

## Award of Plastic Wheeled Bin Supply Contract (DN512564) A Call Off from ESPO Framework 860-18

Date: 15th November 2021

Report of: Waste Management Business Officer

Report to: Chief Officer for Environmental Services

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### What is this report about?

#### Including how it contributes to the city's and council's ambitions

- As per decision D52822 a competitive tender process has been undertaken for the supply of a variety of plastic wheeled bins and food waste caddies via a Call Off from ESPO Framework 860 Refuse and Recycling Products. This report advises the Chief Officer for Environmental Services the outcome of the tender exercise and seeks approval to award contracts to A&C Weber UK Ltd, Craemer UK Limited and One51 ES Plastics (UK) Limited.
- A restricted Invitation to Tender was issued via Yortender on 11<sup>th</sup> August 2021 inviting all suppliers appointed to ESPO Framework 860 Refuse and Recycling Products under Lots 1A (supply of plastic wheeled bins, 2 wheeled), 1B (supply of plastic wheeled bins, 4 wheeled) and 9 (supply of food waste containers). Following closure of the tender opportunity on 15<sup>th</sup> September 2021 bids were received and evaluated from four bidders.
- Bids were not received from all the suppliers on the framework with; Egbert H Taylor Co Ltd, ESE World and SSI Schaefer declining to submit a tender. The bid received from Contenur UK Limited was deemed to be non-compliant due to a lack of samples provided for testing.
- The evaluation for the Call Off was separated into 3 stages:
  - 1<sup>st</sup> Stage – **Product Quality** which involves the physical testing of sample products for elements such as strength, compatibility with bin lifts and ease of use.
  - 2<sup>nd</sup> Stage – **Method Statement Quality** which evaluates the method statements submitted by bidders for elements such as managing deliveries, quality standards and business continuity. Only those bidders who passed the 1<sup>st</sup> Stage were evaluated at the 2<sup>nd</sup> Stage.
  - 3<sup>rd</sup> Stage - **Price** stage evaluates the prices of those bids that passed stages 1 and 2.
- The second stage of quality evaluation included a social value submission from bidders that was evaluated by Social Value Portal (SVP) working in partnership with LCC. The targets submitted by the appointed suppliers will be monitored and managed by SVP throughout the life of the contract.

- The contract is set up whereby the core documents from the ESPO framework are used for the tender supplemented by additional and specific LCC requirements. Bidders have the opportunity to improve on their prices published on the ESPO framework but not increase them so by conducting a Call Off in this way LCC introduce an additional level of competition whilst retaining the security of using an established framework.
- The evaluation process was carried out in line with the tender instructions and utilised a price/quality separator approach with the overall quality threshold being set at 50%. A single lowest priced bidder who passed the quality threshold was appointed per Lot.
- Confidential Appendix 1 details the outcome of the evaluation process which is summarised in the report recommendation.
- The award of this contract contributes towards the aspirations in the Best Council Plan 20-25 which identifies an outcome of the plan to be for everyone in Leeds to live in clean and well cared for places. Appropriate waste containment is a key aspect of being able to deliver that outcome.

## Recommendations

- a) The Chief Officer for Environmental Services is recommended to note the content of this report and approve the appointment of the following tenderers as suppliers under Call Off DN512564. The contracts will run from 1<sup>st</sup> December 2021 to 30<sup>th</sup> November 2025. Estimated value of the Call Off is £2.2m.

Lot	Product	Recommended Supplier
1	140lt plastic wheeled bin	Craemer UK Ltd
2	240lt plastic wheeled bin	One51 ES Plastics (UK) Limited
3	360lt plastic wheeled bin	A&C Weber UK Ltd
4	660lt plastic wheeled bin	A&C Weber UK Ltd
5	770lt plastic wheeled bin	A&C Weber UK Ltd
6	1100lt plastic wheeled bin	A&C Weber UK Ltd
7	7lt plastic food waste caddy	One51 ES Plastics (UK) Limited
8	23lt plastic food waste caddy	One51 ES Plastics (UK) Limited Ltd

## Why is the proposal being put forward?

- 1 The proposal is being put forward to ensure appropriately contracted providers are in place for all of the wheeled bin products currently used by LCC. The contract provides security and value for money for the Council.

## What impact will this proposal have?

**Wards affected: None**

Have ward members been consulted?

Yes

No

- 2 The overall impact of this proposal is to protect the infrastructure essential in the delivery of core waste management functions. Although stakeholders will not feel a change through the implementation of this proposal if it weren't adopted impacts would be potentially detrimental to front line services.

### **What consultation and engagement has taken place?**

- 3 It is not considered that the content of this report or the recommendations made will have a significant impact on any particular ward or community, and as such no consultations have taken place.

### **What are the resource implications?**

- 4 The services under the framework have been adequately budgeted for over the duration of the contract, a cautious budget had been set in light of polymer supply issues over Summer 2021. There is an overall cost increase across the framework for the coming year of £60K.
- 5 The full budget implications are included in Appendix 1. It should be noted the estimated cost of wheeled bin supply in this report differs slightly to a recent wheeled bin capital spend report due to the heavily rounded usage numbers in the tender documentation.
- 6 The completion of the Call Off exercise and the subsequent contract management of the awarded contracts will be undertaken by the Waste Management Contracts Team, and the requirements of this have been identified in the Waste Management Procurement Strategy.

### **What are the legal implications?**

- 7 Officers from Procurement and Commercial Services have been consulted throughout this tendering exercise and as such all legislative requirements surrounding EU Public Procurements have been adhered to. The framework Terms and Conditions have been checked and confirmed fit for purpose. The contract was advertised (2017/S 191-390770) and awarded (2018/S 027-058576) by ESPO in the Official Journal of the European Union (OJEU) as is required of a framework of this value and an open and transparent process has been followed. Following appointment an award notice will be published via Find a Tender Service.
- 8 This is a Significant Operational Decision as a direct consequence of a key decision taken on 11<sup>th</sup> March 2021 and is therefore not subject to call-in.
- 9 The standstill period for this award has expired without any issues being raised.
- 10 Note that by virtue of Access to Information Rules 10.4.(3) The Appendices attached to this report are restricted as confidential. This is on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council.**
- 11 It is considered that the public interest in maintaining this information as exempt outweighs the public interest in disclosing the information, as disclosure may prejudice the outcome of the procurement process, whilst the details of the tender proposals within the appendices also contain the financial details/business affairs of individual companies.**

### **What are the key risks and how are they being managed?**

- 12 If the recommendation to award as described within this report is not approved then the Council will risk being in a position where no formal contractual arrangements are in place for supplying wheeled bins which are needed to deliver front line operational services. These services have statutory duties associated with them so need to be effective.
- 13 Throughout the procurement a risk register has been developed and those risks have been adequately managed. The risk register will continue to be maintained until the conclusion of the procurement but also in terms of the ongoing management of the contract once awarded. Any high risks or escalating risks will be brought to the attention of the Chief Officer for Environmental Services.
- 14 Conclusion of this procurement will provide a range of legally binding call-off contracts with the organisations on the framework and the terms of those call-off contracts will protect the Council against adverse performance issues, health and safety concerns as well as protecting the rates agreed.

### **Does this proposal support the council's three Key Pillars?**

- Inclusive Growth       Health and Wellbeing       Climate Emergency

- 15 The provision of appropriate waste containment for the separate streams of material collected allows efficient adherence to the waste hierarchy where re-use and recycling is selected as the preferred method for dealing with these wastes ahead of other waste disposal or treatment technologies. This demonstrates efforts made to combat the climate emergency situation which has been declared in Leeds and contributes towards the Council's aspiration of becoming a carbon neutral city by 2030.

### **Options, timescales and measuring success**

#### **What other options were considered?**

- 16 The other options for this procurement were either for LCC to direct order from the framework or to conduct a stand-alone procurement. Direct ordering does not introduce that second level of competition which has proven to reduce prices so this option would have been more expensive. A stand-alone procurement is more resource intensive than is necessary as the framework has been checked and approved as fit for purpose.

#### **How will success be measured?**

- 17 Success will be measured as part of the contract management process, primarily utilising the performance mechanisms of the contract.

#### **What is the timetable for implementation?**

- 18 The start date for the contracts awarded under this Call Off will be 1<sup>st</sup> December 2021.

### **Appendices**

- 19 Confidential Appendix 1 details the evaluation.

### **Background papers**

- 20 N/A