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Contract

## **For the supply of organic waste for treatment**

Warwickshire County Council

F20: Modification notice

Notice identifier: 2024/S 000-036370

Procurement identifier (OCID): ocds-h6vhtk-04b559

Published 11 November 2024, 10:39am

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

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

Warwickshire County Council

Shire Hall, Market Square

WARWICK

CV344RL

#### **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**

For the supply of organic waste for treatment

Reference number

796

#### **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:**

Contract for the composting of organic waste.

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

Duration in months

240

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## **Section IV. Procedure**

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

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

Notice number: [2006/S 214-229553](#)

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

### **Contract No**

796

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

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

12 November 2007

#### **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**

Biffa Waste Services

High Wycombe

Country

United Kingdom

NUTS code

- UKJ13 - Buckinghamshire CC

Companies House

946107

The contractor/concessionaire is an SME

No

#### **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: £1,500,000

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## **Section VI. Complementary information**

### **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:**

Contract for the composting of organic waste.

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

Duration in months

240

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

Total value of the contract/lot/concession:

£30,000,000

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

Biffa Waste Services

High Wycombe

Country

United Kingdom

NUTS code

- UKJ13 - Buckinghamshire CC

Companies House

946107

The contractor/concessionaire is an SME

No

## **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 variation reflects what is provided for in the contract and with the current operation of the services in light of the changes since the contract was in place in 2009.

The variation includes the following changes:

Contract extension

Definitions to align with the changes to the contract

Tonnage levels

Exclusivity

Price review

Option of additional green waste services

The previous value stated at V.2.4 was the annual value and for the purpose of the modification notice we have updated the total value in line with the contract term.

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

Need for additional works, services or supplies by the original contractor/concessionaire.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

The contract provides for extension under clause 4.2.1 for a further 5 years.

The exclusivity for green waste service from Warwick District Council and Stratford-upon-Avon District Council is applied to reflect the change in tonnage levels and is made conditional.

The annual review to price review remains the same with indexation to the whole of the Gate Fee for consistency and this being from RPIX to CPI to achieve better value for the authority. The change to tonnage levels was required for some time as it was quite stringent and in need for an adjustment and this change was considered appropriate at the time to review prior to the further extension of the contract to reflect the requirements of the authority.

The optional additional green waste services (with conditional exclusivity) collected in Rugby Borough Council, North Warwickshire Borough Council and Nuneaton & Bedworth Borough Councils are at the discretion of the Council to provide flexibility, value for money and provide a smooth transition to new separate food waste collection arrangements but is not guaranteed. These services are considered similar to those under the contract and not different in character as the scope of the contract includes biowaste which is food waste and green waste. If these services are requested by the authority they could be short term as separate food waste collections may be introduced during the extension period.

Overall the service remains the same with some changes as outlined above and the contract is varied to meet the needs of the Council and provides flexibility to move to new collection arrangements envisaged in central government's new waste strategy including the separate collection and processing of food waste. The changes for the contract are designed to achieve value for money and flexibility to allow the transition to weekly collection of food waste which is anticipated to be separate from other waste. The contract extension and variation are to secure arrangements that will facilitate the continued efficient and effective management of Warwickshire's biowaste and green waste.

The changes are permissible under clause 22.11 of the contract by the parties agreement and are not considered substantial in accordance with Regulation 72 (8) PCCR 2015 as

the provision for extension is already contained within the contract, the service is similar to under the original contract and are not materially different in character, the changes do not introduce conditions as there is an optional service at the discretion of the Council and does not change the economic balance of the contract in favour of the contractor as the changes are not an economic gain in favour of the contractor but the changes are to achieve value for money for the authority and the changes do not extend the scope of the contract considerably.

### **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: £30,000,000

Total contract value after the modifications

Value excluding VAT: £30,000,000