



PHOTO COURTESY MIAMI ACCESS TUNNEL

President Obama visited the Port of Miami Tunnel Project in March to highlight the use of Public-Private Partnerships to deliver large public works projects. The tunnel project will connect the port to the interstate highway system and will take more than 1.5 million trucks out of the downtown area per year.

OPPORTUNITIES GROWING for Creative Public-Private Partnerships

Developing a successful Public-Private Partnership, also known as a P3, is becoming increasingly attractive in Florida, but only for those who are adequately prepared to navigate the somewhat complicated process.

Encouraged by strong support from Governor Rick Scott, the Legislature passed a bill to change the bidding process on much-needed public projects to allow for unsolicited bids. The increased use of public-private partnerships for projects that previously have been underfunded is drawing attention to our state. Examples of eligible projects include university housing, water and sewer facilities, roads, bridges, hospitals and courthouses. New legislation, sponsored by Rep. Greg Steube, an attorney in Becker & Poliakoff's Sarasota office, would open the door even wider for government entities to accept external funding sources, expedite needed projects, reduce costs, improve efficiency and transfer risk to the private sector.

"P3s are a win-win when you can enable the government to meet its obligation to provide public services while offering a profitable business opportunity for the private sector," says Lee Weintraub, chair of Becker & Poliakoff's P3 team. Former Miami-Dade County Manager and firm COO George Burgess and real estate attorney Jennifer Drake serve as co-vice chairs with Weintraub, who is an expert in construction law.

While there is nothing new about public-private partnerships, as is evidenced by recent projects such as Marlins Stadium and the Port of Miami Tunnel, support for this bill is essential in making the statement to international lenders that Florida is a P3-friendly state.

"When these lenders are deciding where to invest their money, they like states whose top leaders endorse the P3 concept as it gives a level of stability to the process," Weintraub says. "It fosters uniformity among various governments for their respective P3s, creating more efficiency in the process and increasing the return to the private investors."

The most important component of putting together a P3 team for the private side is having someone who knows and has relationships with key decision makers — and more importantly, truly understands what drives decision making at the public level.

"The decision of who to select for a P3 project is not based on a hard bid number," says Burgess, who, as Miami-Dade County manager, negotiated and championed approval of the Port of Miami tunnel deal and numerous major infrastructure projects before leaving the county in 2012. "It's based on qualifications, innovation in your plan and ideas for cost cutting and efficiency. In the end, the effectiveness of the consultant selected to assist in the process could make or break the opportunities of being a successful bidder on a P3 job."

To help educate Florida companies and government entities on the value of P3 projects, Becker & Poliakoff helped launch the Florida Council for Public-Private Partnerships. The Council includes public owners, private builders, private lenders, and associate members such as lawyers, accountants and design professionals, to build relationships, share best practices and promote this increasingly popular method of serving public needs utilizing private dollars and knowhow.

For more on the proposed legislation and the Council, visit www.FCP3.org.