



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Utah**

SUMMARY OF P3 LEGISLATIVE STATUS:

Broadly enabled statutory authority for P3 procurement.

- Does this state have broadly enabling P3 legislation?**
The state's procurement code authorizes state and local governmental entities to use P3s for public works projects. This includes transportation facilities, municipal buildings and environmental projects.
- Does the state allow for **Unsolicited Proposals**?**
The state's procurement code does allow for the receipt and consideration of unsolicited proposals for qualifying infrastructure project types.
- What is the state's P3 **Review Process**?**
*Requires requests for competing bids or other process for unsolicited proposals.
May require legislative approval (to convert existing roads to toll roads), as well as review by Transportation Commission (for tollways).*
- Does the state have a **Centralized Agency** dedicated to P3?**
UT DoT and Transportation Commission, and county and municipal governmental entities.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Utah is a limited 'home rule' state, with no applicability of Dillon's Rule.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
*The state's little Miller Act is contained within the procurement code and requires 100% performance and payment bonds, with no specific bond threshold.
There are no specific programmatic mandates which govern inclusion or diversity. Any funding from external sources, including Federal funding, would dictate participation requirements.*
- Are P3 projects in this state eligible for other financing programs?**
There are no limitations imposed through the state's procurement code 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?**
The state's procurement code authorizes state and local governmental entities to use P3s for public works projects. This includes transportation facilities (with approval required by the Transportation Commission and the legislature, for high occupancy toll lanes and additional lane capacity (i.e., managed lanes).
- Are there Projects where the P3 procurement method has been applied?**
Utah has Design+Build authority, which has led to some award-winning projects delivered in the transportation sector. There have not been other alternative delivery procurements as of yet, including P3s.
- What is the legislative foundation for P3s in this state?**
*Utah Code Ann. § 63G-6-503;
§ 72- 6-118; § 72- 2-120;
§§ 72-6-201 to 206 (tollways)
§§ 63G-6a-103; §§ 63G-6a-702; §§ 63G-6a-703; §§ 63G-6a-707*

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