

RESOLUTION
SELECTION OF OFFERORS FOR COMPETITIVE 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, six offerors submitted proposals to SPSA in response to the RFP: BHS Projects @ Chesapeake, LLC, CarbonSweep, LLC, Commonwealth Sortation LLC, IBC Renewables, LLC, RePower South, LLC, and Tidewater Fibre Corp.; and

WHEREAS, on March 27, 2024, SPSA's Board of Directors (the "Board") established an RFP evaluation committee (the "Evaluation Committee") to evaluate the proposals in accordance Section 5.0 of the RFP; and

WHEREAS, after the Evaluation Committee's review of the proposals submitted by the six offerors, the Evaluation Committee sent letters dated June 10, 2024 to each offeror requesting additional information and/or clarification to their respective proposals;

WHEREAS, the Evaluation Committee evaluated all of the proposals in accordance with Sections 4.0 and 5.0 of the RFP relating to the submission of a complete proposal, minimum qualifications and the evaluation criteria/scoring; and

WHEREAS, the Evaluation Committee submitted its recommendation regarding the offerors and their respective proposals to the Board; and

WHEREAS, the Board has considered the recommendation of the Evaluation Committee and has evaluated the proposals in accordance with the evaluation criteria/scoring in the RFP; and

WHEREAS, following due consideration of the six proposals, including consideration of the recommendation of the Evaluation Committee and presentations prepared and delivered by SPSA Executive Staff, the Board believes, in its sole discretion, that (i) four offerors (BHS Projects @ Chesapeake, LLC, CarbonSweep, LLC, IBC Renewables, LLC, and Tidewater Fibre Corp.) did not include in their proposals all of the mandatory materials listed in Section 4.0 subsections 2-10 of the RFP, and in accordance with Paragraphs 1 of Section 4.0 and Section 5.0 of the RFP, such proposals are deemed non-responsive and eliminated from further consideration; and (ii) two offerors (Commonwealth Sortation LLC and RePower South, LLC) submitted the mandatory materials listed in Section 4.0 subsections 2-10 of the RFP, and the Board desires to select Commonwealth Sortation LLC and RePower South, LLC and deem them to be fully qualified and best suited among those submitting proposals on the basis of the factors involved in the RFP and conduct competitive negotiations with both offerors.

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 Virginia Code and the RFP, that (i) the proposals submitted by BHS Projects @ Chesapeake,

LLC, CarbonSweep, LLC, IBC Renewables, LLC, and Tidewater Fibre Corp. pursuant to the RFP are deemed non-responsive and eliminated from further consideration, and (ii) Commonwealth Sortation LLC and RePower South, LLC be selected and deemed to be responsible offerors and fully qualified and best suited among those submitting proposals on the basis of the factors involved in the RFP; and

2. Directs the Evaluation Committee, with the assistance of legal counsel and other advisors, to conduct negotiations with Commonwealth Sortation LLC and RePower South, LLC in accordance with the RFP and applicable law; and

3. Directs the Evaluation Committee to negotiate with Commonwealth Sortation LLC and RePower South, LLC for proposed contractual terms that are in the best interests of SPSA and its member communities and, following such negotiation, to present one or more negotiated agreement(s) to the Board for its consideration and possible award at a future Board meeting; and

4. 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
July 24, 2024


Dr. Dale E. Baugh
Chairman