



JOINT WASTE AND RECYCLING COMMITTEE MEETING **Friday 15 December 2017 – 2:00pm** **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 15 December 2017 at 2:00pm.

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

Advisory Officers present:

East Sussex County Council: Assistant Director Operations and Contract Management.

Hastings Borough Council: Director of Operational Services, Assistant Director Environment and Place and Marketing and Major Projects Manager.

Rother District Council: Executive Director of Business Operations (Lead Director), Executive Director of Resources (Secretary), Service Manager – Finance and Welfare, Service Manager – Community and Economy, Neighbourhood Services Manager and Democratic Services Officer.

Wealden District Council: Director of Environment and Community Services and Lead Head of Service.

Central Client Team: Joint Waste Partnership Manager.

Publication Date: 20 December 2017

The decisions made under PART II will come into force on 5 January 2018 unless they have been subject to the call-in procedure.

JWRC17/17. MINUTES

The Chair was authorised to sign the minutes of the meeting held on 10 November 2017 as a correct record of the proceedings.

JWRC17/18. APOLOGIES FOR ABSENCE

An apology for absence was received from Carl Valentine – Head of Transport and Operational Services (ESCC).

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 4 January 2018.

JWRC17/19. SERVICE SPECIFICATION (MINIMUM REQUIREMENTS)

(7.1)

The report of the Lead Director updated Members on the draft Service Specification (SS), a copy of which was appended to the report for consideration. The draft SS required further refinement prior to placing the Official Journal of the European Union (OJEU) notice. It was essential that each Council's requirements were clearly specified, combined and aligned with all tender documentation. Therefore officers continued to work with Ricardo Energy & Environment (formerly Ricardo AEA) the waste consultants to ensure that the final documentation met required standards.

Under 2015 Public Contracts Regulations, the Partnership was required to define the minimum tender requirements and specific contract award criteria for the Competitive Procedure with Negotiation (CPN) procurement process. CPN enabled key aspects to be negotiated prior to final contract award but did not permit negotiation on the "minimum requirements" nor "award criteria". These matters were fundamental to the scope of procurement and ensured that all suppliers were invited to tender on the same basis.

The draft SS was divided into four sections: 1) General Requirements of the Service; 2) Waste Collection Requirements (excluding Bulky Waste Collections in Hastings); 3) Street and Beach Requirements (excluding Hastings); and 4) Street and Beach Cleansing, Bulky Waste and Fly-Tip Service Requirements for Hastings only. The SS also included appendices detailing each service requirement which would be checked and cross-referenced against the Conditions of Contract, Performance Management Framework, Payment Mechanism and the full list of Defined Terms. As previously agreed by the Committee, the Lead Director had the authority to take decisions to finalise the documentation, provided such decisions had no budget or policy implications.

The Joint Waste Partnership Manager updated Members on the following key specification requirements / issues:

- Co-mingled collection: as previously agreed, the SS would stipulate that all recyclable materials including glass be collected in one green receptacle. All recyclable material disposal options were still to be considered and agreed by the Committee therefore, Members requested that a timetable be provided to ensure decisions were made within required timescales.
- Communications: the Partnership would be responsible for all communication / promotional materials e.g. annual calendars etc. This would be funded outside of the contract.
- Containers: all containers to be purchased, delivered and funded by each individual authority. It was also suggested that the SS

included the option of the Partnership purchasing vehicles for the new contract. It was confirmed that these issues would be discussed and subject to negotiation / agreement during the CPN process.

- Garden Waste Administration: to be completed by each individual authority. A new system would be introduced. Several options had been discussed by officers including a sticker based system. The stickers would identify which households had annually subscribed to the garden waste collection service. Members agreed that a simplified cost effective system was essential and requested that other options be considered prior to final agreement e.g. chip scheme or the contractors effective use of the garden subscription database. The Joint Waste Partnership Manager advised that all scenarios had been considered by officers; it was important that a practical system be adopted. All further comments to be forwarded to the Joint Waste Partnership Manager as soon as possible for consideration.
- Weekend Working: it was agreed that the SS clearly stated that weekend and, in particular Sunday working would only be undertaken under exceptional circumstances and with authorised approval. Bank holiday and festival clear-up working days would also need to be specified.

Members acknowledged it was important the SS clearly identified all service / performance requirements of the Partnership. After discussion, it was agreed that the draft SS be approved subject to suggested amendments, adjustments, cross-referencing and alignment with the other tender documents. They also agreed that once completed an advert be placed in the OJEU to start the procurement process. It was anticipated that the OJEU notice would be advertised during week commencing 8 January 2018.

RESOLVED: That the draft Service Specification be approved, subject to suggested amendments, adjustments, cross-referencing and alignment with other tender documents and an advert be placed in the Official Journal of the European Union (OJEU) to start the procurement process.

JWRC17/20. **TENDER EVALUATION MODEL (AWARD CRITERIA) AND (7.2) REVISED TIMETABLE**

Consideration was given to the report of the Lead Director which updated Members on the progress of tender procedure and evaluation for Competitive Procedure with Negotiation procurement route of the new Joint Waste and Recycling Collections, Beach and Street Cleansing Contract scheduled to commence on 29 June 2019.

Under 2015 Public Contracts Regulations, the Partnership was required to indicate which elements of the description defined minimum tender requirements and specific contract award criteria for the Competitive Procedure with Negotiation (CPN) procurement process. CPN enabled key aspects to be negotiated prior to final contract award

but did not permit negotiation on the “minimum requirements” nor “award criteria”. These matters were fundamental to the scope of procurement and ensured that all suppliers were invited to tender on the same basis.

CPN consisted of two stages: Selection Questionnaire (SQ) set-out the mandatory and discretionary grounds for exclusion of companies from the opportunity to tender; and Selection Questionnaire Evaluation Criteria defined how returns for the SQ stage were evaluated appended to the report as Appendices 1 and 2 respectively. All suppliers who met the required criteria would be invited to tender. The Joint Waste Partnership Manager advised that both documents were subject to minor amendments to ensure legal clarity.

To form the Invitation to Tender (ITT), the Partnership’s waste and legal consultants were developing and reviewing a package of standard documents. A key requirement of procurement was to source price and service quality from each supplier. Suppliers would be invited to complete detailed pricing schedules including individual authority costs to determine the price/cost of services, as well as a Service Delivery Plan (SDP) to show how resources would be used to provide the quality of service required. The SDP at Appendix 3 to the report comprised of a set of Method Statements (MS) which demonstrated the suppliers’ understanding of the services required, as well as ability to carry out the work, proposed commitment to resources and service delivery methodology. Individual MSs represented how work would be completed and was indicative of the standards of skill, care and diligence in operation across the supplier’s organisation.

As previously agreed, tenders would be evaluated using the 60:40 price/quality split. The financial section of the Tender Evaluation Model (TEM) at Appendix 4 to the report aimed to evaluate commercial risk as well as price. Both the Partnership and suppliers faced commercial risk however full detail of these risks would be unknown until all contractual provisions were finalised. In order to mitigate procurement risk, Members noted that Hastings Borough Council’s (HBC) beach and street cleansing, fly-tip and bulky waste services had not been included in the TEM. HBC would receive a separate MS to enable them to decide whether to enter into the joint contract. Therefore it was recommended that HBC made arrangements necessary to reach a conclusion prior to ITT.

Depending on the price and quality of tenders received, the CPN process allowed for contract award following the submission of first stage (initial) tenders by suppliers. This would be desirable, however suppliers might be invited to participate in negotiation and would then be invited to submit final tenders for evaluation. If required, negotiation would be led by the Partnership’s waste and legal consultants. HBC’s position regarding beach and street cleansing, removal of fly-tipping and provision of bulky waste collections would be finalised prior to final tenders being invited. Members noted the procurement timetable detailed at Appendix 5 to the report. To enable sufficient time for suppliers to tender with sufficient due diligence and for the Councils to then comprehensively evaluate tenders, the OJEU notice would be advertised during week commencing 8 January 2018.

All of the procurement documents would be subject to final legal review and cross-referencing prior to OJEU. Further checks would also be completed prior to inviting tenders following SQ stage. As previously agreed by the Committee, the Lead Director had the authority to take decisions to finalise the documentation, provided such decisions had no budget or policy implications.

Following discussion, Members approved all of the documentation, subject to minor amendments with regards to cross-referencing and alignment with the other tender documents. HBC confirmed that they would ensure their position regarding beach and street cleansing, fly-tip and bulky waste service was known in advance of a negotiation stage. The Joint Waste Partnership Manager advised that the Committee would be kept abreast of any key stage procurement process developments.

RESOLVED: That:

- 1) the Selection Questionnaire, Selection Questionnaire Evaluation Criteria, Service Delivery Plan Requirement (Method Statement Requirements), and Tender Evaluation Model be approved, subject to minor amendments with regards to cross-referencing and alignment with the other tender documents;
- 2) the procurement timetable be noted; and
- 3) Hastings Borough Council conclude arrangements with regard to beach and street cleansing, fly-tip services and bulky waste services in advance of a negotiation stage (if negotiation is required).

JWRC17/21. **DATE OF NEXT MEETING**

(8)

Members requested that East Sussex County Council provide a presentation on all waste disposal routes for the new contract including current and future recycling credits at the next meeting. It was confirmed that the next meeting was scheduled to be held on Friday 16 March 2018 at 3:00pm in the Council Chamber, Town Hall, Bexhill. If required, additional meetings would be organised to ensure that key decisions were made in time for progression of the new contract.

RESOLVED: That East Sussex County Council provide a presentation on all waste disposal routes including current and future recycling credits at the meeting scheduled to be held on Friday 16 March 2018.

CHAIR

The meeting closed at 2:40pm

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