

Public-Private Partnership Unsolicited Proposals

In submitting an unsolicited proposal, a Public-Private Partnership (P3) concept shall be consistent with the State of Maryland's definition of a P3. [State Finance and Procurement Article, § 10A-101\(f\)\(1\), Annotated Code of Maryland](#) defines a P3 as a method for delivering public infrastructure assets using a long-term, performance-based agreement between a reporting agency and a private entity where appropriate risks and benefits can be allocated in a cost-effective manner between the contractual partners in which:

- a private entity performs functions normally undertaken by the government, but the reporting agency remains ultimately accountable for the public infrastructure asset and its public function; and
- the State may retain ownership in the public infrastructure asset and the private entity may be given additional decision-making rights in determining how the asset is financed, developed, constructed, operated, and maintained over its life cycle.

A. Unsolicited Proposal Submittals

Unsolicited proposals must comply with the requirements of the Title 10A of the [State Finance and Procurement Article, Annotated Code of Maryland](#) and [Title 11, Subtitle 01, Chapter 17, of the Code of Maryland Regulations \(COMAR\)](#).

In accordance with [State Finance and Procurement Article, §10A-301, Annotated Code of Maryland, the Maryland Department of Transportation \(MDOT\)](#), as a reporting agency, shall be permitted to accept, reject, or evaluate unsolicited proposals for P3s that will assist MDOT in implementing its functions in a manner consistent with State policy.

Assets defined as transportation facilities projects under [Transportation Article, §4-101\(h\), Annotated Code of Maryland](#): (i) are not the direct responsibility of MDOT; (ii) are the direct responsibility of the Maryland Transportation Authority (MDTA) and should not be included in unsolicited proposals submitted to MDOT.

1. Informational Meetings

An unsolicited proposal may be submitted at any time. MDOT highly recommends that a private entity request a meeting with MDOT to discuss potential unsolicited proposals prior to submission. Requests for unsolicited informational meetings shall be submitted in writing to MDOT headquarters, 7201 Corporate Center Drive in Hanover, Maryland 21076, and directed to the attention of the P3 Steering Committee Chair. MDOT is not required to grant meetings in response to a request. During unsolicited informational meetings, MDOT may provide informal feedback and comments to the private entity. The primary purpose of unsolicited informational meetings shall be to avoid private entities spending unnecessary time and resources on the development of unsolicited proposals that do not directly meet the State's transportation needs. A formal review and screening of an unsolicited proposal shall be undertaken only after a private entity completes the formal submission process.

2. Instructions for Submitting Unsolicited Proposals

An unsolicited proposal shall: (i) be delivered to MDOT headquarters located at 7201 Corporate Center Drive in Hanover, Maryland 21076. This should be directed to the attention of the P3 Steering Committee Chair. The unsolicited proposal shall consist of fifteen (15) hard copies and one (1) electronic copy and be sealed in a mailing envelope or package bearing the private entity's name, address, and the words "Public Private Partnership Unsolicited Proposal" clearly on the outside.

3. Unsolicited Proposal Requirements

An unsolicited proposal shall be conceptual, containing only the information required for the Steering Committee to conduct a high-level review and screening of the proposed public-private partnership concept.

An unsolicited proposal shall include, at a minimum, the following:

- (i) Executive summary of the major elements of the unsolicited proposal, including:
 - (a) the title of the proposed concept;
 - (b) a brief description and justification of the proposed concept;
 - (c) the name and address of the P3 private entity; and
 - (d) a signature of an individual authorized to act on behalf of and bind the private entity, along with the individual's telephone number and email address.
- (ii) Summary of the experience, expertise, technical and financial competence, and professional qualifications of the private entity.
- (iii) A summary narrative that describes:
 - (a) the key components of the proposed P3 concept;
 - (b) preliminary ideas of P3 scope, schedule, and project lifecycle considerations;
 - (c) preliminary qualitative evaluation of relevant benefits and costs;
 - (d) preliminary description of financial concepts;
 - (e) the relevance of the public-private concept to other transportation facilities or other public infrastructure assets; and
 - (f) a statement of the P3 concept's consistency with existing governmental transportation planning or project documents and governing law.
- (iv) A high-level description of financial feasibility that includes:
 - (a) amounts and sources of any public funding that may be required;
 - (b) how estimated funding from all relevant sources would be sufficient to support all asset delivery activities, including design, property and equipment acquisition, construction, long term capital replacement activities, financing, operations, and maintenance; and
 - (c) how estimated funding from all relevant sources would be sufficient to provide for contingencies to meet the terms and conditions under which the public infrastructure asset shall be handed back to MDOT at the expiration or termination of the P3 agreement.
- (v) Rationale for a P3 delivery method relative to a conventional project delivery approach.
- (vi) Clear indication of any proprietary information that should be protected in accordance with [State Finance and Procurement Article §10A-301\(d\)\(2\), Annotated Code of Maryland](#).

- (vii) Additional information, as necessary, to support a high-level screening process, as outlined in [COMAR 11.01.17.06C \(1\)](#).

4. Unsolicited Proposal Fee

Each unsolicited proposal that addresses a project already in the [Consolidated Transportation Program \(CTP\)](#) shall be accompanied by a check in the amount of \$10,000 made payable to the Maryland Department of Transportation.

Each unsolicited proposal that does not address a project already in the [CTP](#) shall be accompanied by a check in the amount of \$25,000 made payable to the Maryland Department of Transportation.

MDOT reserves the right, in its sole discretion, to determine whether the unsolicited proposal addresses a project already in the CTP and whether submitted alternates and variations of a proposal shall be considered separate proposals that require separate proposal fees.

Unsolicited proposal fees are non-refundable.

B. Unsolicited Proposal Screening Process

The purpose of screening is to assist MDOT in determining the appropriateness, viability, and effectiveness of delivering a public infrastructure asset for which it is responsible using a P3 methodology.

The screening methodology is a means to systematically apply uniform and consistent factors to both internally generated P3 concepts and unsolicited P3 concepts.

The screening process is organized into two phases, the high-level screening phase and detailed-level screening phase.

1. High-Level Screening Phase

Factors to be considered during the high-level screening may include, but are not limited to:

- (i) the ability to meet State transportation, socio-economic development, workforce, and environmental goals;
- (ii) technical implementation considerations;
- (iii) potential need for coordination with other State agencies, including but not limited to the Maryland Transportation Authority;
- (iv) opportunities to accelerate asset delivery implementation;
- (v) ability to allocate and share risks in a cost-effective manner that is consistent with State law and in the best interests of the State;
- (vi) opportunities to reduce reliance on public funds or finance, or both;
- (vii) public affordability considerations;
- (viii) potential for increased revenue generation and revenue sharing with MDOT; and
- (ix) potential impacts on the workforce, including existing State employees, if any.

For unsolicited proposal concepts, the high-level screening shall be conducted based on information provided by the private entity in an unsolicited proposal and any supplementary information available within MDOT.

Based on the findings of the high-level screening, the Steering Committee may recommend to the Secretary, that the specific P3 concepts be advanced or not be advanced to the detailed-level screening.

The Secretary's written approval shall be required to advance or not advance a P3 concept to the detailed-level screening phase.

Within 45 days after receipt of an unsolicited proposal, the Steering Committee shall notify the private entity that the concept has been advanced or not advanced to the detailed-level screening or request additional information from the private entity.

2. Detailed-Level Screening Phase

The detailed-level screening phase shall be more comprehensive than the high-level screening phase. In addition to the findings of the high-level screening phase, analyses and documentation during the detailed-level screening phase may include some or all of the following categories:

- (i) scope, design concepts, and phasing schedules;
- (ii) compliance with federal and State environmental and transportation planning requirements;
- (iii) technical and financial feasibility analyses;
- (iv) evaluation of operations and maintenance requirements;
- (v) asset lifecycle costs and revenue estimates;
- (vi) risk assessment of key asset delivery requirements;
- (vii) in the event that a P3 delivery method may have a potential impact on the workforce or existing State employees, a preliminary assessment of the potential impact and potential options for mitigating that impact, including the protections allotted to State employees that are in effect at the time that the P3 agreement is approved by the [Board of Public Works \(BPW\)](#); and
- (viii) other analyses determined to be necessary to determine the appropriateness, viability, and effectiveness of the P3 delivery method.

The types of analyses and resources committed to a detailed-level screening phase will be determined by the Steering Committee and Secretary, on a case-by-case basis.

Based on the findings of the detailed-level screening, the Steering Committee shall make recommendations to the Secretary as to which P3 concepts should be advanced and which should not be advanced to submission of a pre-solicitation report.

The Secretary's written approval shall be required to advance or not advance a P3 concept to submission of a pre-solicitation report.

Within 45 days after advancement of a P3 concept to the detailed level screening analysis phase, the Steering Committee shall: (i) notify the private entity that the concept is or is not

under development for possible submission of a pre-solicitation report; or (ii) request additional information from the private entity.

C. Solicitation

MDOT will not issue a public notice of solicitation until it submits a pre-solicitation report in accordance with [State Finance and Procurement Article, 10A-201, Annotated Code of Maryland](#) and the BPW designates the project as a P3 and approves the solicitation method. After this occurs, MDOT shall:

- (i) conduct a competitive solicitation as described under Subtitle 2 of Title 10A of the State Finance and Procurement Article, Annotated Code of Maryland;
- (ii) Protect proprietary information included in the unsolicited proposal to the same extent proprietary information is protected under [§10A-203\(b\) of the State Finance and Procurement Article, Annotated Code of Maryland](#);
- (iii) Comply with all of the other procedural requirements set forth in Title 10A of the State Finance and Procurement Article, Annotated Code of Maryland.

Any unsolicited application which is advanced by the Secretary and designated as a P3 by BPW must go through a competitive solicitation process.

An individual or firm that has submitted an unsolicited proposal may participate in any subsequent competitive solicitation process. The private entity shall be responsive to all components of the subsequent competitive solicitation process even if certain information requested by the subsequent competitive solicitation process has already been submitted as part of the unsolicited proposal.

MDOT reserves the right to issue a public notice of solicitation relating to a concept described in an unsolicited proposal after the rejection or termination of the evaluation of the unsolicited proposal or any competing proposals.

D. Additional Information

All unsolicited proposals, applications, and other documentation are subject to the Maryland Public Information Act requirements. You can find links to laws, regulations, and guidance on [MDOT's PIA Information Page](#).

For further information about the unsolicited proposal process, the Steering Committee, or the attached unsolicited proposal application, please contact Marshall Macomber, Chief of Innovative Finance and Delivery at 443.510.1398 or mmacomber@mdot.maryland.gov.

MARYLAND DEPARTMENT OF TRANSPORTATION

DATE SUBMITTED Click or tap to enter a date.	(Name & address of the P3 Private Entity)
CONTACT INFORMATION Person authorized to act on behalf of and bind the private entity, along with the individual's telephone number and email address. 	
_____ SIGNATURE OF AUTHORIZED PERSON	
CONTACT INFORMATION Additional Contact 	
<input type="checkbox"/> Additional documents attached	
PROPOSED P3 CONCEPT TITLE Brief description and justification of the proposed concept 	
<input type="checkbox"/> Additional documents attached	

Based on the available information, provide concise statements to complete the following sections. You may attach additional documents to this application as necessary.

SUMMARY OF THE EXPERIENCE, EXPERTISE, TECHNICAL AND FINANCIAL COMPETENCE, AND PROFESSIONAL QUALIFICATIONS OF THE PRIVATE ENTITY.

☐ Additional documents attached

SUMMARY NARRATIVE

To the extent possible describe the key components of the proposed P3 concept; Preliminary ideas of the P3 scope, schedule, and project lifecycle considerations; Preliminary qualitative evaluation of relevant benefits and cost; Preliminary description of financial concepts; The relevance of the P3 concept to other transportation facilities or other public infrastructure assets; A statement of the P3 concept's consistency with existing governmental transportation planning or project documents and governing law.

☐ Additional documents attached

DESCRIBE FINANCIAL FEASIBILITY OF THE PROPOSED P3 CONCEPT

To the extent possible, identify amounts and sources of any public funding that may be required; Show how estimated funding from all relevant sources would be sufficient to support all asset delivery activities, including design, property and equipment acquisition, construction, long term capital replacement activities, financing, operations, and maintenance; Show how estimated funding from all relevant sources would be sufficient to provide for contingencies to meet the terms and conditions under which the public infrastructure asset shall be handed back at the expiration or termination of the P3 agreement.

☐ Additional documents attached

PROVIDE RATIONALE FOR PURSUING A P3 DELIVERY METHOD RELATIVE TO A CONVENTIONAL PROJECT DELIVERY APPROACH

☐ Additional documents attached

CLEAR INDICATION OF ANY PROPRIETARY INFORMATION THAT SHOULD BE PROTECTED IN ACCORDANCE WITH STATE FINANCE AND PROCUREMENT ARTICLE §10A-301(d) (2) ANNOTATED CODE OF MARYLAND.

If an applicant submits information in an unsolicited proposal that it believes contains confidential commercial information, confidential financial information and/or trade secrets and it believes such information should not be subject to disclosure under the Maryland Public Information Act, Title 4 of the General Provisions Article, Annotated Code of Maryland (PIA), then the applicant shall clearly mark such information as confidential and include a cover sheet explaining why each page or section of information has been marked as confidential and should not be disclosed under the PIA. Notwithstanding the foregoing, MDOT must make an independent determination regarding whether the information may be disclosed under the PIA or any other applicable law.

☐ Additional documents attached

ADDITIONAL INFORMATION, AS NECESSARY, TO SUPPORT A HIGH-LEVEL SCREENING PROCESS, AS OUTLINED IN COMAR 11.07.17.06 C (1)

☐ Additional documents attached

UNSOLICITED PROPOSAL FEE

☐ **THIS PROPOSAL ADDRESSES A PROJECT ALREADY IN THE CONSOLIDATED TRANSPORTATION PROGRAM.** CHECK OF \$10,000 MADE PAYABLE TO THE MARYLAND DEPARTMENT OF TRANSPORTATION

☐ **THIS PROPOSAL DOES NOT ADDRESS A PROJECT ALREADY IN THE CONSOLIDATED TRANSPORTATION PROGRAM.** CHECK OF \$25,000 MADE PAYABLE TO THE MARYLAND DEPARTMENT OF TRANSPORTATION

CHECK NUMBER:

MDOT RESERVES THE RIGHT IN ITS SOLE DISCRETION TO DETERMINE WHETHER SUBMITTED ALTERNATES AND VARIATIONS OF PROPOSALS SHALL BE CONSIDERED SEPARATE PROPOSALS THAT REQUIRE SEPARATE PROPOSAL FEES.

MDOT RESERVES THE RIGHT IN ITS SOLE DISCRETION TO DETERMINE WHETHER THE SUBMITTED PROPOSAL ADDRESSES A PROJECT ALREADY IN THE CONSOLIDATED TRANSPORTATION PROGRAM OR NOT.

UNSOLICITED PROPOSAL FEES ARE NON-REFUNDABLE.