

**Forward Plan reference number:** Not applicable

<b>Report title:</b> Procurement and Award of Waste Services Consultancy Support Contract	
<b>Report to:</b> Samantha Kennedy Director Environment and Climate Action	
<b>Report author:</b> Jason Searles, Head of Strategy and Compliance	
<b>Date:</b> 10 August 2020	<b>For:</b> Decision
<b>Enquiries to:</b> Jason Searles Head of Strategy and Compliance	
<b>County Divisions affected:</b> All Essex	

## **1. Purpose of Report**

- 1.1 To seek approval to procure consultancy services to support technical aspects associated with the procurement and delivery of the Integrated Waste Handling Contract and associated services.

## **2. Recommendations**

- 2.1 Agree to procure and award a contract to a single consultant via the ESPO Consultancy Services Framework Agreement 664 Lot 8h, to provide technical advice on the delivery of waste services.
- 2.2 To authorise the Head of Strategy and Compliance to develop a consultancy specification to enable the lowest cost Framework Agreement consultant with the necessary skills and experience to be identified and appointed via direct award.
- 2.3 To authorise the Head of Strategy and Compliance to agree individual work packages for delivery by the consultant, as required, to meet service requirements.

## **3. Summary of issue**

- 3.1 Essex County Council (ECC) is the statutory Waste Disposal Authority for Essex and is obligated under the Environmental Protection Act 1990 to provide a range of waste services for the treatment and disposal of local authority collected municipal waste. The Integrated Waste Handling (IWH) contract fulfils part of this obligation.
- 3.2 The current IWH contract operates the Authority's:
- twenty-one Recycling Centres for Household Waste
  - five waste transfer stations
  - haulage of waste to disposal and treatment facilities, and
  - haulage of outputs from the Mechanical and Biological Treatment (MBT) facility

This current IWH contract with Veolia Environmental Services has a value of c.£13m pa. and expires on 31 March 2022. It is necessary to commence activity now to ensure service continuity at the expiry of the current contract

- 3.3 A range of technical support may be required to support existing in-house technical and professional resource to deliver a service solution and ensure service continuity. The possible support areas include:
- Supporting the development of an Outline Business Case
  - Supporting the development of procurement strategy and contract packaging
  - Supporting tender document preparation
  - Supporting specification development
  - Assisting with tender evaluation
  - Service modelling and benchmarking
- 3.4 Procurement Services, with the Waste Service, have identified that the EPSO Consultancy Services Framework Agreement 664, includes consultants with the necessary skills to support existing resources in the delivery of this project and deliver required portfolio outcomes. Individual consultancy companies on the ESPO framework have the necessary breadth of skills to deliver all aspects of the support that may be required.
- 3.5 The EPSO framework agreement is an OJEU compliant route for local authorities to secure consultancy support, negating the requirement for the Authority to run its own procurement exercise. Consultancy providers on the ESPO framework will have already been subject to a quality assessment prior to being appointed to the framework.
- 3.6 ECC will appoint, by direct ward as permitted by the framework, the lowest cost consultant that is available to complete the works required within the required timelines and has the necessary experience to carry out the range of activities required. Once agreement to award has been secured the lowest cost provider, based on the published schedule of rates, will be identified and on submission of satisfactory evidence of experience will be appointed.
- 3.7 The contract awarded via the EPSO Framework Agreement will provide ECC with the flexibility to draw on technical advice and support to complement existing in-house technical resources to deliver the IWH contract. This flexibility will ensure that timescales for delivery can be met. Additional support and technical resource may be required during the period of options appraisals. procurement, mobilisation of any new contracts and demobilisation of any existing contracts. It is therefore proposed that the contract awarded should cover a period until the end of 2022.
- 3.8 The cost of the consultancy support needed is unknown as it will be predicated on the approach adopted with respect to IWH Contract service provision, and the availability of existing in-house technical resource to deliver the required work. The provider has been identified as the lowest cost, based on their rates schedule,.

## 4. Options

**Option 1 - Do Nothing (not recommended):** Failure to secure access to additional technical and professional resources, to supplement the in-house resource, would place the project at significant risk of delivery failure. The technical in-house resource required to deliver this project is allocated across a range of waste and environment activities. Relying solely on this in-house resource, with no contingency support, increases the risk of delivery failure due to unforeseen project complexities and service demands on limited resources. Failure to deliver a replacement to the current IWH Contract services would place ECC in breach of its obligations as a Waste Disposal Authority.

**Option 2: Secure additional in-house technical resource by direct employment of a technical officer (not recommended):** The specific technical resources required to assist in the delivery of the project are currently unknown but are likely to require a very broad and agile skill set. It is unlikely that ECC would be able to secure the required skills or capacity via a single employee and deliver the required outcomes within the necessary timeline. An external consultancy enables ECC to access a range of skills and capacity for specific periods of time.

**Option 3: Procure External consultancy support via ESPO Consultancy Services Framework (recommended):** The use of external consultancy provides ECC with the ability and flexibility to draw down the support of multiple individuals with a broad technical skill set and experience. This approach enables ECC to draw down the technical support as and when required to meet project requirements and supplement the available in-house technical resources. The proposed contract length will ensure continuity of support through all stages of the contract replacement.

## 5. Issues for consideration

### 5.1 Financial implications

5.1.1 The award of a framework contract under the ESPO Consultancy Services Framework Agreement does not commit ECC to any expenditure but simply provides a compliant route for ECC to secure technical support for packages of work required to enable service continuity once the current IWH Contract expires in March 2022.

5.1.2 The value of work packages to be awarded under the Consultancy Services Framework Agreement will not exceed £250,000. It is currently not known what the exact value will be as this is dependent on:

- the capacity of in-house technical resource to carry out necessary IWH Contract service work and therefore how much resource is needed to supplement this
- the scope of work required to deliver the service outcomes which will be defined as the programme develops

5.1.3 Work packages for delivery by the consultancy contractor will be identified by the project lead and awarded following agreement of work package delivery cost and identification of required funds from within the existing Environment and Climate Action budget allocation. If additional resources are required to deliver critical work packages this will be subject to a further governance process to secure the required funding before any request to carry out such work is issued.

## **5.2 Legal implications**

5.2.1 As the Waste Disposal Authority ECC is required to maintain the necessary services to delivery publicly accessible waste facilities and ensure waste disposal functions are maintained. It is necessary for ECC to ensure the necessary functions are in place when the current IWH Contract expires on 31 March 2022.

5.2.2 The ESPO Consultancy Services Framework Agreement has been procured in accordance with the Public Contracts Regulations and provides a compliant route for ECC to secure the necessary Consultancy Services to support delivery of this project.

5.2.3 Any and all appointments from the ESPO Consultancy Services Framework Agreement must be made in accordance with the terms of use of that framework agreement and with due regard for the Council's own requirements for use of a framework agreement.

## **6. Equality and Diversity implications**

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

**7 List of appendices**

Equality Impact Assessment

**7. List of Background papers**

None

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>