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Award

Delivery of Expanded Community Facilities

Ebbsfleet Development Corporation

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-030853

Procurement identifier (OCID): ocds-h6vhtk-040d46

Published 19 October 2023, 10:04am

Section I: Contracting authority/entity

I.1) Name and addresses

Ebbsfleet Development Corporation

The Observatory, Castle Hill Drive, Ebbsfleet Valley

SWANSCOMBE

DA101EE

Contact

Jennifer Hunt

Email

procurement@ebbsfleetdc.org.uk

Telephone

+44 3034442586

Country

United Kingdom

Region code

UKJ43 - Kent Thames Gateway

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

<https://ebbsfleetgardencity.org.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

Delivery of Expanded Community Facilities

II.1.2) Main CPV code

- 45200000 - Works for complete or part construction and civil engineering work

II.1.3) Type of contract

Works

II.1.4) Short description

Construction of a sports pitch with a pavilion and community space with a community building with meeting rooms, and badminton courts and gym.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Lowest offer: £8,000,000 / Highest offer: £11,000,000 taken into consideration

II.2) Description

II.2.2) Additional CPV code(s)

- 45210000 - Building construction work
- 45250000 - Construction works for plants, mining and manufacturing and for buildings relating to the oil and gas industry

II.2.3) Place of performance

NUTS codes

- UKJ43 - Kent Thames Gateway

Main site or place of performance

Ebbsfleet

II.2.4) Description of the procurement

Redrow (developer) is to build houses on its land in the Ebbsfleet Valley area.

Redrow has obtained a planning permission, which imposed on them the delivery of certain community facilities on its land, the value of which was estimated to be around £3 million.

EDC, as the public corporation responsible for regeneration of the Ebbsfleet Valley area, would like to improve and enrich the Redrow community facilities for the benefit of (use/enjoyment by) the local Ebbsfleet Valley communities. The additional cost for the delivery of the "improved community facilities" is £8 million taking the total estimated works value to £11 million.

EDC believes that Redrow is in an exclusive/special position to deliver the "improved community facilities" through their supply chain (to be procured), given the Redrow obligations under the planning permission/ s.106 agreement with the local planning authority and their ownership of the relevant land, as their land is the only plot of land identified in the local masterplan by the planning authority.

After the completion of "improved community facilities", Redrow will pass the ownership of the improved community facilities to an independent Community Trust, managed by independent Trustees to manage maintain and operate the improved community facilities and making them available to the local residents/communities.

EDC strongly believes that because:

- (a) It will not become the owner of the "improved community facilities";
- (b) It is not under any statutory obligation to deliver the "improved community facilities";
- (c) It does not receive any direct benefit from the delivery of the "improved community facilities";

The Funding Agreement does not amount to a public works contract, that the applicable procurement rules would apply to it.

II.2.11) Information about options

Options: No

II.2.14) Additional information

Works contract (via a Funding Agreement) to be awarded to Redrow.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- No tenders or no suitable tenders/requests to participate in response to open procedure

Explanation:

Redrow (developer) is to build houses on its land in the Ebbsfleet Valley area.

Redrow has obtained a planning permission, which imposed on them the delivery of certain community facilities on its land, the value of which was estimated to be around £3 million.

EDC, as the public corporation responsible for regeneration of the Ebbsfleet Valley area, would like to improve and enrich the Redrow community facilities for the benefit of (use/enjoyment by) the local Ebbsfleet Valley communities. The additional cost for the delivery of the "improved community facilities" is £8 million taking the total estimated works value to £11 million.

EDC believes that Redrow is in an exclusive/special position to deliver the "improved community facilities" through their supply chain (to be procured), given the Redrow obligations under the planning permission/ s.106 agreement with the local planning authority and their ownership of the relevant land, as their land is the only plot of land identified in the local masterplan by the planning authority.

After the completion of "improved community facilities", Redrow will pass the ownership of the improved community facilities to an independent Community Trust, managed by independent Trustees to manage maintain and operate the improved community facilities and making them available to the local residents/communities.

EDC strongly believes that because:

- (a) It will not become the owner of the "improved community facilities";
- (b) It is not under any statutory obligation to deliver the "improved community facilities";
- (c) It does not receive any direct benefit from the delivery of the "improved community facilities";

The Funding Agreement does not amount to a public works contract, that the applicable procurement rules would apply to it.

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/concession

Title

Delivery of improved community facilities

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

18 October 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

REDROW PLC

Redrow House, St David's Park, Ewloe

Flintshire

CH5 3RX

Country

United Kingdom

NUTS code

- UKL23 - Flintshire and Wrexham

Companies House

2877315

Internet address

<https://www.redrow.co.uk/contact-us>

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: £11,000,000

Lowest offer: £8,000,000 / Highest offer: £11,000,000 taken into consideration

Section VI. Complementary information

VI.3) Additional information

EDC believes that Redrow is in an exclusive/special position to deliver the "improved community facilities" through their supply chain (to be procured), given the Redrow obligations under the planning permission/ s.106 agreement with the local planning authority and their ownership of the relevant land, as their land is the only plot of land identified in the local masterplan by the planning authority.

EDC takes the view that because it does not receive any benefit from the delivery of the "improved community facilities", the Funding Agreement does not amount to a public works contract, which should be award in accordance with the applicable procurement rules.

VI.4) Procedures for review

VI.4.1) Review body

Ebbsfleet Development Corporation

The Observatory, Castle Hill Drive

Ebbsfleet

DA10 1EE

Email

procurement@ebbsfleetdc.org.uk

Country

United Kingdom

Internet address

<https://ebbsfleetgardencity.org.uk/>