

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 24TH DAY OF SEPTEMBER, 2003

The States resolved as follows concerning
Billet d'Etat No. XX dated 5th September, 2003

STATES BOARD OF ADMINISTRATION

ENERGY FROM WASTE FACILITY- STATUS AND WAY FORWARD

After consideration of the Report dated the 18th June, 2003, of the States Board of Administration:-

1. To reaffirm its previous in principle decision to procure an Energy from Waste facility under a Design Build and Two year operate contract.
2. To direct the States Board of Administration to proceed in accordance with the provisions of the Letter of Intent signed with Lurgi as set out in section 9.14 of that report and to commence the Initial Services period at a sum not to exceed £2,982,500 (€1 = £0.725).
3. To direct the States Board of Administration to obtain all necessary approvals from the States Board of Health and Island Development Committee as part of the plant design process.
4. Following completion of the Initial Services period, to authorise the States Board of Administration either directly or through its SPC, subject to the approval of the States Advisory and Finance Committee, to contract with Lurgi, for the construction of an EfW facility at the capital sum being not more than the negotiated figure of £69,813,978 (base Contract Price plus + Cap Ex Capitalisation, €1 = £0.725) excluding contingency inflated as set out in section 9 of that report.
5. Following completion of the initial services period, to authorise the States Board of Administration either directly or through its SPC, subject to the approval of the States Advisory and Finance Committee, to contract Lurgi, for the two year operation of the EfW facility at the negotiated sum of £7,513,106 (€1 = £0.725) inflated as set out in section 9 of that Report.

6. To approve as a contingency sum a figure of 10% of the tendered capital sum in respect of the design and construction phases of the facility.
7. To direct the States Board of Administration, to procure, subject to the approval of the States Advisory and Finance Committee, project specific insurances and consultancy services, as set out in section 9.16 and 9.17 respectively of that report.
8. To authorise the States Advisory and Finance Committee to advance to the States Board of Administration or the SPC a loan to the maximum sum of £80 million for the purpose specified in that report; such loan to be advanced in stages as necessitated by the contract requirements and repaid over a 25 years amortisation period and attracting interest at the Treasurer's interest rate.
9. To resolve a general exclusion of liability against any director, member or officer of the Special Purpose Company as set out in section 11 of that report.
10. (1) That the provisions of section 65 of the Housing (Control of Occupation) (Guernsey) Law, 1994, shall be suspended in respect of the temporary accommodation referred to in section 9.5 of that report.

(2) To direct the preparation of such legislation as may be necessary to give effect to their above decision.

D. R. DOREY
HER MAJESTY'S DEPUTY GREFFIER