

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>3243</b>
<b>Author:</b>	<b>Carl Pendleton</b>
<b>Department:</b>	<b>Commercial and Operations</b>
<b>Contact:</b>	<b>Carl Pendleton</b> <b>(Job Title: Waste Disposal Manager, Email: carl.pendleton@nottinghamcity.gov.uk, Phone: 0115 8765639)</b>
<b>Subject:</b>	<b>Green Waste Composting</b>
<b>Total Value:</b>	<b>£990,000 (2 years plus an optional 1 year extension £330k pa) (Type: Revenue)</b>
<b>Decision Being Taken:</b>	<p>To undertake an EU compliant procurement process to secure a contract for processing of green waste for composting for a 2+1+1+1 period (5 years), with effect from April 2019, and authorise spend of £990,000 on the contract for the initial 2 year plus 1 year extension period (3 years), and to delegate authority to the Director of Energy, Waste and Highways to award the contract to the successful bidder.</p> <p>To note that further approval will be sought if the option to extend for years 4 and 5 are necessary.</p>
<b>Reasons for the Decision(s)</b>	<p>The Council has a statutory duty as a Waste Disposal Authority (Unitary Authority) under the Environment Protection Act (EPA) 1990 to arrange the dispose of waste collected on its behalf. The current composting tender expired in June 2018, and has been extended with the current contractor, but requires replacing by a procurement exercise. Composting is both cost effective in disposing of green garden waste add currently accounts for 12% of the Council's recycling rate.</p>

**Other Options Considered:** Options considered  
1. Do nothing. This option was rejected as the approach would not enable the Council to fulfil its statutory duties, as an authority with no secured outlet.  
2. Look to manage by insourcing this activity. This option was rejected as, although this option may have longer-term possibilities, in the immediate term this is not achievable.  
3. Collaboration with other authorities. This option was rejected as Nottinghamshire County Council already have secured outlets and Derbyshire and Leicestershire are geographically too distant to combine with, additional transport would be cost prohibitive.

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Citywide

**Colleague / Councillor Interests:** None

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** None

**Equality:** EIA not required. Reasons: The decision relates solely to the composting / treatment of green waste

**Social Value Considerations:** Collection of green waste both benefits the environment, avoiding landfill/incineration of useful materials often used as replacements for fertilisers in farming. This is also the most cost effective way for the authority in dealing with this type of waste. As the intention is to procure a treatment contract for waste already being collected there aren't any direct implications under this act.

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 30/08/2018

**Advice Sought:** Legal, Finance, Procurement

**Legal Advice:** There are no significant legal issues arising from this decision. The proposal is that a contract is procured for a term of up to 5 years (2+1+1+1) with the authority granted under this decision to commit to the initial 2 years of the contract plus the ability to exercise the first option to extend. If the Council wishes to exercise any further options it will require further approval to be in place demonstrating why such an exercise is in the Council's best interest. Accordingly, the procurement and contracting process must give clear rights for the Council to have complete discretion on its ability to extend the contract, and for there to be a right to terminate the contract for convenience.  
  
Advice provided by Naomi Vass (Senior Solicitor) on 25/07/2018.

**Finance Advice:** This decision seeks to undertake an EU compliant procurement process to secure a contract for processing of green waste for composting. This aligns with the C&Ops Business Plan 2018/19, key priority e: maximise value from waste disposal contracts [1]. The approval sought covers the period 2+1 years; any extension after this period would need further approval.  
  
There is current provision within the waste base budget to cover the contract expenditure to the value of the decision. If the new agreed green waste contract was higher than the existing base budget provision, then the additional pressure would need to be mitigated within the waste service; if lower, this difference could potentially be offered up as a saving.  
  
The new contract should be awarded in accordance with the Council's financial regulations in order to secure value for money.  
  
Advice provided by Tania Clayton Perez (Commercial Business Partner) on 25/07/2018.

**Procurement Advice:** Procurement colleagues will assist with the tender process to ensure that a fully compliant, value for money contract is entered into  
  
Advice provided by Paul Ritchie (Lead Procurement Officer) on 02/08/2018.

**Signatures**  
Sally Longford (PH for Energy and Environment)  
SIGNED and Dated: 22/08/2018  
Andrew Vaughan (Corporate Director Commercial and Operations)  
SIGNED and Dated: 21/08/2018