

**MINUTES OF THE ALTERNATIVE WASTE DISPOSAL RFP  
REVIEW/SELECTION COMMITTEE MEETING**

**April 29, 2024**

The Committee meeting was scheduled for 12:00PM in SPSA's second floor conference room at the Regional Building, 723 Woodlake Drive, Chesapeake, VA, 23320.

**In Attendance:**

Dennis Bagley, Committee Member	Kevin Cosgrove, Counsel
Tom Leahy, Committee Member	Brad Nowak, Counsel
Richard Broad, Committee Member	Bob Gardner, Consultant
Earl Sorey, Committee Member	Deborah White, Committee Secretary

**Absent:**

Henry Strickland, Committee Member	Angie Hutchins, Advisory Support
	Brett Spain, Counsel

**1. Call Meeting to Order**

Dennis Bagley called the meeting to order at 12:10PM

**2. Introductions**

Each Committee Member, Consultant, and Support Staff introduced themselves and their role within the committee.

**3. Closed Session**

Kevin Cosgrove suggested a motion for closed session for discussion relating to specific legal matters.

*The Committee might wish to entertain a motion that a closed session be held pursuant to Virginia Code Section 2.2-3711 (a)(8) for the purpose of consulting with legal counsel regarding a question concerning participation of certain members of the evaluation committee requiring the provision of legal advice by such counsel.*

Tom Leahy moved, seconded by Richard Broad, to enter closed session as presented. The motion passed by unanimous vote of committee members (4-0).

Kevin Cosgrove suggested a Motion to Approve Certification after Closed Meeting.

*The Committee might wish to entertain a motion certifying that, to the best of each member's knowledge: (a) only public business matters lawfully exempted from open*

*meeting requirements by Virginia law under the Virginia Freedom of Information Act were discussed and; (b) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered in the closed meeting just concluded. Role call vote required.*

Richard Broad moved, seconded by Tom Leahy, to certify the closed session as presented.

Roll Call:

Tom Leahy – YES

Richard Broad – YES

Earl Sorey – YES

Dennis Bagley – YES

The motion passed by unanimous vote of committee members (4-0).

#### **4. Committee Member Recuses Himself**

Earl Sorey recuses himself from the Committee by reading the following statement:

*I am aware of the concerns that have been raised regarding a potential conflict of interest with my serving on the selection panel and have reviewed these concerns with Chesapeake's legal counsel. I and my counsel are confident that there is no legal or ethical issue that would preclude me from serving as a member of the Alternative Waste Solutions RFP Selection Panel. However, to avoid even the appearance of a conflict, I am recusing myself from serving on the selection panel. Dennis has assembled a very capable team to vet the RFP proposals and I have full confidence in staff and my colleagues to identify the solution or solutions that are best for SPSA and the region and to bring those to the full Board at the appropriate time. I do not want to be the subject of a meritless bid dispute or other action that could delay this critical project.*

The Committee will now have 4 voting members instead of 5.

#### **5. Selection of Chair**

Dennis Bagley made a motion to nominate Tom Leahy as the Chair of the Committee. Tom agreed to accept the nomination. The motion passed by unanimous vote of committee members (3-0).

#### **6. Set Next Meeting Dates**

RFP responses are due by May 1, 2024. The Committee will receive a copy of each response and will need several weeks for review. It was determined that the Committee will meet on the following dates:

- Monday, June 3, 2024, at 12:00PM
- Monday, June 10, 2024, at 12:00PM
- Monday, July 1, 2024, at 12:00PM

Meetings will be held in SPSA's second floor conference room, 723 Woodlake Drive, Chesapeake, VA, 23320. The meeting dates will be posted on SPSA's website. Future dates will be scheduled as the RFP review process progresses.

## **7. Housekeeping Items**

### **a/b. Overall Schedule**

The Board of Directors has allowed a year for the RFP process which will conclude with the Committee making a recommendation to the Board. The Committee Chair will provide updates to the Board of Directors each month starting with the May 22nd meeting. Bob Gardner has developed a preliminary schedule draft for the Committee and will be adjusted as needed. A copy of the preliminary schedule draft will be sent to the Committee and posted on SPSA's website. The Board of Directors' final approval for an Alternative Waste Disposal Contract is currently targeted for the late Spring of 2025 but will be adjusted as needed.

### **c. Attendance**

Committee Members discussed whether electronic participation would or would not be allowed for the Committee. It was determined that electronic participation would not be allowed for convenience. If anyone from the Committee has a medical issue keeping them from attending a meeting, the Committee Members will evaluate on a case-by-case basis to determine if electronic participation will be allowed.

## **8. Guidance on Procurement**

Kevin Cosgrove gave the following guidance to remember during the RFP selection process:

- No talking to vendors participating in the RFP process
- All notes are subject to FOIA
- No discussion about the process outside of Committee meetings
- No mention on Social Media
- Committee attendance is important
- Scoring has 4 criteria

He suggested using 1 Scoring Sheet per Vendor instead of each Committee Member submitting their own.

It was asked if notes were subject to FOIA after each meeting or at end of the process. Kevin will research and advise on findings. It was also asked which Procurement Code this RFP process falls under. Kevin will also provide the Code to the Committee if members wish to review.

It was noted that SPSA's Purchasing Policy is available on the website.

**9. Contract Development**

Brad Nowak has drafted many contracts for SPSA and will be involved in the RFP process to determine the best development of a final contract.

**10. Additional Business**

Bob Gardner advised the Committee to think long term by defining key responsibilities and expectations when things go wrong while evaluating RFP submittals. There needs to be a balance between the lowest cost and the most efficient.

Kevin Cosgrove reminded Committee Members that cost is only one of the four criteria when scoring.

It was asked if the Committee would consider making a recommendation to the Board of Directors that SPSA take on Public/Private debt (bonds). It was determined to wait and see what the RFP submittals proposed and if needed, Brad Nowak and SPSA's financial planner would advise the Committee.

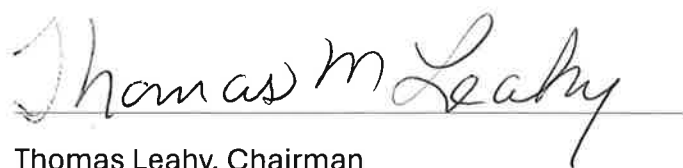
A question was asked concerning guaranteed waste volume in Addendum #1 - Question #12. SPSA cannot guarantee a volume since it is not SPSA's waste. SPSA can guarantee all waste received from localities.

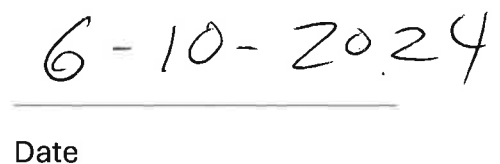
A question was asked about submittals containing Trade Secrets. Kevin Cosgrove advised that the entire proposal cannot fall under the trade secret law and submitted proposals are not subject to FOIA until after the process is complete.

The Committee prefers electronic PDF copies of submitted proposals instead of hard copies mailed.

**Meeting Adjourned** at 1:27PM.

**Minutes Approved As Presented.**

  
Thomas Leahy, Chairman

  
Date