

1 **Public-Private Partnership Advisory Commission**
2 **PPEA Proposal and Agreement Review Procedures**
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5 **I. Authority.**
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7 These procedures have been prepared pursuant to the Public-Private Education Facilities and
8 Infrastructure Act (PPEA) of 2002 (§ 56-575.1 et seq.) and the Public-Private Partnership
9 Advisory Commission (§30-279 et seq.) hereinafter referred to as the “Commission.”
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11 **II. Meetings.**
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13 **A. Schedule.** Commission meetings shall be held quarterly or at the call of the chairman.
14 Meetings shall be scheduled by the Office of the Clerk of the Senate or the Office of the House
15 of Delegates as may be appropriate for the house in which the chairman of the Commission
16 serves.
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18 **B. Scope of Meeting.** At each meeting the Commission shall:
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- 20 1. Consider PPEA detailed proposals received by a responsible public entity (RPE) that is
21 a state agency or institution and determine whether to accept or decline for review by the
22 Commission;
- 23 2. Receive oral presentations on detailed proposals that have been selected by the
24 Commission for review;
- 25 3. Provide findings or recommendations on detailed proposals to responsible public
26 entities in accordance with the Commission's purview; and
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- 28 4. Other Commission business as determined by the Chairman
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32 **III. Submission of PPEA Detailed Proposals to the Commission:**
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34 **A. Contents of Submission.** An RPE that is a state agency or institution shall submit PPEA
35 detailed proposals to the Commission pursuant to the submission requirements of §30-280. The
36 detailed proposal shall be accompanied by a summary of the major business points of the
37 proposed project.
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40 **B. Transmittal of Detailed Proposals for Review.** Copies of a detailed proposal and the
41 summary of major business points shall be sent by the RPE in .pdf electronic format and on CD
42 to the following:
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- 44 1. Eleven copies to the Office of the Clerk of the Senate or the Office of the House of
45 Delegates as may be appropriate for the House in which the Chairman of the
46 Commission serves.
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48 2. One copy to the Chairman of the House Committee on Appropriations.
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50 3. One copy to the Chairman of the House Committee on Finance.
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52 4. One copy to the Chairman of the Senate Committee on Finance.
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54 5. One copy to the Director of the Department of General Services.
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56 6. One copy to the Director of the Division of Legislative Services.
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58 Electronic copies shall be submitted to the identified offices at least 10 days prior to the
59 scheduled meeting of the Commission. Prior to the submission of any detailed proposal for
60 Commission review, the RPE shall contact the appropriate Clerk's office for a meeting schedule.
61 The appropriate Clerk's office shall distribute copies of detailed proposals to Commission
62 members.
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65 **C. Presentation by RPE.** The RPE submitting a detailed proposal for the Commission's
66 consideration shall attend the next available Commission meeting for the purpose of presenting a
67 summary of the project scope proposed in the submitted detailed proposals. Each summary
68 should not exceed 30 minutes in length.
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71 **D. Commission Determination to Accept or Decline for Review.** After the presentation of
72 the RPE, the Commission shall elect to accept or decline the detailed proposal for review. If the
73 Commission elects to decline review of a detailed proposal, the RPE may proceed with the
74 project as prescribed by the PPEA. Detailed proposals accepted for review shall proceed as
75 provided by Section IV.
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77 **IV. Review of Detailed Proposals**

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79 **A. Scope of Review.** Detailed proposals selected for review by the Commission shall be
80 reviewed by the Commission and appropriate staff members to determine whether findings and
81 recommendations are appropriate. Any findings and recommendations of the Commission shall
82 include (i) whether the terms and conditions of the detailed proposals and proposed qualifying
83 project create state tax-supported debt taking into consideration the specific findings of the
84 Secretary of Finance with respect to such recommendation. (ii) an analysis of the potential
85 financial impact of the qualifying project, (iii) a review of the policy aspects of the detailed
86 proposals and the qualifying project, and (iv) proposed business terms and conditions.

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B. Procedure for Making Commission's Finding and Recommendations. Any findings or recommendations determined at this meeting will be documented and a response prepared by the appropriate Clerk's office. Findings and recommendations shall be provided to the RPE within 45 days of the day the detailed proposal was selected for review. If no findings or recommendations are provided by the Commission to the responsible public entity with the 45 day period, the Commission shall be deemed to have no findings or recommendations and the responsible public entity may proceed with the process prescribed by the PPEA.

V. Submission of Interim and Comprehensive Agreements

A. Procedure for Submission. If a detailed proposal has been reviewed by the Commission, the RPE shall submit any resulting interim or comprehensive agreement to the Commission for review at least 30 days prior to execution of the agreement. Such period for Commission review may be concurrent with the posting of the agreement for public comment. In addition to submission of the agreement, the RPE shall submit a one-page overview detailing the major business points of the agreement and a report describing the extent to which the Commission's recommendations were addressed in the proposed agreement.

B. Transmittal of Interim and Comprehensive Agreements for Review. Copies of an interim or comprehensive agreement and the report describing the extent to which the Commission's recommendations were addressed shall be sent by the RPE in .pdf electronic format and on CD to the following:

1. Eleven copies to the Office of the Clerk of the Senate or the Office of the House of Delegates as may be appropriate for the House in which the Chairman of the Commission serves.
2. One copy to the Chairman of the House Committee on Appropriations.
3. One copy to the Chairman of the House Committee on Finance.
4. One copy to the Chairman of the Senate Committee on Finance.
5. One copy to the Director of the Department of General Services.
6. One copy to the Director of the Division of Legislative Services.

Electronic copies shall be submitted to the identified offices at least 30 days prior to the execution of the agreement. The appropriate Clerk's office shall distribute copies of the interim or detailed agreement, along with any reports or supporting documents, to Commission members.

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131 **C. Procedure for Commission's Review of Interim and Comprehensive Agreements.** The
132 agreement, overview, and report shall be reviewed by the Commission and appropriate staff
133 members at the next available meeting of the Commission to determine whether any comments
134 will be provided.

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136 Any comments from Commission members on the interim or comprehensive agreement shall be
137 sent to the Clerk's office of the house in which the Chairman of the Commission resides and to
138 the RPE.