



## **JOINT WASTE AND RECYCLING COMMITTEE MEETING**

### **Friday 30 November 2018 – 3:00pm**

### **Council Chamber, Town Hall, Bexhill**

Minutes of the Joint Waste and Recycling Committee meeting held in the Council Chamber at Town Hall, Bexhill on Friday 30 November 2018 at 3:00pm.

Joint Waste and Recycling Committee Members present: Councillors A. Ganly (RDC) (Chairman), N. Bennett (ESCC), P. Chowney (HBC), C. Fitzgerald (HBC), M. Kenward (RDC) and R. Standley (WDC).

Advisory Officers present:

|                                    |  |
|------------------------------------|--|
| <b>East Sussex County Council:</b> | Waste Team Manager.  |
| <b>Hastings Borough Council:</b>   | Director of Operational Services, Assistant Director Environment and Place and Marketing and Major Projects Manager.   |
| <b>Rother District Council:</b>    | Executive Director (Lead Director), Executive Director (Secretary), Assistant Director Resources, Head of Service Housing and Community, Neighbourhood Services Manager and Democratic Services Officer. |
| <b>Wealden District Council:</b>   | Director of Environment and Community Services, Lead Head of Service and Waste Management Officer.   |
| <b>Central Client Team:</b>        | Joint Waste Partnership Manager and Deputy Project Manager.  |

---

Publication Date: 4 December 2018

The decisions made under PART II will come into force on 12 December 2018 unless they have been subject to the call-in procedure.

---

#### **JWRC18/08. MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 27 July 2018 as a correct record of the proceedings.

#### **JWRC18/09. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R. Galley (WDC), Cameron Morley – Waste and Cleansing Manager (HBC), Karl Taylor – Assistant Director Operations and Contract Management (ESCC) and Carl Valentine – Head of Transport and Operational Services (ESCC).

## JWRC18/10. **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That the press and public be excluded whilst matters containing exempt information, as prescribed by Part 1 of Schedule 12A of the Local Government Act 1972, as amended and relating to Minute JWRC18/11 was under consideration. The report submitted in connection with this item and which contains information exempt from publication by virtue of Part 1 of Schedule 12A to the Act shall remain confidential if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**PART I – RECOMMENDATIONS TO PARTNERSHIP AUTHORITIES** – not subject to call-in procedure under Rule 10 of the Joint Waste and Recycling Committee Constitution.

## JWRC18/11. **APPOINTMENT OF CONTRACTOR FOR JOINT WASTE AND RECYCLING CONTRACT** (9.1)

The confidential report of the Lead Director detailed the process through which tenders had been invited for the joint Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract. Eight expressions of interest were received, five supplier questionnaires returned and one failed the financial criteria. The Joint Waste and Recycling Committee (JWRC) had previously received a report outlining the procurement process.

Four tenderers were invited to submit initial tenders and attended a Bidders Open Day event in Bexhill; however one tenderer had chosen to withdraw from the procurement process. Three final tenders had therefore been received on 12 October 2018; the report and appendices before Members provided analysis of the tenders received and made a recommendation for Contract Award. The JWRC did not have authority to award the Contract on behalf of each Council and therefore it was required to refer the recommendation for Contract Award to each Cabinet and full Council, where applicable, in order for all three Councils to proceed with the Contract.

The tenders received had been completed and submitted in accordance with the invitation to submit final tenders and initial client checks were completed prior to further evaluation; this included the company credit check. The Tenders had been fully examined in accordance with the Final Tender Evaluation Model (FTEM) and evaluated with the agreed 60:40 cost:quality ratio.

The financial evaluation assessed the pricing schedules for any inconsistencies and obvious errors, including a check that the prices aligned with the intended resources. An Annual Equivalent Sum (AES) was developed for each tenderer, which was different to the annual contract sum and included all allocated costs. The AES was converted into points with each tenderer being awarded points based on its relationship with the lowest AES. The tenderer with the lowest AES scored 510 points. Appendix 1, appended to the report detailed the

financial assessment of the bids received, commercial risks and summarised the tendered bids over the main service headings, but did not identify every item of costs. Contractor A had the lowest AES and therefore had been awarded the maximum points in the financial evaluation.

The quality evaluation looked at the 12 Method Statements (MS) and awarded points out of a maximum of 400, as detailed in Appendix 2 to the report. The MS had been independently assessed by the quality evaluation team including representatives from each Council and Ricardo Energy & Environment, as well as this, the MS for HR and ICT had been assessed by the project leads for HR and ICT respectively.

The accumulated evaluation scores were included within the report and demonstrated that Contractor A had received the highest accumulated score.

During the procurement phase, Contractors had the opportunity to review the Contract and raise concerns regarding contractual provision. Several matters required further clarity which included indexation; pension liability; capital investment (vehicles and depots); performance management framework; re-base quantities and prices at service commencement date; street measurements and land use categories (Rother); Transfer of Undertakings [Protection of Employment] Regulations 2006 (TUPE) information; pay awards and staff retention; and Bulverhythe depot.

The process for Contract Award required for each Council to take the decision to appoint Contractor A with individual Cabinet meetings being held as follows: Hastings Borough Council (HBC) and Rother District Council (RDC) on 3 December; and Wealden District Council (WDC) on 12 December. The award decision would then be taken to full Council (except WDC) who had delegated authority to Cabinet as follows: RDC 17 December and HBC 19 December 2019. On 20 December, all Contractors that had been involved in the procurement would be written to advising them of the intent to award the Contract. The issuing of these letters would prompt a regulatory standstill period (Alcatel) which was a 10 day pause (extended to 13 days as a result of the Christmas / New Year holiday) between Contract award decision and the formal award of Contract. This was a legal requirement which applied to all procurements covered by the EU Procurement Directives and allowed unsuccessful bidders to obtain more information on the award of the Contract and to take appropriate action if they believed they had been treated unfairly.

Appendix 3 to the report detailed the breakdown of financial costs, recommended budget for each Council and contingency provision for the Contract commencement adjustments for inflation and quantities.

A number of other considerations were highlighted within the report, as follows: communications regarding collection changes from 29 June 2019 during mobilisation; disposal of dry recycling to East Sussex County Council; staffing and service delivery; ICT systems and financial costs; and centralised client costs.

With regards to commercial waste, it was confirmed that Contractor A would be offering commercial waste and cesspool emptying services across the Partnership area.

It was concluded that, in accordance with the FTEM, a recommendation would be made that Contractor A be appointed as the contracting partner for the joint Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract and that this Contract award recommendation should be duly referred to each partner Council.

**RECOMMENDED:** That:

- 1) the Tender from Contractor A be accepted for the Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract;
- 2) this Contract award recommendation be referred to each partner Council for approval and that each Chief Executive and/or Executive Director be authorised to enter into Contract with Contractor A;
- 3) each Council to make financial provision to fund its own proportion of the total Contract Price including allowance for adjustments at the start of the Contract;
- 4) the Lead Director be authorised to notify Contractors of the intent to award the Contract;
- 5) each Council to make arrangements to inform residents about the collection system to be implemented from 29 June 2019;
- 6) each Council to make provision for the review of customer service processes, enhancement of ICT systems and mobile equipment for council staff as necessary;
- 7) each Council to make financial provision to fund the centralised client costs (the Authorised Officer role);
- 8) each Council to consider and make suitable provision for the client roles and liabilities under the Contract;
- 9) each Council to make financial provision for ad-hoc requests and container purchases throughout the Contract Period; and
- 10) the service risk during mobilisation in terms of the resources and functions that will be available and fully operational at the Contract start date, be noted.

(This matter was considered exempt from publication by virtue of paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972, as amended).

(Councillor Standley declared a personal interest in this matter in so far as he an Executive Member of East Sussex County Council and in

accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

**PART II – EXECUTIVE DECISIONS** – subject to call-in procedure under Item 10 of the Joint Waste and Recycling Committee Constitution by no later than 4:00pm on 13 December 2018.

**JWRC18/12. 2019 MEETING DATES**  
(7.1)

The Committee was required to agree its meeting dates for 2019 as currently there were no dates in place for future meetings.

Due to the fact that each Partner authority published their timetable of meetings at different times of the year, the approach had been taken to 'set' dates in advance of all timetables being available. In order to avoid any other meetings of the Partner authorities, the Joint Waste and Recycling Committee (JWRC) had previously met on a Friday following the Joint Waste Committee (JWC) meetings. Meetings were held on Friday afternoons at 2:00pm, and where meetings were on the same day as a JWC meeting, the JWRC met at 3:00pm or at the conclusion of the JWC meeting. If required, additional meetings would be organised to ensure that the new contract was embedded and progressing well. Members were therefore asked to agree Committee dates for 2019 as follows: 22 February; 26 April; 7 June; 27 September; and 29 November, but could be subject to change or cancellation.

The Committee agreed the above dates and amended the start time of the meetings on 26 April and 27 September to 2:30pm as opposed to the current time of 3:00pm.

**RESOLVED:** That the following meeting dates be agreed for the Joint Waste and Recycling Committee for 2019:

- 22 February, to be held at 2:00pm, Town Hall, Bexhill;
- 26 April, to be held at 2:30pm, Town Hall, Eastbourne;
- 7 June, to be held at 2:00pm, Town Hall, Bexhill;
- 27 September, to be held at 2:30pm Muriel Matters House, Hastings; and
- 29 November, to be held at 2:00pm, County Hall, Lewes.

**JWRC18/13. DATE OF NEXT MEETING**  
(10)

It was confirmed that the next meeting was scheduled to be held on Friday 22 February 2019 at 2:00pm in the Council Chamber, Town Hall, Bexhill.

**CHAIRMAN**

The meeting closed at 3:55pm

JWRC181130jh