

**RESOLUTION**  
**SELECTION OF COMMONWEALTH SORTATION LLC FOR FURTHER**  
**CONTRACT NEGOTIATION PURSUANT TO REQUEST FOR PROPOSAL FOR**  
**SOLID WASTE DISPOSAL SERVICES (RFP 01-24)**

WHEREAS, on February 5, 2024, SPSA issued a Request for Proposal for Solid Waste Disposal Services (RFP 01-24) (as amended, the “RFP”) to establish one or more contracts through competitive negotiation for the acceptance and processing, recycling, recovery, reuse and/or disposal of 100% of the waste delivered by or on behalf of SPSA to contractor’s permitted facilities, and for such contractor(s) facilities to serve as a Designated Disposal Mechanism (as defined in SPSA’s Strategic Operating Plan); and

WHEREAS, on March 27, 2024, SPSA’s Board of Directors (the “Board”) established an RFP Evaluation Committee (the “Committee”) to evaluate the proposals in accordance with Section 5.0 of the RFP; and

WHEREAS, on or before the May 1, 2024 due date, six offerors submitted proposals to SPSA in response to the RFP; and

WHEREAS, on July 24, 2024, the Board determined that four of the proposals were deemed non-responsive to the terms of the RFP and were eliminated from further consideration; and

WHEREAS, on July 24, 2024, the Board (i) selected Commonwealth Sortation LLC (“Commonwealth”) and RePower South, LLC (“RePower”) as responsible offerors and fully qualified and best suited among those submitting proposals on the basis of the factors involved in the RFP and (ii) directed the Committee to conduct negotiations with Commonwealth and RePower in accordance with the RFP and applicable law; and

WHEREAS, select members of the Committee have conducted negotiations with Commonwealth and RePower on key terms that may be included in a final contract; and

WHEREAS, the members of the Committee conducted site visits to observe facility operations that use the same or similar technology being proposed by Commonwealth and RePower to provide the services requested in the RFP; and

WHEREAS, Virginia Code Section 2.2-4302.2 provides, in part that, “[s]hould a public body determine in writing and in its sole discretion that...one offeror is clearly more highly qualified than the other offerors under consideration, a contract may be negotiated and awarded to that offeror”; and

WHEREAS, based on the site visits, offeror negotiations, and for the below and other reasons, the Committee has concluded that Commonwealth is clearly more highly qualified than RePower to provide the services requested in the RFP and that further negotiations should continue only with Commonwealth:

**Proposed Sites:** RePower has indicated that its preferred site is on Route 58/460 opposite from SPSA’s Suffolk landfill. This site is currently undeveloped. The availability of utilities is

unknown. Land use and wetlands permits will be needed. The timeline for obtaining these permits is unknown. It is also unknown whether these permits can be obtained. RePower's alternate site is located near the Executive Airport on Route 58/460. No parcel map, site plan or any further information about this alternate site has been provided by RePower.

Commonwealth has proposed using two sites. Both are developed. Commonwealth currently operates an existing facility on one site. Both have access to utilities. Commonwealth has provided reasonable conceptual layouts and site plans for its facilities. Commonwealth will need to obtain permits for some of its operations, but the Committee does not view that as a significant obstacle, because the proposed operations at both sites are the same or similar to historical and existing operations. For these and other reasons, the Committee considers Commonwealth's sites to be superior to RePower's.

**Proposed Technology:** Members of the Committee have visited facilities utilizing Commonwealth's technology in Portsmouth, VA, Denver, CO, and Oklahoma City, OK. Commonwealth's proposed technology is straightforward, robust, and compact. The Committee is confident that Commonwealth's technology is viable and will work.

RePower's proposed technology is more complex than Commonwealth's. Members of the Committee have traveled to Berkeley County, SC and Baltimore, MD to observe RePower's technology. RePower advised the Committee that it plans to use more sophisticated recycling and organics reduction technology than what was observed by the Committee on its site visits. However, the Committee was not able to observe two of RePower's proposed organics reduction processes. The Committee considers Commonwealth's proposed technology to be less complex, more robust, more reliable, and therefore, superior to RePower's.

**Financial Ability to Perform:** The Committee asked each offeror for certain financial information to evaluate its ability to perform its contractual duties. Commonwealth provided the requested information. RePower did not. The Committee believes that, based on the materials provided, Commonwealth has financial resources and ability to raise funds to perform the contract's requirements. The Committee does not know if RePower has sufficient financial resources to perform the contract's requirements and it has not provided adequate assurance of its ability to raise the expected funds necessary to perform the contract's requirements.

**Parent Company Guarantee:** Commonwealth has offered that its parent company will provide a guaranty of Commonwealth's performance under a contract. RePower will not provide such a guaranty. The Committee has more confidence that Commonwealth will perform the contract successfully than will RePower.

**SPSA Transportation Costs:** The Committee has considered transportation costs that SPSA will incur based on the locations of the proposed sites. SPSA will incur lower transportation costs if Commonwealth's sites are used.

**Execution:** The Committee has much higher confidence that Commonwealth can execute its proposal in accordance with its RFP submittals and commitments made during the negotiations, than it does with respect to RePower. Throughout the evaluation process, Commonwealth's responses and documentation have been detailed and specific. Much less so for RePower. In

terms of planning, concept engineering and preliminary engineering, Commonwealth is farther along, more developed, and more specific than RePower.

**Cost:** As stated above, many questions about RePower's proposal remain unanswered. It is unknown whether either of RePower's proposed sites will prove to be viable. RePower's proposed technology has not been observed. RePower has provided very few specifics as to how it intends to service this contract, only summary descriptions. Based on those and other uncertainties, the Committee does not have confidence that RePower's proposed tipping fee can be achieved. Commonwealth's proposal is much more detailed and specific than RePower's. The Committee has much more confidence that Commonwealth can deliver its proposed tipping fee than it does with respect to RePower.

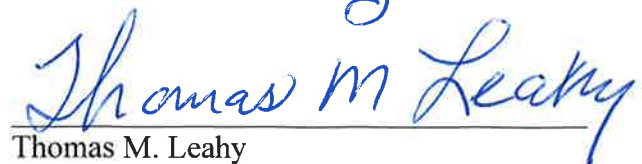
WHEREAS, the Committee has asked that the Board accept its recommendation that Commonwealth is clearly more highly qualified than RePower to provide the services requested in the RFP and direct that further negotiations should continue only with Commonwealth; and

WHEREAS, the Board has carefully evaluated the recommendation of the Committee and concurs with its recommendation.

NOW THEREFORE, the Board hereby:

1. Determines, as it may in its sole discretion pursuant to Section 2.2-4302.2(A)(3) of the Code of Virginia and the RFP, that Commonwealth is clearly more highly qualified than RePower to provide the services requested in the RFP; and
2. Directs the Committee to continue negotiations with Commonwealth only; and
3. Directs the Committee to cease negotiations with RePower, effective immediately;  
and
4. Directs the Committee to continue contract negotiations with Commonwealth that it believes are in the best interest of SPSA and its member communities and following such negotiation, to present such agreement(s) to the Board for its consideration and possible award at a future meeting; and
5. Reconfirms that, in accordance with the RFP and applicable law, the Board may cancel the RFP at any time.

Adopted at the Meeting of the Board of  
Directors on February 26, 2025.



Thomas M. Leahy  
Chairman