

**Public-Private Partnership Advisory Commission
PPEA Proposal and Agreement Review Procedures**

I. Authority.

These procedures have been prepared pursuant to the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002 (§ 56-575.1 et seq.) and the Public-Private Partnership Advisory Commission (§30-279 et seq.) hereinafter referred to as the “Commission”

II. Meetings.

A. Schedule. Commission meetings shall be held quarterly or at the call of the chairman. Meetings shall be scheduled by 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.

B. Scope of Meeting. At each scheduled meeting the Commission shall have the power and duty to:

1. Consider PPEA detailed proposals received by a responsible public entity and determine whether to accept or decline the PPEA detailed proposals for review by the Commission
2. Receive oral presentations on detailed proposals that have been selected by the Commission for review
3. Provide findings or recommendations on detailed proposals to responsible public entities; and
4. Other Commission business as determined by the Chairman

III. Submission of PPEA Detailed Proposals to the Commission:

A. Contents of Submission. A responsible public entity (RPE) shall submit PPEA detailed proposals to the Commission pursuant to the submission requirements of §30-280. The detailed proposal shall be accompanied by a summary of the major business points of the proposed project.

B. Transmittal of Detailed Proposals for Review. Copies of a detailed proposal and the summary of major business points shall be sent by the RPE in .pdf electronic format and on CD to the following:

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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 10 days prior to the scheduled meeting of the Commission. Prior to the submission of any detailed proposal, the RPE shall contact the appropriate Clerk’s office for a meeting schedule. The appropriate Clerk’s office shall distribute copies of detailed proposal to Commission members.

C. Presentation by RPE. The RPE submitting a detailed proposal for the Commission’s consideration shall attend the next available Commission meeting for the purpose of presenting a summary of the project scope proposed in the submitted detailed proposals. Each summary should not exceed 30 minutes in length.

D. Commission Determination to Accept or Decline for Review. After the presentation of the RPE, the Commission shall elect to accept or decline the detailed proposal for review. If the Commission elects to decline review of a detailed proposal, the RPE may proceed with the project as prescribed by the PPEA. Detailed proposals accepted for review shall proceed as provided by Section IV.

IV. Review of Detailed Proposals

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

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C. Procedure for Commission's Review of Interim and Comprehensive Agreements. The agreement, overview, and report shall be reviewed by the Commission and appropriate staff members at the next available meeting of the Commission to determine
Any comments from Commission members on the interim or comprehensive agreement shall be sent to the Clerk's office of the house in which the Chairman of the Commission resides.