

**West of England Partnership
Joint Waste Management Committee
12th February 2009**

Report of the Chief Executive

West of England Phase 3 Joint Waste Treatment and Disposal Contract OJEU Notice

Purpose of the Report

1. To seek approval to the publication of the OJEU Notice for the procurement of the long-term waste treatment and disposal contract on behalf of Bristol, North Somerset and South Gloucestershire Councils, under Phase 3 of the West of England Joint Waste Strategy.

Background

2. Under the procurement regime of the European Union, contracting organisations are required to publish a notice in the Official Journal of the European Communities in respect of contracts for services above a threshold level of £139,893.
3. Under the Joint Working Agreement (JWA) and the constitution of the Joint Waste Management Committee agreed by the partnering Authorities for Phase 3 of the Joint Waste Strategy, the decision to issue the OJEU Notice has been delegated to the Joint Waste Management Committee. The contract is being procured by Bristol as the identified Lead Authority.
4. Notices (often referred to as Advertisements) placed in the Official Journal of the European Communities (OJEU) are the official means of delivering information to the market concerning the progress of a particular competitive procurement.
5. The Notice is an important starting point in the procurement process because it sets the foundations for the the contract that is being procured. It has to be very carefully drafted so as to allow the authorities the most open and flexible approach to securing the business needs and priorities of the contracting organisation.
6. The OJEU advertisement for the Phase 3 contract is the public announcement of our intention to contract for waste treatment and disposal. In addition to stating the business needs and priorities, the Notice must also achieve a realistic balance between a scope that is wide and flexible enough to encourage innovation, and a statement of business need to which the market can make a meaningful response. It must specify achievable timeframes within EU Procurement rules. The OJEU notice must provide a clear linkage between the business strategy for Phase 3 and the service outcomes which will deliver the key service objectives.

Context

7. DEFRA's procurement programme, as shared with Members on 13th November 2008, shows a target date for the publication of the OJEU Notice as 31st March 2009. The Project's self imposed target date is 6th March 2009.
8. Publication of the Notice for Phase 3 procurement can only go ahead once the Outline Business Case has been approved by a meeting of HM Treasury's Project Review Group (PRG). This is timetabled for 17th February 2009 and is the final stage of the approval process within DEFRA's Waste Infrastructure Delivery Programme (WIDP). An announcement following this meeting is expected on or about 26th February 2009.
9. In order to expedite the commencement of procurement, and keep the procurement process aligned with the Project Plan and Programme, the project team is asking the Joint Waste Management Committee to approve the publication of the OJEU Notice subject to the successful outcome of the PRG meeting. The earliest the Notice can be realistically be published is on or about 6th March 2009..

The OJEU Notice

10. The proposed OJEU Notice for the Phase 3 is in the process of being drafted in liaison with Bristol City Council's Corporate Procurement Unit in accordance with the requirements of relevant legislation. The Notice will be vetted by Lead Legal Advisors (internal and external) to ensure that it complies with law and regulation and signed off by technical and financial officers to ensure that it provides sufficiently wide and flexible terms of reference to deliver the most economically advantageous tender for the Partnership.

Recommendation:

That the Joint Waste Management Committee approves the decision to publish the OJEU Notice for Phase 3 on notice of the OBC having been approved by HM Treasury Project Review Group.

ACCESS TO INFORMATION BACKGROUND PAPERS

Publication of Supplement to the Official Journal of the European Union
<http://simap.europa.eu>

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