

PUBLIC-PRIVATE EDUCATIONAL FACILITIES AND INFRASTRUCTURE ACT (PPEA) PROPOSALS FOR CAPITAL PROJECTS

In October 2005, Fairfax County adopted revised guidelines for review of unsolicited Public-Private Educational Facilities and Infrastructure Act (PPEA) proposals. The Guidelines state that a “Core Team” will be convened by the Director of Purchasing to:

1. Determine if the unsolicited proposal constitutes a “qualifying project” under the PPEA; and
2. Determine if the proposed project serves the “public purpose” by determining that:
 - a) There is a public need for or benefit derived from the qualifying project of the type the private entity purposes as a qualifying project;
 - b) The estimated cost of the qualifying project is reasonable in relation to similar facilities; and
 - c) The private entities plans will result in a timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of the qualifying project.

Since that time, the County staff has gained experience with the procedures and is now recommending that further guidance be given to the Core Team, the initial reviewers of the unsolicited PPEA proposals. This guidance provides additional project screening criteria and is primarily aimed at assisting the County in determining the desirability of the PPEA project in light of the County’s current CIP, the affordability of the project within debt guidelines and the unique benefits of the project’s financial proposal being provided to the County. In FY 2008, the following criteria were adopted as a management initiative guideline for determining when a PPEA project should be pursued or rejected. It is anticipated that other refinements, including any required legislative updates to the PPEA evaluation and review process will be developed and presented to the Board of Supervisors as needed.

Revised PPEA Guidelines

1. Determine if the project has already been identified as a Board priority and included in the 10-year Capital Improvement Program (CIP) to address current and future needs. If included in the CIP, what is its priority ranking in comparison to other projects requested by the appropriate department?
 - a. Review the proposed land use to assure it is consistent with the Board’s intended use of the property; and
 - b. Review the proposed land use to assure that the land is not needed for another higher priority public use by the County.
2. Determine if the financial proposal involves asset exchange, replacement of operating leases or will require budgetary resources in addition to those currently identified in the budget.
3. Determine if timing is of the essence to take advantage of the opportunity presented in cases where favorable market or developmental conditions are not likely to be repeated or be present again at the project’s current projected start date.
4. Determine if proposals to accelerate projects will interfere or otherwise detract from resources allocated to projects currently identified in the CIP for earlier completion.
5. Determine if any debt created for financing the proposal can be accommodated within the County’s current debt guidelines and ascertain the projected impact on the approved CIP.

Projects that can demonstrate a positive impact response to all five questions will be given preference for further development. It may be necessary to engage outside professional evaluation to assist County staff in performing any aspect of the evaluation of PPEA proposals, particularly those that are complex or to complete an evaluation in a timely manner. Compensation for such professional assistance is expected to be paid first from the review fee accompanying each proposal.

