

CIF Project #487 – Transitional Contract Clause Development for aBBPP

Background

In July of 2018, the Association of Municipalities of Ontario (AMO), on behalf of its Municipal 3R's Committee (M3RC), approached the CIF to provide technical assistance with the development of new processing and collections contract language. At the time, municipalities and stewards were considering amending the existing Blue Box Program Plan (BBPP) to allow for transition of responsibility for the program to Stewardship Ontario. Municipalities were seeking guidance on clauses they could use in the development of contracts that might span the transition period and allow for:

- handing over responsibility for their Blue Box programs to producers;
- staying on as service providers to the producers; and/or
- modifying existing services and service levels to meet producer obligations.

Summary of Results

The CIF contracted with the Emerald Group to review the existing Recycle BC contracts and develop appropriate contract language that could be used by municipalities to address several possibilities including, amongst other things, early termination, renegotiation and assignment of contracts. Despite the aBBPP being abandoned by the parties, the resulting contract clauses and guidance was shared on the CIF website and presented at CIF and AMO events between 2018 and 2019 and continues to be widely used by municipalities.

Financials

A total of \$5,719.25 was expended on this valuable work, excluding CIF staff time.

Learnings

Since the outset of the CIF, it has been apparent that municipalities often struggle with the development of effective contracts. Provision of guidance on how to address upcoming changes is amongst the most popular services the CIF provides and is widely used by Ontario's municipalities, both large and small.