



# Public-Private Partnerships: *MAP-21 Changes*

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***FHWA Office of Innovative Program Delivery***

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# Outline

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- Standardized P3 contracts
- P3 best practices
- Technical assistance
- Center for Excellence in Project Finance
- Major Project requirements for P3 consideration
- Your Comments



# Standardized P3 Contracts

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## ■ SEC. 1534. PUBLIC-PRIVATE PARTNERSHIPS.

*(D) STANDARD TRANSACTION CONTRACTS.—*

*DEVELOPMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop standard public-private partnership transaction model contracts for the most popular types of public-private partnerships for the development, financing, construction, and operation of transportation facilities.*

*USE.—The Secretary shall encourage States, public transportation agencies, and other public officials to use the model contracts as a base template when developing their own public-private partnership agreements for the development, financing, construction, and operation of transportation facilities.*



## P3 Best Practices

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### ■ SEC. 1534. PUBLIC-PRIVATE PARTNERSHIPS.

*(a) BEST PRACTICES.—The Secretary shall compile, and make available to the public on the website of the Department, best practices on how States, public transportation agencies, and other public officials can work with the private sector in the development, financing, construction, and operation of transportation facilities.*

*(B) CONTENTS.—The best practices compiled under subsection (a) shall include polices and techniques to ensure that the interests of the traveling public and State and local governments are protected in any agreement entered into with the private sector for the development, financing, construction, and operation of transportation facilities.*



# Technical Assistance

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## ■ SEC. 1534. PUBLIC-PRIVATE PARTNERSHIPS.

*(c) TECHNICAL ASSISTANCE.—The Secretary, on request, may provide technical assistance to States, public transportation agencies, and other public officials regarding proposed public-private partnership agreements for the development, financing, construction, and operation of transportation facilities, including assistance in analyzing whether the use of a public-private partnership agreement would provide value compared with traditional public delivery methods.*



## ■ SEC. 52004. TRAINING AND EDUCATION.

“(h) CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.—

“(1) IN GENERAL.—The Secretary shall make grants under this section to establish and maintain centers for surface transportation excellence.

“(2) GOALS.—The goals of a center referred to in paragraph (1) shall be to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.

“(3) ROLE OF THE CENTERS.—To achieve the goals set forth in paragraph (2), any centers established under paragraph (1) **shall provide technical assistance, information sharing of best practices, and training in the use of tools and decision making processes that can assist States in effectively implementing surface transportation programs, projects, and policies.**



## ■ **SEC. 52004. TRAINING AND EDUCATION.**

“(4) PROGRAM ADMINISTRATION.—

“(A) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary under this subsection, or receiving a grant to perform research or provide technical assistance under this subsection, shall be selected on a competitive basis.

“(B) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan, that—

“(i) is submitted to the Secretary at such time as the Secretary requires; and “(ii) describes—

“(I) the activities to be undertaken by the center; and

“(II) how the work of the center will be coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized under this chapter.”



# Major Project Requirements for P3s

This provision amends 23 U.S.C. 106(h) and (i), as follows (MAP-21 amendments are shown **in bold**):

(h) MAJOR PROJECTS.-

(3) FINANCIAL PLAN- A financial plan—

(A) shall be based on detailed estimates of the cost to complete the project;

(B) shall provide for the annual submission of updates to the Secretary that are based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project;

(C) may include a phasing plan that identifies fundable incremental improvements or phases that will address the purpose and the need of the project in the short term in the event there are insufficient financial resources to complete the entire project. If a phasing plan is adopted for a project pursuant to this section, the project shall be deemed to satisfy the fiscal constraint requirements in the statewide and metropolitan planning requirements in sections 134 and 135; and

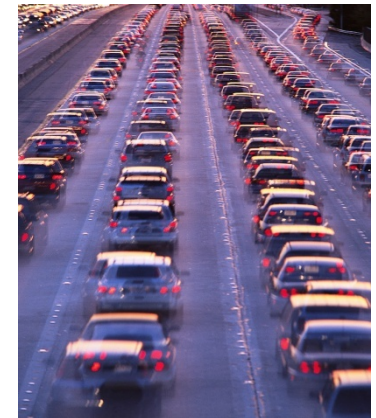
**(D) shall assess the appropriateness of a public-private partnership to deliver the project.**





# Conclusion

- Questions?
  - Submit a question using the chat box
- Comments and discussion





# For More Information

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## **IPD Website:**

[www.fhwa.dot.gov/ipd](http://www.fhwa.dot.gov/ipd)

## **IPD P3 Website:**

[www.fhwa.dot.gov/ipd/p3/](http://www.fhwa.dot.gov/ipd/p3/)

## **IPD Academy Staffnet Website:**

<http://staffnet.fhwa.dot.gov/ipd/academy.htm>

## **AASHTO Center for Excellence in Project Finance:**

[www.transportation-finance.org](http://www.transportation-finance.org)



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