

Modernized curbside collection system in Quebec



How to get ready

The Government of Quebec had announced its intention to modernize the curbside collection system based on the extended producer responsibility (EPR) approach and by adopting the [Act to amend mainly the Environment Quality Act with respect to deposits and selective collection](#) on March 11, 2021, this has now become a reality. This approach means the responsibility of companies that put non-refundable containers, packaging, printed matter and newsprint (hereinafter “covered products”) on the market will go beyond funding curbside collection, as is currently the case in the municipal curbside collection compensation plan. A single government-designated stewardship organization (hereinafter, DSO) representing these companies will be responsible for overseeing and helping manage various covered products throughout the territory and the value chain, from recovery to recycling.

Collection and transportation

The partnership concept being considered for this modernization means that certain curbside collection activities—including local services such as collection, transportation and citizen relations—may continue to be managed by the municipalities, regional county municipalities, administrations and other municipal organizations (hereinafter, MO). These local activities will be governed by partnership agreements between the MO and DSO, which will be responsible for representing affected businesses and for developing, implementing and funding this modernized system in accordance with the upcoming regulatory obligations.

Sorting and processing

Material sorting and processing will be entirely under the responsibility of the DSO. In a modernized curbside collection system, the DSO is responsible for overseeing the flow of materials throughout the value chain, establishing agreements or awarding contracts for material sorting, processing and recycling operations with the various service providers that will be able to achieve the required performance levels.

The regulations will set certain parameters that must be considered for sorting and processing operations in order to, among others, allow free competition and access to contracts by all business models (municipal and private materials recovery facilities, Non Profit Organisation, etc.) and in the greatest numbers.

The DSO will be required to report annually to RECYC-QUÉBEC, which will be the organization responsible for monitoring the implementation of this program, like the other EPR programs in place in Quebec. The DSO must demonstrate its program’s performance with respect to the objectives set by regulation—and in the event that the objectives are not met, penalties may be assessed.

This modernized system is planned to come into effect beginning in 2022 with a gradual rollout over three years, during which time there will be a gradual elimination of the current compensation plan and the gradual implementation of a new EPR-Partnership system.



Key dates¹

There are some important dates to remember between now and the complete rollout of the modernized system in 2025, and the Environment Quality Act, amended by the adoption of Bill 65, specifies the period for transitioning from curbside collection and the current compensation plan to the modernized system. It sets the end of the transition period at December 31, 2024.

- From 2022 to 2024, both approaches will coexist with the gradual elimination of the compensation plan and the gradual introduction of the modernized system.²
- Beginning the year after the coming into force of the regulation (2022), MOs will gradually transition to the modernized system by entering into partnership agreements with the DSO for local services, taking into account their current agreement's deadlines.
- The end of the transition period will put an end to the municipal services compensation plan.
- The last year in which the compensation plan will continue to apply to MOs that have not yet transitioned to the new system will be 2024.
- The DSO will be responsible for entering into new sorting and processing contracts with service providers—such as MRF—for materials handling.
- Once the regulations are in force, no MO will be allowed to set up a curbside collection system in full or in part by its own initiative.

SINCE
SEPTEMBER 24, 2020

No new contract with a fixed term beyond the transitional period may be awarded.

No contract in effect may be extended or renewed beyond the transition period.

No new municipal curbside collection contracts with a fixed term beyond the transitional period (December 31, 2024) may be awarded after September 24, 2020. Under the Act, a municipal contract awarded after September 24, 2020, that has a fixed term expiration later than December 31, 2024, will automatically terminate on this date.

¹Ministry of the Environment and the Fight against Climate Change, excerpted from the presentation on modernizing the curbside collection system - April 12, 2021, webinar [ppt-webinaire-fqm-umq-du-12avril2021.pdf](#) [In French only].

² See the document produced by RECYC-QUÉBEC: [Modernized curbside collection system in Quebec – Expected variances from current system.pdf](#)



Contract terms stemming from the Act

The adoption of the Act, on March 11, 2021, sets certain conditions and specifies dates with which MOs must comply when awarding contracts for curbside collection services.

<p>Contract terms</p>	<p>Description</p> <p>Ensure that the contract term (including renewal options, where applicable) complies with the expiration period set out in the Act—i.e., December 31, 2024.</p>	<p>Comments</p>
<p>Term options</p>	<p>Objective</p> <p>Allow the contract term to be synchronized with the full rollout of the modernized system under the upcoming EPR-Partnership system approach.</p>	<p>Comments</p>
<p>Renewal options</p>	<p>Description</p> <p>Use a term option clause with different price schedules according to various possible contract terms.</p>	<p>Comments</p>
	<p>Objective</p> <p>Enable the originator to choose the contract term when it is awarded; this provides a certain amount of contract flexibility that can be adapted according to the adoption of the proposed regulation.</p>	<p>Comments</p>
	<p>Description</p> <p>This clause should:</p> <ul style="list-style-type: none"> • Allow renewal for only one year at a time; • Be at the sole discretion of the originator; • Extend beyond the term identified by the bill adopted on March 11, to allow for a possible extension of the transitional period. 	<p>Comments</p> <p>The total expenditure resulting from the renewal option or options must not cause the value of the contract to exceed the estimated amount, in order to comply with the solicitation method used and the trade agreements.</p>
	<p>Objective</p> <p>Provide a certain amount of contract flexibility that may be useful at the time of transition in order to synchronize the end of the contract with the full rollout of the modernized system.</p>	<p>Comments</p>



Recommended practices

To help municipalities, regional county municipalities, administrations and other municipal organizations prepare for the new modernized curbside collection system, RECYC-QUÉBEC is proposing 11 practices developed in collaboration with the members of a working group on municipal contracts and municipal associations (UMQ and FQM). It is suggested that this be taken into account in preparing calls for tenders and in awarding and managing contracts pending the complete rollout of the modernized system in 2025, in accordance with the contract management rules applicable to each municipal organization responsible for these processes.

<p>Inform bidders of the modernization context</p>	<p>Description</p> <p>Inform bidders of the upcoming changes that will result from the upcoming modernization of the curbside collection system and the key dates set by the draft bill adopted on March 11, 2021, and the impact that these provisions could have on the contract.</p> <p>Objective</p> <p>Inform bidders that the contract’s framework could change before the end of the term.</p>	<p>Comments</p> <p>Unless these are minor changes that do not alter the nature of the contract, the desired modification conditions should be set out in the call for tender documents so that bidders may be informed.</p>
<p>Grouping (optimization of collection territories)</p>	<p>Description</p> <p>Plan to group them within the regional county municipality or administration or enter into intermunicipal agreements for the provision of curbside collection services.</p> <p>In certain cases where this type of grouping is only partial, the contracts awarded by the regional county municipality and the administrations may include an option allowing the addition of other territories to be served during the contract term and to make allowance for the costs of these additional services during the bidding process. It is recommended that MOs check with their legal departments in these situations.</p> <p>Objective</p> <p>Optimize territories and collection services and reduce costs.</p>	<p>Comments</p> <p>The Quebec Ministry of Municipal Affairs and Housing (MAMH) offers coaching and financial assistance to MOs to encourage intermunicipal cooperation.</p> <p>Find out more [in French only]: https://www.mamh.gouv.qc.ca/organisation-municipale/cooperation-intermunicipale/soutien-a-la-cooperation-municipale/</p>



Eligible materials

(standardized list for all of Quebec)

Description

A standardized list of eligible materials has been developed to be included in calls for tenders and contracts.

Comments

[List of eligible materials](#)

Separate calls for tenders

(collection-transportation and sorting-processing)

Objective

Standardize materials accepted in recycling bins, collected and received at sorting centres throughout the province, to facilitate sorting and communication with residents.

Comments

Calls for tenders exclusively for curbside collection of non-refundable containers, packaging, printed matter and newspapers

Description

In preparation for the new separation of responsibilities set out in the EPR-Partnership, make two separate calls for tenders; one for collection and transportation (CT) and another for sorting and processing (SP).

Objective

Allow MOs to continue awarding CT contracts pursuant to existing framework agreements, while the DSO handles SP operations directly with the sorting centres.

Comments

Description

Prepare calls for tenders exclusively for the targeted materials—i.e., non-refundable containers, packaging, printed matter and newspapers.

Objective

Under the new EPR-Partnership, framework agreements to be made with MOs and the DSO relate to covered products collected door to door and materials dropped off voluntarily, including various types of containers, as applicable.



Bid eligibility conditions

Description

Require a demonstration that materials are sent to a MRF and are sorted into at least five categories (paper, cardboard, plastic, glass and metal).

Objective

CT contracts: Make sure that the bidder has adequate machinery and equipment.

SP contracts: Make sure that the MRF has adequate equipment, knowledge and capacity to reclaim sorted materials.

CTSP contracts: Make sure that the bidder has adequate machinery and equipment and has an agreement with a MRF that has adequate equipment, knowledge and capacity to reclaim sorted materials.

Comments

For example, require the bidder to complete a technical sheet for the MRF, provide general information such as the centre's name and address and the number of material sorting categories.

State of materials

Description

Include a clause to ensure that the integrity of recyclable materials is preserved.

Objective

Facilitate material sorting, preserve resale value, avoid increasing the rejection rate and ensure that materials are stored adequately.

Comments

For example:

- Require sorting to be done within a limited (but reasonable) timeframe.
- Avoid outdoor storage of incoming materials and sorted materials.
- Avoid excessive compacting of materials in collection trucks.



Quality of incoming materials

(performance criteria)

Description

Consider carrying out a minimum number of characterization studies at the MRF entrances.

Objective

Measure/estimate the degree of contamination of incoming materials: this will help develop better knowledge of the quality of incoming materials and better target information, awareness and education efforts to be put in place.

Comments

Under the new EPR-Partnership, the DSO may impose requirements on MOs and service providers in partnership agreements and contracts, such as characterization studies to be carried out according to a standard protocol.

Accounting

Description

Provide the means to perform stringent contract follow-up.

Objective

Ensure adequate management by the carrier and the MRF of materials collected, sorted and sold.

Comments

For example:

- Request regular reports on the quantity of collected materials received, sorted, and sent for recycling/recovery and storage, including information on material destinations.
- Request reports on collection exceptions and quality of materials received.



Price adjustment according to fluctuations in income from the sale of sorted material

Description

Request a price based on an adjustment formula that takes the selling price of sorted materials into account.

Objective

Make sure that MOs pay a fair processing price.

Comments

Since the drop in value of materials in 2018 (see [material price index](#) [in French only]), bidders now require this type of clause in order to submit a bid.

Price adjustment according to destination

Description

Provide a price adjustment clause based on the destination, if the destination of materials has to be changed.

Objective

Allow destination adjustments to be made by the DSO to ensure efficiency and optimize transportation and sorting under a new EPR-Partnership.

Comments



For more information [in French only]:

Modernization of the Quebec deposit-refund and curbside collection systems:

- **RECYC-QUÉBEC**
[website](#)
Questions? collecteselective@recyc-quebec.gouv.qc.ca
- **Ministry of the Environment and the Fight against Climate Change**
[website](#)
Questions? infoconsigne-collecte@environnement.gouv.qc.ca

