
Waste Recycling Collection and Disposal: Options for Future Contract Provision

Report being considered by: Schools' Forum on 18th July 2022
Report Author: Karen Felgate/Kate Pearson
Item for: Discussion **By:** All Forum Members

1. Purpose of the Report

- 1.1 To inform schools on the options available for future provision for the Waste Recycling Collection and Disposal service in light of the expiry of the current contract on 31st March 2023

2. Recommendation

- 2.1 Schools consider the options set out below for the future tender and provision of the Waste Recycling Collection and Disposal contract as outlined in this report.

Will the recommendation require the matter to be referred to the Council or the Executive for final determination?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Introduction/Background

- 3.1 The waste recycling collection and disposal contract for schools and corporate sites was procured in 2019 through the ESPO Framework 379 via a mini competition. The current contract is delivered by Veolia UK This contract was procured for four years and is due to expire on 31st March 2023.
- 3.2 The contract serves 85 sites throughout the West Berkshire District Council area, mainly comprising of educational, cultural and council facilities including the Council's care homes. 68 of the sites are schools. Schools waste is normally collected 46 weeks per year school terms times, with non-collection times tied in with the school holidays.
- 3.3 Over the last few years, a number of services, such as catering and cleaning, have been procured by the Council with the schools taking responsibility for the management of the contract and moving away from direct council involvement. In some cases schools have taken responsibility for the procurement itself.
- 3.4 This paper sets out the options for schools to consider in regard to the re-procurement of waste recycling and collection service.

4. Supporting Information

4.1 Contract Management

The current contract for waste recycling collection and disposal was let via an ESPO framework via a mini competition. The contract term is due to expire on 31st March 2023 with no further extension provision.

There have been some issues with contractor performance during the life of the current contract. This has mainly been as a result of the impact of Covid and the associated impacts on staffing, which led to missed collections. This issue has more recently been exacerbated by sharp rises in inflation, particularly in relation to fuel costs.

Veolia have requested annual price increases, but these have been refused by the Council due to lack of inflation clause in the current contract. This means prices have been maintained for the last four years. It should be highlighted that any new provision is likely to result in an increase in costs due to the pressures on contract provision highlighted above.

The current contract is between the Council and Veolia UK and is contract managed by the Council. The Council is also responsible for payment and reconciliation of invoices. This service is an historic arrangement that has been provided free of charge to schools and has diverted resources within the Commissioning and Procurement Service away from core business.

Contract management reviews have been carried out by the Supplier Relationship Manager. These are held quarterly, however there have been a number of occasions when more regular meetings have been required due to poor performance by the contractor

The Commissioning Support Officer has acted as a third party liaison between the contractor and the school. This proved to be inefficient as it is hard to act as an intermediary without a first-hand knowledge of the problem or the solution. To resolve an issue to a satisfactory conclusion, the Commissioning Support Officer is required to make a number of calls to both the school and contractor which is not a good use of time or resource.

The current arrangement with the Council acting as contract manager is inefficient and ineffective which leads to increased timescales for resolution of issues. Council officers act as a “post box” and intermediary, co-ordinating information between the service users and supplier.

The Council cannot proactively identify issues to raise with the supplier and the relationship between the service users and supplier has been unable to develop. Invoice issues are difficult to identify and there is the potential that timescales for disputing invoices could be missed, leading to payment issues.

The Council can no longer sustain this service delivery in its current form and therefore, in line with the model of delivery for school catering and cleaning services, will no longer provide contract support for the new contract..

The following options are presented below for consideration by schools for the re-procurement of their waste and recycling service including future contract management.

5. Options for Consideration

5.1 Option 1

Schools tender for their own waste and recycling collection service and enter into their own contract with the successful contractor which will commence on 1st April 2023 when the current contract expires. Schools will need to ensure they follow requirements of the Public Contract Regulations 2015 and take their own legal advice where required. Those schools that are signed up to the Legal Services SLA may seek legal advice via that route. Future contract management and invoicing will be responsibility of each school from 1st April 2023.

5.2 Option 2

Council facilitates a procurement process on behalf of schools. Schools that wish to participate will need to give the Council a firm decision whether they wish to participate in the Council run procurement process by 30th September 2022. This is to enable the Council to undertake a full tender process in line with Public Contract Regulations 2015 and allow for mobilisation and any TUPE requirements. Going forward the Council will no longer carry out contract management on behalf of schools and schools will be required to liaise with the new contractor directly. Schools will also be responsible for their own invoices and will liaise directly with the contractor on any invoicing queries.

6. Proposals

6.1 The Council is planning to go out to open tender for its corporate sites. It will extend this approach for schools should they wish the Council to facilitate a tender process on their behalf. The rationale for this approach is that available frameworks for waste collection and recycling are restricted to a small number of national contractors and this limits competition.

6.2 Schools wishing to be involved in the Council led procurement exercise will have confirmed their firm intention to participate by 30th September 2022 to Kate Pearson. The Council will produce an indicative timetable which adheres to PCR 2015 requirements and Council's constitution and will draft all procurement documentation on behalf of schools. Schools will be responsible for their own specifications for delivery which will form part of the tender documentation

6.3 Commissioning and Procurement Service will advertise the tender opportunity via the Council's e-procurement portal Intend. Schools will be asked if they wish to be participate on the tender evaluation panel.

6.4 Once the tender exercise is completed, the Commissioning and Procurement Service will have no further oversight with regard to schools making their own arrangements, and will have no ongoing contract management of the new contract.

Schools can continue to be supported by the Councils Legal Team, in line with the agreed SLA.

6.5 Indicative timescales for the procurement process are below:

	No of days	Start	End
Schools to agree involvement		15/07/2022	30/09/2022
Schools to confirm requirements / specification		15/07/2022	14/10/2022
Procurement strategy to Procurement Board			20/10/2022
Procurement board (and forward plan if over £500k)			27/10/2022
ITT drafted and submitted to legal	28	01/10/2022	28/10/2022
Legal review and draft contract	14	28/10/2022	11/11/2022
Finalise tender with service users	14	11/11/2022	25/11/2022
Issue tender	3	25/11/2022	28/11/2022
Clarifications	30	28/11/2022	28/12/2022
Tender deadline	39	28/11/2022	06/01/2023
Evaluation	14	06/01/2023	20/01/2023
Contract award to Procurement Board	7	20/01/2023	26/01/2023
Standstill	10	27/01/2023	06/02/2023
Contract award	1	07/02/2023	08/02/2023

6.6 The council is proposing that there are 3 or 4 representatives from schools on the evaluation panel – any school which wishes to propose a representative to be included in the evaluation panel should include this request in their email to Kate Pearson, confirming their wish to participate in the tender process.

7. Conclusion

7.1 Schools Forum note and consider the available options for the waste recycling and disposal contract

8. Consultation and Engagement

8.1 Ian Pearson

8.2 June Graves

9. Appendices

9.1 Appendix A – Equalities Impact Assessment (Stage One)

Appendix A

Equality Impact Assessment (EqIA) - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (section 149 of the Equality Act 2010), which states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.*

The following list of questions may help to establish whether the decision is relevant to equality (the relevance of a decision to equality depends not just on the number of those affected, but on the significance of the impact on them):

- Does the decision affect service users, employees or the wider community?
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the Council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Schools' Forum to make:	Waste Recycling Collection and Disposal: Options for Future Contract Provision
Name of Service/Directorate:	Commissioning and Procurement
Name of assessor:	
Date of assessment:	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Retender of Waste Recycling Collection and Disposal contract
Objectives:	As above
Outcomes:	Delivery of contract
Benefits:	Schools receive a waste and recycling service

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?			
<i>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)</i>			
Group Affected	Potential Positive Impacts	Potential Negative Impacts	Evidence
Age	N/A	N/A	
Disability	N/A	N/A	
Gender Reassignment	N/A	N/A	
Marriage and Civil	N/A	N/A	

Partnership			
Pregnancy and Maternity	N/A	N/A	
Race	N/A	N/A	
Religion or Belief	N/A	N/A	
Sex	N/A	N/A	
Sexual Orientation	N/A	N/A	
Further Comments:			
This is a facilities contract procurement			

(3) Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqIA 2.

If an EqIA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqIA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqIA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqIA Stage Two:	
Timescale for EqIA Stage Two:	

Name:

Date:

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website