

APPENDIX C

DISCLOSURE AGREEMENT/CERTIFICATION FORM

This completed form must accompany all proposals submitted under the provisions of the Public-Private Transportation Act (PPTA). If omitted, the proposal will not be processed until the responsible public entity receives a completed form. A copy of this form will be included in the permanent file maintained by the Department for all proposals.

Freedom of Information Act:

- I (we) certify that I (am) we (are) familiar with the statute that deals with the release of information submitted under the Freedom of Information Act (§ 2.2-3700 et seq.) as it relates to PPTA proposals, and will not hold the Commonwealth, any of its political subdivisions, agencies, or employees liable for the disclosure of all or part of a PPTA proposal. I (we) understand that if a FOIA request is made for confidential records in a proposal:
- Public entity will contact the proposer to allow a claim for exemption to be made pursuant to the Code of Virginia;
 - Public entity will determine whether the exemption has been properly claimed; and
 - Public entity will attempt to provide advance notice to the proposer if the requested records are disclosed.¹

Communication:

- I (we) agree to limit all communications within the Executive Branch, including advocacy efforts, to the individuals or entities designated in these guidelines and/or any solicitation documents. The goal of this condition is to ensure the integrity of the development, evaluation and negotiation process.

Debt Issues:

This proposal does does not require the creation of state-supported debt.

- If the proposal does require state-supported debt, I (we) understand that procedures established by the General Assembly, Governor, Department of the Treasury, and the Department of Planning and Budget must be followed.

¹ Prior to submission of a proposal, proposers may make written request to the Department for a meeting to identify and justify status of proposed confidential documents; make an oral presentation to Department; and follow similar procedure with affected local jurisdictions to determine if FOIA exemptions apply. The public entity will notify the proposer of the decision.

Public-Private Transportation Act of 1995

Environmental Requirements: I (we) understand that the proposal must comply with all applicable state and/or federal laws and regulations concerning the environment, and agree to follow any procedures to implement them.

Oral Presentations (at option of the Department):

I (we) understand that one or more oral presentations to explain details of the project may be required.

Signature of Proposer

Signature of Proposer

Title

Title

Company/Consortium

Company/Consortium

Received by: _____
Name and Title

Date

Proposal Identification Number: _____

PROCUREMENT APPROVAL FORM

Under § 56-573.1 (2) of the PPTA, responsible public entities must follow the provisions of § 56-573.1 (1) unless they determine that there is mutual advantage to the entity and the public based on (i) the probable scope, complexity, or urgency of a project or (ii) risk sharing, including guaranteed cost or completion guarantees, added value, or debt or equity investments proposed by the private entity or (iii) an increase in funding, dedicated revenue sources or other economic benefit that would not otherwise be available. This determination must be made in writing, and, if the responsible public entity is a state agency, the Secretary of Transportation must approve the decision before the comprehensive agreement is signed. In most cases, this approval should be secured before significant public and private investment occurs in the development of a detailed proposal.

State Agency: _____

Project: _____

Location: _____

Proposer: _____

Description of Proposal:

Reasons for Departing from Provisions of § 56-573.1(1):

Secretary's Review:

I have reviewed the appropriate documentation related to this proposal, and I do do not approve the state agency's decision to proceed with the procurement as competitive sealed bids or competitive negotiations under §56-573.1 of the Code of Virginia and as outlined above.

Name Secretary of Transportation Date _____