

# ATTACHMENT C

## Summary of Liquidated Damages

This attachment summarizes breaches of the Agreement's standard of performance warranting the imposition of liquidated damages; the acceptable performance level; and the amount of liquidated damages for failure to meet the contractually-required standard of performance.

Contractor shall submit to Agency with its quarterly report a liquidated damages report which summarizes the number of Complaints in each category and computes the amount (if any) of liquidated damages accrued by month during the quarter.

The Agency intends to suspend imposition of select liquidated damages for the initial six (6) months of Collection Service, provided that Contractor diligently applies its best efforts to minimize the occurrence of events which can result in the imposition of liquidated damages. The liquidated damages that will be suspended for the initial six (6) months of collection service are denoted with an asterisk (i.e., “ \* “). If Contractor does not exert such best efforts, as determined by Agency, Agency may, after notice to Contractor, end this policy and begin enforcement of the performance standards through liquidated damages.

	<b>Event of Non-Performance</b>	<b>Acceptable Performance Level</b>	<b>Liquidated Damage Amount</b>
	<b>COLLECTION QUALITY</b>		
1.	Collection Quality Complaint (includes Solid Waste, Recyclable Materials and Organic Materials Collection service)	Number of “Collection Quality Complaints” is less than or equal to thirty (30) per month for the SBWMA Service Area.	\$150 per complaint
	A. Unauthorized Collection Hours (includes: Solid Waste, Recyclable Materials and Organic Materials Collection service)	See above	\$150 per complaint
	B. Inadequate Care of or Damage to Private Property	See above	\$150 per complaint
	C. Failure to Resolve Property Damage Claims	See above	\$150 per complaint
2.	* Failure to Provide New Service or Initiate Change in Service	Number of “Failures to Provide New Service or Initiate Change in Service” is less than or equal to sixty (60) <b>each month for the SBWMA Service Area.</b>	\$100 per complaint
3.	* Improper Container Placement Complaints	The number of “Improper Container Placement Complaints” shall be less than or equal to 500 per month for the SBWMA Service Area.	\$50 per complaint
4.	Failure to Effectively Distribute Non-Collection Notices	The number of Non-Collection Notices that Contractor distributes is at least 50% of all Container set-outs that require a Non-Collection Notice based on the presence of contamination.	\$25 per event
5.	Excessive Noise Complaints	The number of “Excessive Noise Complaints” shall be less than or equal to sixty (60) per month for the SBWMA Service Area.	\$50 per complaint

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6.	Unacceptable Employee Behavior	No incidents or Complaints in this category are acceptable.	\$250 per complaint
7.	A. Complaints of Spills of Discarded Materials	The number of "Complaints of Spills of Discarded Materials" shall be less than or equal to one-hundred and twenty (120) per month for the SBWMA Service Area.	\$50 per complaint
	B. Complaints of Failure to Clean Up Spills of Discarded Materials	See above	\$50 per complaint
8.	Spills of Vehicle Fluids	No incidents or Complaints in this category are acceptable	\$500 per complaint
<b>Customer Service Quality</b>			
1.	* Untimely Resolution of Complaints and Inquiries	No failures or Complaints in this category are acceptable	\$100 per incident
<b>Reporting</b>			
1.	Late Submittal of Reports, Application, Proposal, or Other Submittals	Report, application or proposal shall be submitted on the date or in accordance with the timeframe specified in this Agreement.	\$250 per day for each day report is overdue
2.	Submittal of Inaccurate Report, Application, Proposal, or Other Submittals and Correspondence	Report, application, proposal or correspondence submitted does not contain inaccurate, misleading or erroneous data and information.	\$250 per day for each day
3.	Failure to Perform and Report on Billing Review	Reports on Billing Reviews are submitted on time.	\$250 per day for each day
<b>Other</b>			
1.	Disposal of Diversion Program Materials	Contractor does not Dispose of Recyclable Materials or Organic Materials Collected.	\$175 per ton disposed for Recyclables  \$100 per ton disposed for Organics
2.	Use of Unauthorized Facilities	Each Ton of material shall be delivered to the Designated Transfer and Processing Site.	\$175 per ton delivered to unauthorized facility for Recyclables  \$100 per ton delivered to unauthorized facility for Organics and Solid Waste