, which offered Torus three times the amount of additional affordable units via additionality sites compared to any other bid.

Under Regulation 32(2)(b) of the Public Contract Regulations 2015, the contracting authority considers that the works can be supplied only by Castle Green Homes Limited, who hold exclusive rights of ownership over the additionality sites.

Further, in accordance with Regulation 32(2)(b)(iii) in conducting a market test prior use of the negotiated procedure, the contracting authority considers that there has been no artificial narrowing down of the parameters of the procurement and that no reasonable alternative or substitute exists.

II.2.5) Award criteria

Price

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

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 services can be provided only by a particular economic operator for the following reason:
 - protection of exclusive rights, including intellectual property rights

Explanation:

Torus' Flowers Lane site benefits from full planning permission with the Section 106 requirement for a minimum of 30% affordable homes. Provisionally, the site was openly advertised to the market with proposals invited for any of the following: -

- i)The building out of the site
- ii)The purchase of the land
- iii)The building out of the s.106 units and the remainder of the site for the developer
- iv)Any other proposals.

Given exceptional market conditions and significant costs, the building out of the site was not a viable option. Castle Green Homes Limited proposed to buy the land and provide build-out of 120 x Section 106 units and provide a further 460 x housing units to Torus at additionality sites.

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Further, in accordance with Regulation 32(2)(b)(iii) in conducting a market test prior to use of the negotiated procedure, the contracting authority considers that there has been no artificial narrowing down of the parameters of the procurement and that no reasonable alternative or substitute exists.

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

The procurement is covered by the Government Procurement Agreement: No

Section V. Award of contract

A contract/lot is awarded: Yes

V.2) Award of contract

V.2.1) Date of conclusion of the contract

31 October 2022

V.2.2) Information about tenders

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor

Castle Green homes

Unit 20 St. Asaph Business Park,

Denbighshire

LL17 0LJ

Country

United Kingdom

NUTS code

- UKL - Wales

National registration number

01932141

The contractor is an SME

No

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

Total value of the contract/lot: £124,000,000

Section VI. Complementary information

VI.3) Additional information

To view this notice, please click here:

<https://www.delta-esourcing.com/delta/viewNotice.html?noticeId=726430947>

GO Reference: GO-2022111-PRO-21322379

VI.4) Procedures for review

VI.4.1) Review body

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