Agenda Item 9-G
Action Item

To: Chairman Cook and the VRE Operations Board

From: Doug Allen

Date: October 16, 2015

Re: Approval of Standardized Language for Contract Authorizations

Recommendation:

The VRE Operations Board is asked to approve a resolution directing staff to include certain language in all future resolutions giving the CEO authorization to execute a contract or seeking the Commissions’ approval to do so. The resolutions shall include 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, the Operations Board’s approval of this procurement does not represent its independent assessment of the candidate’s responses to the solicitation or of each step in the procurement process followed by staff; rather, the Operations Board’s action is premised upon its conclusion, after review of the information before it, that the process used by the staff was in accordance with law and that the staff recommendation appears to be reasonable.

Fiscal Impact:

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

Resolution  
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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, the Operations Board’s approval of this procurement does not represent its independent assessment of the candidate’s responses to the solicitation or of each step in the procurement process followed by staff; rather, the Operations Board’s action is premised upon its conclusion, after review of the information before it, that the process used by the staff was in accordance with law and that the staff recommendation appears to be reasonable.

Approved this 16th day of October 2015

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John C. Cook  
Chairman

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Paul Smedberg  
Secretary