



Association for the Improvement
of American Infrastructure

P3 Snapshot: Kansas

SUMMARY OF P3 LEGISLATIVE STATUS:

Not P3-enabled.

- Does this state have broadly enabling P3 legislation?**
P3 statutory authority is not currently enabled for transportation infrastructure, municipal facilities or environmental projects in Kansas.
- Does the state allow for **Unsolicited Proposals**?**
Kansas' current statutory authority does not address any allowance for submission and consideration of unsolicited proposals for P3s infrastructure projects.
- What is the state's P3 **Review Process**?**
Fair and open competitive bidding is the standard for procurement of goods and services in support of the needs of the citizens of the state of Kansas.
- Does the state have a **Centralized Agency** dedicated to P3?**
There is no currently identified central agency or authority involved in procurement and management of P3 projects.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Kansas is a Home Rule state, though Dillon's Rule does not apply to cities or counties.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
The state legislature enacted Senate Bill 58 in 2017, which mandates payment and performance bonds on state public construction projects. This would require contractors to provide performance and payment bonds for a P3 for public construction projects exceeding \$100,000. If a performance bond is not otherwise required under state law, a performance bond equal to the full contract amount will be required. The payment bond also must be equal to the full contract amount. While not related to P3 procurements, any funding covenants will otherwise stipulate compliance with MWDBE participation (i.e., Federal funding requirements). Davis-Bacon governs prevailing wage for applicable labor categories.
- Are P3 projects in this state eligible for other financing programs?**
State transportation projects may be eligible for TIFIA financing support, but there is no provision for private sector investment in public infrastructure. Water projects may be eligible for WIFIA financing support; but there are no comparable private investment provisions for water-related projects.
- What Projects or Asset Classes are eligible for P3 in this state?**
There are no provisions to enable procurements using alternative project delivery, beyond Design + Build, and so there are no P3 eligible asset classes in Kansas.
- Are there Projects where the P3 procurement method has been applied?**
Design + Build is widely accepted as a procurement method; but there have not been any P3 procurements for public works infrastructure in Kansas.
- What is the legislative foundation for P3s in this state?**
There is no P3-enabling statutory authority in Kansas.

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