



Innovative Program Delivery

Model P-3 Contracts

Listening Session

USDOT Headquarters, West Atrium
January 16, 2013
12:00 p.m. – 4:00 p.m.





Model P-3 Contracts

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Welcome and Introductions	Regina McElroy
Opening Remarks	Beth Osborne
Ground Rules & Logistics	Regina McElroy
Open Discussion	Deborah Brown-Davis
Closing Remarks	Regina McElroy



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MAP-21 SEC 1534, (d) STANDARD TRANSACTION CONTRACTS-----.

- (1) DEVELOPMENT.— Not later than 18 months after the date of enactment of this Act, the Secretary shall develop standard public-private partnership transaction model contracts for the most popular types of public-private partnerships for the development, financing, construction, and operation of transportation facilities.
- (2) USE.—The Secretary shall encourage States, public transportation agencies, and other public officials to use the model contracts as a base template when developing their own public-private partnership agreements for the development, financing, construction, and operation of transportation facilities.



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Discussion Period

Contract Format	45 min
Contract Scope	45 min
Specific Provisions	45 min
Transaction Type	45 min
Closing Remarks	5 min



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Model Contract Template Design

- Complete contract with recommended or sample language for each provision?
- Recommended language for common provisions only and placeholders for others?
- Outline minimum provisions with menu of options?
- Should there be any contract attachments such as Definitions or Performance Measures, or suggestive list of possible attachments?



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Model Contract Scope

- What general provisions should be included?
 - Public protections, Non-compete clauses
 - Federal requirements: permitting, safety, signage and other requirements mandated by federal legislation and regulation
 - Other
- Are there things that should be excluded?



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Specific Provisions to be Included

- Specific public protections?
 - transparency, public input, contract term, anti-competition clauses, worker protections
- Performance requirements?
 - hand-back conditions, quality of service, operational standards, quality control/quality assurance during construction etc.
- Other . . . ?



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Types of Contracts & Facilities

- Which Deal Types?
 - Design-build-finance (-operate-maintain)
- Which Payment Models?
 - Tolled concession
 - Availability payments
- Which Facility Types?
 - Non-tolled highway extensions
 - Intermodal facilities
- Other . . . ?



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Federal Register Notice

<http://www.gpo.gov/fdsys/pkg/FR-2013-01-09/pdf/2013-00219.pdf>

Comment Link

<http://www.regulations.gov/#!home;tab=search>

Docket # FHWA-2012-0126