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Award

Farnworth Town Centre Development Scheme

Bolton Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-015423

Procurement identifier (OCID): ocds-h6vhtk-03d0ad

Published 31 May 2023, 3:06pm

Section I: Contracting authority/entity

I.1) Name and addresses

Bolton Council

Town Hall, Victoria Square

BOLTON

BL1 1RU

Contact

Sarah Atherton

Email

sarah.atherton@bolton.gov.uk

Telephone

+44 1204334111

Country

United Kingdom

Region code

UKD36 - Greater Manchester North West

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.bolton.gov.uk

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Farnworth Town Centre Development Scheme

Reference number

Q083

II.1.2) Main CPV code

- 45210000 - Building construction work

II.1.3) Type of contract

Works

II.1.4) Short description

The contracting authority is not awarding a contract. This is a 30 day VEAT Notice in respect of the proposed Farnworth Town Centre Development Scheme, due to commence on or around 3 July 2023.

Bolton Council intends to enter into an Option Agreement, with an annexed Buy Back Option and a Price and Overage Deed with Capital and Centric Cocoon Ltd. C&C for the planned regeneration development at Farnworth Town Centre.

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: £28,200,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKD3 - Greater Manchester

II.2.4) Description of the procurement

The scheme is publicly funded through an agreed funding strategy comprising a combination of grant and loan financing from Bolton Council, Future High Street Funds, Brownfield funds, and lending from Greater Manchester Combined Authority ("GMCA").

Bolton Council intends to enter into an Option Agreement, with an annexed Buy Back Option and a Price & Overage Deed with Capital & Centric (Cocoon) Ltd. ("C&C") for the planned regeneration development at Farnworth Town Centre.

The Option Agreement places an obligation on Bolton Council to sell the land at Farnworth Town Centre to C&C should C&C exercise the option.

Should C&C exercise the option to buy the land, it can as the developer, develop the land in accordance with planning permission (subject to permitted variations) if it chooses to, but is not required to do so.

Bolton Council can exercise the Buy Back Option if;

- i. The funding agreement with GMCA is not entered into in line with the agreed funding strategy; and/or
- ii. A forward purchase agreement is not entered into in line with the agreed funding strategy; and/or
- iii. There is, broadly, an insolvency event in relation to C&C; and/or
- iv. Practical completion of the development is not reached within a certain timeframe.

The Price & Overage Deed allows for deferred consideration payable for the property to Bolton Council shortly after practical completion which will be secured by way of a charge.

II.2.11) Information about options

Options: 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 procurement falls outside the scope of application of the regulations

Explanation:

Bolton Council considers that the contract with C&C for the regeneration development at Farnworth Town Centre falls outside the scope of Public Contract Regulations 2015 ("PCR 2015") as it is not a public works contract.

The site at Farnworth Town Centre has been fully vacant for twelve months and provides an opportunity for land disposal and development to regenerate the area. The development will include a varied mix of residential units and commercial units.

Whilst Bolton Council has set certain requirements in relation to any development that takes place, C&C is not required to develop the land at all. In any event, if C&C does develop the land, certain variations are permissible to the requirements.

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

Contract No

Q083

Title

Farnworth Town Centre Development Scheme

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

30 May 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

Capital & Centric (Cocoon) Limited

Capital & Centric, Phoenix, 72 Chapeltown Street

Manchester

M1 2EY

Country

United Kingdom

NUTS code

- UKD3 - Greater Manchester

Companies House

13742684

Internet address

<https://www.capitalandcentric.com/>

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: £28,200,000

Total value of the contract/lot/concession: £28,200,000

V.2.5) Information about subcontracting

The contract/lot/concession is likely to be subcontracted

Value or proportion likely to be subcontracted to third parties

Proportion: 30 %

Section VI. Complementary information

VI.3) Additional information

Contract Award Value: The total value of the Farnworth Town Centre development is £28.2m

Contract Award Date: It is expected that the contract award date will be 3 July 2023.

VI.4) Procedures for review

VI.4.1) Review body

High Court - Royal Courts of Justice

Strand, Holborn

London

WC2A 2LL

Telephone

+44 2079476000

Country

United Kingdom