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Tender

## **HCC - 01/22 - The Provision of Residual Waste Disposal Services**

Hertfordshire County Council

F02: Contract notice

Notice identifier: 2022/S 000-000486

Procurement identifier (OCID): ocids-h6vhtk-03087e

Published 7 January 2022, 1:13pm

### **Section I: Contracting authority**

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

Hertfordshire County Council

Pegs Lane

Hertford

SG13 8DE

#### **Contact**

Strategic Procurement Group

#### **Email**

[zoe.upson@hertfordshire.gov.uk](mailto:zoe.upson@hertfordshire.gov.uk)

#### **Telephone**

+44 01707292463

#### **Country**

United Kingdom

**NUTS code**

UKH23 - Hertfordshire

**Internet address(es)**

Main address

[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

Buyer's address

[www.supplyhertfordshire.uk](http://www.supplyhertfordshire.uk)

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

[www.supplyhertfordshire.uk](http://www.supplyhertfordshire.uk)

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted to the above-mentioned address

**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**

HCC - 01/22 - The Provision of Residual Waste Disposal Services

Reference number

HCC2113345

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

- 90000000 - Sewage, refuse, cleaning and environmental services

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

Services

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

The Council invites Tenders for treatment and/or disposal solutions for Contract Waste arising in respect of the Hertfordshire administrative area. Depending on capacity offered by Tenderers, the Council may award one or more Contracts in order to provide a total capacity at or around the Council's Estimated Tonnage Requirement of 260,000 tonnes per annum. Further information regarding this opportunity can be found in section II.2.4. Interested Organisations are invited to "express interest" which will give them access to the full procurement documents in the e-procurement system. Please see section VI.3 for further information. Any questions relating to this procurement must be made via the correspondence area in the e-procurement system, in accordance with the Invitation to Tender Documents and can be addressed to the main contact as shown in the details above.

#### **II.1.5) Estimated total value**

Value excluding VAT: £454,000,000

#### **II.1.6) Information about lots**

This contract is divided into lots: No

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

#### **II.2.2) Additional CPV code(s)**

- 90000000 - Sewage, refuse, cleaning and environmental services
- 90513100 - Household-refuse disposal services
- 90514000 - Refuse recycling services
- 90510000 - Refuse disposal and treatment
- 42320000 - Waste incinerators
- 90513000 - Non-hazardous refuse and waste treatment and disposal services
- 90530000 - Operation of a refuse site
- 90500000 - Refuse and waste related services
- 90531000 - Landfill management services

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

NUTS codes

- UKH23 - Hertfordshire

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

The Council is a Waste Disposal Authority ("WDA") pursuant to the Environmental Protection Act 1990. The functions of the Council include managing the disposal of waste pursuant to the Council's statutory duties and powers as defined in the Environmental Protection Act 1990. This is a procurement for the provision of waste treatment/disposal services (as more fully described in the Invitation to Tender Documents) (the "Services") to assist the Council in carrying out its functions as a WDA. The procurement is for a Contract or Contracts for the provision of Treatment and/or Disposal facilities for an aggregate of up to c. 260,000 tonnes per annum of Contract Waste arising from the Council's administrative area. In order for the Council to meet its waste disposal and treatment requirement, it may be necessary for the Council to award one or more Contract(s) to one or more organisations. Contracts awarded under this procurement process will be awarded on the basis of the most economically advantageous Tender (or Tenders) from the point of view of the Council and as more fully described in the Invitation to Tender Documents. The Service Term of the Contract(s) will be for the period from and including 1 April 2024 to and including 31 March 2034 (although extensions and the provision of advanced services are possible in accordance with the Conditions of Contract) - see further para II.2.7 (below). Tenderers may submit more than one Tender in accordance with the Invitation to Tender Documents. Subject to very limited exceptions, each Tender will be required to specify a single Delivery Point for relevant loads of Contract Waste. Further details of submitting a Tender (and submitting more than one Tender) can be found in the Invitation to Tender Documents. The terms and conditions of

any Contract or Contracts to be awarded as a result of this procurement are set out in the Invitation to Tender Documents. Details of the Council's historical waste arisings are set out in Appendix 3 of the ITT. Organisations should be aware that due to the nature of the Services, any Contract formed as a result of this procurement process shall be executed as a deed. Organisations should seek independent legal advice on the implications of this prior to submitting their Tender(s), where appropriate.

#### **II.2.5) Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6) Estimated value**

Value excluding VAT: £454,000,000

#### **II.2.7) Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months

204

This contract is subject to renewal

Yes

Description of renewals

The Service Term under the Contract(s) will be for the period from and including 1 April 2024 to and including 31 March 2034 (although extensions and the provision of advanced services are possible in accordance with the Conditions of Contract). Advanced services may require Services to be provided from the date of Contract award. Any Contract may be extended for 5 years following 31/03/2034.

#### **II.2.10) Information about variants**

Variants will be accepted: No

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

Options: Yes

Description of options

The Service Term under the Contract(s) will be for the period from and including 1 April

2024 (• Commencement Date•) to and including 31 March 2034 (• Expiry Date•). Tenderers are referred to the Conditions of Contract for further details. Each Contract awarded will contain:(a) a provision enabling the Services to be provided in advance of the Commencement Date with the express written agreement of the parties; and(b) a provision enabling the Council (at its absolute discretion) to extend the Expiry Date for a further period or periods of up to a total of five (5) years upon giving the Contractor written notice of its intention to do so.

### **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 III. Legal, economic, financial and technical information**

### **III.1) Conditions for participation**

#### **III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions

As per the procurement documents

#### **III.1.2) Economic and financial standing**

Selection criteria as stated in the procurement documents

#### **III.1.3) Technical and professional ability**

Selection criteria as stated in the procurement documents

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Open procedure

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

The procurement is covered by the Government Procurement Agreement: Yes

### **IV.2) Administrative information**

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

25 February 2022

Local time

12:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.7) Conditions for opening of tenders**

Date

25 February 2022

Local time

12:00pm

Place

[www.supplyhertfordshire.uk](http://www.supplyhertfordshire.uk)

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## **Section VI. Complementary information**

### **VI.1) Information about recurrence**

This is a recurrent procurement: No

### **VI.2) Information about electronic workflows**

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3) Additional information**

1) Capitalised terms used in this contract notice have the meanings set out in the Invitation to Tender Documents.2) Please note Hertfordshire County Council has worked closely with its districts and partners to create a joint procurement portal called Supply Hertfordshire. This portal provides an e-procurement system which is run by In-Tend.3) To access this procurement opportunity please visit [www.supplyhertfordshire.uk](http://www.supplyhertfordshire.uk) and follow the on-screen guidance. In accordance with Regulation 53 of The Public Contracts Regulations 2015, the Council's procurement documents are available within the e-procurement system.4) The e-procurement system enables questions and answers to be exchanged via the "Correspondence area". All clarifications that Tenderers may have in respect of the Invitation to Tender Documents, no matter what their nature, must be submitted using this method. All such questions must be received by the Deadline for Clarifications from Tenderers set out in the ITT. For the avoidance of doubt, clarifications received after the specified Deadline for Clarifications from Tenderers may not be answered at the sole discretion of the Council.5) If Tenderers have any comments on the Conditions of Contract/Invitation to Tender Documents or queries concerning Council requirements, then they must raise these as a clarification as early as possible and no later than the specified Deadline for Clarifications from Tenderers in the ITT. If it considers it appropriate to do so, the Council may, but is not obliged to, issue a tender addendum confirming changes to the Invitation to Tender Documents, including the Conditions of Contract and/or Specification and invite Tenderers to tender on the basis of such documents. If no such tender addendum is issued then, as above, Tenders must be made on the basis of the Conditions of Contract and Specification issued.6) If you wish to submit a Tender you must complete and submit all those documents more fully described in the Invitation to Tender Documents by the specified closing date and time. Submissions cannot be uploaded after this return deadline. Tenderers are referred to Appendix 1 (Selection & Evaluation Methodology) of the ITT and the Response Document for further details on how to submit a compliant Tender and how such Tenders will be evaluated.7) Tenderers are advised to ensure they allow sufficient time to submit their Tenders prior to the specified Tender Submission Deadline to ensure any issues with uploading the



documents can be resolved before the closing time.8) If you are experiencing problems with the e-procurement system, In-Tend offer a help section which includes a dedicated Support Desk which can be contacted via email [support@in-tend.com](mailto:support@in-tend.com) or telephone +44 (0)114 4070065 for any website / technical questions Monday to Friday 8:30am – 5:30pm.9) Without limiting any other right available to the Council, the Council reserves the right:• to award one or more Contract(s);• to award one or more Contract(s) to a successful Tenderer;• post-award, to direct Contract Waste to any facility it considers appropriate and in any order of priority;• to Deliver Contract Waste as Bulky or Non-Bulky Loads;• not to award Contracts up to the Council's Estimated Tonnage Requirement in the circumstances described in paragraphs 6.5 and 6.6 of Appendix 1 of the ITT;• to amend or abandon this procurement; and/or• not to award any Contract pursuant to this procurement.10) In accordance with the Conditions of Contract, the Council reserves the right to require a parent company guarantee and/or bond from any successful Tenderer.11) The Council reserves the right to carry out additional financial checks on all Organisations tendering for this opportunity at any time during the procurement process. This is to ensure that they continue to meet the Council's requirements and remain financially viable to fulfil the requirements under a Contract.

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

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

High Court Royal Courts of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom

##### **VI.4.2) Body responsible for mediation procedures**

High Court Royal Courts of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The Contracting Authority will incorporate a minimum 10 calendar day (when using electronic means) standstill period at the point information on the award of the Contract or Contracts is communicated to Tenderers. This period allows unsuccessful Tenderers to challenge the decision to award a Contract or Contracts before such Contract or Contracts are executed/signed (as appropriate). The Public Contracts Regulations 2015('Regulations') provide for aggrieved parties who have been harmed or at risk of harm by a breach of the rules to take action in the High Court (England, Wales and Northern Ireland). Any such action must be brought promptly and within the time limits as defined in the above regulations. Where a Contract has not been entered into the court may order the setting aside of the award decision or order the contracting authority to amend any document and may award damages. If a Contract has been entered into the court has the options to award damages and/or to shorten or order the Contract ineffective.

### **VI.4.4) Service from which information about the review procedure may be obtained**

High Court Royal Courts of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom