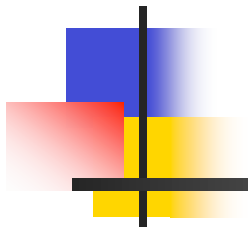
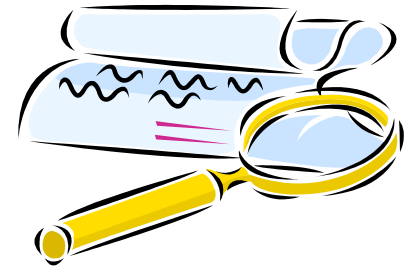
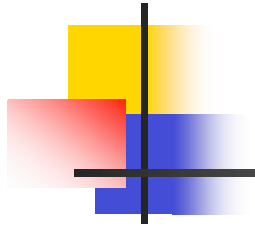


Getting What You Want In Recycling and Waste Contracts



Mitch Kessler
Kessler Consulting, Inc.
Tampa, Florida
RFT Issues Forum 2003
St. Augustine, FL





“Whenever you gotta trouble,
getta lawyer.
Then you gotta more trouble,
but at least you gotta lawyer.”



--Chico Marx

CONTRACT ESSENTIALS

- **Competency**
- **Proper Subject Matter**
- **Consideration**
- **Mutual Agreement**
- **Mutual Obligations**





ELEMENTS OF SUCCESS

- **Well-Defined Scope**
- **Clear & Simple Language**
- **Fair Terms & Conditions**
- **Mutually Beneficial Results**



BALANCING THE COMPONENTS

COLLECTION

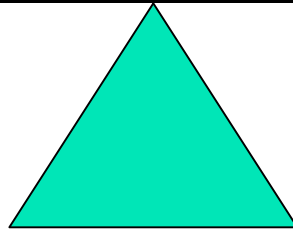
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PROCESSING

\$

MARKETS

\$



SOLID WASTE

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QUICK GUIDE TO SUCCESS

- **Successful Contracts Don't Just Happen**
- **Plan, Plan, Plan**
- **Communicate, Communicate, Communicate**
- **Create a Seamless Union**



BEFORE YOU BEGIN

- **Define Your Role & Objectives**
- **Know the History of The Present Contract**
- **Identify the Players**
- **Identify Revisions, New Concepts, & Risks**
- **Plan Your Strategy**
- **Obtain Political Support**

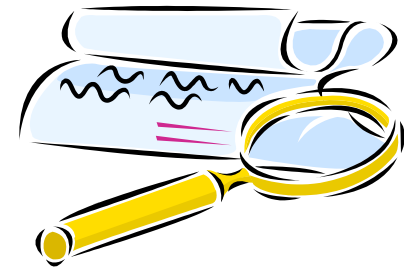


GENERAL CONTRACTING ISSUES

- **Term of Contract & Renewal**
- **Payment & Pricing Structure**
- **Scope of Services**

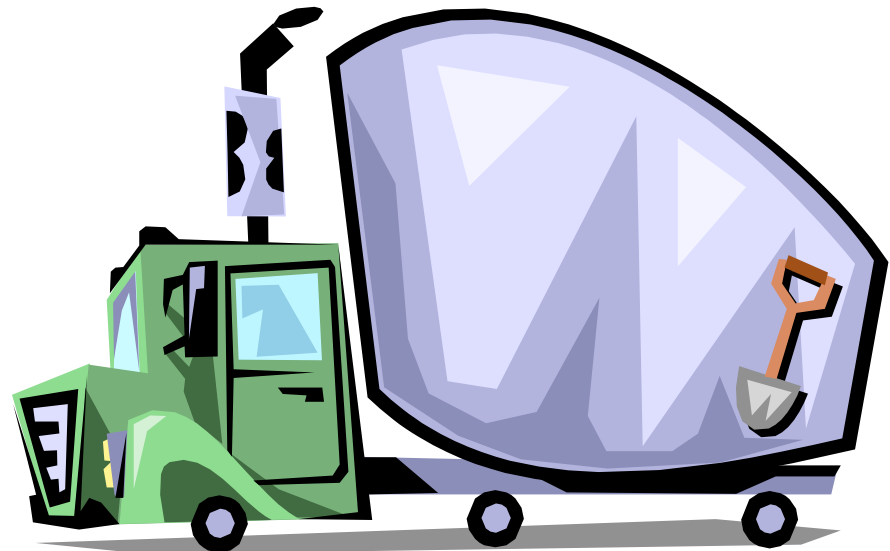
GENERAL CONTRACTING ISSUES (continued)

- **Performance Specifications**
- **Ownership/Operation Scenarios**
- **Enforcement Provisions
(Fines & Penalties)**
- **Risk Management Terms**



TYPES OF SERVICE

- **Collection**
 - **Solid Waste**
 - **Recycling**
 - **Yard Waste**
 - **Bulky Items**
 - **Household Hazardous Waste**
 - **Special Events**
- **Processing**
- **Marketing**



PROCUREMENT OPTIONS

- **Renegotiate/Amend**
- **Sole Source**
- **Traditional Procurement**
- **Managed Competition**
- **Combining Services**





GUIDELINES FOR PROPOSALS IN RESPONSE TO AN RFP

- RFP and contract will be program-specific
- Know procurement requirements and evaluation procedure
- Define objectives and identify options
- Understand and comply with requirements
- Professionally demonstrate technical expertise and knowledge of the business
- Completely respond to all RFP requirements, then propose options
- Make the proposal clear and concise



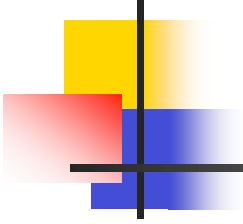
PROGRAM COMPARISON OBSTACLES

- **Non-standardized information**
- **Unknown methodology used for determining costs**
- **Varying collection, processing & marketing factors**
- **Inconsistent definition of costs**
- **Varying reporting practices**



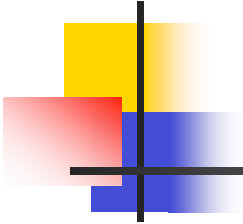
TRENDS & CONCLUSIONS

- **Program Optimization**
- **Know The Current Situation**
- **Identify Services Needed**
- **Gain Political Support**
- **Understand and Pursue the Elements of a Successful Contract**



*“The privilege of a lifetime is
being who you are.”*

- - Joseph Campbell



**"Accept that some days you're the pigeon and
some days you're the statue."**

- - *Roger C. Anderson*