

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY
THE DEPUTY OF ST. MARY
ANSWER TO BE TABLED ON TUESDAY 24th MARCH 2009**

Question

Can the Minister for TTS provide to members a complete timeline of communications both written and oral with Babcock and ART about their proposals to provide a waste solution for Jersey and a summary of the work done by the department and their consultants in connection with this company and with their proposals?

Answer

Communications with Babcock Volund

Babcock and Willcox Volund (BWV), of Denmark are a respected supplier of Energy from Waste boiler and grate technology, but did not respond to the Department's OJEC Notice issued in August 2003.

The Department's Technical Adviser Fichtner Consulting Engineers, through their work on other contracts, were aware that BWV were not bidding for full EPC turn-key projects in the UK - the OJEC notice issued by the Department required those expressing interest in the procurement to offer a complete solution for Jersey's residual waste disposal.

Two companies, including Advanced Recycling Technology (ART) Limited, indicated that BWV were a potential plant supplier within their expressions of interest in response to the OJEC Notice, but provided no evidence of the commitment of BWV, and BWV did not contact Fichtner or the Department to confirm their commitment, which might have added weight to these submissions.

BWV were included within the Technology Review Report that Fichtner produced for the Department in October 2006 which was circulated to all States Members. At this time, Fichtner confirmed that the BWV plant could have been considered as a suitable technology for Jersey, but reported that at the time the Company were not actively offering even its grate and boiler together with a main contractor to UK projects which they were aware of.

BWV were included within the updated Technology Review Report that Fichtner produced for the Department at the start of May 2008 and which was provided to States Members as P72/2008 Addendum, where Fichtner reported that no change in the BWV position with regards to full EPC turn-key projects had occurred.

Fichtner contacted BWV in September 2008 for the first time in respect of the procurement, following a challenge from ART that led to the submission of P139/2008 "Committee of Inquiry: Energy from Waste Plant Procurement Process" by Deputy Baudains. The details of the contact are contained in the Department's response to that proposition (P139/2008 Comments) which was withdrawn before it came to debate.

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Communications with Advanced Recycling Technology Limited (ART)

ART Limited submitted an expression of interest in response to the Department's procurement on 13 October 2004 regarding an ART Limited Resource Recovery Plant. This was well over one year after the original advertisement had been placed in the OJEC (August 2003) and after a short-list had been drawn up and discussed. Despite this, the Department still reviewed the proposal to check that no "better" solution had been missed.

This proposal was considered in consultation with ART Limited as part of the Department's Solid Waste Strategy Technology Review which was completed in October 2006.

The proposal from ART Limited was not considered suitable because the ART company references were for only part of the waste process (namely to produce fuels for further use) and therefore the key requirement for

a total waste solution for the island to be provided had not been met. This fact was formalised within the Fichtner Technology Review Report of October 2005 which was circulated to all States Members.

This was communicated to ART Limited by the Department on 27 October 2006, indicating that a short-list of companies had been drawn up for the procurement and approved by the Waste Strategy Steering Group (a States Member and Officer steering group for the implementation of the Solid Waste Strategy).

ART Limited were not satisfied with the response given by the Department and approached the Planning and Environment Minister in September 2007 with regard to their proposal. The Planning and Environment Minister forwarded their request to the Department and the Company were informed again that the short-list had been determined and that ART Limited were not included.

ART Limited approached the Environment Scrutiny Panel in the Spring of 2008 and had correspondence with the Department's Technical Adviser, Fichtner, about their claim that there was a "Babcock Wilcox Volund Consortium" which ART claimed to be co-ordinating - BWV subsequently confirmed that ART were not acting for them - and regarding the ART's experience in delivering Energy from Waste projects - of which they have none as a company that the Department is aware of.

ART Limited were included within the updated Technology Review Report that Fichtner produced for the Department at the start of May 2008 and which was provided to States Members as P72/2008 Addendum, where Fichtner reported that there was no change in their view of the unsuitability of the ART Limited solution.

The Department is aware that ART Limited communicated extensively with many States Members in the run up to the debate on P72/2008 "Energy from Waste Facility: Establishment and Acceptance of Tender", P139/2008 "Committee of Inquiry: Energy from Waste Plant Procurement Process" and subsequently in the run-up to the debate on P8/2009 "Energy from Waste Facility: Rescindment".