P3 Snapshot: **West Virginia**

SUMMARY OF P3 LEGISLATIVE STATUS:

Project-specific for transportation (highway) projects.

1. Does this state have broadly enabling P3 legislation?
    The state's P3-enabling statute permits a pilot phase for the evaluation of alternative project delivery methods, with specific eligibility for highway (transportation) projects.

2. Does the state allow for **Unsolicited Proposals**?
    There are no provisions for the acceptance or review of unsolicited proposals.

3. What is the state's P3 **Review Process**?
    §17-27-9(h) requires the commissioner of highways to submit a copy of each comprehensive agreement to the Joint Committee on Government and Finance.

4. Does the state have a **Centralized Agency** dedicated to P3?
    Division of Highways.

5. Is this a **Home Rule state**, with limitations or opportunities for P3?
    No. Dillon's Rule appears to have been abolished in 1969 Municipal Code, §7, Article 1. WVa has conducted a home rule pilot program which is due to stop by the middle of 2019.

6. Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?
    Labor: 6 §17-27-16 requires agreements to be subject to state labor statutes.

7. Are P3 projects in this state eligible for other financing programs?
    §17-27-10 permits the use of federal assistance and the use of proceeds of a grant or loan made by the federal government; including TIFIA.

8. What Projects or Asset Classes are eligible for P3 in this state?
    Explicitly allows the conversion of existing roads to toll roads. Allows P3s for both existing and new facilities.

9. Are there Projects where the P3 procurement method has been applied?
    While there have been Design + Build procurements, there have yet to be P3 solicitations.

10. What is the legislative foundation for P3s in this state?
    W. Va. Code §§17-27-1 to 18. Acquisition, construction or improvement of a transportation facility, including any waterway port facility, road, bridge, tunnel, overpass or existing airport.

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