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Award

## **Develop Plot R2, Michael Faraday Avenue, Kingsway Business Park, Rochdale for a research and development building**

Rochdale Metropolitan Borough Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-036759

Procurement identifier (OCID): ocds-h6vhtk-04b63c

Published 13 November 2024, 3:44pm

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

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

Rochdale Metropolitan Borough Council

Number One Riverside

Rochdale

OL16 1XU

#### **Contact**

Julie Sherratt

#### **Email**

[julie.sherratt@rochdale.gov.uk](mailto:julie.sherratt@rochdale.gov.uk)

#### **Telephone**

+44 1706927050

**Country**

United Kingdom

**Region code**

UKD3 - Greater Manchester

**Internet address(es)**

Main address

<http://www.rochdale.gov.uk/>

Buyer's address

<http://www.rochdale.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**

Develop Plot R2, Michael Faraday Avenue, Kingsway Business Park, Rochdale for a research and development building

Reference number

DN751907

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

- 45000000 - Construction work

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

Works

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

The Council intends to invest third party grant funding by entering into a Development Funding Agreement (“DFA”) with Wilson Bowden Developments Limited (“WBD”). The DFA will develop Plot R2, Michael Faraday Avenue, Kingsway Business Park, Rochdale (the “Property”) for a research and development building (Use Class E) including office, laboratory and production space, function space and café, to be known as the Sustainable Materials and Manufacturing Centre (the “Project”).

#### **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: £2,000,000

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

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

NUTS codes

- UKD3 - Greater Manchester

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

The Council intends to invest third party grant funding by entering into a Development Funding Agreement (“DFA”) with Wilson Bowden Developments Limited (“WBD”). The DFA will develop Plot R2, Michael Faraday Avenue, Kingsway Business Park, Rochdale (the “Property”) for a research and development building (Use Class E) including office, laboratory and production space, function space and café, to be known as the Sustainable Materials and Manufacturing Centre (the “Project”)

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

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - protection of exclusive rights, including intellectual property rights

Explanation:

The Council relies on Regulation 32(2)(b)(iii) of the Public Contracts Regulations 2015 to enter into the DFA with WBD to develop the Property.

The Council commissioned an Employment Land Analysis from an independent international real estate property consultancy. This provided robust evidence to support the Council's decision not to select an alternative site within the Rochdale Borough, and why the Property is suitable for the Project.

The Council relies on Regulation 32(2)(b)(iii) for the following reasons:

- in 2002, the North West Development Agency ("NWDA") entered into a Joint Venture Agreement ("JVA") with WBD, which granted WBD with exclusive rights to draw down land at the Kingsway Business Park ("Site") from Homes England, and either develop the land itself or sell it to other developers. The land is controlled by WBD through the JVA.
- an alternative developer does not exist, as WBD has exclusive rights to purchase land from Homes England on the Site and, to select an alternative developer, the Council would first have to purchase it from Homes England through exercise of statutory powers (which would not necessarily be possible).
- the Council cannot conduct a procurement to select a development partner, as WBD were previously selected by the NWDA to deliver works on the Site. The Council cannot contract with another third-party developer; the only developer that the Council can contract with to deliver the Property is WBD.
- the Site is effectively unique as the Council's requirements cannot be met on another site in the Rochdale Borough, and it is the only one of its size that allows further expansion for

research and development. As part of the DFA, the Council will enter into an option agreement for two adjacent plots to the Property to allow the Council to acquire and procure the development of such plots for research and development. The development of the Property will act as a catalyst to deliver additional advanced manufacturing/machinery/materials and research & development related activities to create an innovation mega-cluster, bringing growth to the Rochdale Borough.

- the Property is a strategic site, and the development is not suited to another parcel of land in the Rochdale Borough.
- a key consideration when selecting the Property was accessibility and public transport links to the Property. The Property was preferred due to its links to the road network being a short distance from the M62 and adjacent to the Kingsway Business Park Metrolink Tram Stop providing excellent public transport access.
- the Property is within the boundary prescribed by the third-party grant funding, and the development is deliverable within the grant funding timescales.
- the existing land ownership and contractual background means that the competition is absent for technical reasons under Regulation 32(2)(b)(iii).

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

The procurement is covered by the Government Procurement Agreement: No

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## **Section V. Award of contract/concession**

### **Title**

Sustainable Materials & Manufacturing Centre

A contract/lot is awarded: Yes

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

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

13 November 2024

#### **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**

Wilson Bowden Developments Ltd

Barratt House, Cartwright Way

Bardon Hill

LE67 1UB

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £2,000,000

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## **Section VI. Complementary information**

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

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

The High Court

London

WC2A 2LL

Country

United Kingdom

