

## **Report to the Cabinet**

**Report reference: C/128/2006-7.**  
**Date of meeting: 12 March 2007.**



**Epping Forest  
District Council**

**Portfolio: Customer Services, Media, Communications & ICT.**

**Subject: Waste Management Contract Select List.**

**Officer contact for further information: John Gilbert (01992 – 564062).**

**Democratic Services Officer: Gary Woodhall (01992 – 56 4470).**

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### **Decisions Required:**

**To consider the inclusion of Kier Street Services in the select list of tenderers for the waste management contract**

### **Report:**

1. At its meeting on the 19 February 2007, the Cabinet approved the select list of tenderers for the new waste management contract. This decision followed the consideration of the Pre-Qualification Questionnaires (PQQ) returned as part of the EU procurement process. The original notices required under the procedure were issued twice, the second time following the decision to use the Essex Procurement Hub and a framework agreement. All those who responded to the first notice were asked to restate their interest in the second.

2. Kier Street Services did this by email on the 19 September 2006. However, due to an oversight, they were not sent a PQQ. Although officers had expressed surprise at the non-receipt of a PQQ, and given that Kier themselves had not made any enquiries regarding not receiving a PQQ, it was assumed, wrongly, that Kier had decided not to submit. Kier made an enquiry in mid February, and upon checking, the oversight was discovered.

3. Because the tender documents have yet to be issued, it is possible for Kier to be issued with a PQQ. Kier have been contacted and they have been issued with the required documents. Because of time constraints it was necessary to reduce the period allowed for completion of the PQQ, but Kier have written expressing that they recognise this and do not consider that this places them at any disadvantage.

4. The PQQ was scheduled for return on the 5 March 2007 enabling the officer assessment to be presented to this Cabinet. A paper will be presented at the meeting with details of the assessment and a recommendation.

### **Statement in Support of Recommended Action:**

5. The non-issue of the PQQ to Kier Street Services was an oversight on the part of the Council, although one not immediately pursued by Kier. It has been possible to correct this situation, within the EU procurement process, by the late issue, completion and return of a PQQ.

### **Other Options for Action:**

6. To not issue the PQQ would place the Council at risk of a challenge by Kier Street Services that the EU procurement process had not been complied with. Such a challenge could place the procurement process in jeopardy.

**Consultation Undertaken:**

7. None required other than agreeing the process with Kier Street Services and seeking EU procedural advice from the Essex Procurement Hub.

**Resource implications:**

**Budget provision:** Within existing procurement budget.

**Personnel:** Nil.

**Land:** Nil.

**Community Plan/BVPP reference:** Procurement of the new waste management contract.

**Relevant statutory powers:** The Environmental Protection Act 1990.

**Background papers:** Previous Cabinet reports.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** N/A.

**Key Decision reference (if required):** Will advise when key decisions have ref nos.