



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Pennsylvania**

SUMMARY OF P3 LEGISLATIVE STATUS:

Pennsylvania is enabled for P3 procurement for transportation assets.

1. **Does this state have broadly enabling P3 legislation?**
Pennsylvania is authorized to procure using P3s for transportation infrastructure projects, in accordance with Title 74, Part V, Chapter 91.
2. **Does the state allow for **Unsolicited Proposals**?**
PennDoT statutory authority does allow for submission and consideration of unsolicited proposals for P3s infrastructure projects.
3. **What is the state's P3 **Review Process**?**
*Dual-tier for both solicited and unsolicited (shortlist, then detailed proposal). Must conduct sealed bid and selection process for solicited and unsolicited proposals. Public-Private Transportation Partnership Board includes provisions for Pre-Development Agreements.
§9104 allows the General Assembly to pass a concurrent resolution rescinding approval of a project. Such resolution must be passed within 20 days or nine legislative days, whichever is longer, or else the project is deemed approved. Any state agency, commission or authority with transportation facilities; all projects must be approved prior to procurement by the Public-Private Transportation Partnership Board.*
4. **Does the state have a **Centralized Agency** dedicated to P3?**
No. Board of Regents of the University System of Georgia. PennDoT for state-level transportation projects. Also, eligible for county or regional authorities.
5. **Is this a **Home Rule state**, with limitations or opportunities for P3?**
This state employs Dillon's Rule to all municipalities; which allows the state's legislature to control local government structure, methods of financing its activities, procedures and the authority to undertake certain procurement functions.
6. **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.
Pennsylvania's Little Miller Act is found in Pennsylvania Statutes Title 8, Chapter 13.
A P3 agreement must include requirements for a private development entity to provide performance and payment bonds, parent company guarantees, letters of credit, or other acceptable forms of security in an amount acceptable to the public entity.*
7. **Are P3 projects in this state eligible for other financing programs?**
The Pennsylvania Department of Transportation and its partners may combine Federal, State, local and private funds to finance a public private transportation project. This includes access to TIFIA and PABs, as appropriate.
8. **What Projects or Asset Classes are eligible for P3 in this state?**
Transportation assets.
9. **Are there Projects where the P3 procurement method has been applied?**
*Pennsylvania Rapid Bridges Replacement project.
Northampton County - regional bridge replacement.*
10. **What is the legislative foundation for P3s in this state?**
No. 2012-88 PA Conso. Stat. 74, 9101 to 9124

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