

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT  
ANSWER TO BE TABLED ON TUESDAY 8th OCTOBER 2013**

**Question**

Further to his response to my question of 24th September 2013 regarding the Energy from Waste Plant, would the Minister agree to release to members that part of the contract which relates to the conditions that have to be met before the incinerator is considered able to be accepted by the States from the contractor?

**Answer**

The plant was formally accepted at "Takeover" which was achieved on the 29th July 2011. Takeover is the point at which the plant is handed over from the contractor CSBC (Jersey) Limited to the purchaser, The Minister for Transport and Technical Services.

There is a strong contract in place which enables officers to ensure that the plant is working to a high standard. This contract is based on the Institution of Chemical Engineers IChemE Red Book model form of contract. The IChemE Red Book is a public document and the Deputy is welcome to have a copy. The full contract is made up of The Agreement, The IChemE Red Book 4<sup>th</sup> Edition 2001, The Special Conditions, Specification and Schedules. The contract is subject to a Confidentiality clause which requires written consent from the Contractor to release contract documentation for purposes other than design, construction, operation or maintenance of the plant.

The Minister has asked CSBC (Jersey) Limited if they are happy to release relevant parts of the contract documentation to members. CSBC (Jersey) Limited have advised that individual parts of the contract read in isolation are open to misinterpretation and thus are of little use. CSBC (Jersey) Ltd have also advised that it is against their company policy to release contract documentation into the public domain.

CSBC (Jersey) Limited's view is a standard industry position and it is very rare for large commercial contracts to be published in the public domain. The IChemE model form of contract is a widely used contract which successfully deals with the complex way in which purchaser and contractor divide the responsibility for creating new process plant.