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Planning

## **Market Engagement: Biodiversity Net Gain (BNG) Offsite Delivery Provider**

Oldham Council

F01: Prior information notice

Prior information only

Notice identifier: 2024/S 000-006638

Procurement identifier (OCID): ocids-h6vhtk-044495

Published 1 March 2024, 11:12am

### **Section I: Contracting authority**

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

Oldham Council

Civic Centre, West Street

OLDHAM

OL11UG

#### **Contact**

Emma Tweedie

#### **Email**

[Emma.Tweedie@oldham.gov.uk](mailto:Emma.Tweedie@oldham.gov.uk)

#### **Country**

United Kingdom

**Region code**

UKD - North West (England)

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

Buyer's address

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

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

[www.the-chest.org.uk](http://www.the-chest.org.uk)

Additional information can be obtained from the above-mentioned address

**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**

Market Engagement: Biodiversity Net Gain (BNG) Offsite Delivery Provider

Reference number

DN711433

#### **II.1.2) Main CPV code**

- 45000000 - Construction work

#### **II.1.3) Type of contract**

Works

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

The Environment Act 2021 introduced a strengthened 'biodiversity duty' which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 for major developments. This requires developments, unless exempt, to meet a minimum of 10% BNG. Where this cannot be achieved in full on-site the developer is required to find off-site solutions to achieve the target. As part of our corporate priority for a clean and green borough, the Council is seeking to work with a third party to secure (including liaising and negotiating with applicants on the sale of BNG units), register, implement, manage and monitor the Habitats Management and Monitoring Plans (HMMPs) which have been prepared for land within Oldham Council's ownership each for a minimum period of 30 years. This is a significant opportunity for a well-resourced, innovative, and ambitious third party who is a Responsible Body.

The Council does not have the resources in place to carry out all the functions necessary to implement the HMMPs and therefore does not intend to set up a Special Purpose Vehicle to enter S106 agreements with ourselves and is not looking to lease land to a tenant. The Council is seeking to enter into an agreement with a third party who is a Responsible Body to secure and deliver conservation covenants on our behalf and so be able to offer BNG credits for sale to developers to secure investment in biodiversity on the council-owned sites.

We are seeking feedback from the market to help us to understand its current level of maturity, level of interest in this opportunity, and to inform/shape our requirements for the

BNG Offsite Delivery Provider in sufficient depth to take us to procurement/tender.

### **II.1.6) Information about lots**

This contract is divided into lots: No

## **II.2) Description**

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

- 45112360 - Land rehabilitation work
- 70332100 - Land management services
- 71500000 - Construction-related services

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

NUTS codes

- UKD - North West (England)

Main site or place of performance

Borough of Oldham

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

#### **MARKET ENGAGEMENT - RESPONSES INVITED**

The Environment Act 2021 introduced a strengthened 'biodiversity duty' which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 for major developments. This requires developments, unless exempt, to meet a minimum of 10% BNG. Where this cannot be achieved in full on-site the developer is required to find off-site solutions to achieve the target. As part of our corporate priority for a clean and green borough, the Council is seeking to work with a third party to secure (including liaising and negotiating with applicants on the sale of BNG units), register, implement, manage and monitor the Habitats Management and Monitoring Plans (HMMPs) which have been prepared for land within Oldham Council's ownership each for a minimum period of 30 years. This is a significant opportunity for a well-resourced, innovative, and ambitious third party who is a Responsible Body.

The Council does not have the resources in place to carry out all the functions necessary to implement the HMMPs and therefore does not intend to set up a Special Purpose Vehicle to enter S106 agreements with ourselves and is not looking to lease land to a

tenant. The Council is seeking to enter into an agreement with a third party who is a Responsible Body to secure and deliver conservation covenants on our behalf and so be able to offer BNG credits for sale to developers to secure investment in biodiversity on the council-owned sites.

We are seeking feedback from the market to help us to understand its current level of maturity, level of interest in this opportunity, and to inform/shape our requirements for the BNG Offsite Delivery Provider in sufficient depth to take us to procurement/tender.

We recognise that BNG Offsite Delivery is a new/emerging market area associated with recent legislative developments. Therefore, if you are, or are planning to be; a new entrant to the market, currently without a demonstrable track record in this specific area, but with relevant transferable knowledge, experience and expertise to meet requirements, we welcome your responses and suggestions.

The market engagement pack contains full details and an appendix of questions for response by the market engagement deadline (Friday 15th March 2024 @ 12.00 noon). We would be very pleased and appreciative to receive responses to the questions from any and all organisations interested in this opportunity.

It is not possible at this stage for the Council to provide an indicative contract value for this opportunity. Please refer to the market engagement documents to understand the scale and duration of the opportunity for your own commercial estimations.

It cannot be confirmed at this stage whether the Council's requirement will be classified as a works or services contract or concession or otherwise, above or below threshold, nor what procurement procedure will be employed if the Council proceeds to procure.

Subject to the market engagement findings, the Council hopes to proceed to tender for its requirements in April 2024.

The Council's plan to appoint a single provider of the nature described in the market engagement documents based on its current understanding that any resultant contract would not lend itself to lotting: The Council foresees a single point of contact being the best solution, and that there would be operational viability issues in having multiple providers of the same nature.

Market engagement documents are available at [www.the-chest.org.uk](http://www.the-chest.org.uk)

The project reference is DN711433

## **II.2.14) Additional information**

All communication (queries or clarifications) including your response is to go through the

Council's e-tendering portal [www.the-chest.org.uk](http://www.the-chest.org.uk) and not be addressed directly to individual Oldham Council employees or any Council agent by email or otherwise.

The deadline for responses to the market engagement questions is 12.00 noon Friday 15th March 2024.

The Chest - Tenderer Support

Go to <https://www.the-chest.org.uk/SupplierSupport.html>

Here you will see the hyperlink to log your issue.

Alternatively you can log your call by emailing [ProContractSuppliers@proactis.com](mailto:ProContractSuppliers@proactis.com)

and a representative will contact you as soon as possible. For Critical and Time-Sensitive issues you can call The Chest: 0330 005 0352.

### **II.3) Estimated date of publication of contract notice**

3 April 2024

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## **Section IV. Procedure**

### **IV.1) Description**

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

The procurement is covered by the Government Procurement Agreement: Yes