

## Solid Waste

The depth and breadth of Hawkins' experience assisting local and state governments in the solid waste sector is unparalleled and spans the entire range of solid waste management facilities and services being utilized in today's circular economy. For over 40 years, we have assisted governmental clients across the nation with a broad range of services. Among these are the development of solid waste management plans, the procurement of solid waste projects and services, the preparation, negotiation and administration of comprehensive service contracts, the creation and implementation of innovative solid waste flow control mechanisms, and the financing of a variety of solid waste facilities. Our ability to assist clients in attaining their objectives and protecting the public interest is informed by our experience working on over 200 solid waste procurement and contract legal advisory engagements. In order to avoid potential conflicts of interest, Hawkins represents only public agencies in its solid waste industry procurement and contract practice.

The firm's clients in the solid waste industry include:

- Cities
- Counties
- Public authorities and agencies
- Solid waste management districts
- Regional compacts
- State governments and agencies

### Procurement and Contract Specialists

Hawkins is nationally recognized, based upon our breadth of experience, for expertise in contractor procurement, RFP structuring and contract negotiations for municipal solid waste facilities and transactions. Request for proposal and contract forms and transaction concepts that we pioneered have become industry models and standards. Our engagements as solid waste procurement and contract counsel have included projects delivered on design-build, design-build-operate, design-build-operate-finance and design-build-operate-own-finance bases, as well as short and long-term operation and maintenance agreements, transportation and disposal contracts, franchise and collection agreements, marketing of recyclable materials contracts and project off-take agreements. Projects procured include waste-to-energy facilities, clean and "dirty" materials recovery facilities, landfills, landfill gas-to-energy projects, transfer stations, composting facilities and digester gas-to-energy projects.

### Focus on Performance Requirements

Hawkins believes that in order for our clients to achieve their objectives it is imperative that the underlying project agreements clearly and comprehensively articulate objective performance criteria that must be met by the contractor as well as the consequences for performance shortfalls. We also recognize that in certain circumstances, incentive arrangements, instead of or in addition to performance shortfall deductions, are effective in helping to ensure that performance expectations are achieved. As a result of our extensive involvement in the solid waste sector, we understand all of the fundamental technical and business issues necessary to effectively advise our clients on these critical performance standards and to draft performance guarantees that clearly reflect our clients' objectives and expectations.

### Participation in Industry Forums

We are firmly committed to the development of the solid waste management field through education and public policy discourse, and have sponsored and participated in seminars on legal and other topics involved in solid waste management project implementation. The firm is a member of the Solid Waste Association of North America (SWANA), and the United States Conference of Mayors (USCM) - sponsored Municipal Waste Management Association, and our attorneys

served as counsel on the Advisory Board to the Executive Committee of the Conference of Mayors Solid Waste Advisory Council. Hawkins was also one of the founding sponsors of the USCM Resource Recovery Leadership Institute (RRLI), which has provided mayors from cities around the country with several intensive two-day seminars each year on solid waste disposal and resource recovery matters using a curriculum which the firm helped design.

Hawkins was a founding member of the Solid Waste Composting Counsel (SWCC) and served on its regulatory and legal affairs committee. We have designed the curriculum for and given full day seminars on legal aspects associated with the Development of Conversion Technology Projects at WASTECON, NAWTEC, the Design Build Institute of America and the Landfill Methane Outreach Program. Members of the firm speak regularly at seminars and conferences presented by the USCM, the Solid Waste Association of North America, including WASTECON, SWANA's North American Waste-to-Energy Conferences and Landfill Gas Symposiums, the National Solid Waste Management Association (NSWMA), the National Recycling Coalition (NRC), and at a variety of other municipal and professional forums on legal, environmental and financial topics involved in solid waste disposal facility planning, procurement, permitting and implementation. Articles authored by members of the firm on legal and contractual issues in solid waste management have appeared in Waste Age, Resource Recovery, MSW Management, World Wastes and other industry journals.

## **Solid Waste Facility Financing Experience**

Hawkins has drafted and negotiated dozens of municipal solid waste disposal service contracts that have served as security for several billion dollars in debt issued by companies to build assets to provide service to municipalities. Our legal opinion as to service contract validity has often been a key part of the successful closing of these project revenue financings. Further, we are experts on how various financing possibilities are evaluated in the proposal selection process and how they will affect the solid waste disposal service fee.

## **Practices**

- Alternative Project Delivery
- Bank Counsel
- Bond Counsel
- Disclosure Counsel
- Public-Private Partnerships
- Underwriters' Counsel

## **Industries**

- Power and Renewable Energy
- Wastewater Treatment
- Bioenergy
- Biosolids Management