



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Georgia**

SUMMARY OF P3 LEGISLATIVE STATUS:

Georgia is a broadly enabled P3 market.

- Does this state have broadly enabling P3 legislation?**
Georgia's statutory authority allows for procurement of public works infrastructure across a broad range of asset classes, including transportation, municipal facilities and environmental projects.
- Does the state allow for Unsolicited Proposals?**
The state's procurement guidelines and statutory authority allow for the receipt and consideration of unsolicited proposals. There is a specific window during which such unsolicited proposals can be submitted. For those projects on the state level, unsolicited proposals must be submitted to a "responsible public entity" between May 1 and June 30 of each year. §36-91-113 allows for unsolicited proposals to local governments only (transportation).
- What is the state's P3 Review Process?**
Competitive, multi-stage review and approval of procurements for eligible projects. Requires requests for competing bids or other process for unsolicited proposals. §36-91-114 requires local governments to request competing bids for unsolicited proposals that are approved.
- Does the state have a Centralized Agency dedicated to P3?**
No. Board of Regents of the University System of Georgia. State Properties Commission. §36-91-111 establishes the Partnership for Public Facilities and Infrastructure Act Guidelines Committee to help local governments implement P3s.
- Is this a Home Rule state, with limitations or opportunities for P3?**
Home rule specifically granted in Article IX of Georgia Constitution. Georgia applies Dillon's Rule to all municipalities; which allows state legislature control over local government (counties and municipalities), methods of financing its activities, its procedures and the authority to undertake P3 procurements.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
The State's procurement guidelines and specific solicitation procedures outline mandates for inclusion of local hiring objectives, and minority, women-owned or disadvantaged business enterprise participation. A comprehensive agreement has to provide for performance and payment bonds in the amounts required under the Little Miller Act for the design and construction phase of a public works project. Surety bonds or other security acceptable to the public entity are required for the other phases and components of the project.
- Are P3 projects in this state eligible for other financing programs?**
Responsible public agencies (procurement authorities) may draw upon financing resources, including TIFIA, PABs, and WIFIA, to provide additional leverage for financial stability of a project procured through a P3 with private capital investment.
- What Projects or Asset Classes are eligible for P3 in this state?**
State Department of Transportation asset classes, as well as projects selected by a local government in response to a proposal that meets the public need; not to include a project involving generation of power, communication services, cable and video services, or water reservoir projects.
- Are there Projects where the P3 procurement method has been applied?**
University System of Georgia, Campus Housing I-285 & SR 400 Improvements: A project designed to improve operational efficiency and enhance safety in metropolitan Atlanta. Northwest Corridor: This project is a vital part of a system-wide transportation effort to address congestion, mobility and livability concerns in metropolitan Atlanta.
- What is the legislative foundation for P3s in this state?**
State DoT: Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. §48-5-421.1 Comprehensive: Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.

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