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Ballard Spahr: Proposed Legislation Provides Further Support for P3 Transportation Infrastructure Projects.

Legislation recently introduced in the U.S. House of Representatives calls for the senior procurement executive of the U.S. Department of Transportation (DOT) to enhance the services of the Office of Contract and Procurement by working with agencies, states, and other grant recipients on implementing public private partnership (P3) procurement best practices.

The legislation, H.R. 3465, was sponsored by Representative Sean M. Maloney of New York, who sits on the House Transportation and Infrastructure Committee. He served on a special committee panel that issued a report in September 2014 finding that P3s can be better utilized to enhance the delivery and management of transportation infrastructure projects across the country. The legislation calls for the senior procurement executive at DOT to develop suggested best practices to encourage standardizing state P3 authorities, including consistent, fair and balanced assumptions made in the calculations of unsolicited bids, noncompete clauses and other major P3 agreement elements.

A report by the Congressional Budget Office issued earlier this year found that P3 expenditures for the 36 highway and bridge P3s that have occurred in the United States over the last 25 years have totaled nearly \$32 billion, which is less than 1 percent of the approximately \$4 trillion spent on similar projects by all levels of government over that same period. While P3s cannot provide the sole solution to the nation's infrastructure needs, H.R. 3465 intends to further encourage the use of P3s in financing transportation infrastructure needs. The legislation is among a series of recent steps taken to encourage the use of P3s.

A list of recent Ballard Spahr alerts on this topic are below:

[Bill Would Create New Category of Tax-Exempt Bonds, Tax Credits for P3 Projects](#)

[Obama's Proposed 2016 Budget Seeks To Address Infrastructure Needs](#)

[New P3 Legislation To Take Effect in Washington, D.C.](#)

[President Announces New Build America Initiatives; Introduces New Type of Municipal Bond](#)

The full text of H.R. 3465 can be found [here](#).

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by the P3/Infrastructure Group

Attorneys in Ballard Spahr's P3/Infrastructure Group routinely monitor and report on new developments in federal and state infrastructure programs related to transportation and other types of projects. For more information, please contact P3/Infrastructure Practice Leader Brian Walsh, William C. Rhodes, Steve T. Park, Christopher R. Sullivan, or the member of the Group with whom

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