

## Public-Private Partnerships

Hawkins has played a leading role nationally in the evolution and development of the public-private partnership field for over 30 years, and today we are at the forefront of the P3 legal practice.

P3s, the most complex and comprehensive of the alternative project delivery methods, are private project financings of public infrastructure. Among our more than 250 DB, DBF, PDB, CMAR, DBOM and DBFOM (P3) alternative project delivery engagements, we have successfully negotiated and closed over 35 P3's. These include major projects in the five core infrastructure industries: water, transportation, public buildings, solid waste and power and renewable energy. Our infrastructure attorneys regularly advise public agencies in determining whether P3 is the most appropriate delivery method for a proposed project. In effectuating the transaction once P3 is selected and working as part of the project team with technical and financial advisory consultants, Hawkins drafts state-of-the-art project agreements as well as requests for qualifications and proposals. The firm has a long and distinguished record of successful P3 project procurement and implementation. We also represent financial institutions in public-private partnership lending, placement and investment banking transactions.

The firm is known for its expertise in structuring P3's in a clear, comprehensive and commercially reasonable manner that appropriately balances risk, fulfills a fundamental public purpose and secures an investment grade credit rating.

### Representative P3 Projects

Hawkins participation in P3 infrastructure project transactions includes projects distinguished by their innovative character and significance to the public agency owner and the P3 market generally.

Among our P3 engagements are:

#### Power and Renewable Energy

San Diego, California - Landfill Gas-to-Energy P3 Project  
Washington, DC Water and Sewer Authority - Solar P3 Project  
Central Contra Costa Sanitary District, California - Bioenergy P3 Project  
Klamath Falls, Oregon - Cogeneration Facility P3 Project

#### Public Buildings

State of California - New Long Beach Court Building P3 Project  
Howard County, Maryland - New Courthouse P3 Project  
San Francisco - Citywide Fiber Optic Broadband P3 Project  
State of New York - Consolidated Laboratory P3 Project

#### Solid Waste

Montgomery County, Maryland - Resource Recovery and Rail Haul P3 Project  
Onondaga County, New York - Waste-to-Energy P3 Project  
Virgin Islands Waste Management Authority - Resource Recovery and Recycling P3 Project  
New York City - Waste-to-Energy and Rail and Barge Waste Export P3 Projects

#### Transportation

Port Authority of New York and New Jersey - LaGuardia Airport Central Terminal Building

P3 Project

Massachusetts Bay Transportation Authority - Automated Fare Collection P3 Project

Florida Department of Transportation - Port of Miami Tunnel P3 Project

Texas Department of Transportation - SH 288 P3 Project

## Water

San Diego County Water Authority, California - Carlsbad Seawater Desalination P3 Project

San Antonio Water System, Texas - Vista Ridge Regional Water Supply P3 Project

Sacramento Regional County Sanitary District, California - Biosolids Management P3 Project

Cranston, Rhode Island - Wastewater Treatment and Biosolids Management P3 Project

## **P3 Lender's Counsel**

Hawkins finance attorneys regularly advise financial institutions on P3 and real estate project lending and underwriting transactions. Our P3 project lending clients include major investment and commercial banking firms and the United States government under the TIFIA and WIFIA P3 infrastructure subordinate debt lending programs in the transportation and water industries. On the strength of the firm's central position in the industry as owner's lead counsel in structuring financeable P3 procurements for public agencies, as well as its broad-based financing expertise, Hawkins is in particularly advantageous position to effectively counsel lenders and investment bankers in P3 project transactions.

## **Complementary Public Finance Practice**

Hawkins' P3 practice is strongly complemented by our top tier public finance practice. The firm, since 1980, has served as bond counsel or underwriter's counsel on over 14,000 municipal bond issues with a total principal amount exceeding \$1 trillion. Our work for public agencies at the intersection of alternative and traditional forms of building and financing public works makes us uniquely qualified to advise public sector clients when considering and undertaking alternative delivery and P3 approaches.

## **P3 Project Debt and Tax Exemption**

The depth of the firm's tax expertise allows Hawkins to offer its municipal clients highly refined and experienced insight in addressing one of the core questions at the heart of P3 project planning: how to minimize project debt service costs through tax-exempt financing. Our tax lawyers assist in structuring tax-exempt private activity bonds for P3 projects, and in combining taxable P3 project financings with tax-exempt municipal bonds in order to optimize risk transfer and cost-of-capital considerations. We are actively involved with legislative efforts in Congress to place private P3 project financings on a level tax-exempt playing field with traditional municipal bonds.

## **Contract Counterparties**

As owner's legal advisor in P3 procurements, Hawkins offers public agency clients the value of our experience in having negotiated contracts with most of the major P3 project equity sponsors and with an unusually broad and deep range of major national engineering, architectural, construction, design-build, operating service, and facilities management subcontracting firms.

## **P3 Industry Forums**

Attorneys in the firm's infrastructure practice group are regular presenters at P3 industry forums, reflecting Hawkins' commitment to advancing industry best practices for the benefit of owners, practitioners, and stakeholders. These include

conferences sponsored by P3 Connect, the United States Conference of Mayors, and the National Association of Public Private Partnerships.

## Practice

- Alternative Project Delivery

## Industries

- Power and Renewable Energy
- Public Buildings
- Solid Waste
- Transportation
- Water