

P3 Frameworks in the DC Region

Eno Center for Transportation – DC Mayor’s Office P3 Summit

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Project Opportunities

- Metro rehabilitation and expansion
- Expansion/rehabilitation of existing river crossings
- New Potomac River crossings
- HOT Lane network expansion and integration
- VRE and MARC expansion
- Workforce training activities
- Public safety communications and training
- Enhanced efficiency in delivery of local government services

Structural Challenges

- Jurisdictional boundaries and who owns what
- Congressional approval of DC actions
- Role of the federal government
- Variety of local government structures
- Virginia's 4 year gubernatorial term limit
- Differences in state government structures
- Regional jealousies and rivalries
- Policy differences on labor/fair wages

Common Features

- Broad definitions of eligible projects
- Solicited and unsolicited proposals allowed
- Legal protections for confidential information
- Guidelines provide additional direction on process, proposal format
- Strong system of checks and balances prior to project commencement
- Executive branch leadership on the actual procurement process

DC vs. Virginia P3 Law

- DC has a more centralized review and decision making process
- No legal restrictions on non-compete clauses or project terms in Virginia law
- Virginia's P3 laws exist outside the procurement acts and have few controls except FOIA, conflicts of interest law
- DC law blends that which is split in Virginia between statute and guidelines
- DC law does a better job of fixing timelines for project reviews and approvals
- Virginia law has stronger transparency provisions
- Virginia law has less legislative oversight (subject to change)

DC vs. Maryland P3 Law

- MD law has more “pre-clearances” and other steps by the State Treasurer, Board of Public Works, prior to a proposal moving forward
- Similar provisions on living wage/protections for existing employees, minority contracting requirements
- Maryland law has fewer transparency and public comment provisions
- Maryland non-compete restriction only applies to road, highway, and bridge assets
- No mention in Maryland law of proposal review fees

Questions or Comments?

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