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State Oversight of Public-Private Partnerships Entered into by State Agencies

Executive Summary

Government agencies may enter into long-term agreements with private entities to finance, build, operate, or maintain public infrastructure and facilities. These arrangements, commonly known as public-private partnerships (P3s), allow public agencies to access private-sector financing and expertise while retaining public oversight and accountability. States use P3s for transportation infrastructure, public buildings, utilities, and other public projects, although transportation remains the most common application. As states expand the use of P3s, some have adopted oversight structures that extend beyond transportation-specific requirements. These broader frameworks may address procurement, fiscal review, legislative reporting, and public accountability. This information requests examines oversight models from across the CSG South region.

Research Methods

Review of state legislative handbooks, rules, and procedures as well as review of state statutes using Quorum.

Findings and Analysis

Among CSG South member states, there is no single oversight model for non-transportation P3s. Instead, states typically rely on one or more of the following oversight mechanisms:

- Statutory authorization identifying which agencies may enter P3 agreements;
- Executive branch review and approval;
- State procurement and fiscal oversight;
- Legislative reporting requirements;
- Independent feasibility or value-for-money analyses; and
- Public notice and competitive procurement requirements.

Most states place primary responsibility for administering P3 agreements within the executive branch while supporting legislative transparency through reporting requirements, committee oversight, or both. Requirements for direct legislative approval of individual P3 agreements are less common. Florida, Georgia, and Virginia are three CSG South member states that have established statutory frameworks for overseeing non-transportation P3s.

Florida

Florida has a comprehensive P3 statute that applies to multiple sectors beyond transportation. Under this framework, the public entity responsible for a proposed partnership oversees and approves the agreement. As a result, oversight is decentralized and does not necessarily rest with a single state agency.[i]

Georgia

Georgia assigns P3 oversight responsibilities according to the project sector. The Georgia Department of Transportation oversee all transportation related P3s, including highway maintenance, electrical vehicle infrastructure, and railways.[ii] The State Properties Commission reviews unsolicited P3 project proposals.[iii] The Board of Regents of the University System of Georgia manages P3s involving student housing and campus infrastructure.[iv]

Virginia

Virginia has a long-standing statutory framework for public-private partnerships under the Public-Private Education Facilities and Infrastructure Act (PPEA). Public entities using the PPEA generally must:

- Adopt written procurement guidelines;
- Provide opportunities for legislative review before execution of major agreements;
- Establish advisory committees for significant projects; and
- Conduct public review processes.

The PPEA also requires each responsible public entity to establish an oversight committee that includes representatives of the public entity and the appropriating body. The committee oversees the proposal review process and helps ensure fair and competitive consideration of proposals.

Conclusion

States have adopted a range of approaches to oversee public-private partnerships outside the transportation sector, reflecting differences in statutory authority, administrative structures, and policy priorities. Although no single model applies across the CSG South region, common oversight mechanisms include executive branch review, procurement and fiscal controls, legislative reporting, and public transparency requirements. Florida, Georgia, and Virginia illustrate different governance structures, including decentralized oversight by individual public entities, sector-specific administrative responsibility, and formal statutory review processes.. As Tennessee considers expanding the use of P3s beyond transportation, these examples provide several approaches for overseeing and managing long-term public-private agreements.

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[i] Section 255.065, Florida Statutes
[ii] "Public Private Partnerships (P3) Program - Georgia DOT." 2026. Ga.Gov. 2026. https://www.dot.ga.gov/GDOT/pages/P3.aspx.
[iii] GA Code § 50-16-34
[iv] USG. 2016. "P3 | University System of Georgia." Usg.Edu. https://www.usg.edu/fiscal-affairs/p3/.