

Public-Private Education Facilities and Infrastructure

Act of 2002

Virginia Department of Transportation (VDOT) Guidelines

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Public-Private Education Facilities and Infrastructure Act of 2002

VDOT Guidelines

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I. Introduction

The Public-Private Education Facilities and Infrastructure Act of 2002 (the PPEA) grants responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entities determine 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. The PPEA defines “responsible public entity” to include any public entity that, “...has the power to develop or operate the applicable qualifying project”. Individually negotiated interim or comprehensive agreements between a private entity and a responsible public entity will define the respective rights and obligations of the responsible public entity and the private entity.

In order for a project to come under the PPEA, it must meet the definition of a “qualifying project”. The PPEA contains a broad definition of qualifying project that includes public buildings and facilities of all types, for example:

- (i) An education facility, including but not limited to a school building (including any stadium or other facility primarily used for school events), any functionally related and subordinate facility and land to a school building and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
- (ii) A building or facility that meets a public purpose and is developed or operated by or for any public entity;
- (iii) Improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
- (iv) Utility and telecommunications and other communications infrastructure;
- (v) A recreational facility;
- (vi) Technology infrastructure, including but not limited to telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; or
- (vii) Any improvements necessary or desirable to any unimproved locally- or state-owned real estate.

The PPEA establishes requirements that the responsible public entity must adhere to when reviewing and approving proposals received pursuant to the PPEA. In addition, the PPEA specifies the criteria that must be used to select a proposal and the contents of the interim or comprehensive agreement detailing the relationship between the responsible public entity and the private entity.

II. General Provisions

A. Proposal Submission

A proposal may be either solicited by VDOT or delivered by a private entity on an unsolicited basis. Proposers may be required to follow a two-part proposal submission process consisting of an initial conceptual phase and a detailed phase. The initial phase of the proposal should contain specified information on proposer qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility. The detailed proposal should contain specified deliverables.

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Financing options might include the use of special purpose entities; sale and lease back transactions, enhanced use leasing, property exchanges, development agreements, conduit financing and other methods allowed by law.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by VDOT. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a scope of work and a financial plan for the project, containing enough detail to allow an analysis by VDOT of the financial feasibility of the proposed project. VDOT may establish criteria by which the proposer may provide clarification to the submission. The cost analysis of a proposal should not be linked solely to the financing plan, as VDOT may determine to finance the project through other available means.

B. Affected Local Jurisdictions

Any private entity requesting approval from or submitting a conceptual or detailed proposal must provide each affected local jurisdiction with a copy of the private entity's request or proposal by certified mail, express delivery or hand delivery. Affected local jurisdictions that are not responsible public entities under the proposed qualifying project shall have 60 days from the receipt of the request or proposal to submit written comments to VDOT and to indicate

whether the proposed qualifying project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plans, or (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by VDOT, and no negative inference shall be drawn from the absence of comment by an affected local jurisdiction.

C. Proposal Review Fee

VDOT shall receive an analysis of the proposal from appropriate internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity. No fee may be charged by VDOT to process, review or evaluate any solicited proposal submitted under the PPEA. VDOT may charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, including a fee to cover the costs of outside attorneys, consultants, and financial advisors. Any fee charged for such review of a proposal should be reasonable in comparison to the level of expertise required to review the proposal and should not be greater than the direct costs associated with evaluating the proposed qualifying project “Direct costs” may include (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants and financial advisors.

The proposal fee may cover all or part of the initial review process. For example, VDOT may require a proposal fee in an amount sufficient to cover all anticipated direct costs associated with evaluating the proposal, or it may require a smaller initial processing fee with an additional proposal fee to be charged should the project proceed beyond the initial review.

VDOT may establish a fee schedule for the cost of the proposal review. VDOT shall set forth in the procedures it has established for the implementation of the PPEA the methodology used to calculate proposal fees. If the cost of reviewing the proposal exceeds the initially established proposal fee, VDOT may assess the proposer the additional costs deemed necessary to evaluate the proposal.

VDOT may establish a schedule for rejected proposals refunding any portion of fees paid in excess of its direct costs associated with evaluating the proposal. If the cost of reviewing the proposal is less than the initially established proposal fee, VDOT may refund to the proposer the excess fee.

D. Freedom of Information Act

Generally, proposal documents submitted by private entities are subject to the Virginia

Freedom of Information Act (“FOIA”). In accordance with § 2.2-3705.6 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to VDOT under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of VDOT or the private entity or the bargaining position of either party.

Subsection 56-5 75. 4G of the PPEA imposes an obligation on VDOT and any affected local jurisdiction to protect confidential proprietary information submitted by a private entity or operator. When the private entity requests that VDOT shall not disclose information, the private entity must (i) invoke the exclusion when the data or materials are submitted to VDOT or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary. A private entity may request and receive a determination from VDOT as to the anticipated scope of protection prior to submitting the proposal. VDOT is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, VDOT shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection, and shall communicate its determination to the proposer. If the determination regarding protection or the scope thereof differs from the proposer’s request, then VDOT should accord the proposer a reasonable opportunity to clarify and justify its request. Upon a final determination by VDOT to accord less protection than requested by the proposer, the proposer should be accorded an opportunity to withdraw its proposal. A proposal so withdrawn should be treated in the same manner as a proposal not accepted for publication and conceptual-phase consideration as provided in section IV A 1 below.

Once a comprehensive agreement has been entered into, and the process of bargaining of all phases or aspects of the comprehensive agreement is complete, VDOT shall make available, upon request, procurement records in accordance with Section 2.2-4342.

E. Use of Public Funds

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds applies to any interim or comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

F. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of VDOT to comply with all other applicable law not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (the “VPPA”) is as set forth in the PPEA.

III. Solicited Proposals

VDOT may issue Requests for Proposals (RFP’s), inviting proposals from private entities to develop or operate qualifying projects. VDOT may not issue a RFP until it has adopted guidelines to govern the PPEA documentation, review, and selection process. VDOT may use a two-part proposal process consisting of an initial conceptual phase and a detailed phase. An RFP may invite proposers to submit proposals on individual projects identified by VDOT. In such a case, VDOT should set forth in the RFP the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA.

The RFP should specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The RFP should be posted in such public areas as are normally used for posting of VDOT’s notices, including VDOT’s website. Notices should also be published in a newspaper or other publications of general circulation and advertised in *Virginia Business Opportunities* and posted on the Commonwealth’s electronic procurement site. The RFP should also contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences may be held as deemed appropriate by VDOT.

IV. Unsolicited Proposals

The PPEA permits VDOT to receive, evaluate and select for negotiations unsolicited proposals from private entities to develop or operate a qualifying project.

VDOT may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of an RFP, the proposal shall be treated as an unsolicited proposal.

A. Decision to Accept and Consider Unsolicited Proposal~ Notice

1. Upon receipt of any unsolicited proposal or group of proposals and payment of any required fee by the proposer or proposer's, VDOT will determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. If VDOT determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer.

2. If VDOT chooses to accept an unsolicited proposal for conceptual-phase consideration, it shall post a notice in a public area regularly used by VDOT for posting of public notices for a period of not less than 45 days. VDOT shall also publish the same notice for a period of not less than 45 days in one or more newspapers or periodicals of general circulation in the jurisdiction to notify any parties that may be interested in submitting competing unsolicited proposals. In addition, the notice should also be advertised in *Virginia Business Opportunities* and on the Commonwealth's electronic procurement website. The notice shall state that VDOT:

- (i) has received and accepted an unsolicited proposal under the PPEA;
- (ii) intends to evaluate the proposal;
- (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal; and
- (iv) will accept for simultaneous consideration any competing proposals that comply with the procedures adopted by the public entity and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations. Copies of unsolicited proposals shall be available upon request, subject to the provisions of FOIA and § 56-575.4G of the PPEA. Representatives of VDOT are encouraged to answer questions from private entities that are contemplating submission of a competing unsolicited proposal.

B. Initial Review by VDOT at the Conceptual Stage

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format should be considered by VDOT for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section V A;
2. VDOT will determine at this initial stage of review whether it will proceed using;
 - a. Standard procurement procedures consistent with the VPPA; or
 - b. Guidelines developed by VDOT that are consistent with procurement of other than professional services through "competitive negotiation" as the term is defined

in § 2.2-4301 of the Code of Virginia. VDOT may proceed using such guidelines only if it makes a written determination that doing so is likely to be advantageous to VDOT and the public based upon either (i) the probable scope, complexity or priority of need, (ii) the risk sharing including guaranteed cost or completion guarantees, added value or debt or equity investments proposed by the private entity; or (iii) increase in funding, dedicated revenue or other economic benefit that would otherwise not be available.

3. After reviewing the original proposal and any competing proposals submitted during the notice period, VDOT may determine:
 - (i) not to proceed further with any proposal;
 - (ii) to proceed to the detailed phase of review with the original proposal;
 - (iii) to proceed to the detailed phase with a competing proposal; or
 - (iv) to proceed to the detailed phase with multiple proposals

In the event that more than one proposal will be considered in the detailed phase of review, VDOT will consider whether the unsuccessful proposer should be reimbursed for costs incurred in the detailed phase of review, and such reasonable costs may be assessed to the successful proposer in the comprehensive agreement.

4. Discussions between VDOT and private entities about the need for infrastructure improvements shall not limit the ability of VDOT to later determine to use standard procurement procedures to meet its infrastructure needs. VDOT retains the right to reject any proposal at any time prior to the execution of an interim or comprehensive agreement

V. Proposal Preparation and Submission

A. Format for Submissions at Conceptual Stage

VDOT may require that proposals at the conceptual stage contain information in the following areas: (i) qualifications and experience, (ii) project characteristics, (iii) project financing, (iv) anticipated public support or opposition, or both, (v) project benefit and compatibility and (vi) any additional information as the responsible public entity may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include:

1. Qualifications and Experience

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties and a description of such guarantees and warranties.
- c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
- d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
- e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (~ 2.2-3100 et seq.) of Title 2.2.

2. Project Characteristics

- a. Provide a description of the project, including the conceptual design .Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified;
- b. Identify and fully describe any work to be performed by VDOT;
- c. Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals;
- d. Identify any anticipated adverse social, economic and environmental impacts of the project Specify the strategies or actions to mitigate known impacts of the project;
- e. Identify the projected positive social, economic and environmental impacts of the project;

- f. Identify the proposed schedule for the work on the project, including the estimated time for completion;
- g. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project;
- h. State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on VDOT's use of the project;
- i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work;
- j. List any other assumptions relied on for the project to be successful;
- k. List any contingencies that must occur for the project to be successful.

3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both;
- b. Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs. Include supporting due diligence studies, analyses, or reports;
- c. Include a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all significant fees associated with financing given the recommended financing approach. In addition complete disclosure of interest rate assumptions should be included. Any ongoing operational fees, if applicable, should also be disclosed as well as any assumptions with regard to increases in such fees;
- d. Identify the proposed risk factors and methods for dealing with these factors;
- e. Identify any local, state or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment. Such disclosure should include any direct or indirect guarantees or pledges of the public entity's credit or revenue;

- f. Identify the amounts and the terms and conditions for any revenue sources;
- g. Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit and how the project will benefit the overall community, region, or state;
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project;
- c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project;
- d. Describe the anticipated significant benefits to the community, region or state, including anticipated benefits to the economic condition of the public entity and whether the project is critical to attracting or maintaining competitive industries and businesses to the public entity or the surrounding region;
- e. Describe compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget or other government spending plan;
- f. Provide a statement setting forth participation efforts that are intended to be undertaken in connection with this project with regard to the following types of businesses: (i) minority-owned businesses, (ii) woman-owned businesses, and (iii) small businesses

B. Format for Submissions at Detailed Stage

If VDOT decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the responsible public entity:

- 1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;

2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
3. A statement and strategy setting out the plans for securing all necessary property;
4. A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties;
5. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses;
6. A detailed discussion of assumptions about user fees or rates, and usage of the projects;
7. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications;
8. Demonstration of consistency with appropriate local comprehensive or infrastructure development plans or indication of the steps required for acceptance into such plans;
9. Explanation of how the proposed project would impact local development plans of each affected local jurisdiction;
10. Identification of the executive management and the officers and directors of the firm or firms submitting the proposal. In addition, identification of any known conflicts of interest or other disabilities that may impact VDOT's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (~ 2.2-3 100 et seq.) of Title 2.2.;
11. Additional material and information as the public entity may reasonably request.

VI. Proposal Evaluation and Selection Criteria

The following items shall be considered in the evaluation and selection of PPEA proposals.

A. Qualifications and Experience

Factors to be considered in either phase of VDOT's review to determine whether the proposer possesses the requisite qualifications and experience include

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition; and
7. Project ownership.

B. Project Characteristics

Factors to be considered in determining the project characteristics include:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology; technical feasibility;
5. Conformity to laws, regulations, and standards;

6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:

1. Cost and cost benefit to VDOT;
2. Financing and the impact on the debt or debt burden of VDOT;
3. Financial plan, including the degree to which the proposer has conducted due diligence investigation and analysis of the proposed financial plan and the results of any such inquiries or studies;
4. Estimated cost;
5. Life-cycle cost analysis;
6. The identity, credit history, past performance of any third party that will provide financing for the project and the nature and timing of their commitment, as applicable; and
7. Such other items as VDOT deems appropriate.

In the event that any project is financed through the issuance of obligations that are deemed to be tax-supported debt of VDOT, or if financing such a project may impact VDOT's debt rating or financial position, VDOT may select its own finance team, source, and financing vehicle.

D. Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:

1. Community benefits;
2. Community support or opposition, or both,
3. Public involvement strategy;
4. Compatibility with existing and planned facilities; and
5. Compatibility with local, regional, and state economic development efforts.

E. Other Factors

Other factors that may be considered by VDOT in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;
2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;
5. Local citizen and government comments;
6. Benefits to the public;
7. The private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity's plans to employ local contractors and residents; and
9. Other criteria that the responsible public entity deems appropriate

VII. Interim and Comprehensive Agreements

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with VDOT. Prior to entering a comprehensive agreement an interim agreement may be entered into that permits a private entity to perform compensable

activities related to the project. VDOT may designate a working group to be responsible for negotiating any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of VDOT and the selected proposer with regard to the project.

A. Interim Agreement Terms

The scope of an interim agreement may include but is not limited to:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility through financial and revenue analysis;
6. Establish a process and timing of the negotiation of the comprehensive agreement; and
7. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

B. Comprehensive Agreement Terms

The scope of the comprehensive agreement shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review of plans and specifications for the qualifying project by VDOT;
3. The rights of VDOT to inspect the qualifying project to ensure compliance with the comprehensive agreement;

4. The maintenance of a policy or policies of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the private entity by VDOT to ensure proper maintenance;
6. The terms under which the private entity will reimburse VDOT for services provided;
7. The policy and procedures that will govern the rights and responsibilities of VDOT and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the private entity by the VDOT and the transfer or purchase of property or other interests of the private entity by VDOT;
8. The terms under which the private entity will file appropriate financial statements on a periodic basis;
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties Any payments or fees shall be set at a level that is the same for persons using the facility under like conditions and that will not materially discourage use for the qualifying project;
 - a. A copy of any service contract shall be filed with VDOT;
 - b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request;
 - c. Classifications according to reasonable categories for assessment of user fees may be made;
10. The terms and conditions under which VDOT may contribute financial resources, if any, for the qualifying project;
11. The terms and conditions under which existing site conditions will be assessed and addressed, including identification of the responsible party for conducting the assessment and taking necessary remedial action;
12. The terms and conditions under which VDOT will be required to pay money to the private entity and the amount of any such payments for the project;
13. Other requirements of the PPEA or other applicable law, and;
14. Such other terms and conditions as VDOT may deem appropriate.

Any changes in the terms of the interim or comprehensive agreement as may be agreed upon by the parties from time to time shall be added to the interim or comprehensive agreement by written amendment.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

VIII. Governing Provisions

In the event of any conflict between these provisions and the PPEA, the terms of the PPEA shall control.

IX. Guideline – Schedule

A. Conceptual Phase (3-4 months)

1. Receive solicited and unsolicited proposals
2. Post Public Notice as required
3. Identify Review Panel
4. Evaluate Proposals
5. Notify successful and unsuccessful firms of selection

B. Detailed Phase (3-4 months)

1. Request detailed proposals from selected firm(s)
2. Receive detailed proposals
3. Evaluate proposals
4. Committee prepares report to Secretary of Transportation

C. Develop and Sign Comprehensive Agreement (4-5 months)

1. Negotiations
2. Obtain Secretary's approval and sign contract