

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: August 18, 2009

TO: Board of Supervisors
FROM: Keith Dayton, Director of Public Works *Keith*
ISSUE: Report of the Transportation Bond Committee

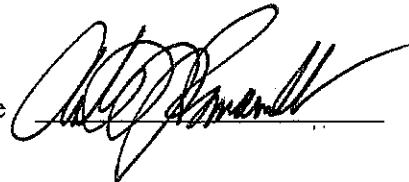
STAFF RECOMMENDATION: N/A

BUDGET IMPACT: N/A

ATTACHMENTS: (9)

- | | |
|-------------------------------|------------------------------------|
| [1] Background Report | [6] Staffing Memo |
| [2] Draft Implementation Plan | [7] Affordability Information |
| [3] Projects Location Map | [8] Staff Presentation |
| [4] Plan Rationale | [9] Information from Jurisdictions |
| [5] Delivery Methods Memo | |

REVIEW: County Administrator's Office



- | | | |
|--|---|--|
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Other Business | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Discussion Item | <input type="checkbox"/> Presentation | <input type="checkbox"/> Unfinished Business |
| <input checked="" type="checkbox"/> New Business | | |

PRESENTATION BY: N/A

ELECTION DISTRICT: N/A

BACKGROUND REPORT

Since the approval of the Transportation Bond Referendum by the County electorate in November 2008, the Board's Transportation Bond Committee has continued to meet on a regular basis to receive information from staff and to discuss implementation strategies.

Since late 2008, staff has conducted extensive research on various issues related to implementation of a transportation bond program. During this investigative process, three primary procurement options were identified. They are traditional Design-Bid-Build, Design-Build, and Public-Private Transportation Act (PPTA). Localities have authorization in state code to use design-build under specific circumstances, and PPTA procurement is also allowed under state code. Staff also researched affordability of the Transportation Bond Program as this is a critical factor to evaluate in developing a program implementation strategy.

Other jurisdictions in the Commonwealth have experience with locally administered road construction. Staff and the committee received information from staff from Fairfax County, Prince William County, and Spotsylvania County. The Virginia Department of Transportation (VDOT) provided information relative to its Design-Build and PPTA programs. Staff also considered various implementation strategies, such as project grouping, project schedules and funding along with staffing needs using the experiences of other jurisdictions.

Some of the lessons learned as a result of the research include the length of time necessary to complete road projects and the importance of establishing solid relationships with the VDOT. In addition, it is critical to evaluate fully all staffing and resource needs and to stagger project schedules to maintain activity levels consistent with staffing and funding.

Staff has developed some preliminary recommendations based on the research conducted. First, use multiple procurement methods for program execution based upon such factors as project complexity, and cost effectiveness. Second, group projects based upon priority and similarity.

The committee recommended initiation of two projects immediately. Thus far, staff is in the process of procuring professional services for the design of two projects: Mountain View Road from Joshua Road to Rose Hill Farm Drive, and Poplar Road from US-17 to Truslow Road. The latter is funded by transportation impact fees, (Item 22 on today's agenda).

With the concurrence of the Board, the next steps will be to initiate efforts to complete the four projects in Group 1, along with the Garrisonville Road improvements identified in the Road Bond Program, as well as seeking alternative funding sources for construction of these locally administered road projects.

Stafford County
Transportation Bond Program

Draft Implementation Plan

Board of Supervisors

August 18, 2009

Stafford County

Transportation Bond Program

Draft Implementation Plan Rationale

Board of Supervisors

August 18, 2009

Rationale for Road Bond Project Grouping

July 27, 2009

Step 1 Group VDOT-administered projects separately. Both of these projects are underway.

- a. Route 630, CSX Bridge Replacement
- b. Warrenton Road Improvements

Step 2 Group Selected Design-Build Candidates Separately. Selection for Design-Build based primarily on the complexity of these projects.

- a. Route 610: It is recommended that this project proceed in FY2010 due to the critical need for transportation improvements along the Route 610 corridor and the long completion schedule necessary for such a complex project. Bond funds will be supplemented by transportation service district funds and should be available to meet the schedule as proposed.
- b. Route 630: Over half of the cost of this project is proposed to be funded from SSYP funds that will not be available for several years and are subject to state funding priorities.

Step 3 Place remaining projects into three groups of comparable value. Based upon anticipated staffing levels as well as affordability criteria, staff recommends that each group consist of approximately \$15 million in value. Projects within each group have been placed according to the specific criteria outlined below.

Group #1

Work on these projects is scheduled to begin in FY2010 and be completed in FY2014 or earlier.

Jefferson Davis Highway – Proposed work includes intersection improvements and turn lane addition and will improve a high accident location. U. S. Route 1 is an arterial highway with high traffic count, a 55-mph speed limit with limited shoulders widths. Project is a high visibility safety and capacity project with a potential to demonstrate an early success for the bond referendum program.

Ferry Road – Proposed work includes 2-lane reconstruction with intersection improvements at Route 3. This is a high traffic volume area with frequent congestion at Kings Highway intersection. Project is a complex capacity improvement project with high public visibility.

Poplar Road - Proposed work involves 2-lane reconstruction in an area identified as a safety concern by the Youth Driver Task Force. The project is a major driver safety improvement with the potential for early success.

Telegraph Road – Proposed work includes spot improvements to improve safety and capacity along a narrow, winding road with a lack of proper shoulders that must handle traffic associated with two schools. The road currently has moderate traffic volumes with higher spikes corresponding with school traffic.

Group #2

Work on these projects is scheduled to begin in FY2012 and be completed by FY2017 or earlier.

Brooke Road – Proposed work includes spot improvements and horizontal realignment in an area identified by the Youth Driver Task Force. The project is a major driver safety improvement with the potential for efficiencies by virtue of being grouped with similar projects in this group.

Rock Hill Church Road - Proposed work includes spot improvements and horizontal realignment in an area identified by the Youth Driver Task Force. The project is a significant driver safety improvement that is similar in nature to other projects in this group.

Mountain View Road and Kellogg Mill Road Intersection—Proposed work includes improvements to the intersection of these two roads and was identified by the Youth Driver Task Force as a safety problem. The project is a significant driver safety improvement that may be efficient to complete in conjunction with the project listed below.

Mountain View Road, North of Centreport Parkway—Proposed work involves 2-lane reconstruction in an area identified as a safety concern by the Youth Driver Task Force. Project is similar in complexity and is proximate to other projects in this group.

Group #3

Work on these projects is scheduled to begin in FY2014 and be completed by FY2018 or earlier.

Brooke Road near Raven Road – Proposed work involves spot improvements and 2 lane reconstruction along a .5 mile segment identified as a safety concern by the Youth Driver Task Force. This project is similar in complexity to other projects in this group.

Kellogg Mill Road (Relocated) – Proposed work involves construction of .5 miles of new 2 lane road in new location. This project is dependent on the completion of developer improvements with an uncertain schedule.

Truslow Road – Proposed work involves 2 lane reconstruction of a 2 mile segment near the I-95 Bridge. This project would benefit from having the design and construction coordinated with the project below.

Truslow Road – Proposed work involves 2 lane reconstruction between Berea Church Road and Plantation Drive. This project would benefit from having the design and construction coordinated with the project above.

Stafford County

Transportation Bond Program

Delivery Methods Memo


Board of Supervisors

August 18, 2009

**STAFFORD COUNTY
OFFICE OF TRANSPORTATION
MEMORANDUM**

DATE: December 10, 2008

TO: Anthony J. Romanello
County Administrator

FROM: Fulton deLamorton 
Transportation Administrator

SUBJECT: Transportation Bond Project Construction Program

BACKGROUND

This memo provides preliminary information on a number of options available to the Board and you in executing a transportation bond project construction program. Staff is currently in the information gathering stage. We are having conversations with other localities which have completed or are underway with road construction programs. We also have a dialogue with Virginia Department of Transportation (VDOT) representatives, as to the agency's interest in our proposed program.

To better delineate the available options, it is beneficial to understand, in broad terms, the process behind making an improvement to the transportation infrastructure. Generally speaking, there are three phases of transportation improvement projects.

- 1) *Preliminary Engineering (PE) Phase*
This phase includes the design of the improvements, environmental assessment and permitting, public involvement, and location & design approval.

- 2) *Right-of-Way Acquisition (RW) and Utility Relocation Phase*
This complex phase includes the numerous steps required to acquire the necessary right-of-way for the improvements. Activities include staking of the proposed right-of-way, appraising the right-of-way to be purchased, negotiating with affected property owners, drawing the plats, and recording the deeds. After all right-of-way is purchased, all utility conflicts are then resolved through the relocation of utilities, such as water & sewer, electricity, telephone, fiber optic, and gas lines.

3) *Construction (CN) Phase*

After right-of-way and utilities are cleared, the actual construction of the improvement project can begin. Associated activities are construction engineering, to resolve design issues that arise in the field, and construction inspection, to ensure the project is being built pursuant to the approved plans.

PROGRAM EXECUTION OPTIONS

Virginia Department of Transportation (VDOT) Managed

This option is for VDOT to manage and complete all three phases. A subset of this option is for VDOT to manage and complete one or two of the three phases. Discussions have begun with VDOT to determine the agency's interest and capability to complete any combination of the projects.

Pros:

The owner of the facility performs the work. One point of contact. VDOT is very experienced in the road building business - it, literally, established the standards under which road construction occurs in the Commonwealth. In particular, the right-of-way acquisition and utility relocation functions are highly specialized and VDOT has the skill and expertise, as well as the relationships with the utility owners, to complete this work expeditiously and efficiently.

Cons:

Due to the political and economic realities, the future capacity for VDOT to complete projects is in doubt. A VDOT managed project does not necessarily mean VDOT staff are providing oversight, as the agency frequently outsources various project activities to supplement its staff.

County Managed

Under this option, the County advertises a Request for Proposals (RFP) for design and other such preliminary engineering services for one or more projects. These services also include preparing construction bid documents, construction engineering, and construction inspection. Having one professional engineering firm complete the design of all the projects is not recommended, as there are a very limited number of firms capable of carrying such a workload. The County can combine several projects into a number of bundles of approximately equal complexity and dollar value, selecting a firm for each bundle. This makes procurement of services easier and more efficient.

Transportation Bond Project Construction Program

December 10, 2008

Page 3

As for right-of-way acquisition services, the County retains one or more firms to carry out this activity. While the County has acquired property on occasion in the past, the acquisition of roadway right-of-way is new.

Utility relocation responsibilities do not lend themselves well to being outsourced to private firms. In this case, the County manages this effort. This, too, is a new activity for the County.

As for the construction phase, the County advertises an Invitation For Bid (IFB) for one or more projects. The construction bid documents are prepared by the same firm retained for design services. The County awards a construction contract to a qualified firm with the lowest bid. As for construction engineering and inspection services, the same firm retained for design services can complete these activities.

Pros:

Nearly complete discipline over the entire program by County staff. This includes project funding and schedule.

Cons:

Requires oversight of multiple contracts, including issue resolution, verifying invoices with work performed, coordination of activities, and the such. There is a perceived higher cost due to the retention of skilled in-house personnel to manage the projects.

Consultant Firm Managed – Turnkey Services

Under this option, the County procures turnkey professional services through the RFP process. All services for all three phases of all, or a cluster of, projects, are under one negotiated contract for services with one firm for one price. The firm may retain sub-contractors for the various activities.

Pros:

One point of contact. One periodic invoice to pay.

Cons:

Little or no County control of the program, and requires staff oversight.

Public-Private Transportation Act (PPTA)

Under this option, the County, as authorized in the Public-Private Transportation Act [of 1995] (PPTA), solicits proposals, for all services necessary to complete all, or a significant cluster of, projects. Following the Board's adopted PPTA guidelines, Attachment 1, a vendor is selected to manage the program and complete the projects.

In addition, the Code of Virginia contains provisions under which design-build projects can be completed by localities. Additional information is being obtained on the design-build concept.

Pros:

One point of contact. Fixed price.

Cons:

There is a complex, multi-staged process to follow, with some County control over the program. Legal, financial and technical expertise is required to negotiate the agreement.

CONCLUSION

County staff has been meeting with local jurisdictions that have experience with road bond implementation to explain proven approaches to completion. Meetings with jurisdictions including Spotsylvania County, Prince William County and Fairfax County are scheduled through the end of the month. In addition, staff is meeting with the Virginia Department of Transportation to fully explore capabilities. Irrespective of the ultimate direction of the program, all projects require an agreement between the County and VDOT.

Upon completion of the ongoing research, staff will have a clearer picture of the strengths and weaknesses of the various known options, and will have identified others which may be currently unrevealed.

Staff will prepare an implementation plan and present that to the Board in January.

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Stafford County
Transportation Bond Program

Staffing Memo

Board of Supervisors

August 18, 2009



MEMO

Department of Public Works

June 16, 2009

To: Mike Neuhard
Deputy County Administrator

From: Keith C. Dayton *Keith*
Director of Public Works

SUBJECT: Staffing Requirements for Road Bond Projects

The preliminary implementation plan for the road construction projects identified in conjunction with the transportation bond referendum is now more clearly defined. Based upon this preliminary plan, we have projected the minimum additional staffing requirements necessary for successful completion of these road projects.

We recommend the addition of an engineer in FY2010 to manage the seven road projects expected to be underway in the coming year. Initial activities will include selection and contract administration for the engineering firms selected to design the road modifications along with providing staff coordination and engineering review as the projects proceed through subsequent design stages. This staff person would continue their involvement through utility relocation efforts and into construction.

Minimum desired qualifications for this employee will include a strong engineering background (preferably a Professional Engineer) with demonstrated success in managing multiple transportation projects simultaneously.

As the first phase projects progress towards construction in FY2012, we recommend the addition of a construction engineer to monitor and support field activities. At the same time, we recommend the addition of an employee with an accounting background to provide both administrative and fiscal support for the road program.

While consultants will provide extensive staff resources for all phases of these projects, the size and complexity of this road construction program requires the addition of sufficient dedicated County staff to ensure project schedules are maintained. We will monitor activity levels and progress schedules on a continuing basis and make adjustments to this initial recommendation as appropriate.

Should you have any questions in this matter, please contact me.

KCD:kd

Stafford County

Transportation Bond Program

Affordability Information

Board of Supervisors

August 18, 2009

Transportation Bond Projects												
	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19		
Adopted CIP	3.3	2.9	10.3	14.1	34.4	5						
CIP Cumulative	3.3	6.2	16.5	30.6	65	70						
July 27, 2009 Project Summary	2.9	1.1	8.8	6.1	8.9	17.2	7.7	7.5	5.4	4.5		
Summary Cumulative	2.9	4	12.8	18.9	27.8	45	52.7	60.2	65.6	70		
5 Year Plan Equal Amounts	14	14	14	14	14							
5 Year Plan Cumulative	14	28	42	56	70							

Stafford County
Transportation Bond Program

Staff Presentation

Board of Supervisors

August 18, 2009

Stafford County
Transportation Bond Program

Report to the Board of Supervisors

August 18, 2009

Stafford County
Transportation Bond Program

Transportation Bond Committee

Mr. Crisp

Mr. Dudenhefer

Mr. Sterling

Stafford County Transportation Bond Program

Investigative Process

Researched Procurement Options

- Design-Bid-Build (Traditional)
 - Design-Build
 - PPTA

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Stafford County Transportation Bond Program

Investigative Process

Researched Affordability

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**Stafford County
Transportation Bond Program**
Investigative Process

Researched Other Jurisdictions' Programs

Fairfax County
Prince William County
Spotsylvania County
Commonwealth of Virginia

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**Stafford County
Transportation Bond Program**
Investigative Process

Researched Implementation Strategies

- Project Groups/Clusters
- Project Schedules
- Funding Schedules
- Staffing Plan

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Stafford County Transportation Bond Program

Lessons Learned

- ~ Projects don't happen overnight
- ~ Establish solid relationships with VDOT
- ~ Consider all staffing/resource needs
 - ~ Stagger project schedules

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Stafford County Transportation Bond Program

Preliminary Recommendations

- ✓ Use multiple methods for program execution
 - ✓ Projects in groups/clusters
- ✓ Initiate work on two projects immediately

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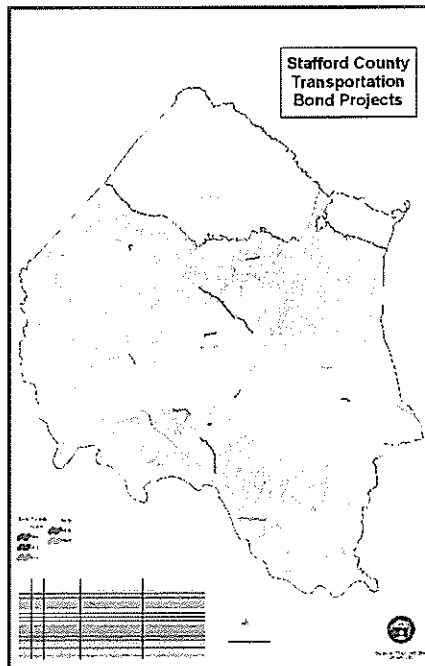
Stafford County Transportation Bond Program

Started Initial Projects

① Mountain View Road

② Poplar Road (Transportation Impact Fee)

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Stafford County Transportation Bond Program

Next Steps

- Continue to meet and assess progress
- Continue to seek alternative funding sources
- Board concurrence with program execution
- Implement first phase of recommended program

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Stafford County Transportation Bond Program

Report to the Board of Supervisors

August 18, 2009

Stafford County

Transportation Bond Program

Information Provided
by Other Jurisdictions

Board of Supervisors

August 18, 2009

Lessons Learned – County Road Program Management


- Clearly, the County has a lot more control about the timing, funding, and scope of a project when the County is managing and paying for it.
- With that local control come higher expectations from County citizens (for accelerated and low cost project delivery as well as for special project features such as landscaping, fencing, noise walls, etc.) and greater accountability to County citizens (including the blame when things go wrong). Expectations need to be managed.
- Try to identify and begin at least some projects initially that can be implemented quickly to achieve early success for the program. Stagger project schedules so not all projects are starting design at the same time. This is particularly important for managing staff workloads but has the added benefit of spreading out construction so that project completions (successes) are delivered consistently/continually over time.
- Start "small" to get experience and work out the bugs. It's not rocket science, but it is definitely harder than it looks!
- Projects don't happen overnight -- the construction phase of a project is often very short compared to the public involvement, planning, environmental, design, land acquisition, and utility relocations of the project:
 - Land acquisition 6 – 18 months typical
 - Utility relocation 6 – 18 months typical
 - Example - Fairfax County Parkway
 - Length: 35 miles
 - Placed on Fairfax County Comprehensive Plan: mid-1970s
 - Location Public Hearings: 1981
 - Final Environmental Impact Statement (EIS) Completed: May 1984
 - Design Public Hearings: 1986
 - Construction Starting Year: 1985
 - First Segment Opened: I-66 to Route 50 in April 1987
 - Length Open to Traffic: 33 miles of the roadway in place as of 2001; 2 miles remaining to be built
- Even if the County is managing and paying for a project, VDOT still owns, operates, and maintains the roadways, so they will be involved. Establish solid relationships and the rules of engagement with VDOT early on. Put processes and procedures in writing (MOUs/MOAs) so that when staff turns over at VDOT or the County or the consultant, you have something to start from again. County/VDOT individual project agreements continue to take a good bit of time to get in place as does the road acceptance process after a project is completed. Further, the evolving VDOT design standards and waiver process is a major drain on staff time and project timelines.
- Need resolution of pro-rate issues with utility companies. Need a partnership with VDOT on this. Have regular partnering meetings with utility companies. Utility field inspections are helpful for building partnerships.

Lessons Learned – County Road Program Management

- Particularly for quick hit/smaller projects – suggest you have multiple annual (task order) contracts in place for design and construction. New limits on design task order contracts are \$5 million per year and \$1 million per project so these can be used for larger projects as well.
- Be aware that some "small" projects" such as sidewalks, bus stops, trails, and spot safety and intersection improvements can take as much (or more) staff and consultant coordination and design time as some "big" projects and be prepared to spend a higher proportion of the project cost on design and land acquisition. Further, often "quick take" is not an option for smaller transportation enhancement projects, so the project timeline must account for the considerably longer and less predictable "slow take" condemnation procedures.
- Be multi-modal in your approach and consider the needs of walkers, bikers, transit passengers, as well as vehicles up front. Where physically and financially feasible, build sidewalks, trails, bike lanes, bus pads/shelters, street lights, and other transportation amenities as part of major roadway projects. These "small projects" are much more costly, difficult, and time-consuming to come back and build later.
- Consider all the staffing/resource needs – administrative / financial, planning, design management, land acquisition, contract management, construction oversight, etc.
- Consider all the options for sharing the workload and expanding your capacity to complete projects – general or project specific consultants/contractors, County staff, VDOT, PPTA, GEC, on-call consultants.
- Need a consistent and reliable funding stream over time to retain knowledge base and resources.
- Look for money everywhere to fund large projects, but be aware of the red tape and time associated with federal funding. Choose the right type of money for the right project. For example, try to avoid using federal funding on small scale projects if possible due to the numerous, complex, costly, and time-consuming administrative requirements that come with federal funding.
- Scopes have a tendency to creep for many reasons, and with that creep come funding increases and project delays.
- Time is money!
- Set some money aside for design of future projects.
- County bond money can be a real "shot in the arm" for the County's transportation system and has far less "red tape" to spend it than federal or state money.

Progress Prince William
 Past, Present, and Future

Transportation Bond Committee
 Stafford County
 April 21, 2009



04/21/09

What Will Be Covered Today


- History of PWC Bond Program
- Reasons & Methods for Selecting Bond Projects
- Process and Timeline for Bond Referendum
- Formula for a Successful Bond Referendum
- Funding and Financing
- PWC Bond Projects Built to Date
- Bond Projects on Hold
- Challenges and Opportunities
- Progress Prince William Map

04/21/09

History of PWC Bond Program

- First bond passed in 1988 for 3 projects (\$66M):
 - Prince William County Parkway
 - Route 234 Bypass
 - 1-66/Route 234 (Sudley Rd) interchange improvements
- Second bond passed in 1990 to supplement and complete 1988 project (\$43M):
 - Prince William County Parkway
 - Safety improvements to existing Davis Ford Road


04/21/09

 PROGRESS PRINCE WILLIAM - Past, Present, and Future

Formula for a Successful Bond Referendum

- Developing a bond program with specific projects that are geographically disbursed throughout the County.
- Keeping prior bond projects on time and on budget
- Coordination with VDOT and other stakeholders
- Heavy public involvement and education to make sure citizens are aware of what is proposed and planned


041207 30

 PROGRESS PRINCE WILLIAM - Past, Present, and Future

VDOT's Role in Progress PWC

- The Virginia Department of Transportation (VDOT) is responsible for maintaining all public roads in the Commonwealth, as such, all County road bond projects must meet VDOT standards for acceptance into the State system.
- All County road bond projects are coordinated and reviewed by VDOT.
- VDOT must approve all design exemptions needed with a project
- After a project is complete, VDOT will inspect the project and determine if road was constructed to standard.
- Once project is deemed acceptable to VDOT, the road is taken over by the State for maintenance purposes.


041207 31

 PROGRESS PRINCE WILLIAM - Past, Present, and Future

Financing and Planning

- Local Funds (General Fund and possible fees)
- Additional State/Regional Funds through
- Collected and Projected Proffers
- State Six Year Secondary Road Plan
- Federal Funding
- Cash to Capital (additional recordation fees)
- Stimulus Funds


041207 32

 PROGRESS PRINCE WILLIAM Past, Present, and Future

2006 Road Bond Projects On Hold

- Minnieville Road
 - Spriggs Road to Route 234
- US Route 1 (north segment)
- Route 28 (Route 234 Bypass to Fitzwater Dr.)
 - Two phases
 - Includes relocation of Vini Hill Road (Route 215)
- Prince William Parkway widening (Old Bridge Rd to Minnieville Rd)
- University Boulevard
- Rollins Ford Road
- County-wide safety Improvements


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 PROGRESS PRINCE WILLIAM Past, Present, and Future

Challenges with the Program

- Funding – lack of funds in GF to take additional debt service
- VDOT sensitivity to reviews, timing, waivers/exemptions, and funding constraints
- Right-of-Way Acquisition
- Utility Relocation
- Commitment to build the capital improvements to the citizens and BOCS

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 PROGRESS PRINCE WILLIAM Past, Present, and Future

Opportunities from a Road Bond Program

- Cost control of project
- Timing
- Accountability
- Community Support
 - 2002 PWC Referendum vs. State Referendum
 - 2006 Road Bond received over 80% of vote
- PPTAs
- Cost recovery for staffing comes from projects
- Partially completed projects are "shovel ready"

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Virginia Public-Private Transportation Act Implementation Guidelines

April 21, 2009
Thomas W. Pelnik III, Director
Innovative Project Delivery Division

The Public-Private Transportation Act of 1995 [PPTA]

The PPTA:

- Flexible procurement authority
- Authorizes contracts with private entities to develop and/or operate transportation facilities ... when it is more timely, more efficient, or less costly

The PPTA is not:

- All inclusive
 - Relevant statutes and regulations depend on project type and funding sources
 - Federal oversight
 - State oversight
 - Virginia FOIA
 - ...
- The best procurement tool for all projects

Consult with your attorneys

Fundamentals of Public Procurement

Price Reasonableness

Transparency

- **Mandate to procure work**
 - PPTA policy requires project in transportation plan
- **Clear rules and procedures**
- **Clear Scope of Work**

Competition

3

Virginia PPTA – Mandatory Requirements

What does the law say you must do?

- **Responsible Public Entity must:**
 - **Develop and follow guidelines**
 - **Make written determination of procurement method [a finding of public interest]**
 - **Provide public information (transparency and accountability)**
 - Post proposals and make available to public
 - Provide public comment period prior to execution
 - Audit of private entity's traffic and cost estimates and of public liabilities
 - Present key business points to oversight board
 - Make procurement records available after signing contract

Consult with your attorneys

4

Virginia PPTA Implementation Guidelines (VA PPTA Guidelines)

- **Focus**
- **Requirements**
- **Virginia Six Phase Process**
- **Timeline**
- **Recommendations**

5

Focus of any Procurement Process

A clear and transparent framework:

- **Provides for a consistent and sustainable program**
- **Attracts long term interest from prospective industry partners**
- **Promotes public understanding and support**

Such objectives are not unique to the PPTA

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VA PPTA Guidelines – Requirements

Understanding the differences in requirements when developing Guidelines

Mandatory

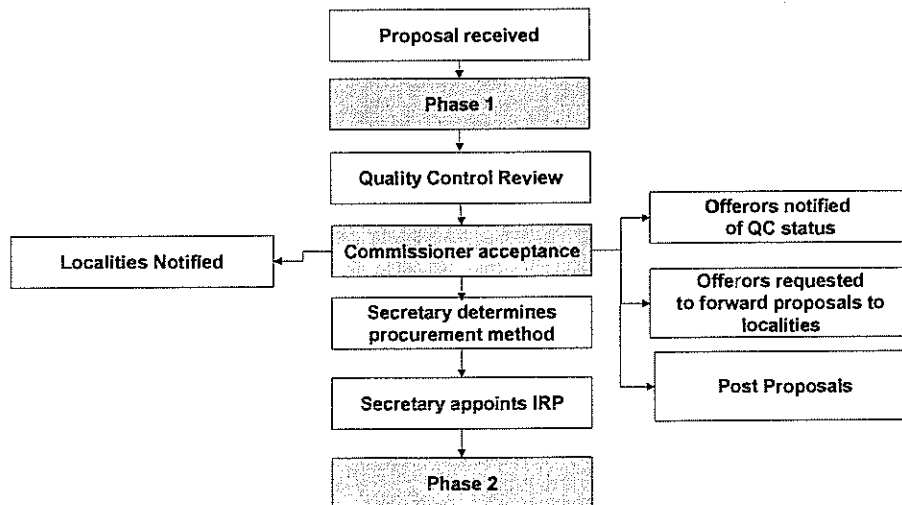
- Procurement process that is consistent with competitive negotiation or competitive sealed bidding
- Establish specific schedule process for alteration of schedule and accelerating review, if appropriate
- Protection of confidential and proprietary information
- Public disclosure of all other information per the law

Optional

- Evaluation and selection process
- Evaluation and selection criteria
- Contract type
- How / when will you accept unsolicited proposals?
- Fee for review of unsolicited proposals?

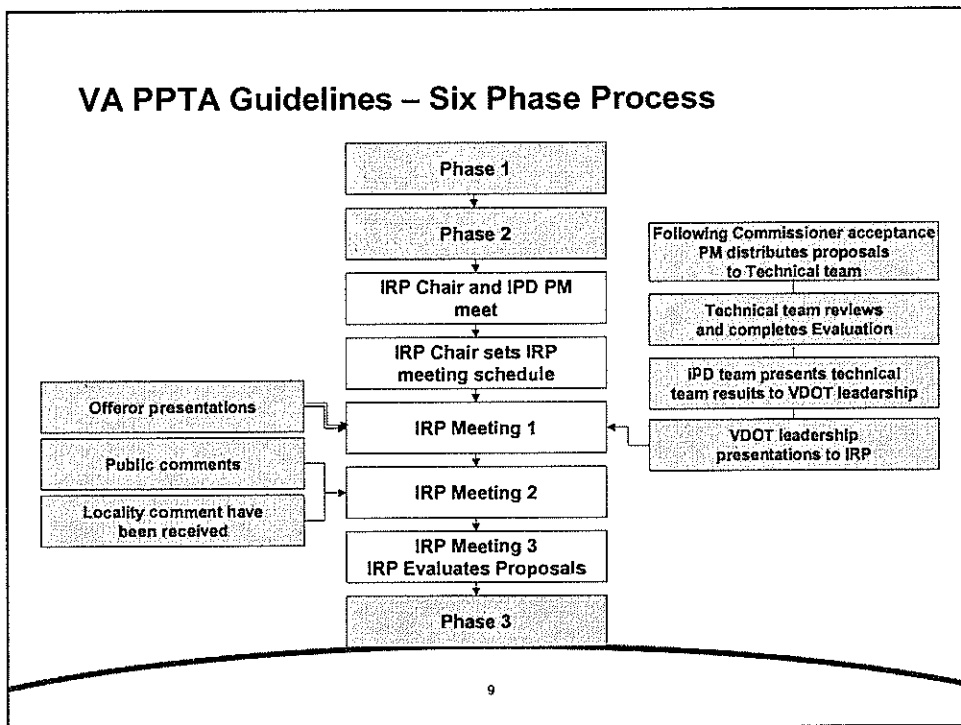
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VA PPTA Guidelines – Six Phase Process

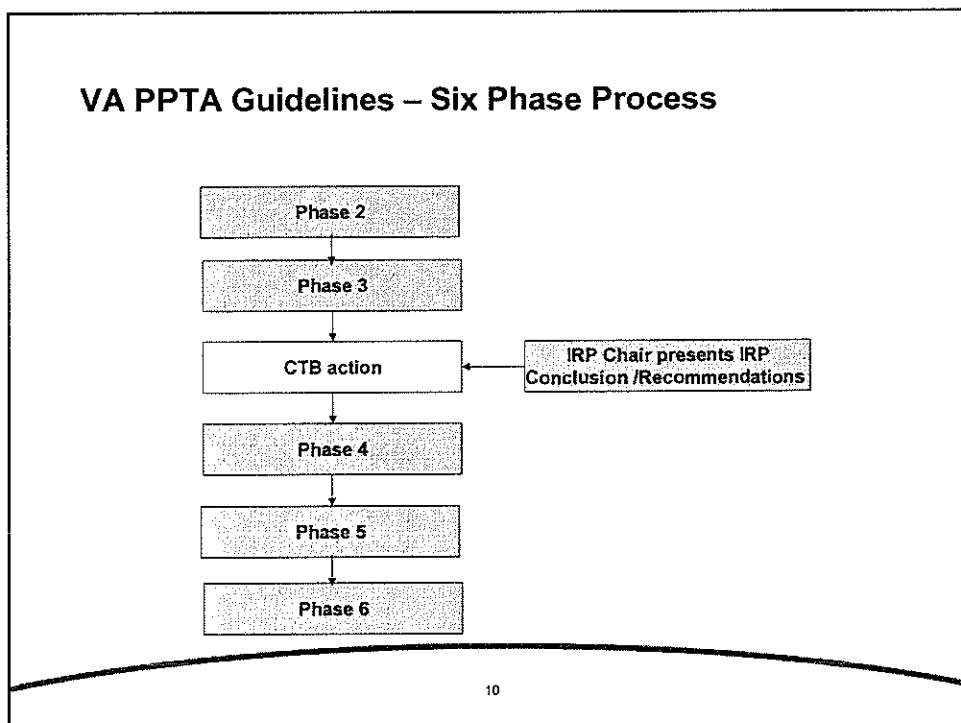


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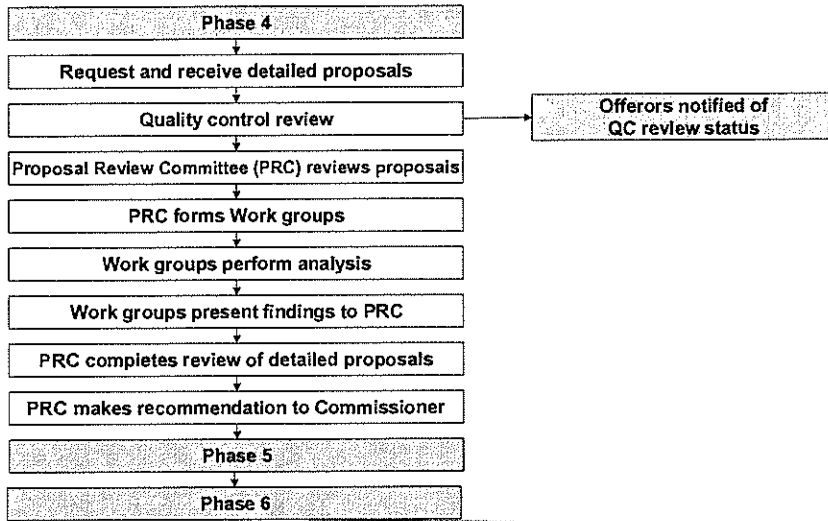
VA PPTA Guidelines – Six Phase Process



VA PPTA Guidelines – Six Phase Process

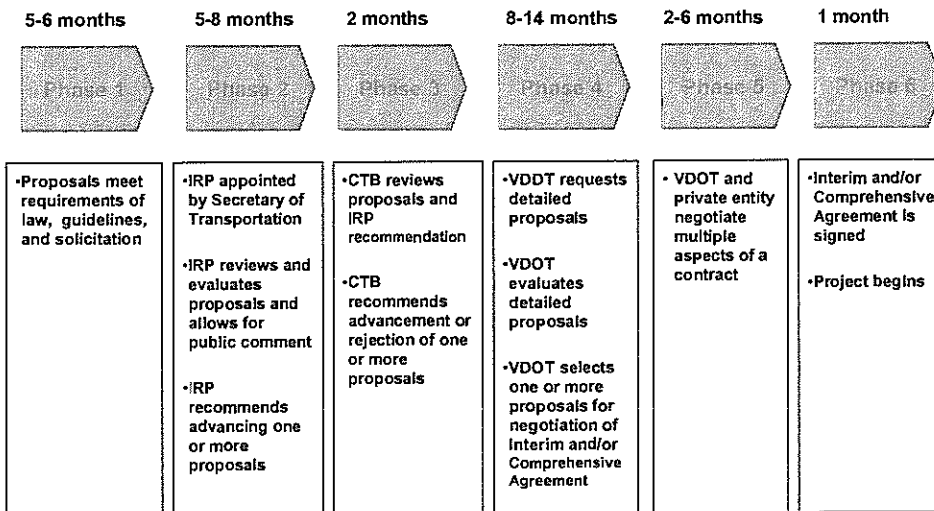


VA PPTA Guidelines – Six Phase Process



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VA PPTA Guidelines – Six Phase Process Timeline



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Recommendations

1. **Develop policy objectives – what do you want from the private sector? How will the PPTA facilitate more timely, more effective or less costly delivery?**
2. **Develop consistent procedures**
3. **Provide appropriate resources to represent public interest**
4. **Communicate with partner agencies, the public, industry**
5. **Optimize competition**
6. **Start procurements that you can finish**

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Recommendations

1. **Develop policy objectives – what do you want from the private sector?**
 - **Bond program – public money**
 - Optimize or maximize risk transfer?
 - Optimize or maximize private finance?
 - Design-Build or Design-Build-Finance or Design-Build-Finance-Operate and Maintain?
 - If DBF or DBFOM which party holds revenue risk? What is source of revenue?
 - **1-Off contract or programmatic approach?**
 - **If Design-Build with public funds is your objective,**
 - Code of Virginia § 33.1-223.2:16. Localities may use design-build contracts
 - Design-Build may be a more efficient procurement and project delivery method

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Recommendations

2. Develop consistent procedures

- Post policies and procedures on your web page
- Include selection criteria and contract terms in your RFPs
- Tailor your guidelines and procedures to your policy objectives
 - DB procedures are more streamlined than DBFOM procedures [and contracts]

3. Provide appropriate resources to represent public interest

- Your current staff has a day job
- Consider agency experience with contracting and alternative contract delivery
- Accuracy of project estimates based on conceptual plans

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Recommendations

4. Communicate with partner agencies, the public, industry

- Comply with VFOIA
- Demonstrate that project addresses public need
- Coordinate compliance with relevant federal and state requirements

5. Optimize competition

- VDOT experience is that three or more bidders lead to contract prices similar to Engineer's estimate
- Nationwide results support VDOT experience
- Require firm fixed-price proposals based on agency contract terms

6. Start procurements that you can finish

- Develop clear scope of work
- Complete cost estimate based on design-build delivery
- Optimize, don't maximize risk transfer
- Ensure that adequate funding is available
- Ensure that agency has resources to deliver its obligations

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Recommendations

1. Develop policy objectives – what do you want from the private sector?
2. Develop consistent procedures
3. Provide appropriate resources to represent public interest
4. Communicate with partner agencies, the public, industry
5. Optimize competition
6. Start procurements that you can finish

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Questions?

VDOT resources:

- Template DB contract
<http://www.virginiadot.org/business/design-build.asp>
Current RFQ and RFP with evaluation and selection criteria
- VA PPTA Guidelines
- VDOT DB and PPTA policy memoranda
<http://www.virginiadot.org/business/bu-ipd-memo.asp>
 - PPTA project selection
 - PPTA advertisement / Competitive procurement guidelines
 - PPTA quality control review procedures
 - DB and PPTA Conflict of interest policy
 - DB proposal evaluation guide
 - DB contract QAQC requirements
- Locally Administered Guidance
<http://www.virginiadot.org/business/local-assistance-locally%20administered.asp>

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**Virginia Public-Private Transportation Act
Implementation Guidelines**

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