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Award

Preston Barracks Works Contract

Optivo Development Services Limited

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-031049

Procurement identifier (OCID): ocds-h6vhtk-040dc2

Published 20 October 2023, 1:49pm

Section I: Contracting authority/entity

I.1) Name and addresses

Optivo Development Services Limited

Fleet House, 59-61 Clerkenwell Road, London, England, EC1M 5LA

London

EC1M 5LA

Contact

Loviene Dinall

Email

loviene.dinall@southernhousing.org.uk

Country

United Kingdom

Region code

UK - United Kingdom

Companies House

05248824

Internet address(es)

Main address

www.shgroup.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

Preston Barracks Works Contract

II.1.2) Main CPV code

- 45000000 - Construction work

II.1.3) Type of contract

Works

II.1.4) Short description

A contract for the carrying out and completion of the following works at the Preston Barracks site:

The delivery of 7 commercial units, the completion of the building envelope for Blocks A (10 stories) and J (10 stories), to make them weathertight, and the final completion of Block G's 16 homes, alongside the remaining residual estate that will complete the

podium.

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: £11,998,770

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKJ - South East (England)

Main site or place of performance

Preston Barracks, Lewes Road, Brighton BN2 4GL

II.2.4) Description of the procurement

A contract for the carrying out and completion of the following works at the Preston Barracks site:

The delivery of 7 commercial units, the completion of the building envelope for Blocks A (10 stories) and J (10 stories), to make them weathertight, and the final completion of Block G's 16 homes, alongside the remaining residual estate that will complete the podium.

II.2.11) Information about options

Options: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- Extreme urgency brought about by events unforeseeable for the contracting authority

Explanation:

Optivo Development Services Limited (ODSL) is a subsidiary within the Southern Housing Group. ODSL intends to award the Contract to Roberts Gallagher Construction Limited (RGC) pursuant to Regulation 32(2)(c) of the Public Contracts Regulations 2015 (the Regulations), for the reasons set out below.

Henry Construction Limited (HCL) was originally appointed to carry out the construction works for the Preston Barracks project under a building contract with ODSL . In May 2023 HCL entered into administration, leaving the construction works only partially completed.

The works remaining to be completed at Preston Barracks fall into 2 packages / phases. The Contract being awarded to RGC is for the first phase of these works (which is the most pressing).

Regulation 32(2)(c) allows a contracting authority to award a contract under the negotiated procedure without prior publication "insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with"

ODSL is relying on this exemption to award the Contract to RGC on the following basis:

- (i) The events that have given rise to the need to appoint RGC on an urgent basis without undertaking a competitive tender process in accordance with the PCR were not foreseeable by, or attributable to, ODSL - such events being HCL entering into administration and therefore not being able to fulfil its contractual obligation complete the works;
- (ii) If a contractor is not appointed urgently to complete phase 1 of the remaining works this will result in ODSL incurring significant additional costs (to add to the costs that it has already incurred). This is partly because if the works to the commercial units included in this phase are not completed within a certain timeframe such that the units can be handed back to the private developer, ODSL will have to retain these units itself; and
- (iii) Any delay in completing the works could also give rise to health and safety issues on site, given that the development is already partially occupied by residents.

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

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

Title

Preston Barracks Works Contract

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

20 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

Roberts Gallagher Construction Limited

Radius House, 51 Clarendon Road

Watford

WD17 1HP

Country

United Kingdom

NUTS code

- UK - United Kingdom

Companies House

14948693

The contractor/concessionaire is an SME

Yes

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

Initial estimated total value of the contract/lot/concession: £11,998,770

Total value of the contract/lot/concession: £11,998,770

Section VI. Complementary information

VI.3) Additional information

The Contracting Authority intends to enter into this contract following a minimum 10 day calendar day standstill period starting on the day after this notice is published in the UK Find a Tender Service. The Public Contracts Regulations 2015 (SI 2015 No 102) (as amended) (the Regulations) provide for aggrieved parties

who have been harmed or who are at risk of harm by a breach of the Regulations to bring proceedings in the High Court. Any such proceedings must be brought within the limitation period specified by the Regulations according to the remedy sought.

VI.4) Procedures for review

VI.4.1) Review body

High Court

The Strand

London

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

In accordance with Part 3 of the Public Contracts Regulations 2015