

Guidance Pack

Private sector participation in municipal solid waste management



Part V

Sample Contracts and other Documents



SIKAT

Tools from Part III and examples of agreements
for collection and disposal, all on a compact disc.

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SAMPLE CONTRACTS AND OTHER DOCUMENTS

A number of contractual documents and some of the tools from Part III have been loaded onto the attached CD-ROM. The documents have been saved in **WORD** for Windows 6.0/95 format, for an A4 sized page. They are described briefly below.

Documents from Part III (:Tools)

Filename	Description
Q-serv.doc	<p>Sample questionnaire on existing solid waste management services</p> <p>Annex A6 from Part III. This can be used for structuring discussions with service providers to collect comprehensive information on current resources and practices. Alternatively it can be given to city officials for them to complete.</p>
ToR-Zon.doc	<p>Terms of reference for a zoning study</p> <p>Annex A7 from Part III. This sets out in practical terms how the zones for waste collection contracts can be determined. It is included here because it could be useful when engaging consultants to do this work.</p>
ToR-IFP.doc	<p>Terms of reference for an institutional, financial and privatization study</p> <p>Annex A8 from Part III. The Guidance Note (Part II) clearly shows that there are many different ways in which the private sector can become involved in solid waste management. These terms of reference define the scope of work of consultants who are engaged to collect the information needed to determine the best ways in which the private sector could participate.</p>
Q-DA&WtP.doc	<p>Demand assessment and willingness to pay survey</p> <p>for solid waste collection and disposal services; Annex A9 from Part III. To be used for evaluating the demand for improved solid waste management services, and determining the level of service that residents and other generators would be prepared to pay for.</p>

Waste collection agreements (:Collectn)

Filename	Description
NSWMA.doc	<p>Model Municipal Contract Model Contract Documents for Residential Solid Waste Collection and Disposal, Technical Bulletin # 85-7, November 1985</p> <p>This document has been made available by kind permission of Mr. Allen Blakey, Director, Public Affairs, National Solid Wastes Management Association. It is a general pattern for contracts for collection of solid wastes and has many useful explanatory comments at many points throughout the document. As such it is recommended as the first step in the study of these collection contracts.</p>

[SC-Lcoll.doc](#)

Sample contract or franchise agreement for sweeping or waste collection

prepared by Sandra Cointreau-Levine.

This document is based on an actual contract and was developed to show how agreements can be made for small collection zones so that small companies are able to take part. It can be adapted to suit either contracts or franchises.

[St-Lucia.doc](#)

Solid waste collection, St Lucia

This is a service contract for solid waste collection on the island of St Lucia in the Caribbean, and has been kindly made available by Ms Alison King-Joseph, General Manager of the St Lucia Solid Waste Management Authority. The contract is for a period of five years, with provision for reviewing the fee at yearly intervals. Companies and joint ventures with more than 50% St Lucian ownership were invited to tender. There was a concern to encourage smaller companies to tender.

[Sunnyval.doc](#)

Restated Agreement between the City of Sunnyvale and Bay Counties Waste Services, Inc. for collection of solid waste

This is a contract for solid waste collection which was executed by the City of Sunnyvale (California, USA) in 1997. It is actually a consolidation of an earlier agreement (1991) and a number of amendments, so it is clearly an agreement that has been tried and proved in practice. The total period of the contract is 20 years. The contract is referred to as a "Franchise Agreement" but fees for regular services are collected by the grantor – the contractor bills generators only for some special "on call" services. Collections of recyclable materials are also included in the contract. It has kindly been made available in electronic format by Mr. Tim Kirby, Solid Waste Specialist, City of Sunnyvale.

Waste disposal agreements (:Disposal)

Filename

Description

[Charles.doc](#)

Agreement for Use and Support of a Solid Waste Disposal System

This is a concession agreement for a large (over three thousand tons per day) sanitary landfill in the eastern United States. It has been made available by John F. Miniclier, Jr., P.E., Director of Public Works, Charles City County, Virginia. The concession agreement was signed in May 1988 and is for a period of forty years, or twenty years after the closure of the site, whichever is more. The agreement includes the management and closure of existing disposal sites, and the transfer of ownership of the site from the concessionaire to the grantor for the active life of the site. Some addenda to the agreement are also included.

[Ciceron.doc](#)

Short Term Operations at Ciceron Solid Waste Disposal Site

This is a service contract for interim operation of a controlled landfill in St Lucia, an island in the Caribbean, pending the preparation of a sanitary landfill. (A controlled landfill is operated according to best practice but does not have the site design features of a sanitary landfill.) The contract has been made available by the General Manager of the St Lucia Solid Waste Management Authority. The work under the contract was due to start in August 1998, and the initial duration of the contract was six months, to be extended until the long-term strategy for waste disposal was finalized. Initially, no tipping fees were to be charged. The quantity of waste received was to be estimated in volume terms.

Filename	Description
DSWA-193.doc	<p><i>Operation of Cell 2 of SSWF-1 Sanitary Landfill in Delaware, USA</i></p> <p>This and the next two documents have been kindly provided by the N. C. Vasuki, PE., DEE, Chief Executive Officer of the Delaware Solid Waste Authority, Dover, Delaware 19903-0455 USA. This agreement concerns a contract to operate one cell of a large sanitary landfill – Cell 2 of the Southern Solid Waste Facility – 1, belonging to the Delaware Solid Waste Authority. The contractor was paid by the owner according to the tonnage landfilled and the bid price per ton of waste landfilled. The site received about 100,000 tones of waste per year. The contract was written to last for up to five years and the price per ton was to be increased every two years. The contract is dated 1989.</p> <p>The contract included landfilling of waste until the capacity of the cell was reached, the closure of the site, including capping with soil and vegetation, and the installation of gas vents and recharge wells. The contractor was responsible for carrying out this work to the satisfaction of the Authority, but not for further works after these works had been approved. The Authority kept its own Landfill Manager on the Site for directing the work of the contractor on certain issues. Some items and materials were provided by the Authority, some work was done by the Contractor on the basis of reimbursement for time and materials, but most costs were to be included in the cost per ton bid price.</p>
DWSA-288.doc	<p><i>Engineering Services Agreement for Design and Construction Inspection</i></p> <p>The facility to be designed was part of a sanitary landfill with an area of 24 acres (10 hectares) known as Cell 3 of a the “Southern Solid Waste Management Center”</p> <p>The contract was for the design, including closure and post-closure works, preparation of cost estimates, preparation of an operations manual, support to the Client during the tendering process, and supervision of the construction. The document includes the Agreement itself, the arrangements for payment of the consultants and the description of the services to be performed by the consultants, but it does not include the proposed project schedule or the cost estimates.</p>
DSWA-332.doc	<p><i>Construction of Cell 3 Disposal Area</i></p> <p>This is an example of an agreement and related documents. It comprises the documents that require signature, including the Agreement itself, the Performance/Payment Bond, the Hold Harmless Agreement and the Certificate of Insurance. These documents are in relation to the construction of part of a sanitary landfill, but they include no technical details.</p>

Note This selection does not cover all the possible types of agreement. The Environment Protection Department of the Hong Kong Special Administrative Region, China, has developed successful DBO contracts for sanitary landfills.

The purpose of this document is to assist solid waste managers and key decision-makers in municipalities to decide whether to involve the private sector in solid waste services and, if so, how this should be done. The information in this book is not just theory; it is based on a wide range of case studies and examples from the Author's extensive international experience.

This *Pack* consists of five separate parts, divided up for the convenience of the users.

Part I, the **Executive Overview**, introduces the *Pack*, touching on highlights of the other Parts and directing the reader to more detailed discussions in the subsequent parts.

Part II, the **Guidance Note**, contains the arguments for private sector participation, reviews the options, explains the issues that must be considered, and suggests the steps leading to implementation of its recommendations. There are frequent references to experiences and lessons learned in Africa, Asia, and America.

Part III - the **tools** - provides lists of criteria, checklists, sample terms of reference and questionnaire forms that will be of great assistance to municipal managers and consultants who are preparing to involve the private sector.

Part IV is a comprehensive **word list** that will help many readers to identify the precise meanings of the technical terms found in this *Pack*.

Part V provides valuable **sample contracts and agreements** for both collection and disposal operations, allowing the reader to benefit from the experience of many cities and avoid making the mistakes that are often made when contractual agreements are initially drawn up. It also contains questionnaire forms so that they can quickly be adapted and used. The documents are provided on a CD-Rom.

Many readers will initially wish that this *Pack* had been produced some years ago, but when they discover the depth and breadth of the up-to-date experience that it contains, they will realize it has been worth waiting for. If it had been produced earlier it would not have had the benefit of many lessons that have recently been learned around the world.