

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 3 JUNE 2019

PART A : REPORT

SUBJECT: Clinical Waste Collection Contract
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REPORT AUTHOR: Oliver Handson, Environmental Services & Strategy Manager

DATE: 3 June 2019

EXTN: 37955

PORTFOLIO AREA: Neighbourhood Services

EXECUTIVE SUMMARY:

The Council's clinical waste collection service has been delivered under a county-wide framework agreement since 2016. Cabinet authority is sought to enable the Council to continue this method of service delivery by entering into the clinical waste collection call-off contract under the recently re-procured WSCC framework agreement.

RECOMMENDATIONS:

It is recommended that Cabinet

- a) Provide authority for the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste collections for an initial three year term; and
- b) To authorise the Group Head for Neighbourhood Services to extend this call off contract, following the initial 3 year term for up to an additional three years, as allowed for under the framework.

1. BACKGROUND:

- 1.1 On the 14 November 2016, as part of the award of the Council's Combined Cleansing Services Contract (CCSC) Cabinet agreed that the contractual delivery of Clinical Waste collection services would be provided through a County wide framework agreement (Decision ref:C/031/141116).
- 1.2 Under section 45 of the Environmental Protection Act, 1990 District and Boroughs have a duty to collect household waste (including clinical waste), produced by residents at a domestic property. Under section 51 of the Environmental Protection Act, 1990 it is the responsibility of West Sussex County Council as a Waste Disposal Authority to dispose of waste collected in its area by waste collection authorities.

1.3 Services have been provided by Medisort, a specialist clinical waste company based in Littlehampton. Approximately 3300 Arun residents are registered for and receive a clinical waste collection service which completes an average of 1000 collections per week. This is a high performing, fully compliant and professional service, with only 159 missed collections in 2018/19.

1.4 The West Sussex County Council Cabinet Member for Environment approved the commencement of a procurement process, detailed within the report ENV10 18.19, to recommission these services to become effective from 01/04/2019. A Contract Notice was issued in the Official Journal of the European Union (OJEU) on 03/12/2018 (Ref. 2018/S 235-537384).

1.5 The West Sussex Waste Collection Authorities were consulted throughout the process, with comments being incorporated into the procurement process. A collaborative working group was established to include representatives of all District and Borough Council participating in the new Framework Agreement. The Councils party to this collaboration were as follows:

- Crawley Borough Council
- Horsham District Council
- Chichester District Council
- Arun District Council

This joint working group allowed a specification and evaluation methodology to be drawn up together and agreed by all parties.

1.6. Procurement was undertaken in accordance with the Public Contract Regulations 2015 and WSCC Standing Orders for Contracts and Procurement. The contract was evaluated on a 60% price, 40% quality basis and Medisort were the successful tenderer.

1.7 Whilst there is a small increase in the annual charge for this service, the retendered cost of the contract falls within Arun's existing budget for this service.

1.8 Arun's contract standing orders also require a waiver of the competition requirements in circumstances where we are using a framework agreement, thereby allowing use of the framework rather than undertaking our own EU tender process. This waiver will be signed off by the Chief Executive.

1.9 There were delays in the procurement process resulting in the award of the framework agreement not being approved until February. West Sussex County Council is required to enter into the framework agreement before the Council can call off under it. As of the 27 March, the framework agreement had not been entered into by the County Council. Continuity of service delivery for residents must be the primary consideration and far outweighs the risk of operating on the basis of an implied contract with a trusted supplier, until such time as the call off contract is entered into. The call off term commenced on 1st April 2019 irrespective of the date upon which the contract is completed.

2. PROPOSAL(S): That Cabinet agree the recommendations for the reasons set out in the report.		
3. OPTIONS: a) To provide authority for the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste for an initial three year term. Also to authorise the Group Head for Neighbourhood Services to extend this call off contract, following the initial 3 year term for up to an additional three years, as allowed for under the framework b) Not to provide authority for the Council to enter into the call off contract.		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) ADC Procurement Officer ADC Contracts Lawyer	✓	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS: Financial – the annual cost of this contract is within existing budgets for provision of the service.		
7. REASON FOR THE DECISION: To allow the continued effective and successful delivery of clinical waste collections for Arun residents.		
8. EFFECTIVE DATE OF THE DECISION: 12 June 2019		

9. BACKGROUND PAPERS:

None