

RESOLUTION REGARDING NOTICES OF AWARDS RELATING TO THE TORRINGTON AND WATERTOWN TRANSFER STATIONS

WHEREAS: At its May 28, 2020 special telephonic meeting, the Materials Innovation and Recycling Authority (MIRA) Board of Directors adopted a resolution directing management to immediately commence planning and contracting activities necessary to transition the Connecticut Solid Waste System (“CSWS”) Waste to Energy Facility to transfer operations and to continue to evaluate the feasibility of refurbishing the Waste to Energy Facility for longer term operation, which resolution was necessitated by the unsuccessful conclusion of the Department of Energy and Environmental Protection’s “Resource Rediscovery” initiative to redevelop the CSWS; and

WHEREAS: on May 14, 2021 MIRA issued two Requests For Proposals for the Transportation and Disposal of Municipal Solid Waste i) at Regional Facilities and ii) at Out of State Landfills which RFPs permitted proposals for transportation only, disposal only or combined transportation and disposal service, and requested alternative pricing structures under the presumption that i) the CSWS Municipal Service Agreements remained subject to existing “Opt Out” clauses or ii) that the existing Opt Out clauses would be amended out of the agreements; and

WHEREAS: on June 16, 2021 MIRA issued a Request For Proposals for Operation, Maintenance and Optional Redevelopment of the Connecticut Solid Waste System Transfer Stations which RFP permitted fixed cost proposals to include maximum tonnage values and excess tonnage fees, alternative direct cost reimbursement proposals, optional recycling transportation services, optional facility capacity sharing arrangements and an optional facility development amendment; and

WHEREAS: MIRA received proposals for the Transportation and Disposal of Municipal Solid Waste from seven proposing entities offering transportation and/or disposal capacity at seven Regional Facilities and ten Out of State Landfills; and

WHEREAS: MIRA received proposals for the Operation, Maintenance and Optional Redevelopment of the Connecticut Solid Waste System Transfer Stations from six proposing entities offering operation, maintenance and / or redevelopment services for the Torrington, Watertown and Essex Transfer Stations and the Waste to Energy Facility; and

WHEREAS: MIRA evaluated such proposals pursuant to published evaluation criteria which included i) MIRA’s objective to continue providing for the least cost, lowest risk, environmentally responsible processing of MSW at least through the June 30, 2027 expiration of the Municipal Service Agreements, ii) MIRA’s objective to provide the necessary CSWS Transfer Facility operating and maintenance services while at the same time leveraging the private use and development thereof to lower MIRA’s overall cost of service and advance the State’s long term goals for environmentally responsible treatment of MSW, iii) Transportation and Disposal Capacity and Price (With and Without the existing Municipal Service Agreement Opt Out clauses), iv) Transfer Station O&M Cost (net of potential Capacity Share

Arrangements), v) Demonstrated Experience, vi) Reasonableness of Transition and Operating Plans, Environmental Compliance History and Business Exceptions and vii) Operational, Market and Economic Risks; and

WHEREAS: On August 25, 2021, Enviro Express submitted a proposal to MIRA for the transportation and disposal of municipal solid waste from the Torrington and Watertown Transfer Stations and on September 20, 2021 Enviro Express submitted a proposal to MIRA for the Operation and Maintenance of the Torrington and Watertown Transfer Stations and the disposal of municipal solid waste transported to these transfer stations; and

WHEREAS: The President and MIRA staff have reviewed the proposal submitted by Enviro Express and the President is recommending to the Board that a Notice of Award be issued to Enviro Express on the terms and conditions set forth herein for the operation of the Torrington and Watertown transfer stations and the transportation and disposal of such municipal solid waste and further negotiations occur on the terms and conditions of this Resolution; and

Now therefore be it:

RESOLVED: That the Board of Directors authorizes the President to issue a “Notice of Award” as set forth in the Request for Proposals based upon the proposals received from Enviro Express dated August 25, 2021 and September 20, 2021, as substantially as presented and discussed at this meeting, and with certain limitations and conditions:

- (1) That the President negotiates the terms and conditions of final agreement(s) with Enviro Express providing for i) the fixed cost Operation and Maintenance of the Torrington Transfer Station with optional recycling transportation and capacity sharing arrangement, ii) Transportation and Disposal of Municipal Solid Waste from the Torrington Transfer Station to the Keystone Sanitary Landfill in Dunmore PA, iii) the fixed cost Operation and Maintenance of the Watertown Transfer Station with optional recycling transportation and capacity sharing arrangement, vi) Transportation and Disposal of Municipal Solid Waste from the Watertown Transfer Station to the Keystone Sanitary Landfill in Dunmore PA, including but not limited to accepting, rejecting or modifying any business exceptions set forth in the Enviro Express proposals as determined by the President to be necessary or appropriate; and
- (2) That upon meeting or exceeding the relevant Threshold Deliveries as defined in the MSA Amendment separately authorized by this Board at this meeting, as determined by MIRA, the President present to the Board for its review, consideration and approval, a final agreement that is acceptable to the President and complies with Chapter 446e of the Connecticut General Statutes; and
- (3) That the Notice of Award to Enviro Express may be revoked in the event that no final agreement is presented to or approved by the Board.