

Is Your Waste Contract Putting Your Municipality at Risk? "Best Practices" Report Released

Arkansas Environmental, Energy, and Water Law Blog



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The organization In the Public Interest ("IPI") released a document titled Is Your Waste Contract Putting Your Municipality At Risk? Best Practices in Municipal Waste Contracting ("Report").

IPI describes itself as a "comprehensive research and policy center committed to promoting the values, vision and agenda for the common good and democratic control of public goods and services."

The focus of the Report is the 78 percent of United States municipalities that IPI states contract with private companies to provide solid waste collection to their residents. By way of introduction the Report states:

... This has resulted in a multitude of diverse contracts between these parties. While some of these contracts have been carefully crafted to contain clauses and provisions that protect city and community interests in the case of issues with private company performance, others have left cities at the mercy of private contractors – from disputes over pricing and billing, to prolonged labor disruptions and uncollected garbage – financially costing the city and its residents.

The Report focuses on municipalities role as procurement authorities in which bids are requested and contracts awarded for waste services. It states that these municipalities:

... have the right and responsibility to require contractors to meet particular standards and criteria that protect the city's community, environment, and budget. When municipal waste contracts are written without such considerations uncertainty can ensue.

Examples of disputes between municipalities and private contractors from around the country are described. They are characterized as scenarios in which municipal waste contractors did not adequately address material issues.

The Report reviews a number of best practices such as:

- Establish the conditions and grounds on which the city may terminate a contract
- Outline contractor fines for performance issues or failures
- Require the contractor to hire locally and pay the local prevailing wage
- Include routing provisions to allow the city to control truck traffic and reduce excess air pollution

A list of what is described as "must-haves" regarding municipal control, good management, workforce stability and environmental protections is included.

Two appendices are included which contain:

- Municipality Contract Language Chart
- Municipal Profiles

[A link to the Report can be found below.](#)