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Contract

## **LISBURN AND CASTLEREAGH CITY COUNCIL FOR THE RECYCLING AND RECOVERY OF RESIDUAL AND BULKY WASTE FROM COUNCIL HOUSEHOLD RECYCLING CENTRES**

Lisburn and Castlereagh City Council

F20: Modification notice

Notice identifier: 2022/S 000-017921

Procurement identifier (OCID): ocds-h6vhtk-02a482

Published 30 June 2022, 3:56pm

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

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

Lisburn and Castlereagh City Council

Island Civic Centre Lagan Valley Island The Island

Lisburn

BT27 4RL

#### **Email**

[kathryn.cahill@lisburncastlereagh.gov.uk](mailto:kathryn.cahill@lisburncastlereagh.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UK - United Kingdom

**Internet address(es)**

Main address

<https://etendersni.gov.uk/epps>

Buyer's address

<https://etendersni.gov.uk/epps>

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## **Section II: Object**

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

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

LISBURN AND CASTLEREAGH CITY COUNCIL FOR THE RECYCLING AND RECOVERY OF RESIDUAL AND BULKY WASTE FROM COUNCIL HOUSEHOLD RECYCLING CENTRES

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

- 90514000 - Refuse recycling services

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

Services

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

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

NUTS codes

- UKN0E - Lisburn and Castlereagh

#### **II.2.4) Description of the procurement at the time of conclusion of the contract:**

Provision for the Recycling and Recovery of Residual and Bulky Waste from Council Household Recycling Centres in the Lisburn and Castlereagh City area. The tender is for one year with the option to extend for a further 2 years.

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

Duration in months

36

#### **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 IV. Procedure

### IV.2) Administrative information

#### IV.2.1) Contract award notice concerning this contract

Notice number: [2021/S 000-007441](#)

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## Section V. Award of contract/concession

### Contract No

1

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

#### V.2.1) Date of conclusion of the contract/concession award decision:

9 April 2021

#### V.2.2) Information about tenders

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

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

Irish Waste

Belfast

Email

[info@irishwaste.com](mailto:info@irishwaste.com)

Country

United Kingdom

NUTS code

- UKN06 - Belfast

Internet address

[www.irishwaste.net/](http://www.irishwaste.net/)

The contractor/concessionaire is an SME

Yes

**V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: £2,490,000

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**Section VI. Complementary information**

**VI.4) Procedures for review**

**VI.4.1) Review body**

NI Ombudsman

Belfast

Country

United Kingdom

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## **Section VII: Modifications to the contract/concession**

### **VII.1) Description of the procurement after the modifications**

#### **VII.1.1) Main CPV code**

- 90511000 - Refuse collection services

#### **VII.1.3) Place of performance**

NUTS code

- UKN0E - Lisburn and Castlereagh

#### **VII.1.4) Description of the procurement:**

Provision for the Recycling and Recovery of Residual and Bulky Waste from Council Household

Recycling Centres in the Lisburn and Castlereagh City area. The tender is for one year with the option to extend for a further 2 years. The

contract commenced on 12 April 2021 and would therefore end on 11 April 2024 should the Council choose to exercise all extensions

under the contract. The current extension will be for an initial 6 months which would bring us to 12 October 2022.

#### **VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months

36

#### **VII.1.6) Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession:

£2,875,000

#### **VII.1.7) Name and address of the contractor/concessionaire**

Irish Waste

Belfast

Email

[info@irishwaste.com](mailto:info@irishwaste.com)

Country

United Kingdom

NUTS code

- UKN06 - Belfast

Internet address

[www.irishwaste.net](http://www.irishwaste.net)

The contractor/concessionaire is an SME

Yes

## **VII.2) Information about modifications**

### **VII.2.1) Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

The cost increase has been attributable to the increasing energy and fuel costs (also the ban on the use of red diesel and move to white

diesel) which directly impacts on the operation of the Materials Recovery Facility, the driver and employee shortage challenge within the

haulage and waste processing industries which has necessitated employers reviewing their pay scales and terms and conditions not only

to hold on to existing staff but also to attract new staff and increasing costs for the manufacture and supply of components and parts

used in the maintenance of plant, equipment and waste containers. The recent increase in National Insurance costs has also impacted

on staffing costs. The transition of world economies out of Covid, Brexit and its impact of the war in Ukraine have directly contributed to

the current economic climate of rising costs. It is worthwhile noting that UK inflation currently stands at around 9% and is expected to

increase further over the coming months. The tender was awarded in early January 2021 and it is therefore reasonable to assume that

contractors would not have foreseen the current cost increases in delivering services under the contract at time of tendering.

This direct award is permitted by Regulation 72(1)(c) of the Public Contracts Regulations 2015

(c) where all of the following conditions are fulfilled:—

(i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;

(ii) the modification does not alter the overall nature of the contract;

(iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.

#### **VII.2.2) Reasons for modification**

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

The cost increase has been attributable to the increasing energy and fuel costs (also the ban on the use of red diesel and move to white

diesel) which directly impacts on the operation of the Materials Recovery Facility, the driver and employee shortage challenge within the

haulage and waste processing industries which has necessitated employers reviewing their pay scales and terms and conditions not only

to hold on to existing staff but also to attract new staff and increasing costs for the manufacture and supply of components and parts

used in the maintenance of plant, equipment and waste containers. The recent increase in National Insurance costs has also impacted

on staffing costs. The transition of world economies out of Covid, Brexit and its impact of the war in Ukraine have directly contributed to

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(c) where all of the following conditions are fulfilled:—

(i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;

(ii) the modification does not alter the overall nature of the contract;

(iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.

### **VII.2.3) Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £2,490,000

Total contract value after the modifications

Value excluding VAT: £2,875,000