

**NORTH LINCOLNSHIRE COUNCIL**

**CABINET**

**WASTE 2 (RESIDUAL WASTE TREATMENT FACILITY) PROJECT -  
MODIFICATIONS TO CONTRACT PROCEDURE RULES**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 Contract Procedure Rules (CPR's) form the framework of mandatory procurement procedures that must be followed when the council purchases supplies, services or works.
- 1.2 The Waste 2 Project is being procured using the Competitive Dialogue procedure. Consequently, the council's standard set of CPR's require some modification to meet the bespoke needs of this project.

**2. BACKGROUND INFORMATION**

- 2.1 On 29 January 2013 Cabinet approved a project ("Waste 2 Project") to deliver a Residual Waste Treatment Facility with production of renewable energy. Cabinet also approved the establishment of a Core Project Team, the allocation of appropriate revenue funding and the investigation of the use of prudential borrowing to fund capital work associated with the Waste 2 Project.
- 2.2 Subsequently, the Core Project Team has undertaken work to explore the best method by which to achieve the aims required from the Waste 2 Project. This has included further 'soft market testing' dialogue with potential partners.
- 2.3 On 22 May 2013, the Highways and Neighbourhoods Cabinet Member agreed to scope a procurement using a streamlined procedure that facilitates the widest possible market participation. The Cabinet Member also agreed a set of key project objectives against which to drive the procurement process.
- 2.4 The mandatory procedures governing how the procurement of supplies, services and works should be carried out by officers and elected members are set out in CPR's. The council's standard set of CPR's require modification to suit the Waste 2 Project as it will employ a Competitive Dialogue procedure. The CPR's also require any such modifications to be

approved by Cabinet or full Council. The proposed modifications to the CPR's required for this project are set in appendix 1 of this report.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Cabinet is asked to consider approving the modified CPR's as recommended in this report.

### **4. ANALYSIS OF OPTIONS**

4.1 Approving the proposed modifications to the CPRs will enable the Waste 2 Project to proceed as planned. It will also facilitate a legally compliant progression of the Waste 2 Project and incorporate acknowledged best practice.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There are no resource implications relating to this matter.

### **6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

6.1 Not applicable as this matter does not relate to the planning or review of a project, policy, strategy or plan.

### **7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 The Waste 2 Project Board, including the Director of Policy and Resources, has reviewed and approved the proposed modifications to the CPR's.

7.2 There are no declared conflicts of interest requiring consideration.

### **8. RECOMMENDATIONS**

8.1 That Cabinet approves the proposed modifications to the CPR's contained at appendix 1 to this report

## **DIRECTOR OF PLACES**

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**Background Papers used in the preparation of this report** None

***Appendix 1 – Modifications to the Councils Contract Procedure Rules in connection with the Waste 2 Project.***

**Contract Procedure Rules**

**North Lincolnshire Council  
Waste 2 Project**

The following standing orders will apply to the Waste 2 Project Competitive Dialogue Procedure commencing with the placement of the OJEU notice and terminating on the award of contract.

**1. Purpose**

These procedure rules are designed to apply the principles of the council's Contract Procedure Rules that will apply to the Waste 2 Project except in so far as they are not varied by these procedure rules, and comply with the Public Contract Regulations 2006 (as amended). These procedure rules are designed to cover the key stages of the Waste 2 Project. However, their application is a matter of interpretation and guidance should be sought from the Programme Director as to their application.

**2. Main Aim**

The main aim of these procedure rules is to ensure the fair and consistent treatment of bidders as well as provide an audit trail and accountability for the decision-making process.

**3. General**

**3.1. Contact with Bidders**

3.1.1 During the Competitive Dialogue procedure, contact with actual and potential bidders should be restricted to issues relating to the procedure and the market offer made by the council.

3.1.2 Any such contact should be recorded as to date, parties, issue and resolution in the Waste Contracts Enquiries log currently available on the Waste Contracts server unless recorded on the electronic portal used for the procurement. It is the responsibility of council staff to complete these details within a short period of time (i.e. within 24 hours).

- 3.1.3. Contact about issues other than those specified should be referred to the Programme Director. The referral is to be logged as indicated in 3.1.2.

## 3.2. Decision Making

- 3.2.1 Decisions made as authorised by the council's constitution and these procedure rules shall be recorded in writing in the form prescribed by the Programme Director and retained by the Core Project Team.
- 3.2.2 All such decisions will be published in accordance with the council's existing governance arrangements.
- 3.2.3 Copies of decisions will be made available upon request by any person with sufficient interest unless the decision is commercially confidential.

## 4. Publication of Documents

- 4.1 Procurement document management and correspondence with applicants and bidders will be managed through the council's nominated electronic tender portal unless applicants/bidders submit hard copy documents at the request of the council, in which case the provisions in Section 6 will apply.

## 5. Decision Making - Key Stages

Decisions will be made at the following key stages shown below.

- 5.1 PQQ (Pre-Qualification Questionnaire) stage – the decision to confirm those bidders to continue on to ITPD is by the Waste 2 Project Board on the recommendation of the Programme Director.
- 5.2 ITPD (Invitation to Participate in Dialogue) stage - the decision to confirm those bidders to receive the invitation to participate in dialogue is by the Waste 2 Project Board on the recommendation of the Programme Director.
- 5.3 ITCD (Invitation to Continue Dialogue) stage - the decision to confirm the bidders to receive the invitation to submit final tenders is by the Cabinet Member for Highways and Neighbourhoods on the recommendation of The Director of Places following the approval by the Waste 2 Project Board of the recommendation of the Programme Director.
- 5.4 ISFT (Invitation to Submit Final Tenders) stage - the decision to award Preferred Bidder status is by the Cabinet Member for Highways and Neighbourhoods, on the recommendation of The Director of Places following the approval by the Waste 2 Project Board of the recommendation of the Programme Director.

- 5.5 The decision to award the contract is by Cabinet on recommendation of The Director of Places following the approval by the Waste 2 Project Board of the recommendation of the Programme Director.
- 5.6 All other decisions as may be required during this procurement phase are to be made by the Programme Director.

## **6. Bidder responses**

When, as a part of any documents a formal written response is required from the bidder, the following will apply:

- 6.1 All responses to be in English, or accompanied by an English translation, to be typed in hard copy in Arial font not smaller than 12 point.
- 6.2 All correspondence to be managed through the council nominated electronic portal unless applicants/bidders submit hard copy documents at the council's request, in which case the provisions in Section 6.3 will apply
- 6.3 Hard copy documents to be delivered to Civic Centre, Ashby Road, Scunthorpe, North Lincolnshire, DN16 1AB, not later than 12 noon on the date specified in the documents, addressed to the Assistant Director Legal and Democratic Services, Policy and Resources Directorate (Waste Contracts) who will retain the response until the date specified for delivery.
- 6.4 Copies of any such documents may be filed electronically on the council's nominated electronic portal. Such copies will not be accessed by any person until the due date.
- 6.5 In any case of conflict of detail between hard and electronic copies, the hardcopy will be definitive.
- 6.6 The receipt of all such hardcopy responses shall be recorded by the representative of the Assistant Director Legal and Democratic Services, Policy and Resources Directorate in an appropriate form.
- 6.7 Hard copies of any response other than the Final Tender shall be opened by the Programme Director in the presence of a representative of the Assistant Director Legal and Democratic Services, Policy and Resources Directorate after the published closing date for the response. The Cabinet Member for Highways and Neighbourhoods, shall open the Final Tenders in the presence of the Programme Director and a representative of the Director of Policy and Resources.
- 6.8 No electronic copy of a document shall be opened until such time as the hardcopy of that document has been opened in accordance with para 6.7 above.
- 6.9 Any response not complying with paras 6.1, 6.2 and 6.3 above shall, subject to the discretion of the Programme Director to admit any document for good

cause, be deemed to be non-compliant with the Waste 2 Project requirements and may be disregarded.

## **7. Procurement Documentation**

- 7.1 The Programme Director will adopt and cause to be published a Procurement Timetable setting out indicative dates for the procurement process.
- 7.2 The Waste 2 Project Board will adopt and cause to be published Governance Arrangements and Waste 2 Project Board Terms of Reference.

## **8. Declarations of interest**

- 8.1 Any person employed about the conduct of evaluation of the Waste 2 Project shall declare in written form any interest whether personal or prejudicial (within the meaning of the Local Government Act 2000 and associated regulations) in connection with any person or body corporate who submits a pre-qualification questionnaire in response to the Council OJEU notice.

## **9. General application of Council's Contract Procedure Rules**

- 9.1 The council's Contract Procedure Rules will otherwise apply to this project save as varied above.