



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Arkansas**

SUMMARY OF P3 LEGISLATIVE STATUS:

Broadly-enabled statutory authority allows for P3 procurement for public infrastructure.

- Does this state have broadly enabling P3 legislation?**
Broadly-enabled statutory authority allows for P3 procurement for public infrastructure.
- Does the state allow for **Unsolicited Proposals**?**
Does not specifically have a provision for acceptance or review of unsolicited proposals.
- What is the state's P3 **Review Process**?**
Development of all qualified projects will be the result of fair and open processes, following issuance of an RFP (Request for Proposals) or invitation for bids.
- Does the state have a **Centralized Agency** dedicated to P3?**
Guidelines to be developed and promulgated to drive processes and procedures related to procurement of public works. Implementation rules will be developed by the Arkansas Economic Development Commission and Arkansas Development Finance Authority.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Arkansas is not considered a home rule state. As such, a "Public entity" may participate in P3 procurements. "Public entity" means an agency or instrumentality of the state, an agency, department, institution of higher education, board, or a commission.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
There is no specific mention of any DBE requirements, except an implicit understanding that, to receive funds from a Federal resource, compliance will be required (i.e., TIFIA). Labor: There is no specific mention of stipulations for prevailing wage, organized labor, or municipal union participation, including project labor agreements. Risk and Performance Security during the construction phase: (i) Delivery of maintenance, payment, and performance bonds in the amounts that may be specified by the responsible public entity in the comprehensive agreement; and (ii) Posting and delivery of all other bonds, letters of credit, or other forms of security acceptable to the responsible public entity in connection with the development of the qualifying project.
- Are P3 projects in this state eligible for other financing programs?**
A qualifying project may be financed by the qualified respondent or the responsible public entity, or both, and they may utilize any funding resources available to them, including: issuing debt, equity, or other securities or obligations, entering into leases, accessing designated trust funds, and borrowing or accepting grants from any state, federal, or private source.
- What Projects or Asset Classes are eligible for P3 in this state?**
"a ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, combined heating and power facility, central utility plant facility, distributed generation facility, oil or gas pipeline, water supply facility, water treatment intake and distribution facility, waste water treatment and collection facility, waste treatment facility, hospital, library, school, educational facility, medical or nursing care facility, recreational facility, administrative facility, law enforcement facility, fire department facility, public administrative office, toll road, correctional facility, technology infrastructure facility, public building, transportation system as defined in § 27-76-103, or other similar facility currently available or to be made available to a public entity for public use..." Does not apply to projects of Arkansas State Highway and Transportation Dept.
- Are there Projects where the P3 procurement method has been applied?**
The newly enabled statutory authority has yet to lead to an active project procurement.
- What is the legislative foundation for P3s in this state?**
Arkansas legislators Senate Bill 651 allowing Public Private Partnerships (P3) in the State of Arkansas. SB651 was officially enacted by the Governor, and is now Act 813.

D: Design | **B:** Build | **F:** Finance | **O:** Operate | **M:** Maintain