

A Resolution of the Board of Directors of the Southside Network Authority
Authorizing Issuance of a Solicitation under the Public Private Education Facilities & Infrastructure Act of 2002 and Providing for the Evaluation Thereof

WHEREAS, the Authority is a public body corporate and politic and a political subdivision of the Commonwealth of Virginia pursuant to the Virginia Wireless Service Authorities Act, Va. Code § 15.2-5431.1 et seq., and a responsible public entity under the provisions of the Public Private Education Facilities and Infrastructure Act of 2002, Va. Code § 56-575.1 et seq. (the “Act”), and has adopted Guidelines for the implementation of the Act; and

WHEREAS, the Authority has made public that it desires to find a private partner to work with it to provide goods and services to design, build, finance, operate, and maintain, or combination thereof, a fiber optic network that will interconnect the five Cities of South Hampton Roads; and

WHEREAS, the Authority has retained the firm of CTC Technology and Energy (the “Consultant”) to assist it in preparing a solicitation under the Act and in evaluating proposals received in response; and

WHEREAS, the Executive Director has presented to the Board a report on the structure of a proposed solicitation under the Act (the “Solicitation”) at this meeting, which is to be filed with the records of the Authority’s Board of Directors with this Resolution upon issuance.

NOW THEREFORE, the Board of Directors of the Southside Network Authority hereby resolves as follows:

1. The Board expressly finds and declares that due to (i) the probable scope, complexity, or priority of the Project, (ii) risk-sharing including guaranteed cost or completion guarantees, (iii) added value or debt or equity investments proposed by the private entity, or (iv) an increase in funding, dedicated revenue source or other economic benefit that would not otherwise be available, use of the competitive sealed bidding process is not advantageous or practicable for a single procurement of the full scope of services explained in the Executive Director’s presentation and which will be sought in the Solicitation. The Board therefore directs use of the competitive negotiation process.

2. The Board hereby authorizes and directs the Executive Director or his designee to cause a Request for Proposals substantially conforming to the presentation made at this meeting of the Authority Board, the propriety of which will be conclusively determined by its issuance, to be posted to the Authority website and to be advertised not later than May 20, 2021, including advertisement on eVA, *Virginia Business Opportunities*, and such other publicity outlets as the Executive Director may deem advisable to ensure exposure of the Solicitation to interested parties. The response period may close no sooner than August 24, 2021.

3. The Board hereby forms the following Selection Committee to evaluate proposals:

- a. Hon. Susan Vitale, Board Chair, Chesapeake City Council
- b. Hon. Rosemary Wilson, Virginia Beach City Council
- c. Daniel Jones, Portsmouth Chief Information Officer
- d. Peter Wallace, Virginia Beach Chief Information Officer
- e. Scott Fairholm, Chesapeake Chief Information Officer
- f. Steven DeBerry, Southside Network Authority Executive Director

The Selection Committee must meet with the Consultant and review proposals. It must rank the proposals, interview top proposer(s), if any, and make a recommendation to the Board at its earliest convenience of

the proposer or proposers with whom to proceed to the detailed phase of negotiations, if any. The Selection Committee shall follow the procurement process set forth in the Solicitation, and use the criteria set forth therein when making its evaluations.

In accordance with the Guidelines, the Selection Committee should also seek out and take into account comments received from the public, as well as from Affected Local Jurisdictions, including the administrative staff and Councils of the Cities of Virginia Beach, Suffolk, Portsmouth, Norfolk, and Chesapeake.

4. The Board authorizes the Executive Director to retain such additional consultants as may be necessary to assist him, the Consultant, and the Selection Committee in evaluating any proposals received in response to the Solicitation.

5. The Executive Director is directed to post all proposals received to the Authority website on the closing date of the Solicitation and make determinations of the applicability of Freedom of Information Act exemptions to confidential sections of proposals.

6. The Executive Director is authorized to take or cause to be taken such other and further administrative actions as may be necessary to ensure that the processing of the Solicitation and the actions authorized by this resolution comply with law.

7. To the extent that the Guidelines are inconsistent with this Resolution and the terms of the Solicitation, this Resolution supersedes and controls over the Guidelines.

8. This resolution is effective upon adoption.

By a recorded vote:

Board Member	Vote
Hon. Susan Vitale, Chair.....	_____
Hon. Andria McClellan, Vice-Chair	_____
Hon. Rosemary Wilson.....	_____
Daniel Jones	_____
Albert Moor	_____

A copy teste:

Steven DeBerry
Secretary to the Board of Directors