

**RESOLUTION RECOMMENDING THAT FURTHER CONSIDERATION OF THE
UNSOLICITED PUBLIC PRIVATE TRANSPORTATION ACT PROPOSAL FROM
PARALLEL CROSSING CONSORTIUM BE TERMINATED**

WHEREAS, in 2013, the Chesapeake Bay Bridge and Tunnel Commission (the "Commission") determined to commence the Thimble Shoal Parallel Tunnel construction (the "Project") as a needed addition to the Chesapeake Bay Bridge & Tunnel facility (the "Facility") as soon as financially practicable; and,

WHEREAS, in 1995, the General Assembly enacted the Public Private Transportation Act ("PPTA"), as amended, to encourage the development of qualifying transportation facilities and required responsible public entities such as the Chesapeake Bay Bridge and Tunnel District ("District") to adopt guidelines sufficient to establish the process of acceptance and approvals of proposals submitted by private entities; and,

WHEREAS, in 2013, the Commission adopted the required guidelines (the "Guidelines"); and,

WHEREAS, in 2013, the District received an unsolicited proposal (the "Proposal") from Parallel Crossing Consortium ("PC2") to provide certain preconstruction and design services for the Project; and,

WHEREAS, the Project Development Committee of the Commission reviewed the Proposal and determined that it was compliant with the PPTA and the Guidelines and recommended to the Commission to accept the proposal as compliant with the Guidelines and provide public notice for competing PPTA unsolicited proposals; and,

WHEREAS, the District accepted the Proposal for conceptual stage review and provided the public notice on January 15, 2014 called for in Section IV.B of the Guidelines stating that the District (i) had received and accepted an unsolicited proposal under the PPTA from PC2, (ii) intended to evaluate the Proposal and (iii) would accept competing PPTA unsolicited proposals for simultaneous review for a period of ninety (90) days ending on April 14, 2014; and

WHEREAS, no other competing PPTA unsolicited proposals were received by the Commission; and

WHEREAS, the Project Development Committee of the Commission, working with Moffatt & Nichol as its Strategic Advisor, reviewed the Proposal and has determined the following:

- (a) Price competition is crucial to achieving a financially successful project for the District;
- (b) The Proposal was the only PPTA unsolicited proposal received, thus eliminating any potential for price competition under this procurement method;

- (c) Input received from the construction industry clearly indicates that a competitive design-build approach is more suitable to create a competitive environment for achieving the lowest priced construction costs for the Project;
- (d) PFM (the Commission's financial advisor) previously identified the Project as an ideal candidate for a design-build project delivery method;
- (e) The Commission's Strategic Advisor has identified the design-build project delivery method as the preferred procurement method for the Project;
- (f) A key portion of the Proposal calls for the maintenance of the Thimble Shoal Parallel Tunnel by PC2 and the maintenance of one strategic component (approximately one mile out of 20 miles) of the Facility by an independent organization is not in the best interest of the public, the Commonwealth, or the District;
- (g) The maintenance of the entire Facility should remain with one entity and not be split between separate organizations; and
- (h) Further review, negotiation, and clarification of the Proposal would unnecessarily delay Project development.

NOW, THEREFORE, BE IT RESOLVED, the Project Development Committee recommends that the District would be better served to pursue the procurement of construction and design services for the Project under a solicited design-build procurement process in accordance with the District's procurement policy and that the Commission should not proceed further with its review of the Proposal under the PPTA.