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Award

## **Mixed Dry Recyclate Treatment Service**

Leeds City Council - PACS

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-009703

Procurement identifier (OCID): ocds-h6vhtk-044ca2

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### **Section I: Contracting authority/entity**

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

Leeds City Council - PACS

Civic Hall

Leeds

LS11UR

#### **Contact**

Rachael Grimes

#### **Email**

[rachael.grimes@leeds.gov.uk](mailto:rachael.grimes@leeds.gov.uk)

#### **Telephone**

+44 1133785883

#### **Country**

United Kingdom

**Region code**

UKE42 - Leeds

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

Buyer's address

<https://yortender.eu-supply.com/login.asp?B=YORTENDER>

**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**

Mixed Dry Recyclate Treatment Service

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

- 90513100 - Household-refuse disposal services

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

Services

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

A trial is to be conducted to collect glass co-mingled with the other materials already collected in the green bin. This will allow the Council to make a timely and accurate assessment of the impact of collecting glass in this way, to inform a longer-term strategy for the best way to collect and recycle glass. In a way that considers issues such as the amount of household glass that is recovered for remelt, the extent to which other materials are affected by the glass and the customer's view on if this makes recycling at home simpler.

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

This contract is divided into lots: No

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £8,600,000

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

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

- 90513100 - Household-refuse disposal services

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

NUTS codes

- UKE42 - Leeds

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

This trial will allow the service to conduct a trial to co-mingle glass at the kerbside and access immediate savings generated both financially, environmentally and in terms of carbon reduction. Utilising the trial and allowing the impacts of DRS and EPR to become more clearly defined by the government and industry to a point where the eventual re-procurement can be undertaken safely in the full knowledge of what is expected to be collected (as a result of DRS) and what funding will be in place (through EPR).

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

Options: Yes

Description of options

To award a contract for 2 years, commencing on 1st August 2024, with the provision for a further 2 year extension.

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## Section IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

a) In making this modification the above conditions of Regulation 32 (2b) (ii) are deemed to be satisfied for the following reasons:

(i) HW Martin already have a contract with the Council until 2025 and it does not make economic nor technical sense to engage with another supplier for the 2 + 2 year trial period. When clear financial savings and carbon reductions can be realised immediately.

(ii) The Council would need to be compliant with regards to the collection requirements from March 2026. By awarding a contract, the Council becomes compliant in readiness for the date implementation mandated by legislation.

(iii) Any other disposal point would have to have spare capacity available to take the waste, in addition to alternative disposal points would need to be modelled extensively which may increase costs in terms of extra Officer time, vehicles, crews and other costs to the Council. The process of carrying out a contract tender process would also cause significant inconvenience and duplication of costs when provision can be obtained from the incumbent provider.

(iv) To fully assess the implications of the changes required by the Council while looking at any funding opportunities arising from EPR. This trial enables the Council to do that at no cost and furthermore, at a saving.

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

The procurement is covered by the Government Procurement Agreement: No

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## Section V. Award of contract/concession

**Title**

Mixed Dry Recyclate Treatment Service

A contract/lot is awarded: Yes

## **V.2) Award of contract/concession**

### **V.2.1) Date of conclusion of the contract**

22 March 2024

### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: No

### **V.2.3) Name and address of the contractor/concessionaire**

H W Martin Waste Ltd

Alfreton

DE55 5JY

Country

United Kingdom

NUTS code

- UKF1 - Derbyshire and Nottinghamshire

Companies House

03843329

The contractor/concessionaire is an SME

No

### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Initial estimated total value of the contract/lot/concession: £4,300,000

Total value of the contract/lot/concession: £8,600,000

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## **Section VI. Complementary information**

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

It is proposed that regulation 32 (2) (b) (ii) of the Public Contracts Regulations 2015 is used to Award a contract as set out in the terms below:

(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:-

(b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:-

(ii) competition is absent for technical reasons,

a) In making this modification the above conditions of Regulation 32 (2b) (ii) are deemed to be satisfied for the following reasons:

(i) HW Martin already have a contract with the Council until 2025 and it does not make economic nor technical sense to engage with another supplier for the 2 + 2 year trial period. When clear financial savings and carbon reductions can be realised immediately.

(ii) The Council would need to be compliant with regards to the collection requirements from March 2026. By awarding a contract, the Council becomes compliant in readiness for the date implementation mandated by legislation.

(iii) Any other disposal point would have to have spare capacity available to take the waste, in addition to alternative disposal points would need to be modelled extensively which may increase costs in terms of extra Officer time, vehicles, crews and other costs to the Council. The process of carrying out a contract tender process would also cause significant inconvenience and duplication of costs when provision can be obtained from the incumbent provider.

(iv) To fully assess the implications of the changes required by the Council while looking at any funding opportunities arising from EPR. This trial enables the Council to do that at no cost and furthermore, at a saving.

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

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

The Hight Court of Justice

The Strand

London

WC2A 2LL

Country

United Kingdom

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

Precise information on deadline(s) for review procedures

The authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. This period allows unsuccessful tenderers to seek further information from the contracting authority before the contract is entered into.

Such additional information should be requested from the addressee found in I.1. If an appeal regarding the award of a contract has not been successfully resolved the Public Contracts Regulations 2015 (SI 2015 No 102) provide for aggrieved parties who have been harmed or are 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 (within 30 days beginning with the date when the economic operator first knew or ought to have known that grounds for such action had arisen).

Where a contract has not been entered into the court may order the setting aside of the award decision or order the authority to amend any document and may award damages. Following the correct implementation of a 10 day standstill period and publication of appropriate notices the court may only award damages once the contract has been entered into.