



QUICK REFERENCE GUIDE FOR SUBMITTING AN UNSOLICITED P3 PROPOSAL

The public-private-partnerships (P3s) project delivery method of doing business with the Commonwealth gained momentum in 2016 with passage of legislation, which not only authorized use of the P3 method in solicitations issued by a government agency but also the submission of unsolicited proposals by potential private sector partners.

This quick reference guide* is intended to help you navigate the unsolicited proposal P3 process for non-transportation** projects.

Benefits of P3s for Government

- Leverages private sector expertise and funding to advance government projects.
- Stimulates job creation and economic growth.
- Brings projects to fruition more quickly.
- Enhances infrastructure and quality of life.

A valid unsolicited P3 proposal must:

- Be independently generated.
- Be prepared without government involvement/direction.
- Include sufficient detail to determine benefits to agency or local government.

What is a public-private-partnership?

A long-term contract between a private party and a government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility, and remuneration is linked to performance."

(Definition from worldbank.org)

Your Bright
Idea!

Draft an
unsolicited
proposal

Make sure
minimum
requirements
are met

Redact a copy of
your proposal to
protect confidential
material

Submit to
proper agency
contacts

*This quick reference guide is for informational purposes only. Go to p3.ky.gov for additional information. For most current statutes, KRS 45A.077 and KRS 65.028, and regulations, 200 KAR 5:355, please visit lrc.ky.gov.

**For information on transportation-related P3s, see KRS 175B.037, 202 KAR 10:010, 202 KAR 10:020 and 603 KAR 2:020, which can be viewed at lrc.ky.gov.

P3 PROCESS FOR UNSOLICITED PROPOSALS

P3.KY.GOV

1

Persons, businesses or other entities may submit unsolicited proposals for a public asset or other service to the relevant governmental agency with a **copy** to the Secretary of the Finance and Administration Cabinet.

2

Proposals must be submitted in a sealed envelope marked “**unsolicited proposal**” and contain a cover letter to the agency identifying any proprietary information in the proposal that is exempt from public disclosure per KRS 61.878 or other applicable law.

3

Once an agency receives an unsolicited proposal, the agency must do one of the following:

- A. Elect to take further action.** At this point a public notice must be published.
- B. Decide not to take further action** on the proposal. If no action is taken within 90 days of submission, the proposal is deemed rejected.

4

If the agency elects to move forward, a **P3 Requisition (RQP3)** must be submitted to OPS or DECA. The RQP3 must include specific information regarding the nature, timing and scope of the unsolicited proposal. No trade secrets, financial records, or other proprietary information of the party submitting the proposal will be included in the RQP3 unless agreed to by all parties involved.

5

Using the requisition, OPS or DECA will **post a P3 Notice** on the eProcurement Vendor Self Service (VSS) web portal for 30-90 days. Instructions for submitting competing proposals and any required terms and conditions will be included.

6

Responsive proposals are sent to the agency for review. The agency must decide if moving forward is in the best interest of the Commonwealth.

- A.** No further action will be taken on proposal(s) deemed **not in the best interest** of the Commonwealth.
- B.** If some or all of the concepts in the proposal(s) are found to be **in the best interest** of the Commonwealth, then the agency may begin an open, competitive procurement process.

7

If the agency **decides to move forward**, a formal request for proposals (RFP), which includes all the information required by KRS 45A.077(4), is developed and posted. The RFP process is governed by KRS 45A.085 and 200 KAR 5:307.

8

If negotiations with the respondent whose proposal offers the best value are successful, a contract is awarded and the partnership begins!

DECA:

Division of Engineering & Contract Administration

If the proposal is for construction, leasing, or other facility related activities, then DECA provides assistance to state agencies during the process.

OPS:

Office of Procurement Services

If the proposal is for goods or services, then OPS works with the state agency throughout the process.

P3.KY.GOV

Did you know...

P3 capital projects totaling more than \$25M must be authorized by the General Assembly?