



# Best Practices in Municipal Waste Contracting

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In the Public Interest

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# What we examined

- Municipal Control
- Good Management
- Workforce Stability
- Environmental Protections

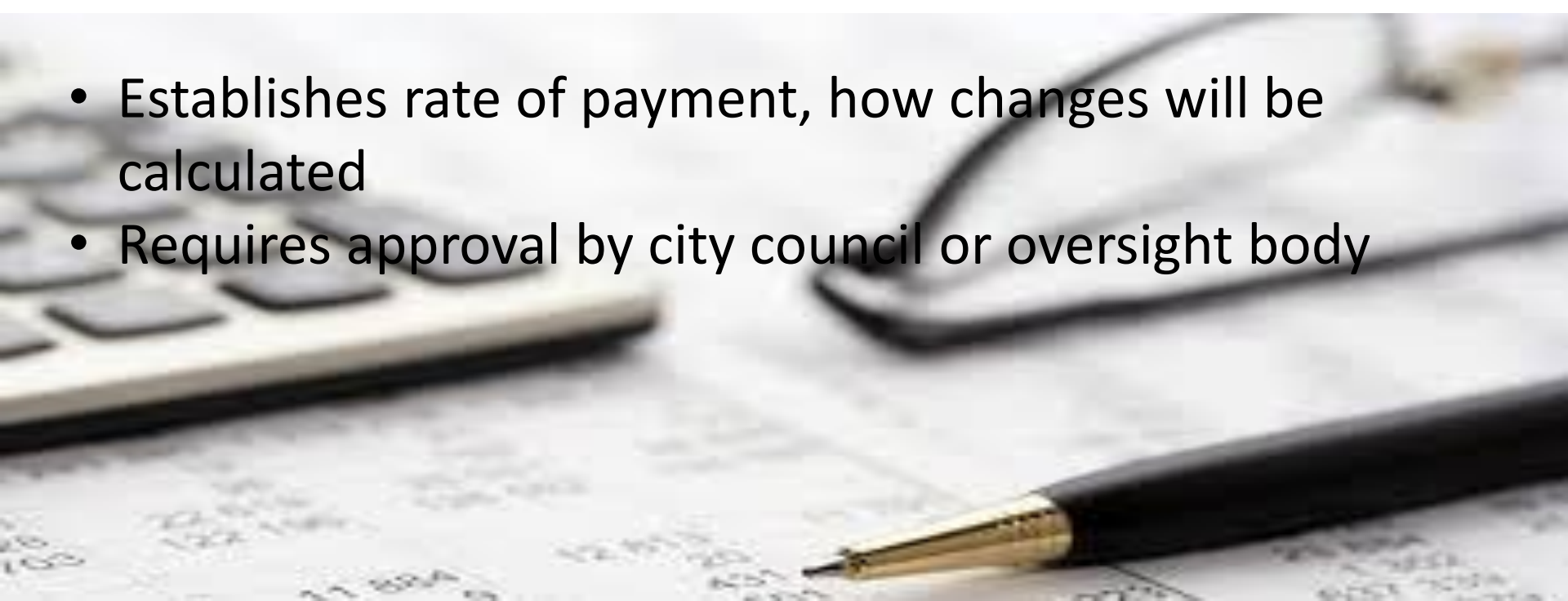
# BEST PRACTICES

# Municipal Control

*Includes contract language that dictates the general terms of operation, such as the pricing schedule and the frequency and hours of pickup and outlines the exact service to be performed and the required conditions of services*

- ✓ A defined scope of work
- ✓ A clear and detailed pricing schedule
- ✓ Explicit rights and conditions to terminate contract
- ✓ Detailed force majeure events
- ✓ Specific disposal facilities requirements
- ✓ Specified frequency and hours of collection
- ✓ Designated fleet requirements
- ✓ The process for tonnage reporting
- ✓ A city's use of equipment to perform services when the contractor is unable or unwilling to
- ✓ A city's right of first refusal to purchase equipment or lease from vendor if contract is terminated

# Scope of Work and Pricing Schedule

- Detailed outline of city's expectations of contractor's work
  - Specifies type of collections, processing methods, and disposal requirement
  - Establishes rate of payment, how changes will be calculated
  - Requires approval by city council or oversight body
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- A background image showing a desk with a calculator, glasses, and a pen on a document. The calculator is on the left, the glasses are in the center, and the pen is on the right. The document has some text and numbers on it.

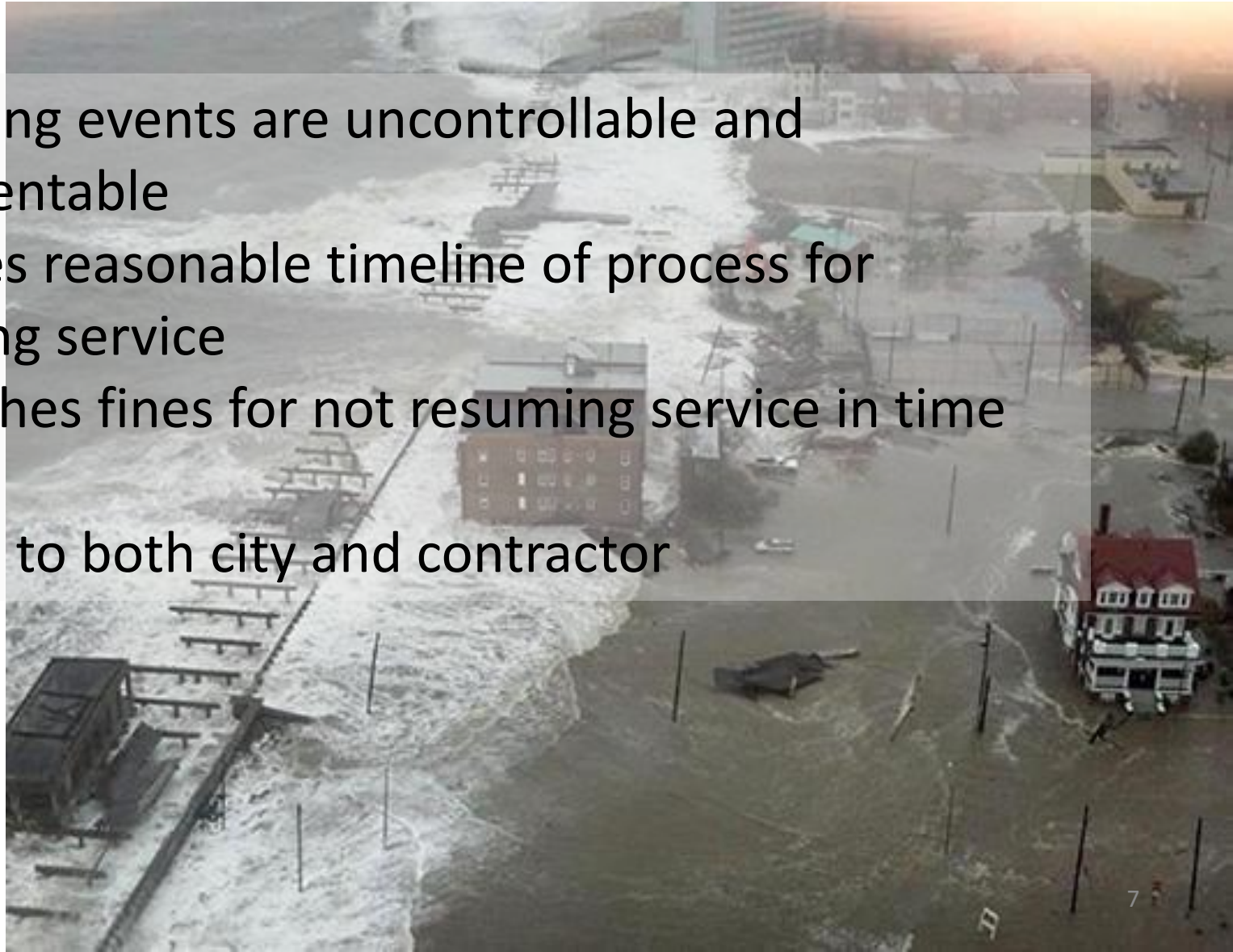
# Right to Terminate Contract



- Detail conditions under which city can terminate contract
- Short termination notice period
- Contractor liable for damages

# Force Majeure Events

- Qualifying events are uncontrollable and unpreventable
- Specifies reasonable timeline of process for resuming service
- Establishes fines for not resuming service in time frame
- Applied to both city and contractor



# Good Management

*Outlines the actions the city can take to ensure consistent, quality services*

- ✓ Complaint resolution
- ✓ Schedule of fines (liquidated damages)
- ✓ Missed collections
- ✓ Insurance
- ✓ Oversight provision



# Complaint Resolution

- Establishes clear procedures for customer complaints
- Short timeline for complaint resolution
- Contractor to maintain documentation of complaints and resolutions



# Schedule of Fines

- Specify events of non-compliance and fines for each event
- Specify how fines will accrue until non-compliance rectified
- Establish timeline for paying fines to city
- Sufficiently high fines



# Oversight Provisions

- Establish formal procedures for oversight
- Establish joint operations plan
- City and contractor designate contract implementation lead staffers



# Workforce Stability

*Addresses labor stoppages, local labor requirements, prevailing wage requirements, and other issues affecting waste workers*

- ✓ Strikes, slowdowns, and lockouts
- ✓ Staffing levels
- ✓ Local labor requirements
- ✓ Prevailing wage
- ✓ Non-discrimination
- ✓ Domestic partner benefits
- ✓ Payment of labor and set-off rights

# Strikes, Slowdowns, and Lockouts

- Labor-related issues are not force majeure events
- Specifies no work stoppages, no strikes, no lockouts
- Requires high fines due to labor-related issues



# Staffing Levels

- Specifies adequate staffing levels



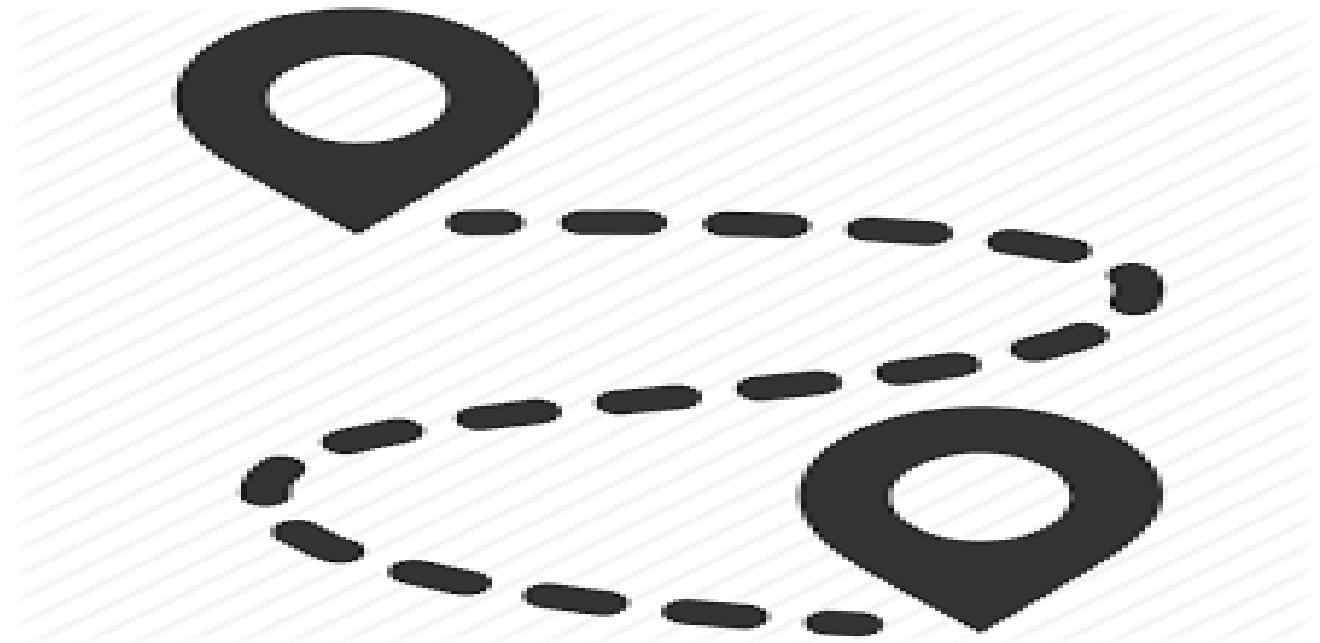
# Environmental Protections

*Includes contract language that requires the contractor to take specific steps to protect the environment, including rejecting contaminated loads (unseparated waste, recyclables, compostables, etc.), educating customers on how and why to recycle, and getting city approval of routes trucks will take*

- ✓ Routing
- ✓ Education component
- ✓ Contaminated loads
- ✓ Content audits

# Routing

- Requires contractor to submit route details
- Require city to approve route and proposed changes





# Education Component

- Requires contractor to develop & implement educational initiatives
- Specifies money and time contractor required to spend
- Specifies what is considered education activity



# A Note on Procurement Process

- Best value contracting approach
- Comprehensive RFP
- Regular opportunities for re-bidding
  - No automatic renewals

# Resources

A Guide to Municipal Waste Contracting:

[https://www.inthepublicinterest.org/wp-content/uploads/ITPI\\_WasteBestPractices\\_Nov2016.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPI_WasteBestPractices_Nov2016.pdf)

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