



**At a Meeting of the Authority
held on Tuesday 15th April 2009**

Present : Councillor Cluskey (Chairperson)
Councillor Salter
Councillor Tattersall
Councillor Johnston
Councillor Crowther
Councillor Gardiner
Councillor Harris

104. **Apologies for Absence**

Apologies for absence were received from Councillors Lonergan, Moffatt and Dean.

105. **Minutes of the Authority Meeting held on 6th February 2009**

Resolved that the minutes of the meeting held on 6th February 2009 be approved and signed as a correct record.

106. **Minutes of the Authority Meeting held on 13th March 2009**

Resolved that the minutes of the meeting held on 13th March 2009 be approved and signed as a correct record.

107. **Declarations of Interest by Members and Officers**

Councillor Cluskey declared a non-prejudicial interest in Items 11 and 12, recorded herewith as minutes 114 and 115 respectively, in so far as they relate to Mersey Waste Holdings Limited.

John Webster, Treasurer to the Authority, declared a personal and prejudicial interest in item 12, recorded herewith as minute 115 in so far as it relates to the appointment of certifying officer.

108. **Questions from Members under Procedural Rule 9**

There were no questions submitted by Members under Procedural Rule 9.

109. **Questions from Members of the Public under Procedural Rule 10**

There were no questions submitted by members of the public under Procedural Rule 10.

110. **Motions proposed by Members under Procedural Rule 15**

There were no motions proposed by Members under Procedural Rule 15.

111. **Corporate Plan 2009-2012 and Service Plans 2009/10**
WDA/09/09

The Authority considered a report seeking Members' approval to a revised three year Corporate Plan and a set of Annual Service Plans for 2009/10.

Resolved that:

1. the Corporate Plan for 2009-2012 be approved;
2. the revised Corporate Risk Register for 2009/10 be noted; and
3. the Authority's set of Annual Service Plans for 2009/10 be approved.

112. **Joint Municipal Waste Management Strategy**
Review Programme and Criteria
WDA/08/09

A report was submitted which proposed the scope of the review programme for the Joint Municipal Waste Management Strategy (JMWMS) within the approved revenue budget and sought Members' agreement to the criteria for the assessment of tenders to procure services as part of the JMWMS review.

Resolved that:

1. the proposed funded programme of projects for the JMWMS review be approved; and
2. the proposed evaluation criteria for appraisal of tender returns be approved.

113. **Exclusion of the Public**

Resolved that the public be excluded from the meeting during consideration of the following items for the reasons stated.

Minute **Reason (under the Local Government Act 1972)**

114 Information relating to the financial or business affairs of any particular person (including the Authority holding the

Information) (Para 3 of Schedule 12)

- 115 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5 of Schedule 12)

Councillor Cluskey declared a non- prejudicial interest in the following item and in accordance with the Code of Conduct for Members, remained in the meeting.

114. **Waste Disposal and Household Waste Recycling Centres**
MWHL Waste Management Contract Rates Acceptance
WDA/11/09

A report was submitted which requested that Members rescind the decision of a previous meeting to appoint advisors to review contract rates and prices received from Mersey Waste Holdings Limited (MWHL) for the provision of services under the new Waste Disposal and Household Waste Recycling Centre Contracts from October 2008 which would allow the Director to agree rates under delegated powers. The report also sought approval to MWHL's 2008/09 budgets in accordance with the Shareholder's Agreement.

Resolved that:

1. the requirement to employ Ernst and Young to undertake a review of the rates and prices received from Mersey Waste Holdings Limited for provision of services under the new Waste Disposal and Household Waste Recycling Centre Contracts be rescinded; and
2. the Director be instructed to submit a further, detailed report seeking approval to MWHL's 2008/09 budget.

Councillor Cluskey declared a non- prejudicial interest in the following item and in accordance with the Code of Conduct for Members, remained in the meeting.

John Webster, Treasurer to the Authority, declared a personal and prejudicial interest in the following item and in accordance with the Code of Conduct, left the meeting during consideration of the item.

Councillor Johnston left the meeting prior to the resolution of the following item to attend a Hillsborough Memorial Service.

115. **Waste Management and Recycling Contract**
Procurement Project
Evaluation of Submission of Final Tenders
WDA/10/09

A report was submitted which advised Members of the outcome of the evaluation of Bidders' Final Tenders submitted following the completion of the

dialogue phase of the WMRC procurement process and sought approval to the selection of the Preferred Bidder and the arrangements necessary to let the contract.

Resolved that:

1. the evaluation of the final tenders submitted by SITA and VEOLIA in respect of the Waste Management and Recycling Contract be noted and the selection of Veolia as the bidder, having submitted in accordance with the Authority's evaluation criteria, the most economically advantageous tender be approved;
2. the Director be granted delegated powers of the Authority, to finalise, with the assistance of advisors, all necessary contractual documentation with Veolia to enable a contract to be entered into, subject to reporting back to Members upon any significant unforeseen issue which arises and/or any significant departure from the Agreed Form Documents which are in existence at 15th April 2009;
3. the Director be authorised to issue the required notifications to all economic operators involved in the procurement process to date under regulation 32 of the Public Contracts Regulations 2006 (commonly known as "Alcatel letters") and to deal with any objections which may be made during the applicable period ("Alcatel Period");
4. the Director be granted delegated powers of the Authority, in consultation with the Chairman and subject to any objections raised during the Alcatel Period being resolved to the satisfaction of the Director in consultation with the Chairman, to accept Veolia's tender and, once all necessary contractual documentation is finalised to the satisfaction of the Director in consultation with the Chairman, enter into the relevant contractual documentation (being as listed in Appendix [G]) with Veolia;
5. the proposed commencement date for the Waste Management and Recycling Contract of 1st June 2009, subject to completion of the necessary contractual documentation be approved;
6. the Clerk be authorised to affix the Seal of the Authority to such of the relevant contractual documentation referred to in Recommendation 4 above as are required to be so sealed; and
7. Members note that the Waste Management and Recycling Contract is intended to be a certified contract pursuant to the Local Government (Contracts) Act 1997 and that delegated powers of the Authority be granted to the Director, in

consultation with the Chairman and Monitoring Officer, to put in place such arrangements as the Director deems necessary to enable certification of the Waste Management and Recycling Contract (or the provision of equivalent protection to Veolia), including the indemnification of the certifying officer where appropriate.

Before closing the meeting, the Chairman took the opportunity to thank the Director and the staff involved in the procurement of this major contract and for securing recent planning permission for a Materials Recycling Facility at Gillmoss, Liverpool.