



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Oklahoma**

SUMMARY OF P3 LEGISLATIVE STATUS:

Broadly enabled to procure public infrastructure through Public-Private Partnerships.

- Does this state have broadly enabling P3 legislation?**
Oklahoma has broadly enabled procurement authority which applies to transportation, municipal facilities and environmental projects at the state, county and municipal levels.
There is no specific mention of programmatic mandates which govern inclusion or diversity. Any funding from external sources, including Federal funding, would dictate participation requirements.
- Does the state allow for **Unsolicited Proposals**?**
The recently enacted statutory authority does allow for the receipt and consideration of unsolicited proposals in eligible sectors of public infrastructure.
- What is the state's P3 **Review Process**?**
Partnership Committee identifies potential public-private partnerships, reviews and endorses short list of qualified bidders, to approve requests for proposals and to approve template contracts before they are sent to bidders. Partnership Committee shall operate with the assistance of the Office of Public-Private Partnerships. Partnership Committee shall not have the power to enter into any contract, nor shall it have the power to block any contract negotiated by the Director of the Office of Management and Enterprise Services (OMES) and the authorized representative of any responsible state agency.
- Does the state have a **Centralized Agency** dedicated to P3?**
No. Regional transportation district for mass transit projects; Office of Management and Enterprise Services (OMES), for state-level procurements; and for transportation-related qualifying projects - subject to the approval of the Oklahoma Transportation Commission or the Oklahoma Turnpike Authority Board.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Oklahoma employs Dillon's Rule to all municipalities; which allows the state legislature to control local government structure, methods of financing its activities, its procedures and the authority to undertake certain procurement functions.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
Partnership contracts may also include a requirement for delivery of performance and payment bonds required for all construction activities and letters of credit, surety bonds or other security in connection with the development or operation of a qualifying project.
- Are P3 projects in this state eligible for other financing programs?**
There are no limitations imposed through the enabling statutes that would restrict public agencies and their partners from combining Federal, State, local and private funds to finance a public-private transportation (i.e., TIFIA or PABs) or water (e.g., WIFIA) project.
- What Projects or Asset Classes are eligible for P3 in this state?**
A wide range of infrastructure assets are considered eligible under the provisions of Senate Bill 430 (state agency sponsored projects) and House Bill 1534 (local or county agency sponsored projects), including municipal facilities (buildings), environmental projects (water, wastewater treatment), and transportation (eligible).
- Are there Projects where the P3 procurement method has been applied?**
With a newly enabled procurement authority, neither the state nor any local agency has initiated a solicitation for public infrastructure, pending development and promulgation of applicable guidelines.
- What is the legislative foundation for P3s in this state?**
Senate Bill 430, signed into law May 12, 2017, House Bill 1534 signed into law May 25, 2017 by Gov. Mary Fallin. Oklahoma Central Purchasing Act, the Public Competitive Bidding Act, the Oklahoma State Finance Act and the Oklahoma Privatization of the State Functions Act.

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