



SPENCER OFFICE OF UTILITIES & FACILITIES

MEMORANDUM

To: Town Trash Bag Users
From: Steven J. Tyler, P.E., Superintendent, Spencer Utilities & Facilities Office
CC: Adam D. Gaudette, Town Administrator; Lee Jarvis, Health Agent
Date: December 20, 2011
Re: **Potential Concerns Regarding Quality of Spencer Trash Bags**

The purpose of this memorandum is to assist in responding concerns or complaints regarding Town of Spencer trash bags. As of this date the Utilities and Facilities Office has received one written complaint regarding a concern with regard to the quality of the trash bags from our current trash bag supplier. Since that email we have investigated and have only heard other comments verbally as hearsay but not directly to and/or documented by the Utilities and Facilities Office.

As a public entity the Town is legally obligated to publically advertise and bid for the supply of our trash bags. The contract for the Spencer trash bags supplier is, by Massachusetts law, a publically bid and advertised contract. Unless there is “documented evidence” of a problem with the quality of the trash bags from the supplier we are required to use the lowest responsive and qualified bid supplier for trash bags that meet all specified requirements set forth in the bid documents and the contract documents prepared by the Town. The current bag supplier did meet all specified requirements set forth by the Town. In order to demand change or cancel that contract some reasonable level of “documented evidence” is needed.

In summary, for the Town to change or cancel an existing contract we need to have a number of documented problems or complaints. That documentation could be one or a combination of the following: 1) return any deficient bags to the place of purchase for a full refund (they are obligated to accept the return); 2) put the complaint in writing; 3) call this office and have your name, address, comments/complaints formally documented by this office. The Town cannot change or cancel the contract on one or a few complaints. Also, keep in mind that the trash bags have specified weight limits on them and should not be overstuffed. Any documented evidence has to be based upon proper usage and filling of the trash bags at or under the specified weight limits.

If there is a quality/performance problem with the Spencer trash bags we need documented evidence or written complaints from users including name, address and phone number or e-mail address. Please provide your full contact information whether sending your concern in writing or by email. We also need to know which size bags each complaint is having a problem with. If you can include a picture that would help but is not required (e.g., you can include with and email a camera phone picture if you have one). You may e-mail, call or write this office with the above information and we will retain the complaints until we can substantiate that a problem exists.

We do understand the reported problem and potential for concern. And we will support the users concerns. If there is truly a bag quality problem the documentation of a problem needs to exist for the Town to be able to demand action or to change or cancel the contract. Once the problem is sufficiently documented we will approach the supplier.

Feel free to contact this office directly if any further questions regarding the above comments, concerns or requirements.

Prepared by:

A handwritten signature in black ink, appearing to read "Steven J. Tyler". The signature is fluid and cursive, with the first name "Steven" and last name "Tyler" clearly legible.

Steven J. Tyler, P.E.

Superintendent

Town of Spencer - Utilities and Facilities Office

styler@spencerma.gov