



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Maryland**

SUMMARY OF P3 LEGISLATIVE STATUS:

Maryland is generally considered a broadly-enabled P3 procurement state/market.

1. **Does the state have broadly-enabling P3 legislation?**

Maryland's statutory authority does allow for P3s: applied to transportation infrastructure projects, including roads, highways, bridges, seaports, airports and transit; for municipal facilities, with certain eligibility restrictions and environmental projects (wastewater, water treatment, stormwater, flood mitigation).

Enterprise Program shall apply to public-private partnerships. There are specific provisions governing the needs for appropriate payment & performance security for public-private partnerships.

2. **Does the state allow for Unsolicited Proposals?**

Maryland does allow for the receipt and review of unsolicited proposals. There would, of necessity, be a competitive bidding process for any further procurement decision-making.

7. **Are P3 projects in this state eligible for other financing programs?**

Qualified projects are eligible for combinations of funding and financing resources and programs, including Federal programs (i.e., TIFIA and PABs) and State funds; though not local (county or municipal) funding initiatives.

3. **What is this state's P3 Review Process?**

Multi-tiered review and approval process, for both solicited and unsolicited proposals, including RFIs, RFQs, and RFPs. Requires legislative review and approval.

8. **What Projects or Asset Classes are eligible for P3 in this state?**

Transportation and more broadly defined as "public infrastructure assets" (including 'social'). State-level transportation and shared-use arrangements of school facilities in exchange for school property enhancements and/or revenue (limited applicability to educational facilities, though available for use).

4. **Does this state have a Centralized Agency dedicated to P3s?**

No. State Department of General Services, State DOT, Maryland Transportation Authority, the University System of Maryland, Morgan State University, St. Mary's College of Maryland and the Baltimore City Community College.

9. **Are there projects where the P3 procurement method has been applied?**

*Sea Girt Marine Terminal, Baltimore, MD
Purple Line (mass transit project)*

5. **Is this a Home Rule state, with limitations or opportunities for P3?**

Maryland employs Dillon's Rule to all municipalities; which allows legislative control of local government structure, methods of financing its activities, procedures and authority.

10. **What is the legislative foundation for P3s in this state?**

*Md. State Finance and Procurement Code Ann. §§10A-101 to 403
MD Code Regs. 11.07.06.01 to 14 (Transportation Public-Private Partnerships Program)
MD Code Regs 23.3.05.05 (County or local educational agencies)*

6. **Does this state have programmatic requirements for P3 participation (i.e., MWDBE or labor)?**

To the extent practicable and permitted by the US Constitution, provisions of the Minority Business