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## The District of Columbia's Newly Enacted Public-Private Partnership Act of 2013 (P3 Act) Establishes a Clear Procurement Process and Makes D.C. a Viable Market for Investors, Developers and Contractors Interested in Public-Private Partnership Projects.

As of March 11, 2015, a bill intended to expand opportunities for Public-Private Partnerships in the District of Columbia is now law. While public-private partnerships are not entirely new to D.C., they have been limited in number by a lack of regulatory guidance. The P3 Act is intended to establish a clear procurement process and make D.C. a viable market for investors, developers and contractors interested in P3 projects.

The P3 Act authorizes public-private partnerships for a variety of projects. Specifically, a qualified P3 project includes the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation, replacement, improvement, maintenance, management, operation, repair, leasing, and/or ownership of:

- education facilities;
- transportation, including roads, bridges, highways, tunnels, etc.;
- cultural or recreational facilities, including parks, theaters, museums, community centers, etc.;
- any building or facility that is beneficial to the public interest and developed or operated by or for a public entity;
- utility facilities, including sewers, water treatment, energy, telecommunications, information technology, waste management, etc.;
- improvements necessary or desirable to any unimproved District-owned real estate; and
- any facility or building which the District approves as beneficial to the public interest.

The newly established Office of Public Private Partnerships within the Office of the City Administrator will administer the P3 Act and serve as the contact point for all interested parties. The Office will also

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implement procedures for development, solicited and unsolicited proposals, evaluation, award, and oversight of all P3 projects. Once up and running, the Office will publish a Request for Information and a Request for Proposal to obtain information on and solicit for potential P3 projects. Contractors and developers may also submit unsolicited proposals for the Office to review, provided they follow the requisite guidelines.

The P3 Act adds D.C. to the growing list of jurisdictions around the Country paving the way for this type of partnership. As a city in need of large infrastructure overhauls, contractors and developers should expect to see increased P3 opportunities in D.C. and should prepare to take advantage of them when they arise.

P&A will continue to monitor the activities of the new office and should you wish to be kept advised please send us an email.

*The information provided in this Client Alert does not, nor is it intended to, constitute legal advice. Readers should not take or refrain from taking any action based on any information contained in this Client Alert without first seeking legal advice.*

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