



DC P3 Bill Begins to Move

The Committee of the Whole of the District of Columbia City Council met this week. Among the bills that the Committee considered was the pending P3 legislation in Bill 20-595. Under the bill, the P3 agreement must include a requirement for performance and payment bonds or other security and risk-mitigation tools deemed suitable by the Office of Public Private Partnerships. In connection with the initial hearing on the bill on June 12, SFAA contacted the Committee staff and urged that the P3 bill should be amended so that payment and performance bonds are required on the design and construction portions of the P3 and bonds, security or other risk-mitigation tools could be used on other phases of the P3. SFAA also gave each member of the Council our FAQs on bonding for P3s at that time.

At the hearing, the Committee adopted Bill 20-595 as amended based on comments received at and after the June 12 hearing. The amendments adopted today were not made available to the public at the hearing. SFAA will obtain a copy of the amended bill as well as a committee report that also was adopted today, but not made available at the hearing. If the bonding provisions in the bill have not been amended, SFAA will work with the other trades to obtain an amendment in the window of opportunity that we have before the bill is put on the Council agenda for first reading next week.

At the recent hearing, it was noted that there was no opposition to P3s at the June 12 hearing, but rather only recommendations for changes in the language of the bill before the City Council. Some Council members questioned the need for creating an Office of Public Private Partnerships. Concerns were expressed that it was a new agency and that it may overlap or conflict with existing public entities. It was noted that both Maryland and Virginia have P3 laws and that both have such an oversight office. Virginia again was cited as a model for state and local P3 laws.