

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY
DEPUTY T.M. PITMAN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 20th JANUARY 2009

Question

Given that the Chief Minister has promised inclusive and transparent government, is the Minister aware that elected States Members have recently been denied access to view the new Energy from Waste plant/incinerator contract, and if so, does he support this and under what justification?

Answer

It is incorrect to state that any States Member has been denied access to view the new Energy from Waste Contract.

The contract is based upon the Institute of Chemical Engineers Red Book Standard Form of Contract for design and build projects. This document has been provided immediately to States Members upon request.

It is the case that the final contract for the Energy from Waste Engineering and Procurement Contract which is a combination of the above Red Book with amendments is subject to a commercial confidentiality agreement between the contractor - CSBC (Jersey) Limited and the Minister for Transport and Technical Services.

A confidentiality agreement is necessary because the contract contains modifications to the standard form of contract as well as the contractor's own proposals. To release these conditions without the consent might prejudice the competitive position of the contractor.

Under clause 20 of the contract, either party can give permission to release confidential information within the contract to a third party and the Department formally requested this from the Contractor on 22nd December 2008.

The Contractor has acknowledged the request and has agreed to its release. A copy has been provided to the Member.