



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

Capital Project Strategies, LLC
11710 Plaza America Drive
Suite 2000
Reston, VA 20190
(703) 871-5079
(703) 433-9313 Fax
mloulakis@cp-strategies.com

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 heavily on industrial projects, including domestic and international power generation (e.g., coal-fired, gas-fired, biomass, and hydroelectric), petrochemical, and process projects. Mike's services typically 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. He also frequently serves as a third party neutral (e.g., mediator, arbitrator, and DRB member).

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. He 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. An active member 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 served on the Board of Directors of the Water Collaborative Delivery Association.

Mike lectures at 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
- Elected Member, National Academy of Construction
- Recipient, DBIA Brunelleschi Lifetime Achievement Award
- Recipient, International Risk Management Institute, Inc. (IRMI) Words of Wisdom (WOW) Award
- *Chambers USA*, currently ranked as "Senior Statesperson" (Construction—USA—Nationwide)

REPRESENTATIVE EXPERIENCE

Public Sector Transportation

- Advising Virginia DOT on its statewide design-build and P3 programs since 2005. Services include assisting VDOT with procurement and contracting policies, training its personnel, conducting risk workshops, and advising project teams on contract execution issues. Projects include Hampton Roads Bridge Tunnel, High Rise Bridge, Transform I-66, Elizabeth River Tunnels, and 495 Express Lanes.
- Advising Montgomery County, Maryland, in the procurement and implementation of its Maryland 355 Flash Bus Rapid Transit project, which is being delivered through progressive design-build.
- Advised Santa Clara Valley Transportation Authority (VTA) on the procurement and implementation of the BART Silicon Valley Phase II Extension project. Services included assisting in the development of the contract and procurement documents for the rail, tunnel, and systems contracts, which are being delivered through a progressive design-build process.
- Advised Maryland DOT State Highway Administration on the procurement and implementation of its I-495 and I-270 P3 program. Services included performing risk assessments and conducting risk workshops.
- Advised the Metropolitan Washington Airports Authority on the Silver Line (Dulles Corridor Metrorail) Project, a 23-mile extension to the WMATA rail system from West Falls Church to Loudoun County, Virginia. Services included assessing project delivery options, drafting the design-build procurement and contract documents, and assisting in resolution of project execution issues.
- Advised the New York/New Jersey Port Authority in implementing its design-build program, including several major projects at Newark Airport. Project-specific assistance included advice and deliverables associated with project delivery, risk management, procurement, and commercial contracting issues.

Public Sector Water and Wastewater

- Advising DC Water since 2008 on its capital program, including the Clean Rivers Project (which includes five bored tunnels) and its biosolids program (which was the first North American facility to use the advanced Cambi thermal hydrolysis treatment process). Services include providing procurement and commercial advice on projects delivered through design-build (traditional and progressive) and CMAR, as well as drafting associated contract documents.
- Advising AlexRenew in the procurement and contracting of its RiverRenew program and its overall capital program. Services include assisting the project team on the use of design-build for the program's bored tunnel, and drafting the associated contracts and procurement documents.
- Advising Las Virgenes-Triunfo Joint Powers Authority in the procurement and contracting of its Pure Water Program, which is being delivered through a progressive design-build process. Services include drafting the associated contract documents.
- Advised the City of Kansas City, Missouri, in the design-build procurement and contracting of the Blue River Biosolids Facility project, which is using the advanced Cambi thermal hydrolysis treatment process.
- Advised the City of Houston, Texas on its \$1.8 billion Northeast Water Purification Plant Expansion project, which was delivered through a progressive design-build process. Services included advising on project delivery, procurement, and contracting strategies, as well as assisting on project execution issues.
- Advising 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.

Private Sector

- Advising private sector owners (healthcare, mission critical, and education) on specific projects being delivered through design-build.
- Advised Sadara Chemical (a joint venture of Dow Chemical and Aramco) on its multi-billion petrochemical program in Saudi Arabia delivered through multiple-prime EPC contracts.
- Represented several major petrochemical and power producers in drafting and negotiating their EPC and EPCm contracts, as well as procurement, contracting, and project execution strategies.

Arbitration Experience (Industrial Projects)

The following are examples of matters where Mr. Loulakis is serving or has served as an arbitrator on disputes involving industrial projects. All matters resulted in a final award. Mr. Loulakis also regularly serves as an arbitrator on other types of construction projects (e.g., commercial and public sector infrastructure).

- Currently serving on ICC arbitration tribunal in a dispute between an owner and its EPC contractor on a solar power project in Mexico, with major issues being claims for delay.
- Served on ICDR arbitration panel in a dispute between an owner and EPCm contractor on a mining project in Argentina and Chile. Total amount in dispute was approximately \$800 million, with major issues being claims for recovery of costs that were alleged to be non-reimbursable under the contract.
- Served on ICC arbitration tribunal in a dispute between an owner and its civil contractor on a hydroelectric project in Chile. Total amount in dispute was in excess of \$120 million, with major issues being claims for delay and extra work and the propriety of a default termination.
- Served on ICC arbitration tribunal in a dispute between an owner and its EPC contractor on a wind power project in Costa Rica. Total amount in dispute was in excess of \$30 million, with major issues being claims for delay and extra work.
- Served on AAA arbitration panel in a dispute between owner and its EPC contractor on a solar project in North Carolina. Total amount in dispute was in excess of \$12 million, with major issues being claims for delay based on force majeure and site conditions.
- Served on ICDR arbitration panel in a dispute between owner and its EPC contractor on a combined cycle gas-fired power plant in New England. Total amount in dispute was approximately \$900 million, with major issues being claims for delay and the propriety of a default termination.

Dispute Review Board Experience

The following are examples of public sector transportation projects where Mr. Loulakis is serving or has served as a member of a dispute review board (DRB) or dispute review panel (DRP). He has also been a DRB member on several private sector industrial projects, including a dispute between an owner and its turbine vendor on a hydroelectric project in Central America.

- Currently serving as a DRB member on the South Capitol Street Corridor Phase I (Washington, DC), District Department of Transportation (DDOT). The project's design-builder is South Capitol Bridgebuilders, a joint venture of Archer Western Construction and Granite Construction Company.
- Currently serving as DRP chair for the Southeast Connector Project (Dallas, Texas), a project being delivered through design-build. The owner is TxDOT and the developer is South-Point Constructors.
- Currently serving as DRB chair for the I-285 / I-20 East Interchange Project (Atlanta, Georgia), a project being delivered as a P3. The owner is Georgia's State Road and Tollway Authority and the developer is East Interchange Builders, LLC.
- Currently serving as a DRB member for the Vogtle Units 3 and 4 (Waynesboro, Georgia). These are the first new nuclear power units built in the U.S. in over 30 years, with the owner being led by Georgia Power Company and Bechtel Corporation as the EPC contractor.
- Served as DRB chair for the Harbor Bridge Project (Corpus Christi, Texas), a project being delivered through design-build. The owner is TxDOT and the developer is Flatiron/Dragados LLC.
- Served as a DRB member on the PennDOT Rapid Bridge Replacement Project, a project delivered through P3. The owner is PennDOT, the developer is Plenary Walsh Keystone Partners, and the design-builder is a joint venture of Walsh Construction and Granite Construction Company.
- Served as a DRB member for both the Maryland Purple Line and Denver Great Hall projects. Both of these were P3 projects.

PUBLICATIONS

Transportation Research

“Guidebook for Implementing Alternative Technical Concepts in All Types of Highway Project Delivery Methods,” NCHRP Research Report 937 (2020), National Academies of Sciences, Engineering, and Medicine, The National Academies Press, co-principal investigator.

“Guidelines for Managing Geotechnical Risks in Design-Build Projects,” NCHRP Research Report 884 (2018), National Academies of Sciences, Engineering, and Medicine, The National Academies Press, co-principal investigator.

“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

The Engineer’s Project Delivery Method Primer, ASCE Press, 2022, co-author.

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

“Distinctive Features of Construction Arbitration,” Ch. 1, *Construction Arbitration – The Advocate’s Practical Guide*, ABA Forum on Construction Law (2023), author.

“An Introduction to Public-Private Partnerships in the United States,” *Journal of the American College of Construction Lawyers* (2022), author.

“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, 3rd 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 design-build and project delivery; risk allocation and construction management; 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: 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.
- Water Collaborative Delivery Association (WCDA) Board of Directors (2018-2023)
- 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