

This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:115252-2010:TEXT:EN:HTML>

UK-London: refuse and waste related services

2010/S 77-115252

CONTRACT NOTICE

Services

SECTION I: CONTRACTING AUTHORITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S)

The North London Waste Authority
Unit 360, Lee Valley Technopark Ashley Road Tottenham
Contact: The Authority Project Manager
N17 9LN London
UNITED KINGDOM
Tel. +44 2084894367
E-mail: procurement@nlwa.gov.uk
Fax +44 2084891775

Internet address(es)

General address of the contracting authority <http://www.nlwa.gov.uk>

Further information can be obtained at: As in above-mentioned contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at: As in above-mentioned contact point(s)

Tenders or requests to participate must be sent to: As in above-mentioned contact point(s)

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES

Regional or local authority
General public services
Environment
The contracting authority is purchasing on behalf of other contracting authorities No

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Title attributed to the contract by the contracting authority

The North London Waste Authority waste services contract and fuel use contract(s).

II.1.2) Type of contract and location of works, place of delivery or of performance

Services
Service category: No 16
Main place of performance Services to be delivered in the UK. Services may also be delivered elsewhere in Europe.
NUTS code UK

II.1.3) The notice involves

A public contract

II.1.4) Information on framework agreement

II.1.5) Short description of the contract or purchase(s)

1. Background

The North London Waste Authority (the "Authority") is the second largest UK waste disposal authority. The Authority is a statutory authority, with its membership consisting of two members from each of the seven north London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (the "Constituent Boroughs"). The Constituent Boroughs are the waste collection authorities. For the purposes of this procurement, the Authority is the contracting Authority.

The Authority is seeking to award a Waste Services Contract and a Fuel Use Contract(s) (together known as "the Contracts") to private sector partners (respectively known as the "Waste Services Contractor" and the "Fuel Use Contractor(s)" and together known as the "Contractors"), for the provision of a solution for the treatment of municipal solid waste ("MSW").

The Authority's procurement will be divided into two lots. The Waste Services Contract will be procured under the first lot ("Lot One") and the Fuel Use Contract(s) will be procured under the second lot ("Lot Two"). Under Lot Two, there will be two sub-lots (the "Sub-Lots") (please see below for further information on the Lots and Sub-Lots).

The Authority was awarded £258.4 million GBP in Private Finance Initiative ("PFI") credits by the Government in March 2010.

2. Key outcomes of the contracts

The key outcomes of the Waste Services Contract are to manage MSW: (1) in a safe, efficient and effective manner; (2) to maximise recycling, composting and reuse, minimise the amount of MSW to landfill and to produce solid recovered fuel ("SRF") in the most efficient way possible; and (3) to minimise the impact of climate change.

The key outcomes of the Fuel Use Contract(s) are to use SRF in a cost effective manner to generate energy and to minimise the climate change impact of managing MSW. The Authority is also looking for improved services which represent value for money.

3. The services under the contracts

Bidders should note that the services set out below are an indicative description of the services required by the Authority under the Contracts. The Authority reserves the right, however, not to contract for any part or all of the services.

4. The waste services contract ("lot one")

Under the Waste Services Contract, the Waste Services Contractor may be required to design, build, finance and operate certain waste treatment, transfer, processing and disposal facilities capable of managing approximately 1,200,000 tonnes per annum ("tpa") of MSW. As part of the Waste Services Contract, the Authority requires the production of SRF. The Waste Services Contractor may also be required to process an additional amount of MSW over and above 1,200,000 tpa.

The services set out in respect of the Waste Services Contract may be met in whole or in part by procuring through existing facilities, proposed merchant facilities, or through a new build.

The Waste Services Contractor will be responsible for marketing and selling any products other than SRF resulting from the service and for securing and managing any residual landfill capacity that may be required.

The Waste Services Contractor is expected to be responsible for decommissioning an energy from waste plant at the Edmonton site (see below) and for the return of the land on which it is situated to the Authority remediated to an agreed standard.

The Authority has identified sites to locate the waste treatment, transfer, processing and disposal facilities that may be required, namely sites at Edmonton (in Enfield), Pinkham Way (in Haringey), Hendon (in Barnet), and Hornsey Street (in Islington) (please see below for further information on each of the sites).

Under the Waste Services Contract, it is envisaged that the Waste Services Contractor will transport SRF to designated delivery point(s) for the Fuel Use Contractor(s) who will use it to generate energy. The Waste Services Contractor will also be responsible for any other transportation of MSW or treated products that may be required once the MSW has been received by the Waste Services Contractor.

The Authority reserves the right to exclude the build and/or refurbishment and operation of the household waste recycling centres ("HWRCs") and/or the recyclates from the Waste Services Contract.

4.1 Contract commencement date and duration of the waste services contract

The Waste Services Contract commencement date is anticipated to be October 2012. The Waste Services Contractor will be expected to take responsibility for managing the MSW on behalf of the Authority from this date.

The Authority and LondonWaste Ltd ("LWL") have a number of existing contracts that may be relevant to the provision of services especially in the period between the Waste Services Contract commencement and the operational start date. Some or all of these contracts may be available to the Waste Services Contractor. Further details will be available during the competitive dialogue process.

The duration of the Waste Services Contract will be determined by the Authority through competitive dialogue, but it is expected to be for a period of between 25 to 35 years.

4.2 Operational start date of the waste services contract

The operational start date for all of the new facilities under the Waste Services Contract is anticipated to be April 2016.

4.3 Other requirements

Under the Waste Services Contract, the Waste Services Contractor may be responsible for or contribute towards attaining or contributing to certain statutory and non-statutory targets (such as but not limited to, recycling performance targets and the diversion of biodegradable municipal waste from landfill). The Authority may require the Waste Services Contractor to act on its behalf in relation to the disposal of any additional amount of SRF over 340,000 tpa.

The Authority owns 100 % of the shares in LWL. The Authority proposes to sell its shareholding in LWL under a separate share purchase agreement to the Waste Services Contractor, at the same time that the Waste Services Contract is entered into. In order to buy the shares, the Waste Services Contractor will be required to pay a one off payment at financial close, put forward a reduced unitary charge under the Waste Services Contract, or a combination of both. The operational assets of LWL may therefore be available to the Waste Services Contractor. The Authority reserves the right not to sell all or any of the shares in LWL.

4.4 Sites

The Authority has identified the sites set out below for potential use by the Waste Services Contractor as part of its waste services proposals.

Bidders may submit a solution based on the sites identified by the Authority, their own sites or a combination of both.

— Edmonton site.

At the Edmonton site, LWL currently operates an energy from waste plant ("EfW") and an in-vessel composting ("IVC") facility. In addition to the EfW plant and IVC facility, there are ancillary waste related facilities and buildings on the site.

If required for the purpose of delivering services under the Waste Services Contract, leases will be granted to the Waste Services Contractor (a) of the Edmonton site (excluding the area of land on which the current EfW plant is located) - this lease will be for the same duration as the Waste Services Contract; and (b) of the land together with the EfW plant for an agreed period up to decommissioning and any required remediation of the land.

The Waste Services Contractor will be able to operate the existing facilities from the anticipated commencement date of the Waste Services Contract in October 2012, until they close. In addition to operating the existing facilities at Edmonton, there is scope to build further waste treatment, processing and disposal facilities at the site.

A lease may in addition be granted for the use of the land where the existing EfW plant is currently located after the end of the life of the EfW plant. The Authority will explore in the dialogue bidders' proposals for the use of this land. Depending on the solutions provided, an appropriate lease may be granted (which might be of longer duration than the term of the Waste Services Contract) of the land that the existing EfW plant is located on, in addition to any lease granted over the remainder of the land at Edmonton.

— Pinkham way site.

The Authority anticipates that the Waste Services Contractor may build and operate waste management facilities at Pinkham Way.

If required for the purpose of delivering services under the Waste Services Contract, a lease will be granted of the Pinkham Way Site to the Waste Services Contractor for the duration of the Waste Services Contract.

— Hendon rail waste transfer station ("WTS") site.

The Authority currently utilises a rail WTS, in Hendon. If required for the purpose of delivering services under the Waste Services Contract, the Authority will grant a sub-lease of the rail WTS, which will allow for the ongoing use of the site as a rail WTS and for the bulking of pre-sorted recyclable and compostable waste for transport by road.

The Authority envisages transferring the existing rail WTS and bulking facilities to a new site at Hendon. The development of the new site is included in the outline planning application for the Brent Cross Cricklewood ("BXC") redevelopment which the London Borough of Barnet has resolved to approve.

The Authority anticipates that from a date to be agreed in the dialogue process, the Waste Services Contractor will operate the existing rail WTS in Hendon, and when the development at BXC progresses, may build and operate a new rail WTS and new waste management facilities at the new site in Hendon.

— Hornsey street WTS site.

The Authority operates a road WTS at Hornsey Street to facilitate the movement of waste to sites used for waste processing, treatment and disposal. The facility currently handles material collected in Hackney, Camden and Islington.

The facility also accommodates the London Borough of Islington's depot and a reuse and recycling centre. If required for the purpose of delivering services under the Waste Services Contract, the Authority will grant a sub-lease for the duration of the Waste Services Contract.

The Authority envisages that the Hornsey Street WTS will be operated by the Waste Services Contractor for the duration of the Waste Services Contract.

— HWRC Sites.

The Waste Services Contractor may be required to build and/or refurbish HWRCs across or for the Authority's area. The Authority will seek to provide sites to facilitate the development of the HWRC network. The operation of existing and future HWRCs may be within the scope of the Waste Services Contract. It is anticipated that appropriate property rights will be granted to enable the Waste Services Contractor to carry out this service. Under the Waste Services Contract, the Waste Services Contractor may also be responsible for attaining or contributing to certain statutory and non-statutory targets.

5. The fuel use contract(s) ("lot two")

The Fuel Use Contract(s) will be let for the use of SRF and may involve the design, build, finance and operation of a facility or the use of a merchant facility to utilise SRF including SRF produced under the Waste Services Contract. The Fuel Use Contractor(s) will be responsible for the management of residues and by products.

As highlighted above, the Waste Services Contractor will be responsible for the provision and transfer of SRF to the delivery points for the Fuel Use Contractor(s). The Fuel Use Contractor(s) will be responsible for the transfer of SRF from the delivery points to the fuel use facility if different.

Lot Two will be divided into sub-lots: Sub-Lot A and Sub-Lot B. These Sub-Lots are defined by reference to the tonnage per annum of SRF available. On the basis of an SRF net calorific value ("NCV") of 13 MJ/kg, Sub-Lot A will consist of 140,000 to 170,000 tpa and Sub-Lot B will consist of 280,000 to 340,000 tpa. The actual tonnage of SRF may vary if fuel with a different NCV is produced.

The volumes in these Sub-Lots relate to the anticipated volume of the SRF produced under the Waste Services Contract.

A bidder may bid for: (i) either Sub-Lot A or Sub-Lot B; (ii) more than once for Sub-Lot A in respect of different projects; and/or (iii) the same project under both Sub-Lots A and B in the event that the project can operate at the different fuel volumes appropriate to the Sub-Lots.

If only one lot of 140,000 to 170,000 tpa under Sub-Lot A is successfully awarded, the Authority reserves the right to carry out a new procurement for the remaining SRF.

5.1 Duration of the fuel use contract(s)

The duration of the Fuel Use Contract(s) will be determined by the Authority through competitive dialogue, but is expected to be for a period of between 25 to 35 years.

5.2 Operational commencement date for the fuel use contract(s)

The operational commencement date for the Fuel Use Contract(s) is anticipated to be April 2017.

5.3 Other requirements

Under the Fuel Use Contract(s), the Fuel Use Contractor(s) may also be responsible for and contribute to attaining or contributing to certain statutory and non-statutory targets (such as but not limited to, recycling performance targets and the diversion of biodegradable municipal waste from landfill).

6. In relation to all lots and sub-lots

The information in the sections below relates to all the Lots and Sub-Lots.

The intention is that the Contracts will end on or around the same date.

6.1 Number of bidders

The Authority anticipates taking a minimum of three eligible bidders for Lot One and Sub-Lots A and B through to the invitation to submit outline solutions ("ISOS") stage. The Authority reserves the right to take more bidders through at its discretion subject to section IV.1.2.

6.2 Funding sources

Funding required for each of the Contracts is the responsibility of the respective Contractors. The Authority reserves the right to provide or procure capital contributions and/or finance to the project from other sources, such as through the use of prudential borrowing, other capital contributions and/or loans from the HM Treasury's Infrastructure Finance Unit. The amount of any such capital contribution and/or funding will be determined by the Authority during the procurement. The Authority also reserves the right to involve European Investment Bank funding in the project.

6.3 Most economically advantageous tenders

If the Authority awards the Contracts in accordance with this notice, these Contracts will be awarded to the bidders submitting the most economically advantageous tenders. Further details (including relating to the evaluation) will be provided subsequently when the post PQQ procedure is outlined.

6.4 Procurement process

If there are more eligible bidders than the minimum required then the Authority may select those who will proceed to the next stage and the Authority will do so if more than the maximum number are identified.

Under the Waste Services Contract, the Authority would use the weighting as set out in the Waste Services Pre-Qualification Questionnaire ("PQQ").

Under the Fuel Use Contract(s) then the Authority would select bidders to participate in dialogue through the completion of the pre-dialogue questionnaire ("PDQ") in accordance with Regulation 18(12) of the Public Contract Regulations 2006 (the "Regulations"). The criteria to be applied at this Pre-Dialogue stage are as follows:

Control of Site(s); Planning Deliverability; Energy Supply and Demand; and Location of Site(s) and Transport Links. Each criterion will be worth 25 % of the total available marks. Further detail may be given in the PDQ. Bidders for the Fuel Use Contract(s) will be required to submit a completed and sealed PDQ at the same time as they submit the PQQ.

The Authority is holding a number of procurement information sessions in late April and early May 2010. Bidders wishing to express an interest in one or more of the Contracts are encouraged to attend one of these events. For further details on the procurement information sessions arrangements, please send an email to the Authority by midday 10 May 2010, using the email address set out in section I.1 of this OJEU notice. Further details are contained in the memorandum of information ("MOI"), the PQQ and PDQ (see below for details on how to obtain these).

Bidders will be entitled to submit separate bids for any or all individual Lots or Sub-Lots. Bidders will not, however, be permitted to bid for part of any individual Lot or Sub-Lot.

Bidders who would like to bid for more than one individual Lot or Sub-Lot are required to submit a separate PQQ for each of their bids.

If a bidder submits two separate bids for Sub-Lot A (ie they will be bidding for Sub-Lot A twice) where they wish both to be capable of acceptance at the same time, they will need to comply with the specific minimum financial thresholds set out in section III.2.2 as they apply to Sub-Lot B.

If a bidder is awarded more than one of the Contracts, it will however, still be required to enter into a separate Waste Services Contract and Fuel Use Contract(s).

6.5 Documents and further information

A copy of the MOI, PQQ and PDQ documents are available on request from the Authority Project Manager, whose details are set out in section I.1 of this OJEU notice. Further details of the process (including the evaluation frameworks) will be provided subsequently when the post PQQ procedure is outlined.

Please note that the Contracts will be based on the Standardisation of PFI Contracts Version 4 ("SoPC4") and the Waste Infrastructure Delivery Programme ("WIDP") contract documentation and guidance as those documents are updated or amended. The HM Treasury website address is as follows: http://www.hm-treasury.gov.uk/ppp_standardised_contracts.htm.

II.1.6) **Common procurement vocabulary (CPV)**

90500000 - FC01 - FC02 - FC03, 90510000, 90513000, 90513100, 90513200, 90514000, 90512000, 90513400, 90513300, 09310000, 09320000, 80500000, 80530000, 80521000, 45100000, 45222100, 45222110, 45232470, 45252300, 45253700, 45253800, 77120000, 90513900, 90520000, 90524200, 90530000, 90531000, 90533000, 98350000, 66132000

II.1.7) **Contract covered by the Government Procurement Agreement (GPA)**

No

II.1.8) **Division into lots**

Yes

tenders should be submitted for one or more lots

II.1.9) **Variants will be accepted**

Yes

II.2) QUANTITY OR SCOPE OF THE CONTRACT

II.2.1) Total quantity or scope

The Authority is seeking to procure a waste services solution under Lot one and a fuel use solution(s) under Lot Two. Lot Two will be divided into two Sub-Lots (Sub-lot A and sub-lot B). The Authority envisages that SRF will be produced (under the waste services solution) and used to generate energy (under the fuel use solutions). The likely nominal value of the Waste Services Contract is expected to be approximately 3 500 000 000 GBP. The likely nominal value of the Fuel Use Contract(s) is expected to be approximately 1 200 000 000 GBP. The likely nominal value of Sub-Lot A under the Fuel Use Contract(s) is expected to be approximately 600 000 000 GBP. The total value of the Contracts, therefore will be approximately 4 700 000 000 .

II.2.2) Options

Yes

description of these options: The term of the Contracts may be extended twice, each for a period of up to 5 years.

Number of possible renewals 2

in the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts: in months: 60 (from the award of the contract)

II.3) DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION

Starting 1.10.2012. Completion 1.10.2060

INFORMATION ABOUT LOTS

LOT NO: 1

TITLE Lot one (the waste services contract)

1) SHORT DESCRIPTION

A contract for the provision of waste management services which may include the design, build, finance and operation of certain waste treatment transfer, processing and disposal facilities capable of processing approximately 1 200 000 tpa of MSW.

2) COMMON PROCUREMENT VOCABULARY (CPV)

90500000 - FC01 - FC02 - FC03, 90510000, 90512000, 90513000, 90513100, 90513200, 90514000, 80500000, 80530000, 80521000, 45100000, 45222100, 45222110, 45232470, 90513900, 77120000, 90513300, 90513400, 09310000, 09320000, 45252300, 45253700, 45253800, 90524200, 90530000, 90531000, 90533000, 98350000, 90520000, 66132000

3) QUANTITY OR SCOPE

The likely nominal value of the Waste services contract is expected to be approximately 3 500 000 000 GBP.

4) INDICATION ABOUT DIFFERENT DATE FOR DURATION OF CONTRACT OR STARTING/COMPLETION

5) ADDITIONAL INFORMATION ABOUT LOTS

Please refer to section II.1.5 of this OJEU notice.

LOT NO: 2

TITLE Sub-lot A under lot two (the fuel use contract(s))

1) SHORT DESCRIPTION

A contract for the use of SRF to generate energy.

2) COMMON PROCUREMENT VOCABULARY (CPV)

90513000 - FC01 - FC02 - FC03, 90513100, 90513200, 90514000, 90513400, 90513300, 09310000, 09320000, 80500000, 80530000, 80521000, 45100000, 45252300, 45253700, 45253800, 77120000, 90500000, 90510000, 45222100, 90530000, 45222110

3) **QUANTITY OR SCOPE**

The likely nominal value of the Fuel Use Contract(s) is expected to be approximately 1 200 000 000 GBP. The likely nominal value of Sub-Lot A under the fuel use contract is 600 000 000 GBP.

4) **INDICATION ABOUT DIFFERENT DATE FOR DURATION OF CONTRACT OR STARTING/COMPLETION**

5) **ADDITIONAL INFORMATION ABOUT LOTS**

Please refer to section II.1.5 of this OJEU notice.

LOT NO: 3

TITLE Sub-Lot B under lot two (the fuel use contract(s))

1) **SHORT DESCRIPTION**

A contract for the use of SRF to generate energy.

2) **COMMON PROCUREMENT VOCABULARY (CPV)**

90513000 - FC01 - FC02 - FC03, 90513100, 90513200, 90514000, 90513400, 90513300, 09310000, 09320000, 80500000, 80530000, 80521000, 45100000, 45252300, 45253700, 45253800, 77120000, 90500000, 90510000, 45222100, 90530000, 45222110

3) **QUANTITY OR SCOPE**

The likely nominal value of the Fuel use contract(s) is expected to be approximately 1 200 000 000 GBP.

4) **INDICATION ABOUT DIFFERENT DATE FOR DURATION OF CONTRACT OR STARTING/COMPLETION**

5) **ADDITIONAL INFORMATION ABOUT LOTS**

Please refer to section II.1.5 of this OJEU notice.

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1) **CONDITIONS RELATING TO THE CONTRACT**

III.1.1) **Deposits and guarantees required**

The Contracts will each have a performance related mechanism. The Authority, however, reserves the right to request deposits, guarantees, bonds or other forms of appropriate security. Further details will be provided in the pre-qualification and tender documentation.

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them**

Funding required for each of the Contracts is the responsibility of the respective Contractor(s). Further details will be provided in the pre-qualification and tender documentation. The Authority reserves the right to provide or procure capital contributions and/or finance to the project from other sources, such as through the use of prudential borrowing, other capital contributions and/or loans from the HM Treasury's Infrastructure Finance Unit. The amount of any such capital contribution and/or funding will be determined by the Authority during the procurement. The Authority also reserves the right to involve European Investment Bank funding in the project.

III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

The Authority reserves the right to require, in the context of a consortium, bidders to take a particular legal form, or to require a single contractor to take primary liability or to require that each party undertakes joint and several liability.

Bidders must provide full details of their proposed contracting structures. Changes to consortia or contracting structures must be notified to the Authority which may impose conditions on or reject the change if that is reasonably necessary to ensure the Authority meets legal or procurement obligations.

III.1.4) **Other particular conditions to which the performance of the contract is subject**

Yes

The selected Contractors will be required to have all the appropriate licences under UK legislation. As highlighted in section II.1.5, the Contractors will also be responsible for attaining or contributing to certain statutory and non-statutory targets (such as but not limited to, recycling performance targets and the diversion of biodegradable municipal waste from landfill).

III.2) **CONDITIONS FOR PARTICIPATION**

III.2.1) **Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers**

Information and formalities necessary for evaluating if requirements are met: The Authority will evaluate all responses to the PQQ in accordance with Articles 45 to 50 of Directive 2004/18/EC (the "Directive") and Regulations 23 to 25 of the Regulations 2006 and as set out in the PQQ available from the address in section I.1.

If there are more eligible bidders than the minimum required then the Authority may select those who will proceed to the next stage and the Authority will do so if more than the maximum number are identified. Under the Waste Services Contract, the Authority would use the weighting as set out in the Waste Services PQQ.

Under the Fuel Use Contract(s) then the Authority will select bidders to participate in dialogue through the completion of the PDQ in accordance with Regulation 18(12) of the Regulations 2006. The criteria to be applied at this Pre-Dialogue stage are as follows:

Control of Site(s); Planning Deliverability; Energy Supply and Demand; and Location of Site(s) and Transport Links. Each criterion will be worth 25 % of the total available marks. Further detail may be given in the PDQ. Bidders for the Fuel Use Contract(s) will be required to submit a completed and sealed PDQ at the same time as they submit the PQQ.

III.2.2) **Economic and financial capacity**

Information and formalities necessary for evaluating if requirements are met: In accordance with Articles 47 of the Directive and Regulation 24 of the Regulations 2006 and as set out in the PQQ available from the address in section I.1.

Minimum level(s) of standards possibly required Waste Services Contract (Lot One).

The minimum turnover and net asset thresholds for bidders for the provision of waste management services under the Waste Services Contract are 100 000 000 GBP for turnover and 140 000 000 GBP for net assets respectively.

Fuel Use Contract(s) (Lot Two).

The minimum turnover and net asset thresholds for bidders for the provision of services under the Fuel Use Contract are: (1) £20 million for turnover and 35 000 000 GBP for net assets for Sub-Lot A; and (2) 40 000 000 GBP for turnover and 70 000 000 GBP for net assets for Sub-Lot B.

With reference to section II.1.5, if a bidder would like to submit two bids for Sub-Lot A then the bidder will be required to satisfy the minimum financial thresholds stated in relation to Sub-Lot B where they wish both to be capable of acceptance at the same time.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if requirements are met:

In accordance with Articles 48 to 50 of the Directive and Regulation 25 of the Regulations 2006 and as set out in the PQQ available from the address in section I.1.

Minimum level(s) of standards possibly required

Bidders for the Waste Services Contract (Lot One) must have previous experience in the design, construction, successful commissioning and operation of at least one major infrastructure project of similar complexity to the type(s) of facilities it would propose in any potential bid for this contract. Major infrastructure projects of similar complexity should have annual processing capacity for residual waste of at least 100 000 tpa. This could include technologies for the production of SRF or similar fuel production, mechanical-biological processing, anaerobic digestion, autoclaves or chemical processing facilities.

Bidders for the Fuel Use Contract(s) (Sub-Lots A and B) must have previous experience in the development and management of the design, construction, successful commissioning and operation of at least one major infrastructure project of similar complexity to the reference project as set out in the Authority's Outline Business Case.

III.2.4) **Reserved contracts**

No

III.3) **CONDITIONS SPECIFIC TO SERVICES CONTRACTS**

III.3.1) **Execution of the service is reserved to a particular profession**

No

III.3.2) **Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service**

No

SECTION IV: PROCEDURE

IV.1) **TYPE OF PROCEDURE**

IV.1.1) **Type of procedure**

Competitive dialogue

IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate**

Envisaged minimum number 3 maximum number 10

Objective criteria for choosing the limited number of candidates: Bidders for the Waste Services Contract (Lot One) and the Fuel Use Contract(s) (Sub-Lots A and B) have to satisfy the criteria for participation as set out in Part III.2.

If there are more eligible bidders than the minimum required then the Authority may select those who will proceed to the next stage and the Authority will do so if more than the maximum number are identified.

Under Lot One, the Authority would use the weighting as set out in the Waste Services PQQ.

Under Lot Two then the Authority would select bidders to participate in dialogue through the completion of the PDQ in accordance with Regulation 18(12) of the Regulations 2006. The criteria to be applied at this Pre-Dialogue stage are as follows:

Control of Site(s); Planning Deliverability; Energy Supply and Demand; and Location of Site(s) and Transport Links. Each criterion will be worth 25 % of the total available marks. Further detail may be given in the PDQ. Bidders for the Fuel Use Contract(s) will be required to submit a completed and sealed PDQ at the same time as they submit the PQQ.

Further details may be given in the PDQ.

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated Yes

IV.2) **AWARD CRITERIA**

IV.2.1) **Award criteria**

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

IV.2.2) **An electronic auction will be used**

No

IV.3) **ADMINISTRATIVE INFORMATION**

IV.3.1) **File reference number attributed by the contracting authority**

IV.3.2) **Previous publication(s) concerning the same contract**

No

IV.3.3) **Conditions for obtaining specifications and additional documents**

Payable documents No

IV.3.4) **Time-limit for receipt of tenders or requests to participate**

24.5.2010 - 12:00

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates**

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up**

English.

IV.3.7) **Minimum time frame during which the tenderer must maintain the tender**

IV.3.8) **Conditions for opening tenders**

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) **THIS IS A RECURRENT PROCUREMENT**

No

VI.2) **CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY EU FUNDS**

No

VI.3) **ADDITIONAL INFORMATION**

Sections II.1.5, II.1.9 and II.2.2 - the Authority envisages that the duration of the Contracts will be between 25 and 35 years. The term of the Contracts may be extended twice, each for a period of up to five years. Bidders are able to propose variant bids to reduce the proposed terms of the Contracts. The Authority reserves the right to change the length of the Contracts.

Section II.1.6 - it is envisaged that the fuel use plant will produce heat and/or electricity. The disposal of flue gas treatment residues, fly ash and any hazardous materials will also be required.

Section II.2.1 - Further details on the basis on which the estimated nominal values of the Contracts has been based is available in the Authority's Outline Business case which is available at: http://www.nlwa.gov.uk/procurement/outline_business_case.

The Authority reserves the right to require a funding competition. The Authority reserves the right to permit changes to a consortium's membership in accordance with requirements provided in the tender documentation. The Authority reserves the right to change without notice any part of the Contracts and the procedure for awarding the Contracts, to reject all or any bids for the Contracts, to terminate discussions with any or all interested bidders and/or to stop the process or cancel the procurement at any time. The Authority also reserves the right not to award a contract at any time without any liability on its part.

Please also note that the Authority will be able to terminate the procurement of a particular Sub-Lot if there are not sufficient eligible bidders.

Nothing in this contract notice or procurement competition shall generate any contractual obligations prior to any signature of final written contracts. The Authority is a public authority under the Freedom of Information Act 2000 (the "Act") and the Environmental Information Regulations 2004 ("EIR"). As part of its duties under the Act and the EIR, the Authority may disclose information to a person making a request unless the information is covered by an exemption under the Act or the EIR. The Authority is required to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosing it. Prospective bidders should state in their submissions whether or not they consider the information supplied, if disclosed to a third party, would be prejudicial to their commercial interest and, if so, the reasons for such a view. These views will be taken into consideration by the Authority when deciding whether to disclose information.

Please note that all money figures in this document relate to Great Britain Pounds.

VI.4) **PROCEDURES FOR APPEAL**

VI.4.1) **Body responsible for appeal procedures**

Any appeals under this process should be sent to the email address set out in section I.1.

Body responsible for mediation procedures

Any appeals under this process should be sent to the email address set out in section I.1.

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: In accordance with Regulation 32 (Information about contract award procedures and the application of the standstill period prior to contract award) of the Regulations 2006, S.I. 2006/5 (as amended) and Part 9 of those Regulations.

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

VI.5) **DATE OF DISPATCH OF THIS NOTICE:**

19.4.2010