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OVERVIEW

Mike Loulakis has more than 30 years of experience in representing parties engaged in all aspects of the construction industry. Before starting Capital Project Strategies, Mike served as chairman and president of the national construction law firm of Wickwire Gavin, P.C., where he represented clients on matters involving procurement, risk management, contract drafting, and dispute resolution. He is well-known for his extensive background in design-build and other alternative project delivery systems, and has been one of the industry's most active writers and speakers on the subjects. Mike has been lead counsel on some of the country's most complex design-build projects and public-private partnership programs, where he has helped public agencies formulate effective procurement and contracting strategies. He has also represented contractors, design professionals, and others on construction business counseling, teaming, contracting, and conflict resolution, often serving as their outside general counsel for construction matters.

In addition to his public sector work, Mike has extensive experience in the representation of private sector owners on domestic and international capital projects in the power generation (coal-fired, gas-fired, and hydroelectric), petrochemical, and process industries. His role includes strategic assistance on EPC and EPCm procurement, risk allocation, contracting, and conflict resolution, and he has worked on projects in over 10 countries. Given his background, Mike is frequently asked to serve as a neutral in arbitrations, mediations, and DRBs and as a peer reviewer of contracting practices and claims management. He is also involved in several national research projects for design-build and P3 best practices.

Mike holds a civil engineering degree from Tufts University and a law degree from Boston University School of Law. He is widely published and has been ranked in Chambers USA as one of the country's best construction lawyers since 2004.

RECOGNITION

- Designated Design-Build Professional (DBIA)
- Ranked "Band 1" in Chambers USA 2006-2007: America's Leading Lawyers for Business for Virginia Construction
- Recipient of the International Risk Management Institute, Inc. (IRMI) Words of Wisdom (WOW) Award

REPRESENTATIVE EXPERIENCE

Public Sector

- Representation of Metropolitan Washington Airports Authority (MWAA) on the \$2.8 billion Dulles Metrorail project. Services include drafting and negotiating the design-build contract, creating project control specifications, developing risk mitigation strategies, and interfacing with other project participants.



- Representation of Virginia Department of Transportation in developing its standard procurement documents under the Virginia Public Private Transportation Act (PPTA) program, including RFQs, RFPs, design-build contracts, and concession agreements.
- Providing risk assessment and contracting expertise to the Virginia Department of Transportation regarding its I-95/395 and I-495 HOT (high occupancy toll) lanes projects. This includes working with the Assistant Secretary of Transportation of the Commonwealth of Virginia in developing the Comprehensive Agreement for the I-95/395 project, and working as part of the project management team in the execution and administration on the I-495 project. Each of these projects is being delivered under Virginia's PPTA, and involves concession contracts that are among the most innovative in the country. These two projects are particularly significant because they involve the complexity of bringing a regional High Occupancy Vehicle (HOV) network to the Capital Beltway and the I-95/395 Corridor for the first time.
- Representation of Washington Metropolitan Area Transit Authority (WMATA) in conflict resolution with the design-builder on the Largo Metrorail project over claims for constructive acceleration, project delays, and unique design-build issues.
- Representation of the Transbay Joint Powers Authority in determining the project delivery system for the new Transbay Transit Center and associated facilities in downtown San Francisco.
- Representation of Washington State Department of Corrections on its first design-build project, a \$100 million expansion of its Walla Walla maximum security facility. Services included development of the RFQ, RFP, design-build contract, and design-build execution program.
- Representation of the Southern Nevada Water Authority on its largest design-build project, the Lake Mead Intake No. 3 project. The project includes an intake shaft and a 3-plus mile intake tunnel beneath the lake, with tunnel boring conditions never before used in the United States. Services include the development of all procurement documents and strategic advice on selection criteria and risk assessment.
- Member of the Project Review Board for the District of Columbia Water and Sewer Authority's (DCWASA's) long term control plan for reducing Combined Sewer Overflows (CSOs) to local waterways. Mr. Loulakis's primary role to date has been focused on the Blue Plains Tunnel (BPT) project, which consists of a 23,600 foot tunnel and associated shafts. He led the DCWASA project team in the evaluation and selection of project delivery systems. He has also led the evaluation of the design-build procurement approach for the BPT project, including the drafting of the RFQ documents. His role on the overall CSO and BPT project is expected to continue for the next decade.
- Retained by DCWASA to assist its project team on the project delivery evaluation and procurement approach for its Biosolids program. His role is to assist the project team in identifying the best delivery option and procurement for the various components of the system, including the Main Process Train, and to serve as a resource in the review and drafting of the procurement and contracting documents.
- Representation of the World Bank and InterAmerican Development Bank in creating and modifying their standard form contracts.

Private Sector

- Representation of a Fortune 50 company on a multi-billion petrochemical project in Kuwait delivered through multiple-prime EPC contracts. Services included counseling the project team on procurement, contracting, risk management, and claims.
- Representation of a Fortune 200 public utility on a domestic integrated gasification combined cycle (IGCC) power generation project. Services include drafting and negotiating the EPC contract.
- Representation of several international independent power producers in risk analysis, drafting EPC contracts, and assisting in the prosecution and defense of claims. Representative projects include facilities in China, Mexico, Nepal, and the United States.
- Representation of several owners in the petrochemical industry on international CAPEX strategies for contracting and procurement and contract execution.

PUBLICATIONS

Books

Design-Build Lessons Learned, AEC Training Technologies, 1995 to present (annual publication), 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.
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

"The Law," monthly column in Civil Engineering Magazine, American Society of Civil Engineers, 1981 to present, co-author.
"Design-Build Delivery for the Water and Wastewater Industry," *Construction Briefings*, West Publishing, Part I, Nov. 2003; Part II, Dec. 2003; co-author.
"Power Generation Projects: Structuring the Design and Construction Process to Meet the Developer's Goals," Getting It Right: How to Structure Complex Projects to Allocate Risks and Minimize Disputes, American Bar Association Forum on the Construction Industry, 2001, author.
"Creatively Avoiding and Resolving Design-Build Disputes," Ch. 10, *Design-Build: Risks and Litigation*, Aspen Publishers, 1999, co-author.
"Claims and Disputes," Ch. 2, *Construction Controller's Manual*, Warren, Gorham & Lamont, 1998, author.
"Trends in A/E and CM Liability for Jobsite Safety," *Construction Briefings*, West Publishing, September 1997, author.
"Differing Site Conditions," Ch. 11, *Construction Claims Deskbook*, Wiley Law Publications, 1996, 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

1979,
1981,
1990, Maryland

District

of

ADMISSIONS

Virginia
Columbia

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

- Active member of FHWA-AASHTO Construction Management Expert Task Force
- Design-Build Institute of America: Former Member of Board of Directors (1995-2003); Chairman of Manual of Practice Subcommittee (1997-2001). Primary drafter of both the DBIA Design-Build Contracting Guide and DBIA's family of contract documents.
- International Bar Association
- Virginia Bar Association
- American Arbitration Association's Commercial Panel, Panelist
- Construction Management Association of American (CMAA)
- American Society of Civil Engineers (ASCE)



PROFESSIONAL AFFILIATIONS

- A/E/C Training Technologies, LLC, Founder and President
- The Project Counsel Group, PLLC
- Trident Partners, LLC (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., a geotechnical engineering consulting firm headquartered in the greater Boston, MA, area (1975-1976)

EDUCATION

J.D., Boston University School of Law, 1979
B.S.C.E., *magna cum laude*, Tufts University, Tau Beta Pi, 1976