



Legislation Text

File #: 18-0148, Version: 1

Resolution to Approve Guidelines for the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA") for Use in the Acquisition of Construction Services for Certain Public Infrastructure and Facilities

PURPOSE/BACKGROUND:

The Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA," Code of Virginia Sec. 56-575.1 et. seq.) grants responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use. A responsible public entity must adopt and publicly available guidelines that are sufficient to enable the responsible public entity to comply with the PPEA. Such guidelines were first presented to Council in 2003. The purpose of the current resolution is to adopt revised guidelines that incorporate amendments to the law that have occurred since that date.

Discussion:

The PPEA grants responsible public entities, including the City, the authority to create public-private partnerships for the development of a wide range of public-use projects where there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. Projects that qualify under the PPEA include, but are not limited to, education facilities, technology infrastructure, solid waste management facilities, and recreation facilities. Responsible public entities are required to adopt and make publicly available guidelines that are sufficient to enable the responsible public entity to comply with the PPEA. For this purpose, the General Assembly established a working group that developed model guidelines in 2003 (revised in 2009). The law has been further amended since that time.

The guidelines must be reasonable, encourage competition, and guide the selection of projects. The purpose of this resolution is to update the City's guidelines to incorporate and conform to the current law.

Impact:

The PPEA provides an alternative to the Virginia Public Procurement Act for the construction of certain public infrastructure and facilities.

Recommendation:

Approve the Resolution.

WHEREAS, the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA;" Code of Virginia Sec. 56-575.1) grants public entities the authority to create public-private partnerships for the development of certain qualifying projects for public use, including, but not limited to, education facilities, technology infrastructure, solid waste management facilities, and recreational facilities; and

WHEREAS, prior to requesting or considering a proposal for a qualifying project, the City of Hampton ("City") must adopt and make publicly available guidelines that are sufficient to enable the City to comply with the PPEA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hampton, Virginia hereby adopts guidelines pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 in substantially the same form as the guidelines attached hereto, and directs the City Manager to make publicly available and use those guidelines in accordance with the PPEA.