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Tender

## **Treatment of Organic Waste Services**

Scotland Excel

F02: Contract notice

Notice identifier: 2021/S 000-005591

Procurement identifier (OCID): ocds-h6vhtk-029d48

Published 19 March 2021, 9:56am

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

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

Scotland Excel

Renfrewshire House, Cotton Street

Paisley

PA1 1AR

#### **Email**

[Environment@scotland-excel.org.uk](mailto:Environment@scotland-excel.org.uk)

#### **Telephone**

+44 3003001200

#### **Fax**

+44 1416187423

#### **Country**

United Kingdom

**NUTS code**

UKM - SCOTLAND

**Internet address(es)**

Main address

<http://www.scotland-excel.org.uk>

Buyer's address

[https://www.publiccontractsscotland.gov.uk/search/Search\\_AuthProfile.aspx?ID=AA10383](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA10383)

**I.2) Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3) Communication**

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

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.publictendersscotland.publiccontractsscotland.gov.uk/>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Treatment of Organic Waste Services

Reference number

02-20

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

- 90500000 - Refuse and waste related services

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

Services

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

This framework is for the provision of services for treatment and processing of organic waste. The waste streams are food waste, garden waste and co-mingled food and garden waste. Councils in Scotland require service providers to receive food, garden or co-mingled waste and to treat, reprocess and recycle it. This framework is available to all Scottish Councils, Scotland Excel Associate Members and other participating public bodies.

There shall be two service models available for use by the councils as follows: -

Model A – where councils deliver materials to the Service Provider's nominated facilities for treatment.

Model B – where councils deliver materials to its (Council) own, the Service Provider's, and/or a third party's Reception Point where it shall be collected by the Service Provider(s) for onward haulage for treatment at the Service Provider's Treatment Facility.

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

Value excluding VAT: £48,000,000

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

This contract is divided into lots: Yes

Tenders may be submitted for all lots

## **II.2) Description**

### **II.2.1) Title**

Food Waste

Lot No

1

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

- 77120000 - Composting services
- 90513000 - Non-hazardous refuse and waste treatment and disposal services
- 90510000 - Refuse disposal and treatment
- 90511000 - Refuse collection services
- 90512000 - Refuse transport services
- 90514000 - Refuse recycling services

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

NUTS codes

- UKM - SCOTLAND

Main site or place of performance

Throughout Scotland

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

The provision of services to receive, treat, reprocess and recycle of food waste only for to councils, associate members and other bodies participating in this procurement, throughout the Scottish mainland and island locations.

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

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option of up to 12 months extension.

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

Variants will be accepted: No

### **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

## **II.2) Description**

### **II.2.1) Title**

Garden Waste

Lot No

2

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

- 90500000 - Refuse and waste related services

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

NUTS codes

- UKM - SCOTLAND

Main site or place of performance

Throughout Scotland.

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

The provision of services to receive, treat, reprocess and recycle of garden waste only for to councils, associate members and other bodies participating in this procurement, throughout the Scottish mainland and island locations.

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

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option of up to 12 months extension.

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

Variants will be accepted: No

#### **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

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

### **II.2.1) Title**

Co-Mingled Food and Garden Waste

Lot No

3

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

- 90500000 - Refuse and waste related services

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

NUTS codes

- UKM - SCOTLAND

Main site or place of performance

Throughout Scotland.

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

The provision of services to receive, treat, reprocess and recycle of co-mingled food and garden waste only for to councils, associate members and other bodies participating in this procurement, throughout the Scottish mainland and island locations.

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

Quality criterion - Name: Technical / Weighting: 25

Price - Weighting: 75

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

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

Option of up to 12 months extension.

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

Variants will be accepted: No

#### **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 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

In response to SPD (Scotland) Question 4A.2 - SERVICE CONTRACTS where it is required, within a bidder's country of establishment, bidders must confirm which authorisation(s) or membership(s) of the relevant organisation(s) are required in order to perform this service(s) to be procured under this proposed framework

Bidders must hold the following particular authorisation:

1. Planning Consent or other approval (name, number and expiry date) from the appropriate Council for all Waste Treatment facilities the bidder is offering or, otherwise an ability to demonstrate of any Planning Consent Exemptions.
2. Waste Management Licence (name, number and expiry date) or an ability to demonstrate of any Exemption or Permit made under the Waste Management Licensing (Scotland) Regulations 2011 and/or the Pollution Prevention and Control (Scotland) Regulations 2013 as required by the Scottish Environment Protection Agency, or their equivalent regulatory body in other jurisdictions.
3. Approval (name, number and expiry date) by Animal and Plant Health Agency (APHA) for treating animal by products and /or catering waste or, an ability to demonstrate that the bidder operations are restricted to suitable material.



4. Waste carrier registration (name, number and expiry date) if the bidder/subcontractor is intending to collect waste from any Council.

5. Where a bidder received a suspension of the above licences, registrations and permits (waste management licence, waste carrier registration etc.) issued in the past five years, the bidder must be able to demonstrate reasons, duration, recommendations, plans in place to

implement recommendations and any pending prosecutions of each occurrence of the suspension.

6. Where a bidder has been convicted of breaching environmental legislation, or had any notice served upon it, in the past three years by the environmental regulator or authority (including council). The bidder must be able to give details of the conviction or notice and

demonstrate comprehensive remedial actions or changes made as a result of conviction or notice served.

In accordance with Regulation 59(12), as this proposed Framework Agreement is divided into Lots, these Suitability selection criteria apply separately in relation to each individual lot.

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

List and brief description of selection criteria

1. SPD (Scotland) Questions 4B.5.1b and 4B.5.2: Insurance Requirements

2. SPD (Scotland) Question 4B.6: Other Economic & Financial Requirements

Minimum level(s) of standards possibly required

1. SPD (Scotland) Question 4B.5.1band 4B.5.2 - INSURANCE REQUIREMENTS:

It is a requirement of the contracts to be procured under the proposed framework agreement that bidders hold, or can commit to obtain prior to the commencement of any subsequently awarded contract, the types and levels of insurance indicated below:

EMPLOYERS LIABILITY INSURANCE = a minimum indemnity limit of GBP 10 million, each and every claim, without limit to the number of claims.

PUBLIC and PRODUCTS LIABILITY INSURANCE = a minimum indemnity limit of GBP 10 million, each and every claim for Public Liability and in the aggregate in respect of Products.

MOTOR VEHICLE INSURANCE = a minimum indemnity limit of GBP 5 million, each and every claim in respect of property damage, without limit to the number of claims, unlimited in respect of personal injury.

Bidders should note that increased level of insurance may be required by a Council at the time of appointing a Service Provider(s) depending on its specific requirements. In addition, ENVIRONMENTAL IMPAIRMENT LIABILITY INSURANCE may be required.

## 2. SPD Scotland) Question 4.B.6 - OTHER ECONOMIC AND FINANCIAL REQUIREMENTS:

A search of the bidder against Equifax's Protect must not return a 'Warning' or 'Caution' returnable code or any neutral code, unless the bidder confirms that it can provide any other document which Scotland Excel considers appropriate to prove to Scotland Excel (acting within its permitted discretion under the applicable public procurement rules) that the bidder does / would not present an unmanageable risk should it be appointed on to the proposed Framework Agreement.

Equifax's Protect is a fraud indicator / credit risk search and analysis of five areas of threat in relation to a particular company: credit history; disqualification; validation and investigation bureau; connected data; and bureau information.

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

List and brief description of selection criteria

1. SPD (Scotland) Question 4C.1.2 - Services
2. SPD (Scotland) Question 4C.10 - Subcontracting
3. SPD (Scotland) Question 4D.1 - Quality Assurance Schemes
4. SPD (Scotland) Question 4D.1 - Health and Safety Procedures
5. SPD (Scotland) Question 4D.2 - Environmental Management Standards

Minimum level(s) of standards possibly required

#### 1. SPD (SCOTLAND) QUESTION 4C.1.2 – SERVICES

Bidders will be required to provide a maximum of 3 previous examples of supplies or services carried out in the past three years that they deem appropriate to demonstrate that they have the relevant experience to deliver the supplies or services as described in part II.2.4 of this Contract Notice.

Have the bidder, any consortium member or any sub-contractors defaulted on the delivery of the contract, had a contract cancelled, or not renewed for failure to perform or, withdraw from the contract prematurely within the last three years, the bidder should be able to demonstrate the circumstances surrounding the event.

## 2. SPD (SCOTLAND) QUESTION 4C.10 - SUBCONTRACTING:

Bidders will be required to confirm whether they intend to subcontract and, if so, for what proportion of the contracts to be called-off under the proposed framework agreement.

If you intend to subcontract any share of the contract to third parties on whose capacity you do not rely to satisfy the selection criteria, you must secure that each subcontractor completes a separate SPD (Scotland) Response for all Parts of the SPD (Scotland) Qualification Envelope, except Part 4 (Selection criteria).

## 3. SPD (SCOTLAND) QUESTION 4D.1 - QUALITY ASSURANCE SCHEMES

The bidder must have the following:

The bidder must hold a UKAS (or equivalent) accredited independent third party certificate of compliance in accordance with BS EN ISO 9001 (or equivalent);

OR

A documented policy regarding quality management. The policy must set out responsibilities for quality management demonstrating that the Bidder has and continues to implement a quality management policy that is authorised by their Chief Executive, or equivalent, and is periodically reviewed at a senior management level. The policy must be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organisation.

## 4. SPD (SCOTLAND) QUESTION 4D.1 - HEALTH AND SAFETY PROCEDURES

The bidder must have the following:

The bidder must hold a UKAS (or equivalent), accredited independent third party certificate of compliance in accordance with BS OHSAS 18001 (or equivalent) or have, within the last 12 months, successfully met the assessment requirements of a construction-related scheme in registered membership of the Safety Schemes in Procurement (SSIP) forum.

Whilst it is a criteria for bidders to hold an accredited independent third party certificate of compliance in accordance with BS OHSAS18001 (or equivalent), it is important to note that due to the recent release of ISO 45001, this will now be withdrawn. Therefore,

bidders are also required as part of their submission to specify that they will commit to migrate to the new standard by March 2021.

OR

A regularly reviewed and documented policy for Health and Safety (H&S) management, endorsed by the Chief Executive Officer, or equivalent. The policy must be relevant to the nature and scale of the work and set out responsibilities for H&S management at all levels within the organisation.

The policy must be relevant to the nature and scale of your operations and set out your company's responsibilities of health and safety management and compliance with legislation.

#### 5. SPD (SCOTLAND) QUESTION 4D.2 - ENVIRONMENTAL MANAGEMENT STANDARDS

The bidder must have the following:

The bidder must hold a UKAS (or equivalent) accredited independent third party certificate of compliance with BS EN ISO14001 (or equivalent) or a valid EMAS (or equivalent) certificate;

OR

A regularly reviewed documented policy regarding environmental management, authorised by the Chief Executive, or equivalent. This policy must include and describe the Bidder's environmental emergency response procedures including the preparedness and response procedures for potential accidents and emergency response situations that give rise to significant environmental impacts (for example hazardous substances spill control).

### **III.2) Conditions related to the contract**

#### **III.2.2) Contract performance conditions**

For full details of the conditions relevant to the proposed Framework, and contracts to be called-off there under (to the extent known or settled at this stage), please see the procurement documents (details of how to access these being set out in section "I.3) Communication" of this Contract Notice).

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## **Section IV. Procedure**

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

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

Open procedure

#### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 12

#### **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.2.1) Previous publication concerning this procedure**

Notice number: [2020/S 049-117490](#)

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

Date

20 April 2021

Local time

12:00pm

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

English

#### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 5 (from the date stated for receipt of tender)

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

Date

20 April 2021

Local time

12:00pm

Place

Scotland Excel, Renfrewshire House, Cotton Street, Paisley PA1 1AR on

<https://www.publictendersscotland.publiccontractsscotland.gov.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 ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

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

Scotland Excel as a central purchasing body, may procure this framework on behalf of the following contracting authorities (and successor bodies):

- the 32 local authorities in Scotland listed at <http://www.scotland-excel.org.uk/home/aboutus/Ourmembers/Local-authorities.aspx>;
- Tayside Contracts;
- Scottish Prison Service and all establishments owned and managed by the Scottish Ministers through the Scottish Prison Service;
- Scotland Excel associate members, listed at <http://www.scotland-excel.org.uk/home/Aboutus/Ourmembers/Associate-members.aspx>; and,

- Any integration authority, or other body, established pursuant to the Public Bodies (Joint Working) (Scotland) Act 2014.

The above is subject to each contracting authority entering into and maintaining a relevant membership agreement or other access agreement with Scotland Excel.

Economic operators may be excluded from this competition if they are in any of the situations referred to in Regulation 58 of the Public Contracts (Scotland) Regulations 2015.

Bidders are advised that the envisaged maximum number of participants that might be appointed to the proposed framework agreement set out in section IV.1.3 of this contract notice is purely indicative. Scotland Excel reserves the right to appoint more or less bidders than the envisaged maximum number to the proposed Framework Agreement.

Subcontractors on whose capacity the Bidder does not rely: Scotland Excel will request the following information in the Single Procurement Document (Scotland):

- whether the bidders intend to subcontract any share of the contract to a third party;
- list of the proposed subcontracts as far as it is known at that stage; and
- what proportion / percentage of the contract does the Bidder intend to subcontract.

Please note that these subcontractors on whose capacity the bidder does not rely will be subject to the rules regarding Exclusion as set out immediately above.

## CONTRACT MANAGEMENT, KPIs & COMMUNITY BENEFIT REQUIREMENTS

As per details in the Special Conditions, Service Providers will be required to provide Management Information (MI) and KPIs on a quarterly basis.

It is envisaged that Community Benefit Requirement details will be provided on a 6-monthly basis.

MI requires an itemised statement for services provided for each contracting authority who will be permitted to purchase under this proposed Framework Agreement down to a defined categorisation structure set out in the MI template.

In addition, Details on the following KPIs must be provided:

- Turnaround time at site
- Customer complaints

- Accuracy and timeous management information (MI) returns
- Invoice Accuracy

Please see attachment included within the Additional Notice options section of the Contract Notice for further information.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 18114. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

A sub-contract clause has been included in this contract. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2363>

Community benefits are included in this requirement. For more information see:

<http://www.publiccontractsscotland.gov.uk/info/InfoCentre.aspx?ID=2361>

A summary of the expected community benefits has been provided as follows:

In accordance with section 25(3) of the Procurement Reform (Scotland) Act 2014 note that. Scotland Excel intends to include community benefit requirements. As part of your response within the Technical criteria, Bidders will be requested to commit to delivery of community benefits in accordance with the methodology outlined in the tender documents.

(SC Ref:645528)

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

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

Court of Session

Parliament Square

Edinburgh

EH1 1RQ

Country

United Kingdom

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



Please refer to VI.4.3 below

N/A

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

An economic operator that suffers, or risks suffering, loss or damage attributable to breach of duty under the Public Contracts

(Scotland) Regulations 2015 (SSI2015/446, as amended) may bring proceedings in the Sheriff Court or the Court of Session in accordance

with Regulation 88 of the 2015 Regulations.

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

Court of Session

Parliament Square

Edinburgh

EH1 1RQ

Country

United Kingdom