



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Delaware**

SUMMARY OF P3 LEGISLATIVE STATUS:

Enabled for transportation infrastructure.

- 1. Does this state have broadly enabling P3 legislation?**
The State of Delaware procurement code allows for the use of alternative project delivery methods, including P3s for transportation projects. There are no specific provisions for other asset classes; nor are there restrictions against pursuit of college campus building modernization or related facilities.
- 2. Does the state allow for **Unsolicited Proposals**?**
Delaware does allow for unsolicited proposals. The state's Dept. of Transportation does have to allow for legislative approval for some of its proposed P3 qualifying projects.
- 3. What is the state's **P3 Review Process**?**
Projects, whether selected through an RFP or an unsolicited proposal, must be reviewed for approval by a project committee (within DEDoT), as well as the directly affected metropolitan planning organization(s) and the Council on Transportation AND the Co-chairs of the Joint Bond Bill Committee of the Delaware General Assembly.
- 4. Does the state have a **Centralized Agency** dedicated to P3?**
DEDOT: the Delaware Department of Transportation.
- 5. Is this a **Home Rule state**, with limitations or opportunities for P3?**
No. Delaware employs Dillon's Rule to all municipalities; which allows a state legislature to control local government structure, methods of financing its activities, its procedures and the authority to undertake functions.
- 6. Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
Compliance with Federal prevailing wage laws shall be required based on source of funds.
- 7. Are P3 projects in this state eligible for other financing programs?**
Yes, specifically TIFIA. Participants (DEDoT or SPV) may apply for, receive and accept from any Federal agency or any other governmental body grants or financial support.
- 8. What Projects or Asset Classes are eligible for P3 in this state?**
Highways, roads, bridges, vehicles and equipment, ports and marine related facilities, park and ride lots, rail and other transit systems, facilities, stations and equipment, rest areas, tunnels, airports, transportation management systems, control/communications/information systems and other transportation related investments.
- 9. Are there Projects where the P3 procurement method has been applied?**
Toll roads, and transportation facilities related to DEDoT operations.
- 10. What is the legislative foundation for P3s in this state?**
*DE. Code Ann. Title. 2. §§ 2001 to 2012
<http://delcode.delaware.gov/title2/c020/index.shtml>*