



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Alabama**

SUMMARY OF P3 LEGISLATIVE STATUS:

Transportation-related P3 procurement authority.

1. **Does this state have broadly enabling P3 legislation?**
Comprehensive state project authority and limited, state and local allowance for transportation projects.
2. **Does the state allow for **Unsolicited Proposals**?**
The Department of Transportation is not authorized to receive or review unsolicited proposals.
3. **What is the state's **P3 Review Process**?**
*A project must be procured via RFP issued at applicable authority (i.e., AL DOT or County Commission). Allows bids to be awarded by best value or qualifications.
§23-2-144(5) requires an authority to have approval of Department of Transportation to acquire and construct toll road, bridge or tunnel projects.*
4. **Does the state have a **Centralized Agency** dedicated to P3?**
AL DOT. There is limited (specific) P3 authority extended to County Commissions, and the AL Toll Road, Bridge and Tunnel Authority.
5. **Is this a **Home Rule state**, with limitations or opportunities for P3?**
Alabama is not a 'home rule' state; therefore, requires legislative approval or authority to pursue projects which involve public funds (i.e., through state budget). Certain municipalities within the state are exempt from Dillon's Rule; while the balance of the state is generally not considered acting within Home Rule autonomy.
6. **Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
Alabama Department of Transportation has a Disadvantaged Business Enterprise (DBE) goal of 12.72% compliance for Federally-funded (FHWA) projects.
7. **Are P3 projects in this state eligible for other financing programs?**
§23-2-144(a)(15) and §23-2-158 require Governor to approve acceptance of Federal funds as well as the expenditure of funds to study proposed projects.
8. **What Projects or Asset Classes are eligible for P3 in this state?**
*Toll roads, toll bridges, tunnels, ferries and causeways.
State DOT and county commissions may license any legal entity to establish or operate toll roads, toll bridges, ferries or causeways. Design-build, design-build-operate, design build-own-operate or design-build-own-operate-maintain, for development, operation, management or undertaking of a toll road, bridge or tunnel project; does not apply to existing roadway capacity.*
9. **Are there Projects where the P3 procurement method has been applied?**
I - 10 Mobile River Bridge and Bayway Project.
10. **What is the legislative foundation for P3s in this state?**
*Ala. Code §23-1-81 Authority of Department of Conservation and Natural Resources regarding placement of bridges on state land.
Ala. Code §§23-2- 140 to 163 relates to Availability payments or "pass-through" tolling.*

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