

Date	-	6 April 2018
Report of the	-	Lead Director, Dr Anthony Leonard
Subject	-	Agreement of Shortlist for Invitation to Tender

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**Recommendation:** It be **RESOLVED:** That the Joint Waste and Recycling Committee invite the four contractors who have passed the Selection Questionnaire stage to tender for the East Sussex Waste Collection, Recycling, Street & Beach Cleansing and Associated Services Contract.

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**Report Author: Madeleine Gorman, Partnership Manager**

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**In accordance with Executive Decision Procedure Rules 6(b) and 7(c)(ii), the Scrutiny Chairmen of each partnership authority have already agreed that, subject to the approval of the Joint Waste and Recycling Committee, this decision can be taken as a special urgent decision to allow the Partnership to shortlist companies for invitation to tender of the new Waste Contract in-line with the procurement timetable.**

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### **Official Journal of the European Union Stage**

1. The Official Journal of the European Union (OJEU) Notice for the East Sussex Waste Collection, Recycling, Street & Beach Cleansing and Associated Services Contract was posted on 24 January 2018. The Partnership is using a Competitive Procedure with Negotiation (CPN) and the first stage is the call for competition using a Selection Questionnaire (SQ).

### **Selection Questionnaire Stage**

2. The SQ is a prescriptive document with the majority of the responses requiring a simple pass/fail evaluation. Most importantly, Section 4 allows for assessment of the economic and financial standing of the bidder and Section 6 allows for limited assessment of the technical ability of the bidder. This includes references which have been taken up and assessed during the evaluation.
3. 41 clarification questions were received from bidders during the SQ stage. Responses were provided by Waste Officers and Ricardo AEA (the Partnerships' technical consultants). The nature of the questions posed and detail requested by Bidders clearly indicates a level of diligence which suggests commercial interest in the tender.
4. One company formally withdrew from the process on the basis that the terms of the Contract were not acceptable to them. Officers consider this unfortunate, because the CPN procedure offers opportunity to review the terms if/when the process proceeds to negotiation.

5. It was noted that one bidder completed the Transfer of Undertakings (Protection of Employment) (TUPE) Confidentiality Agreement and has been supplied with the relevant TUPE data.
6. Five returns were received by the deadline date of 5 March 2018. These have been assessed for compliance, financial standing and technical ability. One bidder failed the financial evaluation and will not be invited to participate further in the process.
7. Due to the confidential nature of the procurement process, the bidders are not being named in this report and during the process will be referred to as bidders A, B, C and D.
8. Due to the procurement timetable it will be necessary for this decision to be deemed a special urgent decision and therefore outside of the usual call-in arrangements. To enable this, in accordance with Executive Decision Procedure Rules 6(b) and 7(c)(ii), the Scrutiny Chairmen of each partnership authority have been contacted prior to the meeting and agreed that, subject to the approval of the Joint Waste and Recycling Committee, this decision can be taken as a special urgent decision.

## **Conclusion**

9. In summary, four bidders passed the SQ and will be invited to tender for the East Sussex Waste Collection, Recycling, Street & Beach Cleansing and Associated Services Contract.
10. Invitations to Tender will be sent out Monday 9 April 2018.

Dr Anthony Leonard  
Lead Director

## **Risk Assessment Statement**

The timeline for procurement is tight, and therefore any delay to the process at this stage will incur service risk. A delay will reduce the time available for any tender negotiation, tender evaluation and service mobilisation. This would significantly increase the risk of service disruption in 2019.