



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Indiana**

SUMMARY OF P3 LEGISLATIVE STATUS:

Broadly enabled P3 procurement authority.

- Does this state have broadly enabling P3 legislation?**
Indiana is broadly enabled for P3 procurement, including transportation infrastructure, municipal (public) facilities, and environmental projects.
- Does the state allow for **Unsolicited Proposals**?**
IFA and INDOT are authorized to accept, review and assess unsolicited proposals.
- What is the state's P3 **Review Process**?**
*Subject to re-approval, post-solicitation, and Indiana Finance Authority (IFA).
Requires state legislative approval, review or other involvement by other state, local or federal entity.*
- Does the state have a **Centralized Agency** dedicated to P3?**
Indiana Finance Authority, INDOT, or other state or local government entity.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Indiana is a limited 'home rule' state; therefore, requires legislative approval or authority to pursue projects which involve public funds (i.e., through state budget). Dillon's Rule applies only to townships.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
*P3 agreements may require performance bonds and provide for payment of contractors and subcontractors (for public facilities). For transportation projects, the law provides that the P3 agreement must provide for the delivery of performance and payment bonds or other performance security in the forms and amounts as determined by the DOT.
Indiana law requires payment of the common construction wage for the construction of a public facility with public funds or a PPP entered into after April 30, 2011.
Indiana law requires INDOT to facilitate the participation of small, minority, women's, disadvantaged and Indiana businesses in qualifying projects, and subjects the operator and any contractor or subcontractor to the same.*
- Are P3 projects in this state eligible for other financing programs?**
INDOT and IFA may combine Federal, State, local and private funds to finance a public-private transportation project (i.e., TIFIA, PABs). The laws permit local/state/Federal funds to be combined with private sector funds on a P3 project.
- What Projects or Asset Classes are eligible for P3 in this state?**
*P3s for planning, design, acquisition, construction, reconstruction, improvement, extension, expansion, operation, repair, management, maintenance or financing of a toll road; and for a transportation facility, including some rail projects, and a "facility project" relating to state parks, communications or certain hospitals.
Public facilities include any public building, highway, street, alley, bridge, sewer, drain or any other public facility that is paid for out of public funds.*
- Are there Projects where the P3 procurement method has been applied?**
*Ohio River Bridges East End Crossing
Indiana Toll Road*
- What is the legislative foundation for P3s in this state?**
*Ind. Code Ann. §§5-23-1-1 to 5-23-7-2 (public facilities)
§§8-15.5-1-1 to 8-15.5-13-8 (Indiana Finance Authority)
§§8-15.7-1-1 to 8-15.7-16-8 (Indiana Department of Transportation)*

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