

P3 Legislative Snapshot

CALIFORNIA

State P3 Legislative Status: Broadly-enabled P3 authority.

1. Does this state have broadly-enabling P3 legislation?

Authorizes local governments to utilize private sector investment capital to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair and/or operate a variety of fee-producing infrastructure facilities; authorizes cities, counties, and special districts through 2028 to use progressive design-build for ten projects of any type, each in excess of \$5 million; authorizes transportation agencies through January 1, 2029 to procure progressive design-build contracts for up to ten public works projects, each in excess of \$5 million; authorizes Caltrans to use P3s for environmental mitigation projects; authorizes the Department of Water Resources and Caltrans to use the progressive design-build procurement process for the construction of up to eight public works projects per department for a project that is estimated to exceed \$25,000,000.

2. Does this state allow for Unsolicited Proposals?

Yes.

3. What is this state's P3 Review Process (i.e., multi-step: RFI, RFQ, RFP – even for unsolicited proposals)?

Local: Dictated by local procurement agency.

4. Does this state have a Centralized Agency dedicated to P3?

No.

5. Is this a Home Rule state, with limitations or opportunities for P3?

Yes.

6. What Projects or Asset Classes are eligible for P3 in this state?

Local: Eligible fee-producing infrastructure project means irrigation; drainage; energy or power production; water supply, treatment, and distribution; flood control; inland waterways;

harbors; municipal improvements; commuter and light rail; highways or bridges; tunnels; airports and runways; purification of water; sewage treatment, disposal, and water recycling; refuse disposal; and structures or buildings, except structures or buildings that are to be utilized primarily for sporting or entertainment events. Caltrans environmental mitigation projects.

7. Are there Projects where the P3 procurement method has been applied?

Carlsbad Water Treatment, Presidio Parkway, Long Beach Courthouse, Long Beach Civic Center, University of California, Merced.

8. What is the legislative foundation for P3s in this state?

CA GOV Code §5956 to 5956.10

(local government agencies authority)

CA PCC Code § 22160 – 22169

(local agency design-build projects)

CA FGC Code § 2081

(Caltrans environmental mitigation authority)

CA PCC Code § 10215.1

(authority for Department of Water Resources and Caltrans)

Authority for cities, counties, and special districts to be codified at **CA PCC Code § 22185**

Authority for transportation agencies to be codified

at **CA PCC Code § 22180**

Note: **CA SHC Code §143** which granted P3 authority to CalTrans and regional transportation agencies expired on January 1, 2017. On May 19, 2023, Gov. Newsom signed Executive Order N-8-23 establishing a multi-agency Infrastructure Strike Team, to be led by the Senior Counselor of Infrastructure.