



## Municipal Waste Contract Toolkit

An excellent contract with a private waste hauling company is one of the best tools a city can use to improve its recycling: It sets the ground rules for the programs residents use every day and can adapt to each city's particular needs. But building the expertise needed to get the best contract possible can be a challenge, and many contracts in Northwest Arkansas could work better for all parties. In support of the region's goal to make recycling more efficient and successful, NWA Recycles developed five recommendations for waste-hauling agreements.

The goal of this document is to promote voluntary participation in a regional effort to develop high-quality contracts in every Northwest Arkansas city. The recommendations promote such things as cost efficiency, consistency and ensuring that the public knows what every city's recycling program is accomplishing. Each recommendation is accompanied by example language from various local and U.S. contracts and requests for proposals. NWA Recycles and the region's solid waste districts can directly assist municipalities during the contracting process; see the last page of this toolkit for contact information.

Note: These examples aren't the only way to address a particular issue. They're to spark ideas and show other communities' approaches. They also aren't a substitute for legal counsel. Always consult the city attorney or other counsel during contract negotiations.

### Recommendation 1: Gather data.

NWA Recycles publishes an annual recycling report that compiles collection data from across Northwest Arkansas, but many communities cannot participate because no public officials are counting or sharing the data. Include a provision requiring the contractor to collect data on the materials they pick up and to provide it to the mayor or city council. Data can be provided on a monthly or quarterly basis. Specific data points should include:

- Total recyclable collections in tons.
- Total MSW collections in tons.
- Recycling contamination rate when it arrives at the recovery facility.
- Recycling composition (proportion of cardboard, aluminum cans, etc.).
- Resident participation rate.

Contractors' capabilities and any costs associated with measuring this data may vary. However, hauling companies generally track at least some information even without a contractual obligation and will share it with their client communities.

#### Why?

This kind of provision tells residents what they're buying with their trash and recycling bills, helps build public trust in recycling efforts, provides manufacturing businesses with useful information about the materials available in the area, and allows local governments to set recycling goals and plans for new programs.



# RECYCLES

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## Example language

- **City of Elm Springs (2016–2021 contract):**
  - » Reporting Requirements: Contractor shall provide a report with the following information to the City on a quarterly basis. These reports shall be due by the 15th of every April, July, October and January covering the prior three months' activities. The City has the right to audit the records of the Contractor to verify information in such reports during normal business hours of the Contractor. Information to verify the following shall be made available by Contractor:
    1. Tons of solid waste collected and disposed of under this contract.
    2. Number of residential customers served under this contract.
    3. Number of commercial customers served under this contract.
    4. Tons of recyclable materials collected and processed under this contract.
  
- **City of Renton, Washington (2009–2016 contract):**
  - » On a monthly basis, by the fifteenth (15th) day of each month, the Contractor shall provide a report containing information for the previous month. Reports shall be submitted in both hard copy and electronic format approved by the City and shall be certified to be accurate by the Contractor. At a minimum, reports shall include:
    1. A log of complaints and resolutions for all collection services and sectors. At a minimum, the complaint log shall include customer name and/or business name, customer's service address, contact telephone number, date of complaint, a description of the complaint, a description of how the complaint was resolved, the date of resolution and any additional driver's notes or comments.
    2. A compilation of program participation statistics including: a summary of multi-family and commercial participation in recycling programs, set-out statistics for residential Garbage, Compostables and Recyclables collection services and number of bulky item and Textile collections;
    3. A compilation of total monthly and year-to-date summaries of Garbage, Recyclables and Compostables quantities by collection sector;
    4. A summary of Recyclables quantities by collection sector and by commodity, including processing residues disposed and market prices;
    5. A summary of disposal or tipping facility locations and associated quantities for Garbage, Recyclables and Compostables as well as any changes in processing procedures, locations or tipping fees;
    6. A description of any vehicle accidents or infractions;
    7. A description of commercial waste monitoring activities;
    8. A description of promotion efforts and response; and
    9. A description of any changes to collection routes, containers, vehicles, customer service or other related activities affecting the provision of services.

## Recommendation 2: Expand access.

Use the contract to make recycling services more convenient and accessible to more residents at their homes and workplaces.

### Residential curbside recycling

If the community has no recycling or only a drop-off program, add recycling pickup to the residential trash service.



# RECYCLES

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- Recycling pickup is typically weekly or every other week using dedicated bins or carts.
- Curbside recycling can be difficult for small or rural communities, but adjacent cities joining together into one contract could help lower costs.
- Multifamily pickup is its own larger challenge, but extending residential curbside services to duplexes, triplexes and other small multifamily housing is a good first step.

### Why?

Being able to recycle at home makes recycling a decision as easy as throwing something in the garbage, which can draw residents who aren't already passionate recyclers to the program.

### Example language

- **City of Elm Springs** (2016–2021 contract)
  - » Residential Recyclables: Contractor shall provide pickup of residential recyclables on the same day as solid waste collection occurs.
  - » Contractor shall pick up the following materials in the manner described.
    - » Corrugated Cardboard, Chip Board, Newsprint, Magazines, Junk Mail/Residential Paper Mix, Phone Books, Aluminum Cans, Steel Cans, Number 1 (PET) plastic bottles, Number 2 (HDPE) plastic bottles
  - » These materials will be collected in a commingled manner utilizing a 96-gallon poly-cart supplied by the Contractor.
- **City of Burlington, North Carolina** (2011 RFP):
  - » In addition, there are smaller townships around the City who have historically contracted Burlington's recycling provider. Each town or city will make independent decisions on service but the approximate household counts for each are listed below for reference:

» Town of Elon	1,900
» City of Graham	5,400
» Town of Green Level	700
» Town of Gibsonville	2,200
» Town of Haw River	800
- **Orange County, North Carolina** (2012 RFP):
  - » Provider shall collect and remove all properly prepared Recyclable Materials once each week (regardless of weather conditions, see Adverse Weather Policy) from all single family homes, and adjacent small businesses, schools, and churches within the residential areas located within the Town limits of Carrboro, Chapel Hill, and Hillsborough, NC.

### Commercial recycling

If a municipal contract doesn't cover commercial recycling as well as residential, change that, such as by setting city-wide rates or requiring a minimum level of service to be offered to all businesses. Another approach is allowing small businesses into the residential curbside program.

### Why?

Local businesses can generate significant amounts of recyclable material, but because their waste hauling is often left to individual agreements with hauling companies, much of that material is thrown away. A city-wide recycling contract can bring consistency and efficiency, lowering costs and other obstacles. Business recycling also provides one more way to incorporate recycling into residents' everyday routines.



# RECYCLES

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## Example language

- **City of Bentonville** (2022 contract extension):
  - » Commercial OCC Recycling Dumpster Service — Contractor will provide at the option of the Business within the City limits OCC Recycling dumpster service, which meets the needs of the individual business. Only two size dumpsters are offered: 6 and 8 cubic yard dumpsters with a minimum service of once per week. Cardboard is the only material that can go in these containers. Contractor retains all revenues from the sale of OCC.  
[...]
  - » Commercial Single Stream Recycling Collection — Contractor will provide at the option of the Business within the City Limits once a week collection with a 65 gal cart provided.
- **City of Pea Ridge** (2021–2026 contract):
  - » Notwithstanding any other terms or definitions in this agreement, recycling services for commercial customers shall, at a minimum, include cardboard recycling via dumpsters arranged with the customers, and cart based single stream recycling via 95-gallon containers. Cardboard dumpsters must have a minimum of 15 businesses participating in order for the program to be offered.
- **City of Rogers** (contract as of August 2022):
  - » Area to be served. All residences, and those small businesses that qualify as residential customers, located within the current and future annexed corporate limits of the City of Rogers are included in the area to be served. In addition, the city and the contractor may agree at any time to add additional customers as required.

## Recommendation 3: Ensure collections are recycled.

Specify where collected recyclables must go once they're in the waste hauler's trucks. Methods include retaining municipal ownership of materials, even after collection onto hauling trucks, or explicitly requiring that recyclables go to a recycling processor regardless of profit or loss in the sale of those materials – in other words, even if the recycling markets are down at the time, the materials must not be landfilled.

### Why?

Provisions like these can help prevent the rare but trust-smashing situation of properly collected recyclables being taken to a landfill. More generally, they can help build transparency and public confidence that recycling programs are genuine and worthwhile.

## Example language

- **City of Pea Ridge** (2021–2026 contract):
  - » Recyclable Materials collected as part of the curbside collection service shall not be deposited in a landfill or waste incinerator unless contaminated and refused at the processing facility. The city may terminate this agreement if the Contractor fails to comply with the requirement to properly process all collected Recyclable Materials.
- **City of Elm Springs** (2021–2026 contract):
  - » Recyclable materials collected under this contract must be processed and marketed to valid secondary materials markets. No portion of this material, other than typical processing waste, may be disposed of otherwise.



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## Recommendation 4: Use a beneficial fee structure.

Follow the best practices for fees paid by residents, the city and the waste hauler:

- Charge the hauler a percentage of the solid waste service fees collected in exchange for exclusive collection rights. Among Benton County cities with franchise fees, the average in early 2022 was around 4%.
- Charge residents a flat pickup fee with recycling included rather than charging separate fees for recycling and trash.
- Incorporate revenue- and cost-sharing based on the value or loss on recyclable materials in current markets. In many cases, the split is approximately 80% for the city and 20% for the hauler, and revenue can be set aside while markets are up to cover the costs of future market downturns.
- Include a provision that the waste hauler will provide additional services, such as seasonal bulky waste cleanups and pickup services at city properties, at no additional charge.

### Why?

Provisions like these help ensure that a municipality and its residents get the most for their money and that recycling is a cooperative process, sharing risk between the city and hauler.

### Example language

- **City of Farmington franchise fee (2021–2026 contract):**
  - » Franchise Fee. In consideration for service charges from Residential Units, Contractor will remit quarterly a franchise fee to the City in the amount of three per cent (3%) of gross collected receipts from Residential Units for collection of Solid Waste, Yard Waste and Recyclable Materials. The franchise fee will be due and payable to the City by the fifteenth (15th) of the month following a quarterly period.
- **City of Springdale bulky waste provision (2018–2023 contract):**
  - » Contractor agrees to continue providing free disposal services at the Eco-Vista Landfill to the City for Bulky Waste items collected by the City from residences within the City's limit. The City is responsible for the weekly collection and transport of all Bulky Waste set out for collection by residents.
- **Recycling Contract Negotiation Guidebook, North Central Texas Council of Governments on revenue sharing (2009):**
  - » For the term of this Contract, Contractor shall pay City a Monthly Recovered Materials Revenues Share for any and all Recovered Materials from Recyclable Materials delivered to MRF by City or City's Collection Hauler for the prior calendar month.
  - » For any and all Recovered Materials from Recyclable Materials delivered to MRF by City or City's Collection Hauler for the prior calendar month, Contractor shall pay City a Monthly Recovered Materials Revenue Share for any and all Recovered Materials from Recyclable Materials delivered to the MRF by City or City's Collection Hauler for the prior calendar month a minimum of the amount of Recovered Materials times Monthly Market Price for the Commodity, as stated in Appendix \_\_ of this Contract, times the City Revenue Share for the Commodity, as stated in Appendix \_\_ of this Contract per ton of Recovered Materials.
  - » Contractor shall calculate the Monthly Recovered Materials Revenues Share using the hundredth of a ton per Commodity. Contractor shall submit Monthly Recovered Materials Revenues Share payments to City in accordance with Section \_\_ of this Contract.



## Recommendation 5: Commit to improving.

Stipulate continuing efforts to advance recycling in the community, such as by outlining specific tools to limit contamination, educate the public and make steady, incremental improvements year after year. Look for concrete steps, like adding recycling receptacles to public parks or assessing contamination one neighborhood at a time, that could be taken in the next year, the next three years and so on.

### Why?

It's in the municipality and hauler's best interests to have a strong recycling program that generates clean, sellable materials and that residents understand. This type of provision helps ensure that all parties involved strive to make those goals a reality.

### Example language

- **City of Pea Ridge** (2021–2026 contract):
  - » The provider may provide a warning to the customer of non-segregated materials and after three such notifications the customer shall lose the use of their Recycling Cart for a period of one year.
- **City of Renton, Washington** (2009–2016 contract):
  - » If more than 2% of inbound materials are found to be contaminants, the Contractor will develop a plan to determine which customers are adding contaminants in their Recyclables and provide a public education program to remedy the situation.
  - » Recycling Carts shall be screened, molded-on, molded-in or labeled with recycling collection requirements [...] and shall include a program packet of materials when distributed. The program packet of materials shall include items identified [as recyclables].

## Further contract assistance

Your solid waste district and NWA Recycles are ready and willing to help your community review contract renewals and bids and assist city staff during the negotiation process.

- **Benton County Solid Waste District:** 479-795-0751, [wendy@bentoncountyrecycles.org](mailto:wendy@bentoncountyrecycles.org).
- **Boston Mountain Solid Waste District:** 479-846-3005, [recycle@bmswd.com](mailto:recycle@bmswd.com).
- **NWA Recycles:** [danholtmeyer@nwacouncil.org](mailto:danholtmeyer@nwacouncil.org), [nwarecycles.org](http://nwarecycles.org).



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