



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Virginia**

SUMMARY OF P3 LEGISLATIVE STATUS:

Early adopter, and national leader in P3 enabling legislation. Broadly-enabled.

- Does this state have broadly enabling P3 legislation?**
The Commonwealth is broadly-enabled for P3 procurements. The vast majority of the market activity has been in the transportation sector, though does allow for alternative project delivery in municipal buildings and environmental facilities sectors.
- Does the state allow for **Unsolicited Proposals**?**
Procurement procedures and published guidelines do permit the receipt and review of unsolicited proposals for qualifying public works infrastructure projects.
- What is the state's P3 Review Process?**
Dual-tier for both solicited and unsolicited (shortlist, then detailed proposal). Advisory Panel review for solicited and unsolicited. Must conduct sealed bid and selection process for solicited and unsolicited. MUST state, confirm and reconfirm that a project is "in the best interests of the public" as part of the review and approval process.
- Does the state have a **Centralized Agency** dedicated to P3?**
At the State-level, VAP3 serves as the central review authority for Virginia's Secretary of Transportation. For social infrastructure (i.e., municipal facilities and schools), PPEA serves this function. Local jurisdictions serve the review function for their specific needs.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
No. This state employs Dillon's Rule to all municipalities; which allows a state legislature to control local government structure, methods of financing its activities, its procedures and the authority to undertake functions.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
Funding resources mandate bonding provisions (i.e., Miller Act compliance) for public infrastructure works in the Commonwealth of Virginia.
- Stipulations for minority-owned and disadvantaged business entities inclusion are also tied to sources of funding compliance.*
- Are P3 projects in this state eligible for other financing programs?**
Funding and financing resources for public infrastructure procured through alternative delivery methods, including P3s, are allowed, and can draw upon and leverage these programs, including TIFIA, PABs, WIFIA, RRIF, as applicable. Local jurisdictions can also draw upon local, regional, county and state funds, as available, and combine with applicable Federal funding, as program mandates and guidelines allow.
- What Projects or Asset Classes are eligible for P3 in this state?**
K-12 school/support facility; Recreational facility/stadium; College/University facilities; Utility/Telecommunications infrastructure; Technology infrastructure; Solid waste facilities/Waste-to-Energy projects; and transportation projects. Revenue risk. Not eligible for availability payment based repayments.
- Are there Projects where the P3 procurement method has been applied?**
I-66; Elizabeth River Tunnels; 495 HOTLanes | 95 Express: are notable, successful P3s, ranging from contract negotiation thru completed construction and now operational.
- What is the legislative foundation for P3s in this state?**
*VDoT: Va. Code 56-556
Social: Va. Code 56-575.*