

## Member Advisory Panel Meeting Minutes

<b>Location, Date &amp; Time of Meeting:</b>		<b>Conference Room 6, Saltisford Building, Warwick, 16.03.10, 10.00</b>	
<b>Attending:</b>	<b>Members</b>	<b>Officers</b>	
<i>Coventry</i>	Cllr Noonan (Vice Chair) Cllr Harvard	Chris West John McGuigan	
<i>Solihull</i>	Cllr Wild (Chair) Cllr Hawkins Cllr Hodgson	Jim Harte Paul Johnson	
<i>Warwickshire</i>	Cllr Cockburn Cllr Whitehouse Cllr Sweet	Martin Stott	
Project Transform Officers	John Daly, Kalen Wood, Suzanne Burrell		
<b>Apologies:</b>	Cllr Lee (Coventry) Officers: David Clarke and Paul Galland (Warwickshire)		
<b>Status:</b>	<b>Action:</b>	<b>Initials:</b>	
<b>AMBER</b>	Send out copy of the presentation	Project Office	
<b>RED ACTIONS</b>	<b>AMBER ACTIONS</b>	<b>GREEN ACTIONS</b>	
Requires urgent attention	Requires actioning before the next meeting (or within 2 months of the meeting-whichever is sooner).	Requires actioning for the next meeting	

Meeting commenced at 10:15 a.m.

### 1 Declarations of Interest

Cllr Noonan –Councillor for Cheylesmore and resident in the locality of the existing Energy from Waste (EfW) facility.

Cllr Whitehouse – Is a financial contributor to Friends of the Earth

### 2 Minutes from Previous Meeting

The Chair proposed that the minutes were an accurate reflection of the meeting held on 29/01/10.

Sign off of the minutes was formally proposed by Cllr Cockburn and seconded by Cllr Noonan.

### 3 Matters Arising

Members acknowledged that they had received notification that Covanta and Biffa had withdrawn from the procurement process.

### 4 Presentation – Overview of the Procurement Process and its Application to Project Transform

John Daly gave a presentation on the Procurement Process and the implications for Project Transform. The key areas addressed were:

- Key Council Decisions
- EU Public Procurement
- Progress to date
- Member involvement
- Recent legal challenges – Waste Procurements

#### 4.1 Questions & Comments

Cllr Wilde commented that the press release regarding the revised waste flow model had been picked up by the Local Authority Waste and Recycling journal.

**Q- When will a decision be made regarding the size of the facility?**

A -The bidder will propose the size of the facility and we will discuss this through dialogue, with the final proposed facility being known by Financial Close which is estimated to be April/May 2012.

**Q-Originally there were 8 bidders we now have 6 – are they serious?**

A -The 6 remaining bidders are committed to the project and are serious bidders. They consist of established European, UK and US companies.

**Q- Will local companies be involved**

A – Local companies could be sub-contracted during the development of the new facility.

**Q – If we receive a good idea from a bidder but that bidder is not selected, what can we do about this?**

A – We can continue to dialogue with bidders for as long as it takes for the Partners to achieve a satisfactory solution. We can share general information through clarifications to bidders but we cannot compromise commercial confidentiality regarding a solution - we cannot pass one bidders idea onto another, we have to maintain confidentiality and bidders' intellectual property rights. This however does not preclude the Partners from refining their requirements as the process progresses.

We have to treat bidders equally and be fair and transparent throughout the whole procurement process.

**Q – If we are not happy with the proposed solution can we extend the programme? Would this require Member approval?**

A -If we need to extend the programme we can do this – we would not need Member approval to do this but would have to report to the Project Board. Some projects (Manchester) have been delayed at preferred bidder stage due to funding issues arising from the recent economic situation.

**Q – What would be the impact of the Project if one of the Partners was to pull out of the process?**

A – This is set out in the Joint Working Agreement, if one Partner was to withdraw from the project they would have to pay some abortive costs.

**Q – If one of the Partners was to withdraw would the PFI fail?**

A – The allocation of the PFI credits was not predicated on the number of authorities involved in the project. Ultimately, Defra would need to decide whether credits would be still available if a Partner were to withdraw.

**Q – What would happen if one authority did not like the chosen solution?**

A – All Partners have agreed the recommendations presented with the PFI Outline Business Case (October 2008) and approved the evaluation criteria (December 2009) that will be used to assess bids. Through the approvals process, Members have signed up to an open process where bidders will propose solutions for dealing with residual waste. The Partner would have the option to pull out of the process but there would be abortive costs to pay for doing so.

**Q – If we radically downscaled the size of the required facility would we be open to challenge?**

A – If we radically changed our requirements at preferred bidder stage we could be open to challenge. However we would not end the dialogue process until we were happy with the solution that was being proposed.

If we changed our requirements so that they were significant different from the ones stated in the Contract Notice (published in the Official Journal of the European Union - OJEU notice) we would have to stop the procurement and re-start the procurement exercise.

**Q – How important is value for money?**

A – Value for money and affordability is important and as such the financial elements of the approved evaluation criteria have been given increased weightings at each stage of the procurement process. Deliverability of a solution is also critical.

**Q – How are Environmental factors taken account of? – they don't appear to have been weighted very highly.**

A – Environmental factors have been taken into account in the approved evaluation criteria and have been weighted accordingly.

Following the presentation and discussion all Members confirmed that they are happy with the process that is being undertaken to procure a new residual waste treatment facility- however part of their role is to raise key issues and challenge the Project Team.

## 5 AOB

None raised.

## 6 Date of Next Meeting

The next meeting is scheduled for Monday 7<sup>th</sup> June, 10:00, Committee Room 2, Civic Suite, Solihull.

Meeting closed 12.00

**Chair:** Councillor Mrs Wild

<b>Circulated:</b>	Draft to MAP Members & Project Board	01.04.10
<b>Approved</b>		
<b>Author</b>	KMW	01.04.10