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Award

## **Unit 6, Viables Business Park, Jays Close, Basingstoke**

Basingstoke & Deane Borough Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-031218

Procurement identifier (OCID): ocds-h6vhtk-040e3e

Published 23 October 2023, 2:43pm

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

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

Basingstoke & Deane Borough Council

Civic Offices

BASINGSTOKE

RG214AH

#### **Contact**

Procurement Team

#### **Email**

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

#### **Telephone**

+44 1256844844

#### **Country**

United Kingdom

**Region code**

UKJ37 - North Hampshire

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

**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**

Unit 6, Viabes Business Park, Jays Close, Basingstoke

Reference number

Title Number: HP731710 and HP39175

**II.1.2) Main CPV code**

- 70332000 - Non-residential property services

**II.1.3) Type of contract**

Services

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

Concerns the proposed lease restructure involving the surrender of the existing ground lease by

Tenant 1 at 6 Jays Close, Viabes Business Park, Basingstoke and the granting of two new

Leases to Tenant 1 and a new tenant, Tenant 2. The contracting authority will retain the freehold

relating to both leases. Any development or works to be carried out is subject to an agreement

between Tenant 1 and Tenant 2 only.

The contracting authority is also not procuring a works contract under the Public Contracts

Regulations 2015, arrangement exempt under PCR 10(1)(a).

The total value of the transaction between Tenant 1 and Tenant 2 is unknown. At the time of publication of this notice the rent to be received by the contracting authority following the land transaction excluding VAT is £666,735 per annum.

#### **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: £0.01

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

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

NUTS codes

- UKJ37 - North Hampshire

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

The contracting authority owns the freehold of 6 Jays Close, Viabes Business Park, Basingstoke. Tenant 1 occupies 6 Jays Close, Viabes Business Park, Basingstoke under

the existing headlease, with an unexpired term of approximately 91 years and this remains vested in Tenant 1.

Tenant 1 wishes to surrender the existing headlease and take a lease of a new building to be constructed on part of 6 Jays Close, Viabes Business Park, Basingstoke. Tenant 1 has engaged a developer independently of the contracting authority.

The developer has approached the contracting authority to grant a lease to it on part of 6 Jays Close, Viabes Business Park, Basingstoke, once Tenant 1 has surrendered their existing headlease. The developer will then become Tenant 2.

Subject to planning agreement and once the transaction is complete, Tenant 2 (the developer) will construct the new premises for Tenant 1 under terms agreed by them independently of the contracting authority. The contracting authority has not procured any works or placed any development obligations on the developer. The development obligations are contained in a separate agreement between Tenant 1 and their chosen developer.

The purpose of the project is for the contracting authority to obtain best rent, Tenant 1 to vacate one premises and occupy a new one and for the developer (Tenant 2) to develop the land on behalf Tenant 1 whilst retaining a long lease over the vacated site.

The agreements between Tenant 1, Tenant 2 and the contracting authority formalise the parties' agreement in respect of the phasing and structure of how the contracting authority will achieve best value, reflecting the commercial and economic reality of the deal, for the land subject to it.

Beyond normal planning obligations on the developer, the contracting authority is not setting out the design or specification for any of the works to be carried out.

The contracting authority's arrangement with Tenant 1 and Tenant 2 is exempt from the PCRs in accordance with Regulation 10(1)(a) as it concerns the rental of land owned by it. Furthermore, the arrangement is also not a public works contracts within the meaning of Regulation 2 of the PCR.

The total value of the transaction between Tenant 1 and Tenant 2 is unknown. In order to meet the requirements of this notice the contract value at section II.1.7 has been stated to be £0.01. At the time of publication of this notice the rent from the resulting leases to be received by the contracting authority following the land transaction excluding VAT is £666,735 per annum.

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

Options: No

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## **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 procurement falls outside the scope of application of the regulations

Explanation:

The procurement falls outside the scope of the Public Contracts Regulations 2015 as it is an exempt transaction in accordance with Regulation 10(1)(a). The contracting authority is also not procuring a works contract.

#### **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**

A contract/lot is awarded: Yes

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

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

17 July 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**

St Modwen Strategic Land Limited

Two Devon Way

Birmingham

B31 2TS

Country

United Kingdom

NUTS code

- UKG31 - Birmingham

Companies House

14521120

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: £0.01

Total value of the contract/lot/concession: £0.01

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## **Section VI. Complementary information**

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

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

Royal Court of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom