

PUBLIC-PRIVATE PARTNERSHIPS (P3)



Husch Blackwell structures public-private partnership (P3) transactions for critical infrastructure projects that fuel growth and serve lasting public needs. Our experienced team deftly navigates the span of P3 project delivery, from team formation to initial feasibility analysis and beyond project completion.

We draw from a deep appreciation of how complex political dynamics can drive high-stakes outcomes for P3 projects that may coalesce over years rather than months. From airports to higher education campus facilities, and from wastewater facilities to courthouses, our P3 team is adept at balancing the public and private sector interests that must come together to make a P3 delivery successful.

Husch Blackwell professionals recognize that P3s are not a magic bullet for infrastructure challenges – but when structured correctly, for the right projects, they are an ideal vehicle for driving success. We work closely with financial and technical advisors to help both private and public sector clients structure partnerships that unlock innovation, harness efficiencies, and reduce life cycle costs, while accessing capital that makes these significant infrastructure projects a reality.

Case Studies

Washington State Major League Baseball Public Facilities District

Seattle's publicly-owned major league baseball ballpark, completed in 1999, had been home to the Seattle Mariners

“The lawyers are more than just advisors, they are partners in achieving our goals. They are always extremely knowledgeable and exceptionally effective.”

— Chambers
USA 2018 —

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for 20 years – and the team’s original lease was about to expire. The Washington State Major League Baseball Public Facilities District (or PFD), the ballpark’s owner, turned to Husch Blackwell for assistance in striking a new agreement with the team.

Garney Construction

At approximately 1.5 million residents, San Antonio, Texas, is one of the fastest-growing large cities in the U.S. Keeping pace with that growth—particularly the vital infrastructure required to support current and future residents—is a challenge. The San Antonio Water System (SAWS) laid an ambitious plan to ensure that the city had adequate stores of water for the future in committing to the first large-scale public-private partnership (P3) for water infrastructure with the \$3.4 billion Vista Ridge system, a project consisting of the production, treatment, delivery and sale to SAWS of up to 50,000 acre-feet of potable water each year for 30 years.

Hunt Development Group

When Travis County, Texas, announced plans to replace the Heman Marion Sweatt Courthouse, which opened in 1931, via an alternative project delivery process, Hunt Development took the lead in putting together a consortium to bid on the project to develop a 430,000-square-foot civil and family courthouse facility. It called on Husch Blackwell’s P3 team to assist in winning the work.

Our guidance to clients in the public-private partnership (P3) sector includes:

Contracts for design, development and construction

Dispute resolution

Financing model evaluation

Governmental affairs

Insolvency protection

Legal structuring

Operations and maintenance

Performance specifications

Procurement

Project management

Public relations

Real property acquisitions

Risk analysis

Third-party analysis

Representative Experience

Advised Midwestern university seeking to build new facilities on P3 finance structuring in light of barriers in the state's enabling legislation. Utilizing a P3 delivery method enabled the development, financing, construction, and operation of an academic integrated science facility, a student union, 1,200 beds of student housing in three buildings, a dining center, and approximately 2,000 parking spaces. The project also includes a central utility plant and the necessary utility and transportation infrastructure to support the project.

Advised Wisconsin Center District on creation of a public-private partnership to develop, finance, own, and operate a new \$524 million arena for the NBA's Milwaukee Bucks. We created

the arrangement in which the principal parties equitably shared the liability and benefits of the private-public venture. By the end of the negotiations, the Wisconsin Center District obtained annual rent of \$1 million, escalating each year, and one of the strongest non-relocation agreements in professional sports.

Helped Denver's Regional Transportation District structure a public-private partnership of CDOT and RTD funds, developer equity, historic tax credits, and construction financing in order to redevelop Union Station. The station houses Denver's AMTRAK station, a 110-room hotel, restaurant and retail space, and a 12,000-square-foot great hall.

Structured P3 arrangement and negotiated primary agreements for design, development, funding, and use of new \$477 million, publicly-owned arena for the city of Sacramento and the NBA's Kings.

Negotiated complex P3 development agreement for construction of a \$60 million ballpark and long-term lease with the city of El Paso, Texas on behalf of MountainStar Sports Group in its acquisition of the Tucson Padres.

Assisted the Texas Infrastructure Council with drafting new legislation to create the P3 Center of Excellence, enabling greater use of the underutilized financing potential of P3s created by the Texas Legislature to address public infrastructure needs.

Crafted the P3 for the multiuse Arts District Garage parking facility in downtown Kansas City, Missouri.

Serving as grantor's counsel for Sarpy County and Cities

Wastewater Agency in a potential Design Build Finance Operate Maintain (DBFOM)-P3 approach to build the Unified Southern Sarpy Wastewater System, a sanitary sewer system to serve the southern portion of Sarpy County.

Represented Northwestern University in an energy P3 for the campus. Negotiated a master energy-as-a-service agreement that provides for multiple service agreements on behalf of the private university, which provides for long-term energy savings, a green campus initiative.

Represented energy company as local counsel in a public-private partnership where client acquired a license and operating rights to the on campus electric utility system of a university.

Advised both private sector and higher education clients on using P3 delivery models for development of higher education facilities, including student housing and energy districts.