



Association for the Improvement
of American Infrastructure

P3 Snapshot: **North Carolina**

SUMMARY OF P3 LEGISLATIVE STATUS:

Broadly-enabled for P3 procurements for public infrastructure.

- Does this state have broadly enabling P3 legislation?**
North Carolina's statutory procurement authority allows for alternative project delivery method procurements for transportation, municipal facilities and environmental projects.
- Does the state allow for **Unsolicited Proposals**?**
The state's procurement guidelines and statutory authority does not specifically address allowance for the receipt and consideration of unsolicited proposals. The NCDOT does have a policy for review and acceptance and does allow these.
- What is the state's P3 **Review Process**?**
Competitive, multi-stage review and approval of procurements for eligible projects.
- Does the state have a **Centralized Agency** dedicated to P3?**
No. Authority for procurement of public work is vested in the responsible public agency, at either the state, county or municipal level, as applicable.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
North Carolina 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.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
*NC ST 143-128.1C (non-transportation P3s) requires a payment bond from a surety company in the amount 100% of the total anticipated construction cost.
NC ST 136-18 (39a) b - applies to projects under the purview of the NC Board of Transportation. The Board has some discretion is altering the requirements for payment and performance security requirements.
Sources of funds specifies provisions for MWDBE participation (i.e., use of Federal funds).
Davis-Bacon Act compliance stipulates prevailing wage requirements for specified labor categories and skill sets*
- 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?**
*Transportation projects on NCDOT's Transportation Improvement Plan or other mutually adopted transportation plan (i.e., regional transportation or regional mobility capital improvement plans).
A P3 project is defined as: "A capital improvement project undertaken for the benefit of a governmental entity and a private developer pursuant to a development contract that includes construction of a public facility or other improvements, including paving, grading, utilities, infrastructure, reconstruction, or repair, and may include both public and private facilities."*
- Are there Projects where the P3 procurement method has been applied?**
*I-77 Express Lanes
North Carolina Turnpike Authority: Mid-Currituck Project*
- What is the legislative foundation for P3s in this state?**
*N.C. Gen. Stat. §136-28.6 and 6A
N.C. Gen. Stat. § 136-18 (NC DOT, existing rail and associated facilities)
N.C. Gen. Stat. § 115D-20(13) (colleges)
N.C. Gen. Stat. §§ 136-89.180 to 198 (Turnpikes)
In 2013, HB 857 empowered local municipalities and state agencies to engage in alternative delivery methods, such as design-builds and public-private partnerships.
§ 143-128.1A. (establishing criteria regarding design-build contracts)
§ 143-128.1B (establishing criteria for design-build bridging)
§ 143-128.1C. (establishing criteria for P3s)*

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