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Award

## **Materials Resource Management Contract (MRMC)**

West Sussex County Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-023791

Procurement identifier (OCID): ocds-h6vhtk-0485f6

Published 30 July 2024, 3:16pm

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

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

West Sussex County Council

County Hall

Chichester

PO19 1RG

#### **Contact**

Neil Robb

#### **Email**

[neil.robbs@westsussex.gov.uk](mailto:neil.robbs@westsussex.gov.uk)

#### **Telephone**

+44 3302229426

#### **Country**

United Kingdom

**Region code**

UKJ27 - West Sussex (South West)

**Internet address(es)**

Main address

<https://www.westsussex.gov.uk>

Buyer's address

<https://www.westsussex.gov.uk>

**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**

Materials Resource Management Contract (MRMC)

**II.1.2) Main CPV code**

- 45222110 - Waste disposal site construction work

**II.1.3) Type of contract**

Works

**II.1.4) Short description**

Changes to the existing long-term waste management contract for the prevention, reception, reuse, recycling, recovery, transport, treatment and

disposal of waste for which it is the statutory waste disposal authority. The contract does not include the collection of waste.

#### **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: £703,500,000

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

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

- 45232470 - Waste transfer station

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

NUTS codes

- UKJ27 - West Sussex (South West)

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

Changes to the existing long-term waste management contract for the prevention, reception, reuse, recycling, recovery, transport, treatment and disposal of waste for which it is the statutory waste disposal authority. The contract does not include the collection of waste.

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

Quality criterion - Name: Technical/ Quality / Weighting: 40

Cost criterion - Name: Price / Weighting: 60

#### **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 IV. Procedure

### IV.1) Description

#### IV.1.1) Type of procedure

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:
  - absence of competition for technical reasons

Explanation:

Section 57(8) of the Environment Act 2021 (“the 2021 Act”) requires separate (weekly) kerbside collection and treatment of household food waste. Section 45A of the 2021 Act (and Central Government’s related ‘Simpler Recycling’ policy), require Waste Collection Authorities (“WCAs”) to commence collection of food waste separately from household waste by March 2026.

Separately collected recyclable waste streams cannot be mixed with other recyclable waste stream or with other types of waste or other substances or articles. Consequently, in its capacity as a WDA, WSCC is now required to make arrangements to treat segregated food waste separately from residual black bag waste and other waste.

The introduction of separate food waste collections will thus render a significant part of the current function of the MBT facility (the separation of the biodegradable/organic and inorganic fractions of residual waste) redundant. This is because the new collection arrangements mean that these types of waste will no longer be mixed, and therefore will no longer require separation at the MBT facility.

In order to address the introduction of separate food waste collection, WSCC is reconfiguring the MBT facility to introduce a separate (biological) processing line for separately collected food waste. The re-configuration of the MBT facility is expected to increase plant reliability and reduce cost (and deliver a number of other financial and environmental benefits).

The required reconfiguration services and works at the MBT facility require to be conducted on a flexible and iterative basis because the WCAs whose waste will be processed at the MBT facility will introduce segregated food waste collection at different times in advance of 31 March 2026.

WSCC is varying the MRMC Contract to provide for Biffa West Sussex to undertake the

required services and works at the MBT facility to address the matters summarised above.

Having regard to (i) Biffa West Sussex's position as the on-going provider of services at the MBT facility, and its expertise and experience in establishing and running the facility, and related property and intellectual property rights and knowhow, and (ii) the need for the required services and works to be delivered in a manner that does not prevent or undermine successful continuity of on-going service provision, WSCC considers that conducting a procurement in respect of the required services and works, and potentially changing contractor, is not feasible for economic or technical reasons including (amongst other things) requirements of interchangeability or interoperability with existing equipment, services and/or installations at the MBT facility. A change of contractor would also, in these circumstances, cause significant inconvenience or substantial duplication of costs for WSCC.

WSCC also considers that the introduction of the legislative and policy measures summarised above, and the reconfiguration of the MBT facilities which they require, could not reasonably have been foreseen. Accordingly, WSCC considers that the Modifications satisfy the requirements of regulations 72(1)(b) and (c) of the Public Contracts Regulations 2015.

WSCC estimates the total costs of the ANC015 and ANC017 services and works at ca£7.5 million.

#### **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: [2010/S 155-239045](#)

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

A contract/lot is awarded: Yes

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

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

23 July 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**

BIFFA WEST SUSSEX LTD

|

Buckinghamshire

HP12 3TZ

Country

United Kingdom

NUTS code

- UKJ27 - West Sussex (South West)

National registration number

06744107

Internet address

<http://www.transform-uk.net>

The contractor/concessionaire is an SME

No

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

Total value of the contract/lot/concession: £696,000,000

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## **Section VI. Complementary information**

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

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

The High Court

London

London

EC4A 1NL.

Country

United Kingdom

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

Cabinet Office - Public Procurement Review Service

1 Horse Guards Road

London

SW1A 2HQ

Country

United Kingdom

Internet address

<https://www.gov.uk/government/organisations/cabinet-office>