

**United Kingdom-Hartlepool: Refuse and waste related services**

**OJ S 142/2020 24/07/2020**

**Contract notice**

**Services**

**Legal Basis:**

Directive 2014/24/EU

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**Section I: Contracting authority**

**I.1. Name and addresses**

Official name: Hartlepool Borough Council  
Postal address: Civic Centre, Victoria Road  
Town: Hartlepool  
NUTS code: UKC1 Tees Valley and Durham  
Postal code: TS24 8AY  
Country: United Kingdom  
Contact person: Stuart Little  
E-mail: [stuart.little@local.gov.uk](mailto:stuart.little@local.gov.uk)  
**Internet address(es):**  
Main address: [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

**I.2. Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://procontract.due-north.com>  
Additional information can be obtained from the abovementioned address  
Tenders or requests to participate must be submitted electronically via: <https://procontract.due-north.com>  
Tenders or requests to participate must be submitted to the abovementioned address

**I.4. Type of the contracting authority**

Regional or local authority

**I.5. Main activity**

General public services

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**Section II: Object**

**II.1. Scope of the procurement**

**II.1.1. Title**

Tees Valley Energy Recovery Facility Project  
Reference number: DN488406

**II.1.2. Main CPV code**

90500000 Refuse and waste related services

**II.1.3.**

## **Type of contract**

Services

### **II.1.4. Short description**

Hartlepool Borough Council is seeking to procure, on behalf of itself and six other local authorities (Darlington Borough Council, Durham County Council, Middlesbrough Council, Newcastle City Council, Redcar and Cleveland Borough Council and Stockton-on-Tees Borough Council), the development, construction, commissioning, financing and operation of an ERF to receive and treat all of the residual municipal solid waste collected by each of the local authorities.

The ERF will be required to have capacity to at least the Councils' forecast residual waste over the term, and accommodate changes in waste growth leading to an expected processing capacity of at least 450 000 tonnes of waste per annum towards the end of the term. As a sustainable solution, the ERF will be required to generate electricity from the waste treated and is to be constructed with capacity for heat offtake.

### **II.1.5. Estimated total value**

Value excluding VAT: 2 100 000 000,00 GBP

### **II.1.6. Information about lots**

This contract is divided into lots: no

## **II.2. Description**

### **II.2.2. Additional CPV code(s)**

09310000 Electricity, 42320000 Waste incinerators, 45210000 Building construction work, 45222100 Waste-treatment plant construction work, 45251100 Construction work for power plant, 51135110 Installation services of waste incinerators, 65400000 Other sources of energy supplies and distribution, 71300000 Engineering services, 71320000 Engineering design services, 90510000 Refuse disposal and treatment, 90513100 Household-refuse disposal services, 90513200 Urban solid-refuse disposal services, 90513300 Refuse incineration services, 90513400 Ash disposal services, 45222110 Waste disposal site construction work, 90513000 Non-hazardous refuse and waste treatment and disposal services

### **II.2.3. Place of performance**

NUTS code: UKC1 Tees Valley and Durham

### **II.2.4. Description of the procurement**

Hartlepool Borough Council is procuring a solution for the design, build, financing, commissioning, testing and operation of an ERF on behalf of itself and six other neighbouring local authorities (Darlington Borough Council, Durham County Council, Middlesbrough Council, Newcastle City Council, Redcar and Cleveland Borough Council and Stockton-on-Tees Borough Council) (together, the Councils). By 2025/26, it is forecast that the Councils will be producing circa 397 000 tonnes of residual waste per annum. The ERF will be required to have a capacity that is sufficient to receive and treat all of the residual municipal solid waste from each of the Councils as forecast over the term, with any spare capacity being used to treat similar waste from third parties.

The Councils are seeking a contractor who can provide a facility based on proven technology to dispose of and treat residual municipal solid waste and with the capability to generate electricity and heat for the local economy, thereby minimising diversion to landfill and climate impacts and maximising value generated from the waste treated. The successful contractor will also be responsible for all handling (including storage, marketing and recycling) of any

residues from the facility. Residues must be treated in such a manner as to minimise diversion to landfill and climate impacts and maximise recovery (value from) these materials. The ERF must be constructed on a 10 hectare brownfield site at Grangetown owned by the South Tees Development Corporation which comes with the benefit of outline planning permission. Comprehensive ground condition investigations are being undertaken and the results of these will be made available to all Tenderers.

The Councils' intention is to award a contract to the successful contractor in December 2021 for a 29 year term (including 3-4 years construction phase and at least 25 years operational phase) with an option to extend up to a further 11 years. The successful contractor will be required to accept and manage all contract waste from 1 April 2026. The Councils will incorporate a special purpose vehicle project company during the procurement process to act as the contracting entity.

The ERF will be designed to comply with Specification and all relevant planning permission and environmental permit conditions and will be required to achieve a sustained operation of at least 93 % availability. The contract will incorporate a performance management framework to incentivise optimal performance. Contract waste composition risk will sit with the contractor and the design of the ERF will be expected to take into account future changes in contract waste composition, including but not limited to the impact of proposed separate weekly food waste collections and enhanced recycling capture on residues.

The contractor will be required to maintain a single comprehensive electronic information management system, accessible by the Councils, for all information related to delivery of the works and services at the ERF including contract waste data, performance monitoring data (including vehicle turnaround times), health and safety, environmental and information on complaints and handling of these.

A key requirement of the Councils is that the proposed solution for the ERF must, where possible, support regional employment and regeneration as well as assisting the Councils in their strategies to reduce the climate change and carbon impacts of waste management and maximising recycling and recovery of waste. The successful contractor will be obliged to comply with all committed outcomes in a social value plan to be provided as part of its tender response.

Further details on the specification and other requirements can be found in the procurement documents which can be accessed in the ProContract tendering portal at <https://procontract.due-north.com>.

#### **II.2.5. Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **II.2.6. Estimated value**

Value excluding VAT: 2 100 000 000,00 GBP

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 348

This contract is subject to renewal: yes

Description of renewals:

The contract is subject to an option to extend for a period of up to a maximum of a further 11 years, such option to be considered no less than 5 years prior to the expiry of the initial term.

#### **II.2.9. Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 3  
Objective criteria for choosing the limited number of candidates:

Candidates for invitation to the award stage of the procurement will be selected on the basis of responses to a number of selection criteria which evaluate the economic and financial standing of candidates as well as technical and professional capability and experience. These criteria include scored case study questions to focus on relevant capability and experience of candidates and which can be summarised as follows:

- 1) previous delivery of an ERF (including design, build and operation);
- 2) track record of operating an ERF;
- 3) delivery to a tight timetable;
- 4) information Management System functionality;
- 5) evidence of working with public sector/local authority clients;
- 6) delivery of added value/social value;
- 7) maintenance of business continuity; and
- 8) contract Management.

Further details on these, including relative weightings, can be found in the procurement documents.

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: yes

Description of options:

There will be an option to extend the term of the contract for an additional 11 years, such option to be considered no less than 5 years prior to the expiry of the initial term.

#### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
no

#### **II.2.14. Additional information**

All completed responses to the SQ must be received in electronic form via the ProContract tendering portal by no later than 10:00 GMT on 7 September 2020. Responses submitted by post or e-mail will not be accepted. Any queries regarding this procurement must be submitted electronically via the ProContract tendering portal. The Councils reserve the right not to award a contract for any reason.

### **Section III: Legal, economic, financial and technical information**

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#### **III.1. Conditions for participation**

##### **III.1.2. Economic and financial standing**

Selection criteria as stated in the procurement documents

##### **III.1.3. Technical and professional ability**

Selection criteria as stated in the procurement documents

### **Section IV: Procedure**

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#### **IV.1. Description**

##### **IV.1.1. Type of procedure**

Competitive dialogue

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

#### **IV.1.8. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

#### **IV.2. Administrative information**

##### **IV.2.1. Previous publication concerning this procedure**

Notice number in the OJ S: [2019/S 246-606061](#)

##### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 07/09/2020 Local time: 10:00

##### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

Date: 01/11/2020

##### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

##### **IV.2.6. Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 12 (from the date stated for receipt of tender)

#### **Section VI: Complementary information**

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##### **VI.1. Information about recurrence**

This is a recurrent procurement: no

##### **VI.3. Additional information**

Engineering, Procurement and Construction (EPC) Contractor exclusivity will not be a requirement for the selection stage of this procurement. However, if successful at selection stage, bidders will be required to formally select an EPC Contractor to partner with on an exclusive basis (i.e. any one EPC contractor may only be involved in one bid at the dialogue /award stage of this procurement).

Where and to the extent that an EPC Contractor is involved in more than one of the tenders which is successful at selection stage, that EPC Contractor will be required to select which of those tenders it will continue to be involved with at the dialogue/award stage of the procurement. A period of 14 days will then be given to any bidders who have been successful at selection stage but are no longer partnered with an EPC Contractor to source an alternative EPC Contractor and to resubmit their bid(s) on that basis. The resubmitted bids will then be re-evaluated to ensure that they remain in the highest scoring bids at selection stage and so eligible to be invited to the dialogue/award stage. For further details on this process, please see the selection questionnaire and other procurement documents, which can be accessed at <http://procontract.due-north.com>.

At final tender stage, certain provisions of the contract must be fully accepted by all remaining tenderers as drafted (Fixed Provisions) and cannot be subject to amendment or qualification in final tender submissions. All remaining tenderers at final tender stage will be required to provide formal confirmation that these Fixed Provisions are accepted and failure to do so or any attempt to qualify any confirmation will be deemed to be a non-compliant response. Tenderers will be required to obtain full planning permission for the site. Confirmation of receipt of full planning permission will be a condition for appointment as preferred bidder and must be in place by the time final tender submission evaluations have been concluded.

The Councils reserve the right to modify the rules and procedures as set out in the procurement documents and/ or to amend any of the requirements of this procurement at any stage.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: High Courts of England and Wales

Postal address: 7 Rolls Buildings, Fetter Lane

Town: London

Postal code: EC4A 1NL

Country: United Kingdom

Internet address: [www.judiciary.gov.uk](http://www.judiciary.gov.uk)

##### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

Precise information on deadline(s) for review procedures:

Any appeals or requests for review of any decision should, in the first instance, be brought to the attention of the relevant contact as set out in Section 1 above. These will be dealt with in accordance with the provisions of the Public Contracts Regulations 2015.

In accordance with the Public Contracts Regulations 2015, the Councils will observe a minimum of 10 clear calendar days' standstill period from the date contract award information is communicated to all tenderers, during which period, an unsuccessful tenderer may seek to challenge contract award before a contract is entered into by the Councils. Any aggrieved party who has or may be affected by a breach of the Public Contracts Regulations 2015 may take action in the High Courts of England and Wales.

#### **VI.5. Date of dispatch of this notice**

22/07/2020