Agenda Item 8-I
Action Item

To: Chairman Cook and the VRE Operations Board

From: Doug Allen

Date: July 17, 2015

Re: Approval of Standardized Language for Contract Authorizations

Recommendation:

The VRE Operations Board is asked to approve a resolution directing staff to include in all future resolutions giving the CEO authorization to execute a contract or seeking the Commissions’ approval to do so, language stating the VRE Operations Board does not directly participate in the underlying procurement process, and that the Operations Board incorporates in its action, without independent review or validation, the steps taken by staff leading up to the staff’s recommendation.

Background:

The Commissions have delegated to the Operations Board the authority to execute most contractual agreements. The Operations Board reviews and recommends to the Commissions, contractual agreements not included in the delegation of authority. The VRE Operations Board Chairman has sought clarification on the role of the Operations Board in the procurement process and a more thorough understanding of the extent to which they rely on staff to have complied with all applicable laws, regulations, policies and procurement procedures when developing recommendations to authorize execution of contracts.

Staff, including legal counsel, held several discussions with the Operations Board on their role in the process and to what extent they rely on staff. After these discussions, the
Chairman wishes to memorialize the Operations Board’s understanding by including the following “Whereas” clause in all future resolutions giving the CEO authorization to execute a contract or seeking the Commissions’ approval to do so, that states their understanding.

**WHEREAS**, while the Operations Board has not participated collectively or through individual members in any phase of the underlying procurement process, the Operations Board incorporates in its action, without independent review or validation, the steps taken by staff leading up to staff’s recommendation;

**Fiscal Impact:**

There are no funding implications associated with this change.
Virginia Railway Express
Operations Board

Resolution
8J-07-2015

Approval of Standardized Language for Contract Authorizations

WHEREAS, The VRE Operations Board Chairman has sought clarification and a more comprehensive declaration of the extent to which the Operations Board relies on staff in the procurement process;

NOW, THEREFORE, BE IT RESOLVED THAT, all future resolutions giving the CEO authorization to execute a contract or seeking the Commissions’ approval to do so, will include the following language:

WHEREAS, while the Operations Board has not participated collectively or through individual members in any phase of the underlying procurement process, the Operations Board incorporates in its action, without independent review or validation, the steps taken by staff leading up to staff’s recommendation.

Approved this 17th day of July 2015

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John C. Cook
Chairman

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Paul Smedberg
Secretary