



Legislation Text

File #: 20-0029, **Version:** 1

Resolution Approving the Comprehensive Agreement Between the City of Hampton and Clancy & Theys Co. for the Design and Construction of an Aquatics Facility and Splash Park in Accordance with the Public Private Education Facilities and Infrastructure Act of 2002

PURPOSE/BACKGROUND:

On May 9, 2018, the City, acting under the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA"), adopted guidelines to establish procedures for development of public facilities utilizing public-private partnerships in compliance with the PPEA (the "Guidelines") and made those guidelines publicly available. Soon thereafter, the City received an unsolicited PPEA proposal (the "Proposal") from Clancy & Theys Co. for the design and construction of a state of the art aquatics center and splash park (the "Project") on a 5.203± acre tract of City owned land located along the northeast quadrant of the intersection of Coliseum Drive and Pine Chapel Road in the City of Hampton, Virginia.

Pursuant to those Guidelines, the City accepted the Proposal, sought and received competing proposals. In addition, the City formally approved the Project as part of its 5-Year Capital Improvement Plan and appropriated the majority of funding necessary to construct through the Council Approved Fiscal Year 2020 Budget. Other funding also has been or is expected to be appropriated for preliminary design and engineering work, as well as the ancillary splash park.

The City considered each proposal received in the context of a study it obtained in 2014 exploring various sports tourism opportunities, the desire to replace the pool lost when the Olde Hampton Community Center was closed, feedback received from a community stakeholder group about the features desired for an aquatics facility that would replace the Olde Hampton Community Center pool and meet the need for a venue in the Hampton Roads region that can host local, state and multi-state competitive swimming events, a 2015 feasibility study by Counsilman-Hunsaker specific to options for meeting community swimming needs, a subsurface exploration study of the Project site, and the topography of the proposed site, and based on that determined that Clancy & Theys Co.'s proposal best aligns with the City's vision for the Project thereby making it in the City's best interest to proceed through the PPEA process with only that company. Based on that, all other proposals received were rejected.

The PPEA and the Guidelines require that any comprehensive agreement entered for a PPEA project must be approved by the local governing body; and that a public hearing must be held on that agreement and the related proposal. Further, any such agreement, once approved, may not be executed until at least 30 days have lapsed after the public hearing. Accordingly, the earliest this agreement may be executed is February 22, 2020.

Discussion:

See Purpose/Background above.

Impact:

See Purpose/Background above.

Recommendation:

Conduct a public hearing and approve the Resolution.

WHEREAS, the City, as a responsible public entity acting under the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 (“PPEA”), adopted guidelines to establish procedures for development of public facilities utilizing public-private partnerships in compliance with the PPEA (the “Guidelines”) and made those guidelines publicly available;

WHEREAS, in 2014, the City received a report exploring various sports tourism opportunities that might present opportunities to meet a local need as well as generate economic impact in the community in which a competitive aquatics facility was identified as one such facility with substantial potential and worthy of further analysis;

WHEREAS, after Olde Hampton Community Center was closed in 2015, the City planned to replace the pool housed in that facility;

WHEREAS, in 2015, the City established a community stakeholder group to explore the features desired for an aquatics facility that would replace the Olde Hampton Community Center pool and meet the need for a venue in the Hampton Roads region that can host local, state and multi-state competitive swimming events;

WHEREAS, in 2015, the City retained Councilman-Hunsaker to provide aquatic facility options that would allow the City to be best informed before moving forward with the construction and operation of an aquatics facility;

WHEREAS, in 2018, the City received an unsolicited PPEA proposal from Clancy & Theys Co. (“C & T”) for the design and construction of a state of the art aquatics center on a 5.203± acre tract of City owned land located along the northeast quadrant of the intersection of Coliseum Drive and Pine Chapel Road (the “Site”) for consideration, and for which the City advertised for, and received competing proposals;

WHEREAS, in 2019, the City formally approved an aquatics facility and splash park as part of its 5-Year Capital Improvement Plan and further approved funding necessary for construction in the Council Approved Fiscal Year 2020 Budget;

WHEREAS, in accordance with the PPEA Process, the City considered each proposal received in the context of the 2014 tourism study, 2015 stakeholder group recommendation, 2015 aquatics study, a subsurface exploration study of the Site, and the Site’s topography, and determined that C & T’s proposal, and no other, best aligned with the City’s vision for an aquatics center and splash park;

WHEREAS, City staff, with the support of Councilman-Hunsaker and McDonough, Bolyard, and Peck, Inc. (an experienced aquatics facility construction contractor), have worked diligently with C & T to develop a comprehensive agreement consistent with the PPEA;

WHEREAS, the most current version of that agreement, as well as C & T's proposal were made available for public inspection in the City's offices of the Clerk of Council and Consolidated Procurement, and also at www.hampton.gov/PPEAproposals and are duly incorporated into this resolution;

WHEREAS, a public hearing on the comprehensive agreement and the C & T proposal were duly held on January 22, 2020; and

WHEREAS, there is a public need and benefit for an aquatics facility and splash park, the estimated cost of that project is reasonable in relation to similar facilities, and C & T's plans will result in timely development of that facility.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hampton, Virginia approves the comprehensive agreement with Clancy & Theys, Co. to design and build an aquatics facility and splash park as set forth herein, and authorizes the City Manager or her designee to enter into that comprehensive agreement, subject to only those modifications agreed to by the City Manager and approved by the City Attorney.