

Best Practices Review of PPP Programs and Laws in Washington State (Non-toll roads)

General Scope of Work:

WSDOT's Public/Private Partnerships Office will assist the Transportation Commission with their review of the laws and rules governing Washington State's Transportation Innovative Partnership (TIP) Program; and research the programs and best practices currently in use by other government agencies with experience in non-toll road PPP projects.

Summary of Main Tasks:

1.0 Analyze Existing PPP-related Laws, Rules and Programs Governing WSDOT and the Washington State Transportation Commission

- 1.1 Review current TIP program rules and enabling legislation to identify areas of constraint.
- 1.2 Review innovative contracting and project delivery laws and rules used by WSDOT for transportation-related projects.
- 1.3 Review programs, funding and staffing at WSDOT and the Commission to establish the state transportation agency comparator (or baseline).

Deliverable: Catalogue existing laws, rules and programs used for state transportation project development, identifying areas of constraint or ineffectiveness

Target Date: By June 30, 2010

2.0 Review Public/Private Partnership Programs, Projects at Other Public Agencies in Washington State

- 2.1 Develop candidate list of public agencies to research and interview
- 2.2 Conduct research on laws, policies and programs that guide these agencies
- 2.3 Prepare structured interview questions
- 2.4 Conduct interviews with select public agencies in Washington State

Deliverable: Document the basic approaches of these agencies; highlight approaches, structures, projects and programs that are unique and have a track record of success.

Target Date: By August 15, 2010

3.0 Interview Private Sector Developers and Professional Services Firms with Experience in Successful PPP projects

- 3.1 Develop candidate list of firms and persons to interview
- 3.2 Prepare the interview questions and structure
- 3.3 Conduct the interviews
- 3.4 Based on interview discoveries, research additional agencies and programs

Deliverable: Report the findings of the interviews, including key success factors identified by the private sector practitioners.

Target Date: By September 15, 2010

4.0 Comparison of Best Practices of other Public Agencies against Washington State's Program

- 4.1 Develop a framework for comparing key issues (quantitative, qualitative, and anecdotal)
- 4.2 Compare and contrast key features of the laws and programs
- 4.3 Draw conclusions about how Washington State's laws and program could be improved.

Deliverable: Document the substantive differences and apparent best practices; report how Washington State could improve upon current laws and programs.

Target Date: By September 30, 2010

5.0 Stress-Test a New Prototype for Washington State PPP Law and Program

- 5.1 Develop a basic model for PPP powers, program and a project approval process
- 5.2 Develop PPP project scenarios (or case studies) to run through table-top exercise
- 5.3 Schedule and conduct an internal workshop to run through the mock process
- 5.4 Identify and record areas of success and barriers

Deliverable: Report the results of the table-top exercise.

Target Date: By October 31, 2010

6.0 Develop a Recommended PPP Project Approval Structure for use by WSDOT and Commission

- 6.1 Make modifications to the Prototype in response to Task 5.0
- 6.2 Draft a final report, including recommendations for areas of change
- 6.2 Draft model legislation available for 2011 legislative session

Deliverable: Final report and recommendations; draft legislation for 2011 session.

Target Date: By November 30, 2010

7.0 Final Report Delivered to Governor and Legislature

Target Date: December 20, 2010