

PPEA Model Guidelines Working Group

Best Practices Review/ Additional Issues for Consideration

I. Best Practices Review

1. Award bonus points for state grants that are applied to PPEA projects.
2. Clarify the role of the Public Private Advisory Commission to include a more functional role for the Commission and to position the Commission to encourage the use of the PPEA projects at the state level.
3. Create a PPEA "czar" in the administration who will advocate use of PPEA or at least serve as a central clearinghouse in the administration for PPEA to speed approvals.
4. Request the Office of the Attorney General to assign an individual to specialize in the review of PPEA agreements to assist in accelerating the process.
5. Develop model comprehensive agreements and interim agreements.

II. Additional Issues for Consideration

1. Should the definition of "qualifying project" be amended to remove the "list" and use a more general definition?
2. Does the PPEA process, in particular when unsolicited proposals are involved, provide for an adequate level of competition?
3. Should the PPEA model guidelines (or statute) provide more specificity or clarity regarding the level of communication that the RPE has with potential bidders. Currently, the amount of communication with potential bidders varies widely by jurisdiction and state agency.
4. Should there be a time limit on how long a PPEA proposal can be reviewed?
5. Clarify applicability of mandatory procurement source requirements to PPEA projects. (e.g. the Virginia Correctional Enterprises mandatory source requirement).
6. Does the PPEA adequately protect against inappropriate or unlawful conflicts of interests?
7. Is the level of public participation at key stages of the proposal review process adequate?
8. Should the PPEA require an RPE deciding to reject a services proposal to formally state the basis for the rejection to include addressing the purported savings and efficiencies asserted by the private entity? In addition, should there be an appeals process available to the private entity presenting the proposal?
9. Should the PPEA discourage an RPE from rejecting an attractive unsolicited proposal then converting all or part of the proposal into a standard RFP?