



**Michael C. Loulakis, Esq., FDBIA  
President/CEO**

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## OVERVIEW

**Mike Loulakis** advises public and private sector owners on their project delivery, procurement and contracting strategies, particularly when their projects are delivered through design-build, EPC, and EPCm. Mike's public sector work concentrates on transportation (e.g., road, bridges, rail and airport), water/wastewater, and tunneling projects. His private sector work concentrates on domestic and international power generation (e.g., coal-fired, gas-fired, biomass and hydroelectric), petrochemical, and process projects. Mike's services include: (a) providing strategic assistance on project delivery, contract packaging, and procurement approaches; (b) drafting and negotiating contracts; and (c) helping to resolve problems arising during project execution. In addition to providing services to owners, Mike frequently serves as a third party neutral (e.g., mediator, arbitrator and DRB member) and an expert on matters involving design-build or alternative project delivery.

Mike has a history of contributing to the advancement of the construction industry. He has authored the monthly legal column in *Civil Engineering* magazine since 1982. Mike is one of the industry's most prolific writers and speakers on the subject of design-build, and has been a lead or co-lead investigator on several national design-build research projects sponsored by the Transportation Research Board and the National Academy of Sciences. As one of the most active members of the Design-Build Institute of America (DBIA) since its formation in 1993, Mike served on its Board of Directors and co-authored its standard form contracts and *Design-Build Done Right: Best Design-Build Practices* publication. He also led the 2018 revisions to DBIA's certification courses and exam. Mike serves on several corporate and industry boards of directors, including the Water Design-Build Council. He frequently guest lectures for engineering schools around the country, and is an Adjunct Professor in the Department of Civil, Environmental & Infrastructure Engineering at George Mason University. Mike holds a civil engineering degree from Tufts University and a law degree from Boston University School of Law.

## RECOGNITION

- Fellow, American College of Construction Lawyers
- Fellow, Design-Build Institute of America
- Member, National Academy of Construction
- Recipient, DBIA Brunelleschi Lifetime Achievement Award
- Recipient, International Risk Management Institute, Inc. (IRMI) Words of Wisdom (WOW) Award
- *Chambers 2018 USA*, ranked as "Star Individual" construction lawyer

## REPRESENTATIVE EXPERIENCE

### Public Sector Transportation

- Representing the Metropolitan Washington Airports Authority (MWAA) on the Dulles Corridor Metrorail Project, a 23-mile extension to the WMATA rail system from West Falls Church to Loudoun County, Virginia. Services include assessing project delivery options, drafting the design-build procurement and contract documents, and assisting in resolution of project execution issues.

- Advising Virginia DOT on its statewide design-build and P3 programs. Programmatic services include assisting VDOT with procurement and contracting policies, training of its personnel and advising on contract execution issues. Project-specific services provided on Hampton Roads Bridge Tunnel, High Rise Bridge, Transform I-66, Elizabeth River Tunnels, and 495 Express Lanes, and include procurement-related services and conducting risk workshops.
- Advising Maryland DOT State Highway Administration on the procurement and implementation of its I-495 and I-270 P3 program. Services include performing risk assessments and conducting risk workshops.
- Advising the New York/New Jersey Port Authority (PA) in implementing its design-build program, including the procurement of Newark Airport Terminal A. Project-specific assistance includes advice and deliverables associated with project delivery, risk management, procurement, and commercial contracting issues.
- Represented 95 Express Lanes, LLC on the Northern Virginia 395 Express Lanes Project. Services include providing project delivery, procurement and contracting advice.
- Assessed Washington State Department of Transportation's (WSDOT) use of design-build on behalf of the State of Washington's Joint Transportation Committee. Services included comparing WSDOT's design-build practices to those best practices recommended by DBIA and other DOTs around the country, and providing recommendations for improvements.
- Represented various rail agencies on their design-build procurements, including Houston Metro's University Line project, Santa Clara Valley Transportation Authority's BART extension to San Jose, and BART's SFO extension.

#### Public Sector Water and Wastewater

- Representing DC Water on its 10-year, \$4 billion expansion program, including the \$2.6 billion Clean Rivers Project (which includes three major tunnels), \$400 million Biosolids program (the first North American facility to use the advanced Cambi thermal hydrolysis treatment process), and its new headquarters (which is being delivered through progressive design-build). All of the projects have used some form of design-build. Services include assisting the project team in identifying and implementing the best delivery options, procurement approaches and contracting strategies for the various components of the projects, as well as drafting the associated procurement and contract documents and serving as a technical advisor to the evaluation committees. Services also include assisting DC Water on project execution challenges and claims.
- Representing AlexRenew in the procurement and contracting for various contracts being awarded under its RiverRenew long term CSO control plan. Projects include design-build TBM tunnels and associated pumping stations.
- Representing City of Houston, Texas in the procurement of its \$1.8 billion Northeast Water Purification Plant Expansion project, which is being delivered through a progressive design-build process. Services include advising on project delivery, procurement and contracting strategies, as well as assisting on project execution issues.
- Representing various water and wastewater authorities around the country on their new projects delivered through design-build (traditional and progressive) and CMAR. Services include advising the agencies on delivery options, modifying procurement legislation to implement programs, drafting RFQ/RFP and contract documents, and serving as technical advisor on evaluation committees.
- Represented the Southern Nevada Water Authority on its \$600 million Lake Mead Intake No. 3 design-build project. The project included an intake shaft and a 3-plus mile intake tunnel beneath the lake, with unique tunnel boring conditions. Services included the development of all procurement and contracting documents, strategic advice on selection criteria and risk assessment, and strategic advice on claims and conflicts.
- Represented Metro Wastewater Reclamation District (Denver, CO) on its \$300 million Northern Treatment Plant project. Services included assisting the District in alternative delivery assessments, procurement, contracting and risk strategies, and developing the project's progressive design-build contract.

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### Private Sector

- Advising IFM Investors Midstream, lender on the Freeport LNG project, on project execution issues associated with the EPC phase of the project.
- Represented developer of the Burgess Biopower Plant, a 75MW biomass plant in Berlin, New Hampshire. Services included drafting and negotiating the EPC contract, and assisting in the resolution of disputes involving site conditions and commissioning/startup challenges.
- Represented Sadara Chemical (a joint venture of Dow Chemical and Aramco) on a multi-billion petrochemical program in Saudi Arabia delivered through multiple-prime EPC contracts. Services include counseling the project team on risks and dispute resolution, and working with senior project management in strategizing how to resolve issues.
- Represented EQUATE Petrochemical Company (a joint venture of Dow Chemical and Petrochemical Industries Company) on the Olefins II Kuwait Project, a multi-billion petrochemical program in Kuwait. Services included counseling the project team on a variety of contract disputes, default terminations and claims.
- Represented several international petrochemical and power producers on strategies for procurement, contracting and execution of major projects, including defense of claims.

### **PUBLICATIONS**

#### **Transportation Research**

“Liability of Design-Builders for Design, Construction, and Acquisition Claims,” *Legal Research Digest* 68 (December 2015), TRB National Cooperative Highway Research Program, co-lead investigator.

“Alliance Contracting—Evolving Alternative Project Delivery,” *NCHRP Synthesis* 466 (2015), TRB National Cooperative Highway Research Program, co-lead investigator.

“Indefinite Delivery/Indefinite Quantity Contracting Practices,” *NCHRP Synthesis* 473 (2015), TRB National Cooperative Highway Research Program, co-lead investigator.

“Alternative Technical Concepts for Contract Delivery Methods,” *NCHRP Synthesis* 455 (2014), Transportation Research Board, co-lead investigator.

“Strategies for Implementing Performance Specifications: Guide for Executives and Project Managers,” *SHRP 2 Report S2-R07-RR-2* (2014), Transportation Research Board, co-lead investigator.

“Legal Aspects for Performance-Based Specifications for Highway Construction and Maintenance Contracts,” *Legal Research Digest* 61 (July 2013), TRB National Cooperative Highway Research Program, lead investigator.

“Legal Issues Involving Surety for Public Transportation Projects,” *Legal Research Digest* 40 (July 2012), Transit Cooperative Research Program, lead investigator. (Awarded John C. Vance Award, recognizing author(s) of an outstanding paper published by TRB that advances the study, understanding, and implementation of transportation law)

“Competition Requirements of the Design/Build, Construction Manager at Risk, and Public-Private Partnership Contracts – Seven Case Studies,” *Legal Research Digest* 39 (January 2012), Transit Cooperative Research Program, co-lead investigator.

“Geotechnical Information Practices in Design-Build Projects,” *NCHRP Synthesis* 429 (2012), co-lead investigator.

“Expedited Procurement Procedures for Emergency Construction Services,” *NCHRP Synthesis* 43-11 (2012), co-lead investigator.

#### **Major Industry Publications**

##### Books

*Construction Business Formbook*, Aspen Publishers, Inc., 2003, co-editor.

*Design-Build for the Public Sector*, Aspen Publishers, Inc., 2003, editor.

*Design-Build: Planning Through Development*, McGraw-Hill, 2001, co-author.

*Design-Build Contracting Handbook*, 2nd Edition, Aspen Publishers, Inc., 2001, co-editor.

*Design-Build Lessons Learned*, AEC Training Technologies, annually, 1995 to 2004, author.

*Project Delivery Systems: Evaluating the Owner's Alternatives (CD-ROM)*, A/E/C Training Technologies, 1999, author, producer and developer.

*Design-Build Contracting Guide*, Design-Build Institute of America, November 1997, author.

*Construction Management: Law and Practice*, Wiley Law Publications, 1995, co-author.

#### Other Publications

"Geotechnical Risk Allocation on Design-Build Construction Projects: The Apple Doesn't Fall Far From the Tree," Journal of the American College of Construction Lawyers (2017), co-author.

"Alternate Delivery Systems: Design-Build, Construction Management, and IDIQ Task Order Contracts," Ch. 5, *Federal Government Construction Contracts*, American Bar Association, 3<sup>rd</sup> Edition (2017), co-author.

"Dispute Resolution Processes," Ch. 24, *Design-Build for Water and Wastewater Projects*, American Water Works Association, 2012.

"Contracts," Ch. 6, *Design Management Guide*, Charles Pankow Foundation, 2011, author.

"Legal Concerns After a Failure," Ch. 5, *Forensic Structural Engineering Handbook*, McGraw-Hill, 2000 (rev. 2009), author.

"The Law," monthly column in *Civil Engineering Magazine*, American Society of Civil Engineers, 1982 to present, co-author.

#### **SPEAKING ENGAGEMENTS**

Nationally recognized speaker before various state and federal agencies (transportation, defense, corrections), as well as the Design-Build Institute of America (DBIA), Construction Management Association of America (CMAA), International Risk Management Institute (IRMI), and other trade and professional associations on a variety of topics affecting the construction industry. Subjects have included risk allocation and management; innovative project delivery; public sector procurement issues; construction contract administration; contract claims and defense of claims; and alternative dispute resolution.

#### **BAR ADMISSIONS**

1979, Virginia

1981, District of Columbia

1990, Maryland

#### **PROFESSIONAL MEMBERSHIPS AND ACTIVITIES**

- Design-Build Institute of America: Former Member of Board of Directors (1995-2003); Chairman of Manual of Practice Subcommittee (1997-2001). One of the primary drafters of DBIA's family of contract documents, *Design-Build Done Right: Best Design-Build Practices* (2014) and DBIA's certification courses and exams.
- Virginia Bar Association
- American Arbitration Association's Panel of Construction Arbitrators
- American Society of Civil Engineers (ASCE) (life member)

#### **PROFESSIONAL HISTORY**

- Akerman Senterfitt Wickwire Gavin, P.C.: Shareholder (2006-2007)
- Wickwire Gavin, P.C. (1979-2006): Shareholder (1984-2006); President and Chairman (1995-2006)
- GEI Consultants, Inc. (1975-1976)

#### **EDUCATION**

J.D., Boston University School of Law, 1979

B.S.C.E., *magna cum laude*, Tufts University, Tau Beta Pi, 1976