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Contract

Green waste and biowaste management

Warwickshire County Council

F20: Modification notice

Notice identifier: 2024/S 000-036371

Procurement identifier (OCID): ocds-h6vhtk-04b55a

Published 11 November 2024, 10:42am

Section I: Contracting authority/entity

I.1) Name and addresses

Warwickshire County Council

Shire Hall,Market Square

WARWICK

CV344RL

Email

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

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Green waste and biowaste management

Reference number

3505

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:

Reception and processing of organic waste.

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

Duration in months

180

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number: [2011/S 123-204552](#)

Section V. Award of contract/concession

Contract No

3505

Title

Green waste and biowaste management

V.2) Award of contract/concession

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

29 November 2011

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

FCC Waste Service (UK) Limited

Northampton

Country

United Kingdom

NUTS code

- UKF24 - West Northamptonshire

Companies House

988844

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: £8,000,000

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

London

Country

United Kingdom

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:

Reception and processing of organic waste.

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

concession

Duration in months

180

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

Total value of the contract/lot/concession:

£8,000,000

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

FCC Waste Services (UK) Limited

Northampton

Country

United Kingdom

NUTS code

- UKF24 - West Northamptonshire

Companies House

988844

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 2011/12.

The variation includes the following changes:

Definitions to align with the changes to the contract

A revised termination date of 31/03/2025 and therefore a reduction in contract term of 30 months and therefore VII.1.5 is no longer 180 months but 150 months following this modification.

Reduced scope with the removal of reprocessing

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 government strategy is for separate collection of food and garden waste by April 2026. A contract variation has been required to enable the Council to implement the government's strategy.

The contract variation will secure arrangements that will facilitate the continued efficient and effective management of Warwickshire's bio waste in the short term and allow a smooth transition to the new collection arrangements expected by April 2026. The changes under the contract will give the Council secure processing capacity within the county and flexibility to move to the new arrangements required to support the separate weekly collection of food waste.

The variation negotiated for the FCC contract is designed to achieve value for money including the price adjustment and flexibility to allow the transition to the weekly collection of food waste which is anticipated to be separate from other waste. The removal of the biowaste collected leaves the contract for the bulking and haulage of bio waste collected in North Warwickshire and Nuneaton and Bedworth to a processing facility nominated by the Council which is the vessel composting facility at Ufton.

Early contract termination will provide the Council time to tender the bulking and haulage services and the Council being able to take full control for the transfer, haulage and processing of the biowaste being collected in North Warwickshire and Nuneaton and Bedworth.

The above changes are considered under Regulation 72 (8) Public Contract Regulations as not substantial because the reduced term is still within the scope of the contract. The reduction in scope of the services by the removal of the requirement to process bio waste collected are not materially different in character from the outset of the contract under Regulation 72 (8) (a), under Regulation 72 (8) (b) this change including the reduced term do not introduce conditions which would have altered the outcome as the reduced service

was already part of the service and the reduction in term is for 2 ½ years over the total 15 year contract. The reduced term and scope do not change the economic balance of the contractor under Regulation 72 (8) (c) as the contract has been in place for over 12 years and the changes are not considered substantial to affect the period towards the end of the contract from a long-term contract. In addition the reduction in contract price does not favour the contractor and is considered achieving best value for the Council. The changes do not extend the scope of the contract considerably under Regulation (8) (d) because the changes are within the scope of the contract and not an extension but a reduction to align with the Council's requirements to meet the Government's Strategy to separate food waste from biowaste services.

Overall the service remains the same with some changes as outlined above and the contract is varied to meet the needs of the Council , achieve value for money 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.

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: £8,000,000

Total contract value after the modifications

Value excluding VAT: £8,000,000