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USING PUBLIC-PRIVATE PARTNERSHIPS TO FINANCE VERY LARGE SPACE PROJECTS

Abstract

Public-Private Partnerships ("P3s") are not new to space activities. They have been used extensively in the United States via Space Act Agreements with NASA, and use of "Other Transaction" authority by DARPA and the Air Force. But most transactions have been relatively simple from a contractual perspective and typically involve one company and one governmental entity. This paper will examine complex, very large, multi-party construction projects where P3s have been used, mainly for infrastructure. What are the best practices developed over decades of experience and can they be applied to very large space projects? This paper also will examine the legal regime of the International Space Station ("ISS") to evaluate what provisions have worked well and could be adapted for very large international P3 space projects. Combining lessons learned from very large P3 infrastructure projects and the ISS may help guide the establishment of successful public-private partnerships for very large space projects.