



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # New Business 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 14, 2014

MOTION

Made By: Mr. Fralin

Seconded By: Ms. Valentine

Action: Motion Carried, Unanimously

COMMONWEALTH TRANSPORTATION BOARD DIRECTION TO THE OFFICE OF TRANSPORTATION PUBLIC PRIVATE PARTNERSHIPS (OTP3) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT).

WHEREAS, the Commonwealth of Virginia's OTP3(OTP3) is responsible for developing and implementing a statewide program for project delivery via the Public Private Transportation Act of 1995; (PPTA) and;

WHEREAS, the OTP3 has developed an implementation manual and guidelines which address the development and implementation of public private transportation projects; and,

WHEREAS, there have been concerns raised with several projects undertaken under the guidance and direction of the OTP3, and the Commonwealth Transportation Board believes the OTP3 should revisit its manual and guidelines to strengthen the transparency of the entire public private transportation project development and delivery, and to enhance the competitive process utilized in developing and implementing the private public transportation projects; and,

WHEREAS, projects developed under the PPTA and other design-build projects can involve the assumption of risks by both the public and private sector that are not present in conventional design, bid, build contracting, and;

WHEREAS, the Board believes that VDOT working with the OTP3, should develop standards or guidelines addressing the risk associated with PPTA and design-build projects, that indentifies, minimizes, mitigates and limits the risks to VDOT; and,

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WHEREAS, while the Commonwealth Transportation Board does not play a direct role in the development, negotiation, and implementation of public private transportation projects, the Board does play a role in the funding of such projects; and,

WHEREAS, the Board believes that there should be a more robust discussion of these projects with the Commonwealth Transportation Board prior to the completion of any negotiations for these projects and the execution of any Comprehensive Agreement under the Public Private Transportation Act; and,

WHEREAS, the Director of the OTP3 should be directed to undertake an exhaustive review of the manual and guidelines and other internal policies and procedures of the OTP3 to improve transparency, public involvement, and competitiveness; and,

WHEREAS, part of their review should also consider how the Commonwealth Transportation Board can be more involved in the process of the development, negotiation, and implementation of public private transportation projects.

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMONWEALTH TRANSPORTATION BOARD, that the Director of the OTP3 be hereby directed to undertake an extensive and exhaustive review of the processes, policies, manual, and guidelines used by the OTP3 in soliciting, developing, negotiating, and implementing public private transportation projects in order to increase transparency, the competitive process, public involvement, as well as more direct involvement by the Board in the development, negotiation, and implementation of public private transportation projects.

BE IT FURTHER RESOLVED, that the Highway Commissioner is directed to establish standards and guidelines addressing the risk associated with PPTA and design-build projects that identifies, minimizes, mitigates and limits the risks to VDOT; and,

BE IT FURTHER RESOLVED, that the Director of OTP3 and the Commissioner report to the Board no later than its meeting in October, 2014 on recommendations which will be implemented by the Office of Transportation Public Private Partnerships and VDOT to address the concerns which have been raised herein.

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