



Our ref: AA1000414
Contact officer: John Rouw
Contact phone: (03) 9290 1402

25 May 2018

Taryn Alderdice
Contract Management Officer
Council Solutions

By email: taryn.alderdice@councilsolutions.sa.gov.au

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Dear Ms Alderdice

Authorisation application AA1000414 submitted by Council Solutions – request for information

I refer to the application for authorisation lodged with the Australian Competition and Consumer Commission (the **ACCC**) on 14 March 2018.

To help us further assess the application, we seek from Council Solutions the information set out at **Attachment A** to this letter. In the case of question 3, directed at individual councils, and 4, directed at Council Solutions' consultants: to maintain commercial confidentiality, please advise these parties to provide directly to us any information that cannot be shared with Council Solutions for confidentiality or other reasons.

We seek the information as soon as possible and in any case by 5pm Adelaide time on **6 June 2018**. The information can be emailed to adjudication@acc.gov.au

I note that some of the information requested is likely to be confidential to Council Solutions and / or individual councils or consultants. Under section 89 of the *Competition and Consumer Act 2010*, the ACCC may exclude documents or information from its public register by reason of the confidential nature of any of the matters contained in the document. If Council Solutions, a council or Council Solutions' consultants wish to request exclusion from the register for any document or information provided in response to the ACCC's request, we ask that you or they please clearly indicate this and provide brief reasons for the request when providing the documents.

Subject to our consideration of any request for exclusion from the public register, a public version of the response with confidential information redacted will be placed on the ACCC's public register.

A copy of this letter will also be placed on the public register, subject to our consideration of any request for any of the information at Attachment A to be excluded from the public register. Accordingly, when providing a response to the information request at Attachment A please also advise whether Council Solutions requests that any of the information at Attachment A be excluded from the public register.

If you wish to discuss any aspect of this matter, please contact John Rouw on (03) 9290 1402 or at john.rouw@acc.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a long horizontal flourish extending to the right.

Gavin Jones
Director
Adjudication

Attachment A – ACCC Information Request

Publishing the Requests for Tender

Council Solutions has stated, at page 11 of its response to submissions from interested parties 18 May 2018, that it had advised all market participants that it would release all Requests for Tender (RFTs) relating to all its waste-service streams at the same time (and not, for example, sequentially).

1. Please confirm whether Council Solutions plans to release all the RFTs on the same date and explain the reasons for this.

Single supplier

Council Solutions has stated, at page 11 of its response to submissions from interested parties 18 May 2018, that the participating councils will not appoint a single supplier to provide all service streams across the three RFTs.

2. Please elaborate on this statement. For example:
 - a. Is Council Solutions ruling out appointing one supplier covering all service streams (collection, processing and ancillary) even if that supplier offered the best tender on the separate RFT processes for each stream?
 - b. Might the participating councils appoint a single supplier for all service streams except, for instance, one ancillary service?
 - c. What is Council Solutions' and the participating councils' reasoning for the approach it is taking and will this be a formal requirement of the tender process?

Consultants' findings on benefits of collaboration

3. We request the following information, where available, concerning the evidence base of achieved benefits for waste collaborative-procurement initiatives referred to in Wright Corporate Strategy's 'Stage 1 report' provided confidentially to the ACCC:
 - a. any copies of documents, including notes, transcripts, reports, memos and minutes, recording or summarising the discussions Wright Corporate Strategy had with waste professionals associated with the Applicants referred to in the table 'A Qualitative Evidence Base of Attainments' on pages 20 and 21 of the report and
 - b. any data considered in producing the table 'A Quantitative Evidence Base of Attainments' on page 21 of the report.

As stated in the cover letter, please advise Wright Corporate Strategy to provide directly to us any information that cannot be shared with Council Solutions for confidentiality or other reasons. We ask that it do so by 5pm Adelaide time on **6 June 2018**, via adjudication@acc.gov.au. If Wright Corporate Strategy has any questions, it can contact John Rouw on (03) 9290 1402 or at john.rouw@acc.gov.au

Previous selection processes

4. We also request the information indicated in the table below about the most recent waste services procurement process run by each of the four participating councils (that is, the process that resulted in appointing the current provider), for each of collection services and ancillary services (as defined in Council Solutions' recent authorisation applications) or any combination of those services. We have provided example responses for some of the fields.

As stated in the cover letter, to maintain commercial confidentiality among Council Solution's member councils, we ask that you arrange for the councils to provide the information directly to us. We ask that they do so by 5pm Adelaide time on **6 June 2018**, via adjudication@acc.gov.au. If individual councils have any questions, they can contact John Rouw on (03) 9290 1402 or at john.rouw@acc.gov.au

Council / service	Date successful supplier announced / contract duration and expiry	Successful supplier (and, if applicable, subcontractor servicing that stream)	'Runner up' in selection process, if council staff identified a firm as such	One to three main points of difference between successful supplier and runner up (or, if no identified runner up, other tenders) leading to choosing successful supplier	Other firms that submitted offers or otherwise expressed interest
<i>City of X / 3-bin collection</i>				For example: Price (primarily due to synergies servicing neighbouring council), innovation (new technology of Z)	
<i>City of Y / hard waste</i>				Incumbent with good track record	