

**REPORT FROM: ASSISTANT DIRECTOR, OPERATIONAL SERVICES****TO: EXECUTIVE****DATE: 20<sup>th</sup> MARCH 2025**

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**EXEMPTIONS FROM CONTRACT PROCEDURE RULES****PURPOSE OF REPORT**

To seek agreement on a request for an exemption to Contract Procedure Rules.

**RECOMMENDATION**

- (1) That the Executive agrees to an exemption to Contract Procedure Rules for the provision for disposal and recovery of commercial waste.

**REASONS FOR RECOMMENDATION**

- (1) SUEZ are the only provider in the Borough. Facilities are available in Burnley and Skipton. The time taken to travel to and from these sites would require additional resources to be deployed each day to support the commercial waste team in completing its work.

**ISSUE****Exemptions from Contract Procedure Rules (CPRs)**

- 1 CPR 5 includes provision for exemption from the requirements to comply with CPRs in certain circumstances where the use of an alternative method of selection is considered justifiable, and propriety, value for money and compliance with domestic legislation can be demonstrated. Exemption from CPRs is, however, subject to the prior approval of the Director of Resources.

Details of exemptions less than £100,000 must be reported to the next possible meeting of the Accounts and Audit Committee. However, any exemptions over £100,000 must be agreed by the Executive prior to agreement.

2. An exemption from Contract Procedure Rules is sought for the following -

## Provision for disposal and recovery of commercial waste

### Nature of Contract

Provision of the disposal and recovery of commercial waste from Pendle's commercial waste collections.

A 12-month contract commencing 01/04/25 should be granted to SUEZ Recycling and Recovery Ltd with an option to extend for an additional 12 months. Estimated cost is £479,890 per annum.

### CPRs to be exempted

11.1 Responsible Officers shall ensure that, where proposed contracts, irrespective of their value, might be of interest to potential candidates, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders the wider the coverage of the advertisement should be. Examples of where such advertisements might be placed include;

- a) The CHEST
- b) the Council's website;
- c) portal websites specifically created for contract advertisements including Contracts Finder <https://www.gov.uk/contracts-finder>
- d) national official journals;

18.2 Where the estimated value of the proposed contract is within the values in the first column below, the award procedure in the second column must be followed;

Contract Value	Award Procedure	Shortlisting
Up to £10,000	<ul style="list-style-type: none"> <li>o Minimum of one written quotation should be obtained.</li> <li>o The lowest tender should be accepted.</li> <li>o The tender price should be within the agreed budget estimate.</li> <li>o An official order shall be issued.</li> </ul>	Responsible Officer
£10,001 to £50,000	<ul style="list-style-type: none"> <li>o Minimum of three written quotations must be obtained.</li> <li>o The lowest tender should be accepted.</li> <li>o The tender price should be within the agreed budget estimate.</li> <li>o An official order shall be issued</li> </ul>	Manager and Responsible Officer
£50,001 to £100,000	<ul style="list-style-type: none"> <li>o Tenders should be invited using an Invitation to Tender made available by The CHEST or advertisement.</li> <li>o The lowest tender should be accepted.</li> <li>o The tender price should be within the agreed budget estimate.</li> </ul>	Manager and Responsible Officer
£100,001 to threshold (£177,897)	<ul style="list-style-type: none"> <li>o Tenders should be invited using an Invitation to Tender made available by The CHEST or advertisement.</li> <li>o The lowest tender should be accepted.</li> <li>o The tender price should be within the agreed budget estimate.</li> <li>o Formal Legal Contract used.</li> </ul>	Requires prior approval of The Executive  Manager and Responsible Officer
Above Threshold (£177,898)	<ul style="list-style-type: none"> <li>o Relevant procedure or, where this does not apply, Invitation to Tender by advertisement to at least four potential contractors.</li> </ul>	Requires prior approval of The Executive  Member of Corporate Leadership Team  Manager and Responsible Officer

20.1a No Contract, the estimated value of which exceeds £50,000, shall be made unless:

a) at least 21 days' public notice has been given in one or more of the local newspapers, in Contracts Finder and in such trade journals as the Responsible Officer shall consider desirable, stating the nature and purpose of the Contract, inviting tenders and stating the last date when tenders will be received;

### **Reason for exemption**

SUEZ currently provide facilities to dispose of commercial waste via agreement with Lancashire County Council (LCC). We have been notified that LCC's rate will increase from 1<sup>st</sup> April 2025 resulting in disposal fees rising to £524,271. The Borough Council will need to recoup the disposal charge from its commercial waste customers resulting in our prices becoming less competitive and putting us at risk of losing customers.

### **Selection of contractor**

SUEZ Recycling and Recovery Ltd are the only provider situated within the Borough.

Benchmarking of costs have been carried out against LCC and other providers. Savings against LCC charges found to be around £45,000 per annum based on current tonnages and charges.

In view of the above, an exemption from Contract Procedure Rules is sought to allow the contract to be awarded to SUEZ Recycling and Recovery Ltd.

## **IMPLICATIONS**

**Policy:** None arising directly from the report.

**Financial:** The financial implications are as provided in the report. Expenditure will be contained within existing budgets

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report

**Health and Safety:** None arising directly from the report.

**Sustainability:** Using SUEZ Recycling and Recovery will eliminate the need for additional vehicles to travel beyond the Borough's boundary to dispose of commercial waste.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

**APPENDICES:** None