



17 November 2021

Request

Please could I request a copy of ALL communications between the Parish of St Lawrence and MBM Services including the specifications, if any, set out in the tender documents and how MBM Services expect to meet those specifications, in relation to –

- a) The refuse collection contract, and
- b) The road sweeping contract.

Response

This response provides the communications (letters and emails) between the Parish of St Lawrence and MBM Services Limited (“MBM Services”) including the specifications, if any, connected to the tender between the Parish of St Lawrence and how MBM Services expected to meet those tender specifications, in relation to the following -

- a) The refuse collection contract, and
- b) The road sweeping contract.

a) **The refuse collection contract –**

The Invitation to Tender was placed in the Jersey Evening Post (see Appendix – JEP notice).

The Invitation to Tender was also published in the online Jersey Gazette (see [Tender of parish refuse and recycling collection service \(gov.je\)](#)).

Contractors expressing interest were provided with the Tender information (see Appendix – Tender information).

The letter from the Connétable of the Parish to MBM Services dated 21 October 2019 (i) noting the intention to offer MBM Services the refuse contract, subject to such contract being agreed and (ii) enclosing a draft of the proposed refuse contract for MBM Services consideration and comment, is below (see Appendix – Parish letter).

Invoices are absolutely exempt information under Article 23 of the Law.

The tender submitted by MBM Services Ltd, the terms of the refuse contract, and all negotiations relating to such refuse contractor held by the Parish and pertaining to MBM Services as a result of such contract, are absolutely exempt information under Article 26 of the Law.

FOI exemptions applied:

Article 23 - Information accessible to applicant by other means

Information is absolutely exempt information if it is reasonably available to the applicant, otherwise than under this Law, whether or not free of charge. A scheduled public authority that refuses an application for information on this ground must make reasonable efforts to inform the applicant where the applicant may obtain the information.

Justification for exemption

Parish accounts - the Parish accounts are published on the Parish’s website; costs of refuse collection are shown under Expenditure “Refuse Collection”.

Article 25(2) - Personal Information redacted

Information is absolutely exempt information if – (a) it constitutes personal data of which the applicant is not the data subject as defined in the Data Protection (Jersey) Law 2018; and (b) its supply to a member of the public would contravene any of the data protection principles, as defined in that Law.

Article 26 - Information supplied in confidence

Information is absolutely exempt information if –

(a) it was obtained by the scheduled public authority from another person (including another public authority); and

(b) the disclosure of the information to the public by the scheduled public authority holding it would constitute a breach of confidence actionable by that or any other person.

b) The road sweeping contract –

There is no formal contractual documentation or correspondence relating to the formation of such contract between the Parish and MBM Services. MBM Services' road sweeping services have to date been carried out on the understanding that they would continue to provide similar service levels to those previously agreed with and provided by another party.

Invoices are absolutely exempt under Article 23 of the Law.

FOI exemption applied:

Article 23 - Information accessible to applicant by other means

Information is absolutely exempt information if it is reasonably available to the applicant, otherwise than under this Law, whether or not free of charge. A scheduled public authority that refuses an application for information on this ground must make reasonable efforts to inform the applicant where the applicant may obtain the information.

Justification for exemption

Parish accounts - the Parish accounts are published on the Parish's website; costs of road sweeping are shown under the Roads Account "Roads and drains cleaning".



APPENDIX – JEP notice

PARISH NOTICE COPY	
	Paroisse de St Laurent Invitation to Tender
Parish Refuse & Recycling Collection Service	
Applications are invited from established contractors wishing to tender for the collection, removal and disposal of household refuse on a weekly basis from all residential and commercial properties as well as the collection of domestic recycling on a monthly basis, in the Parish of St Lawrence.	
Interested parties with relevant proven experience should in the first instance contact the Parish Secretary on 861672 or stlawrence@posl.gov.je for more information.	
The closing date to submit tenders is noon on 31st August 2019 .	
The Connétable and Procureurs du Bien Public do not bind themselves to accept the lowest or any tender.	
Deidre Mezbourian Connétable	1 July 2019

APPENDIX – TENDER information

PARISH OF
ST. LAWRENCE



The Parish Hall
La Grande Route de St Laurent
St Lawrence
Jersey
JE3 1NG

Telephone : 01534 861672
email: stlawrence@posl.gov.je
www.parish.gov.je/st_lawrence

Invitation to Tender

1st July 2019

Refuse & Recycling Collection Service

Thank you for your interest in tendering for the above service. We hope you find the enclosed information useful when considering your business proposal which must include cost indications.

The collection of refuse is one of the most important services in a community. It is not an easy undertaking; the service requires someone with knowledge of handling waste materials appropriately, using well-maintained vehicles on narrow by roads (often in the dark) and an efficient team of staff to be available weekly (refuse) and monthly (recycling) to move swiftly from property to property. Once collected the waste must be transported and then disposed of under strict environmental guidelines which incurs a cost to the Contractor and all the recyclables need to be delivered to the relevant third parties for onward recycling. The Contractor must have public liability insurance, they must keep accurate records of volume of waste collected and must provide a polite, efficient service to all Parishioners at all times.

Please note that to minimise disruption to our Parishioners, we will only consider tenders from established contractors who can match the current refuse collection days of the week (Wednesday, Thursday & Fridays for domestic and Mondays for commercial refuse) plus the current Monthly Recycling dates (dates enclosed).

As at the 1st July 2019, there are 2410 domestic households and 90 commercial property addresses in St Lawrence, this may vary from time to time. The Parish will be prepared to discuss annually a pro rata increase to accommodate any additional properties.

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Collection, removal and disposal of both household refuse, glass and other materials capable of being recycled from all properties situated within the Parish.

1. The Contractor shall at its own expense and liability arrange for and carry out the collection of household refuse from the roadside curtilage where appropriate (with any questions regarding the curtilage to be left to the discretion of the Parish), including household polythene and, without prejudice to the generality of the foregoing, but subject to item 3 below, generally all non-injurious waste products, excluding garden waste and building waste, deposited for collection in suitable portable and secure receptacles, or mechanically hoistable container hoppers, by households, hoteliers, boarding house keepers, business, religious and municipal establishments and generally all properties within the Parish.
2. The Contractor shall furthermore at its own expense and liability arrange for and carry out the collection of the recycle materials that have been deposited in the appropriate receptacles from the premises described in part 1 above at least once in every month during the period of this Agreement, the collection day to be notified annually in advance. The recycle materials which will include glass, metal, cardboard, paper and plastic bottles shall be kept aside and disposed of separately from all other refuse.
3. The Contractor must undertake that it will at all times ensure, either solely or through its agents and/or employees, that it will comply with all Laws, Regulations and Directions of the Government of Jersey or any Minister, Committee or department thereof or any other relevant authorities for the time being in force and being with regard to the collection, removal and disposal of the refuse and waste hereinbefore described, and that it will, moreover, use only those vehicles, equipment and methods in carrying out the provisions of any Agreement as shall be approved of by the appropriate authorities of Jersey in this regard and shall keep and maintain such vehicles and equipment in good and safe condition and fit for purpose in all respects. Furthermore, the Contractor at its own cost shall put into effect and maintain such policy or policies of insurance as may be required to cover appropriately and adequately all liabilities and risks of the Contractor (whether public or third party liability, employers' liability, liability to the Parish or those in the Parish for whom the Parish will engage the Contractor to provide the services) in respect of any act or default of the Contractor or those for whom it has vicarious liability and/or for which it may be or become liable to indemnify the Parish whether under the terms of

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any Agreement or otherwise, such insurance to be on terms and in amounts approved by the Parish, producing to the Parish whenever reasonably required by the Parish the policy or policies of such insurance and the receipt for each premium or other payment necessary for the maintenance at all times of the said insurance.

Should you wish to tender please submit your detailed application in writing marked Private and Confidential to the Connétable, Mrs Deidre Mezbourian c/o the Parish Hall by noon on 31st August 2019.

APPENDIX – Parish letter

PARISH OF
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COPY

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Strictly Private & Confidential

MBM Services

21st October 2019

Dear

Without Prejudice
Tender for Refuse Collection for the Parish of St Lawrence

Thank you for submitting your application for the refuse tender. It has now been considered and I am happy to offer you the contract from 1st January 2021, subject to contracts being agreed.

Please find enclosed a copy of the proposed contract from the Parish of St Lawrence for your consideration and comments.

Yours sincerely

Deidre Mezbourian
Connétable de St Laurent