



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Washington**

1. **Does this state have broadly enabling P3 legislation?**
Washington Dept. of Transportation has authority to conduct procurements using P3s.
2. **Does the state allow for Unsolicited Proposals?**
Washington's procurement processes allow for the submission of unsolicited proposals. Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. The commission may not accept or consider any unsolicited proposals before July 1, 2018.
3. **What is the state's P3 Review Process?**
§47.29.060 requires legislative approval to finance a project through revenue bonds and for the use of user fees; §47.29.230 requires legislative approval for the expenditure of money in the transportation innovative partnership account. An evaluation is required to compare WSDOT's internal ability to complete a project that documents advantages of completing the project as a partnership versus solely as a public venture; including such factors as priority, cost, risk sharing, scheduling, and management conditions.
4. **Does the state have a Centralized Agency dedicated to P3?**
WSDoT: Washington Department of Transportation.
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 legislature to control local government structure, methods of financing its activities, its procedures and the authority to undertake specific functions.
6. **Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
Washington State has a "Minority, Small, Veteran and Women's Business Enterprise Program" whose primary objective is to increase M/S/V/WBE participation on WSDOT's contracting and procurement activities. §47.29.200 requires the use of prevailing wages. §47.29.140 requires consistency with collective bargaining agreements.
7. **Are P3 projects in this state eligible for other financing programs?**
Subject to limitations, WashDoT, in connection with the evaluation of eligible projects, may consider any financing mechanisms through which a project could be financed in whole or in part with: proceeds of grant anticipation revenue bonds; grants, loans, loan guarantees, lines of credit, revolving lines of credit, or other financing arrangements available under the Transportation Infrastructure Finance and Innovation Act; or infrastructure loans or assistance from the state infrastructure bank.
8. **What Projects or Asset Classes are eligible for P3 in this state?**
*Transportation assets: Contracts for planning, acquisition, design, financing, management, development, construction, reconstruction, replacement, improvement, maintenance, preservation, repair and operation of transportation projects where the state's primary purpose is to facilitate safe transport. Projects eligible for development under this chapter include:
(1) Transportation projects, whether capital or operating, where the state's primary purpose for the project is to facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.; and
(2) Facilities, structures, operations, properties, vehicles, vessels, or the like that are developed concurrently with an eligible transportation project and that are capable of (a) providing revenues to support financing of an eligible transportation project, or (b) that are public projects that advance public purposes unrelated to transportation.*
9. **Are there Projects where the P3 procurement method has been applied?**
The Transportation Innovative Partnerships Act makes all transportation projects of all modes eligible for development as a P3, administered by WSDoT and overseen by the Washington State Transportation Commission. Since its passage, no P3 projects for toll facilities have been undertaken. Only small, non-tolled projects have advanced under the current program.
10. **What is the legislative foundation for P3s in this state?**
Washington Rev. Code 47.29.010 to 900