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Award

Herefordshire and Worcestershire Integrated Waste Management Contract

Worcestershire County Council; County of Hereford District Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2022/S 000-033681

Procurement identifier (OCID): ocids-h6vhtk-0388db

Published 28 November 2022, 3:59pm

Section I: Contracting authority/entity

I.1) Name and addresses

Worcestershire County Council; County of Hereford District Council

County Hall

Worcester, Hereford

Contact

Kate Kelly

Email

kkelly@worcestershire.gov.uk

Telephone

+44 1905846335

Country

United Kingdom

Region code

UKG1 - Herefordshire, Worcestershire and Warwickshire

Justification for not providing organisation identifier

Not on any register

Internet address(es)

Main address

www.worestershire.gov.uk:

Buyer's address

www.worcestershire.gov.uk

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Herefordshire and Worcestershire Integrated Waste Management Contract

II.1.2) Main CPV code

- 90510000 - Refuse disposal and treatment

II.1.3) Type of contract

Services

II.1.4) Short description

This VEAT notice relates to a permitted modification to a contract originally awarded in December 1998 (following a competitive award process in accordance with the then applicable Public Services Contracts Regulations 1993 under the negotiated procedure) . The modification involves (i) an extension of 5 years to the contract (at a discounted sum from the current contract terms), (ii) alternative disposal obligations in respect of food and garden waste and paper/cardboard to meet Herefordshire Council's proposed future waste collection model and anticipated future legislation, (iii) inclusion of the right of Herefordshire Council to require additional waste to be processed at the Energy from Waste facility at Hartlebury at an agreed commercial rate to achieve the Council's diversion from landfill targets . The amendments will be validly made and the Councils' decisions in relation to the modifications are in the public domain (see links at the end of this section). Item (i) above is within the scope of the original published contract notice, is permitted under regulation 72(1)(e) of the Public Contracts Regulations 2015 ("PCR") and does not amount to a new contract. Items (ii) and (iii) above are also not substantial (as permitted by Regulation 72(1)(e) of PCR and the variations do not amount to a new contract. In addition, item (ii) is permitted under regulation 72(1)(f) of PCR.

Links: <https://worcestershire.moderngov.co.uk/documents/g3730/Public> reports pack 09th-Dec-2021 10.00 Cabinet.pdf?T=10;

<https://worcestershire.moderngov.co.uk/documents/g3730/Printed> minutes 09th-Dec-2021 10.00 Cabinet.pdf?T=1

<https://councillors.herefordshire.gov.uk/documents/g8138/Public> reports pack Thursday 25-Nov-2021 14.30 Cabinet.pdf?T=10;

<https://councillors.herefordshire.gov.uk/documents/g8138/Public> minutes Thursday

25-Nov-2021 14.30 Cabinet.pdf?T=11

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: £1,176,000,000

II.2) Description

II.2.2) Additional CPV code(s)

- 90514000 - Refuse recycling services

II.2.3) Place of performance

NUTS codes

- UKG1 - Herefordshire, Worcestershire and Warwickshire

Main site or place of performance

Worcestershire and Herefordshire

II.2.4) Description of the procurement

This VEAT notice relates to the permitted modification of an integrated contract which comprises the design, construction financing and operation of facilities to receive, process, dispose of and/or recycle municipal solid waste generated within the counties of Herefordshire and Worcestershire for a period of between 15 and 30 years. The original contract was awarded in December 1998 following a negotiated procedure procurement, and was subject to a permitted modification in 2014. See section IV.2.1 for details of the previous notice.

II.2.11) Information about options

Options: No

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:

This VEAT notice relates to a permitted modification to a contract originally awarded in December 1998 (following a competitive award process in accordance with the then applicable Public Services Contracts Regulations 1993 under the negotiated procedure). The modification involves (i) an extension of 5 years to the contract (at a discounted sum from the current contract terms), (ii) alternative disposal obligations in respect of food and garden waste and paper/cardboard to meet Herefordshire Council's proposed future waste collection model and anticipated future legislation, (iii) inclusion of the right of Herefordshire Council to require additional waste to be processed at the Energy from Waste facility at Hartlebury at an agreed commercial rate to achieve the Council's diversion from landfill targets. The amendments will be validly made and the Councils' decisions in relation to the modifications are in the public domain (see links at the end of this section). Item (i) above is within the scope of the original published contract notice, is permitted under regulation 72(1) (e) of ("PCR") and does not amount to a new contract. Each of items (ii) and (iii) above are also not substantial (as permitted under regulation 72(1)(e) of the PCR) and the variations do not amount to a new contract. In addition, item (ii) is permitted under regulation 72(1)(f) of PCR.

Links: <https://worcestershires.moderngov.co.uk/documents/g3730/Public> reports pack 09th-Dec-2021 10.00 Cabinet.pdf?T=10;

<https://worcestershires.moderngov.co.uk/documents/g3730/Printed> minutes 09th-Dec-2021 10.00 Cabinet.pdf?T=1

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<https://councillors.herefordshire.gov.uk/documents/g8138/Public> minutes Thursday 25-Nov-2021 14.30 Cabinet.pdf?T=11

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

The procurement is covered by the Government Procurement Agreement: No

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number: [2014/S 087-152968](#)

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

22 December 1998

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

Mercia Waste Management Limited

Evesham

Country

United Kingdom

NUTS code

- UKG12 - Worcestershire

Companies House

03525188

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: £1,176,000,000

Total value of the contract/lot/concession: £1,176,000,000

Section VI. Complementary information

VI.3) Additional information

The contract was procured and jointly awarded by both Worcestershire County Council ("WCC") and the County of Herefordshire District Council ("CHDC") of Plough Lane, Hereford, HR4 0LE

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

Royal Courts of Justice, Strand

London

WC2A 2LL

Country

United Kingdom