



firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan’s commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at www.mcmillan.ca.

contacts

Timothy John Murphy
416.865.7908

public-private partnerships

overview

As governments grapple with the challenge of delivering a massive amount of infrastructure within constrained budgets, public-private partnerships (P3s) are emerging as a popular approach to delivering new and improved essential services such as highways, airports and hospitals. P3 arrangements enable governments to accelerate timelines for project development and construction while reducing the cost of ongoing management through concessions and other commercial arrangements.

With these agreements come multiple layers of risk and opportunity, for governments and private enterprises alike. P3s are complex because they are big-ticket projects, and because governments are placing their trust—and revenues—in a number of third parties. For contractors and others who deliver the projects, they present an entirely new degree of regulation and oversight.

McMillan's Infrastructure Industry Group is a recognized leader in structuring effective P3 arrangements. Our lawyers bring extensive knowledge of P3 contract strategies, combined with an in-depth understanding of the requirements of all parties involved—the contractors, financiers, and governmental bodies.

Our legal teams regularly advise governments, healthcare providers, and other owners, as well as lenders, operators, constructors and private sector clients. We understand the complete range of issues that can arise from a P3 infrastructure project, including finance, tax, procurement, municipal laws, environmental reviews, regulation and consultation with local stakeholders such as First Nations.

McMillan professionals help clients lead by:

- Advising on procurement and bidding strategies, and drafting bidding agreements
- Establishing tax-efficient special purpose vehicles/borrower structures
- Reviewing concession/project agreements and identifying risk issues for participants
- Negotiating on behalf of governmental bodies and private sector bidders
- Negotiating on behalf of financial institutions and borrowers, and drafting and reviewing financing documentation
- Advising on insurance matters