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Contract

## **WCC - Reprocessing of separately collected Food Waste**

Warwickshire County Council

F20: Modification notice

Notice identifier: 2022/S 000-023706

Procurement identifier (OCID): ocids-h6vhtk-031495

Published 25 August 2022, 8:32am

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

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

Warwickshire County Council

Shire Hall, Market Square

WARWICK

CV344RL

#### **Contact**

Waste Management

#### **Email**

[wastetenders@warwickshire.gov.uk](mailto:wastetenders@warwickshire.gov.uk)

#### **Country**

United Kingdom

#### **Region code**

UKG13 - Warwickshire

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

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

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## **Section II: Object**

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

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

WCC - Reprocessing of separately collected Food Waste

Reference number

2022/S 000-003578

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

- 90500000 - Refuse and waste related services

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

Services

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

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

NUTS codes

- UKG13 - Warwickshire

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

Warwickshire County Council ("the Council") is a Waste Disposal Authority and was seeking to appoint a Supplier for the reprocessing of separately collected Food Waste. The Council sought to take up (at their sole discretion), the option for collection and haulage of the separately collected food waste through this Contract at any point during its term.

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

Duration in months

120

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## **Section IV. Procedure**

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

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

Notice number: [2022/S 000-012732](#)

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## **Section V. Award of contract/concession**

### **Contract No**

WCC - 12329

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

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

5 May 2022

#### **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**

Northwick Power Limited

Birmingham

Country

United Kingdom

NUTS code

- UKG - West Midlands (England)

Companies House

13503522

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: £2,200,000

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## **Section VI. Complementary information**

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

The estimated total value of the contract was an overall income of -

£2,200,000 this based on processing separately collected food waste arising in all five Waste Collection Authorities (WCAs) in Warwickshire for the maximum number of years (10) and haulage from all five WCAs to the delivery point.

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

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

High Court of England and Wales

London

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**

- 90500000 - Refuse and waste related services

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

NUTS code

- UKG13 - Warwickshire

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

Warwickshire County Council ("the Council") is a Waste Disposal Authority and was seeking to appoint a Supplier for the reprocessing of separately collected Food Waste. The Council may seek to take up (at their sole discretion), the option for collection and haulage of the separately collected food waste through this Contract at any point during its term.

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

## **concession**

Duration in months

120

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

Total value of the contract/lot/concession:

£2,200,000

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

Northwick Power Limited

FLOOR 15 ALPHA TOWER, SUFFOLK STREET QUEENSWAY

BIRMINGHAM

B1 1TT

Country

United Kingdom

NUTS code

- UKG - West Midlands (England)

Companies House

13503522

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):

A procurement process was carried out from February to May 2022 for the reprocessing

of separately collected food waste. Following that tender a contract was awarded to Northwick Power Ltd (NPL) on 5 May 2022 and the contract award was accepted by NPL on 12 May 2022.

The contract was later repudiated (or, in the alternative, there was a material breach of contract) and the repudiation was accepted (or, in the alternative, the contract was terminated for material breach) by Warwickshire County Council on 1 August 2022.

#### **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 contract had been awarded on 5 May 2022 and the contract award had been accepted by Northwick Power Limited (NPL) on 12 May 2022 following NPL's participation in an open procedure procurement exercise. The repudiation of the contract by NPL (or the material breach by NPL) was an extraordinary and unexpected event.

#### **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: £2,200,000

Total contract value after the modifications

Value excluding VAT: £2,200,000