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Overview

This bill creates a new chapter in Minnesota Statutes regulating public-private partnerships for infrastructure projects.

Section

- 1** **Definitions.** Provides definitions for proposed chapter 16F.
- 2** **Approval required.** Requires a private entity and a government entity to enter into a valid contract under the terms of this chapter before the private entity can design, build, construct, finance, operate, or maintain a public infrastructure project.
- 3** **Project requirements.** Requires a government entity to perform a feasibility study on proposed infrastructure projects.
 - Subd. 1.** Requires a government entity to perform a feasibility study prior to soliciting bids for an infrastructure project.
 - Subd. 2.** Sets forth what must be included in a feasibility study. Requires that the feasibility study be published on the government entity's website.
 - Subd. 3.** Regulates the government entity's use of private consultants to assist with the feasibility study.
 - Subd. 4.** Requires the government entity to hold a public hearing on the results of the feasibility study.
 - Subd. 5.** Prohibits public-private partnerships that do not comply with the feasibility study requirements under this section.

Section

- 4 Request for proposals; competitive process.** Requires a government entity to solicit and evaluate competitive proposals from private entities for work on an infrastructure project.
- Subd. 1.** Regulates the government entity's use of private consultants to assist with the request-for-proposals process.
- Subd. 2.** Sets forth what must be included in a government entity's request for proposals.
- Subd. 3.** Requires the government entity to develop criteria to objectively compare and evaluate proposals submitted by private entities. Sets forth minimum requirements for the criteria.
- Subd. 4.** Permits a government entity to conduct confidential meetings with a private entity that has submitted a proposal.
- Subd. 5.** Requires a government entity to reject all proposals that do not meet its requirements.
- Subd. 6.** Permits a government entity to charge a fee to cover the costs of processing unsolicited proposals, which are provided for in section 11 of the bill.
- 5 Comprehensive agreement requirements.** Lays out what must be included in a comprehensive agreement (i.e., contract) between a government entity and a private entity for work on an infrastructure project.
- 6 Powers and duties; private entities.** Discusses a private entity's authority and obligations with regard to an infrastructure project.
- 7 Federal, state, and local assistance.** Provides that a private entity and government entity may use any funding resources available to pay for the infrastructure project.
- 8 Performance and payment bonds required.** Requires a public-private partnership under this chapter to be guaranteed by performance and payment bonds under the Public Contractors' Performance and Payment Bond Act (§§ 574.26–574.32). A performance bond helps ensure that the work will be completed according to the terms of the contract, and a payment bond helps ensure that subcontractors and workers are paid.
- 9 Material default; remedies.** Provides for circumstances where a private entity materially breaches its contract with the government entity.
- 10 Procurement guidelines.** Exempts public-private partnerships under this chapter from the procurement guidelines under the uniform municipal contracting law (§ 471.345).
- 11 Unsolicited proposals.** Permits a government entity from accepting unsolicited proposals from a private entity for a proposed infrastructure project.
- 12 Conflict of interest.** Prohibits a government entity's employee, or a close relative of the employee, from accepting any gift or remuneration from a private entity participating in a competitive bidding process for an infrastructure project.
- 13 Prohibited employment with former or retired governmental entity employees.** Prohibits a private entity that has entered into a public-private partnership from employing a person who was, within the past two years, employed by the partnering government entity.

Section

- 14** **Government entity employees; prohibited employment.** Prohibits a government employee from being simultaneously employed by a private entity for work on a public-private partnership.
- 15** **Construction; effect.** Instructs courts that interpret or apply this new chapter of law to construe it in a way that encourages public-private partnerships for infrastructure projects.