



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Ohio**

SUMMARY OF P3 LEGISLATIVE STATUS:

P3 enabled for transportation projects.

- Does this state have broadly enabling P3 legislation?**
Ohio is authorized for P3 procurement for transportation projects.
- Does the state allow for **Unsolicited Proposals**?**
The department of transportation may receive, consider, evaluate, and accept an unsolicited proposal for a public-private initiative.
- What is the state's P3 **Review Process**?**
*Multi-staged procurement review of solicited and unsolicited proposals.
Before issuing any solicitation documents, ODoT may issue an RFI or a similar expression of interest. An RFP process will be used. ODoT must select a solicited bidder or proposal on a competitive basis.*
- Does the state have a **Centralized Agency** dedicated to P3?**
ODoT: Ohio Department of Transportation, and specifically the Division of Innovative Delivery, as outlined in Revised Code and Standard Procedures.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Ohio is a Home Rule state and as such allows municipalities to exercise broad governmental authority.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
*Prevailing wages requirements are in-place for public works projects, including P3s.
Mandates for MWDBE inclusion are guided by Federally funded project provisions. Any funding from external sources, including Federal funding, would dictate participation requirements
Payment & Performance Security - the defining statute does contain provisions which may require payment and performance bonds for the design and construction phases of qualifying public infrastructure projects.*
- Are P3 projects in this state eligible for other financing programs?**
ODoT may use Federal, state, local, and private funds to finance a transportation facility under sections 5501.70 to 5501.83 of the Revised Code and shall comply with any requirements and restrictions governing the use of the funds.
- What Projects or Asset Classes are eligible for P3 in this state?**
*"Transportation facilities" means all publicly owned modes and means of transporting people and goods, including the physical facilities, garages, district offices, and other related buildings therefor, and including, but not limited to, highways, rights-of-way, roads and bridges, parking facilities, aviation facilities, port facilities, rail facilities, public transportation facilities, rest areas, and roadside parks.
"Public transportation" means publicly owned or operated transportation by bus, rail, or other conveyance, which provides to the public transit or paratransit service on a regular and continuing basis within the state, and may include demand-responsive transportation, subscription bus service, shared-ride taxi service, car pools, van pools, or jitney service.
"Public transportation" doesn't include school bus transportation or charter or sightseeing services.
"Road" or "highway" includes all appurtenances to the road or highway, including but not limited to, bridges, viaducts, grade separations, culverts, lighting, signalization, and approaches on or to such road or highway.
"...also includes a tunnel, ferry, port facility on navigable waters that are used for commerce, intermodal facility, or similar facility open to the public and used for the transportation of persons or goods, and any building, structure, parking area, or other appurtenances or property needed to operate a transportation facility that is subject to a public private agreement."*
- Are there Projects where the P3 procurement method has been applied?**
Southern Ohio Veterans Memorial Highway (previously referred to as Portsmouth Bypass).
- What is the legislative foundation for P3s in this state?**
Me. Rev. Stat. Ann. tit. 23, §4251 Public private partnerships (PPPs) for state transportation projects are governed in Ohio by statute, which was enacted in June 2011 and codified in Chapter 5501 of Title LV of the Ohio Revised Code (Ohio Rev. Code Ann. §§ 5501.70 to 5501.83).

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