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