

P3 Legislative Snapshot

NORTH DAKOTA

State P3 Legislative Status: Broadly-enabled P3 authority for fee-based facilities.

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

Authorizes a public authority to enter into P3 agreements for the construction, improvement, rehabilitation, ownership, or operation of a fee-based facility. Public authority is defined as the state, subject to legislative authority, a county, township, or city when ownership of or jurisdiction over a fee-based facility has been tendered to and accepted by said authority.

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)?

Subject to approval by public authority.

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?

"Fee-based facility" means a facility that provides a service in which the charge is based on the level of service by users or a rental fee paid by a public authority. The facility may be a library, city hall, and an appurtenant building, a water or sewage treatment plant, or other public improvement; land lying within applicable rights of way; and other appurtenant rights or hereditaments that together comprise a project for which a private operator is authorized to operate or own and impose fees or derive a rent as expressed in the development agreement.

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

Fargo-Moorhead Flood Diversion Project.

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

[N.D. Cent. Code §§48-02.1-01 to 13](#)

