

# Patrick D. Harder

Partner | Los Angeles

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Patrick Harder, chair of Nossaman's Infrastructure Group, is widely known for leadership in the field of public-private partnerships (P3s) and other innovative project delivery methods such as design-build and construction manager at-risk. Public agencies actively seek his guidance in procuring some of the largest, most important projects in the country.

Clients have confidence that Patrick can mitigate risks, solve problems and advance their projects smoothly and successfully – often through cutting-edge approaches. In fact, while working with the State of Florida and its advisors, he helped create a model for the use of availability payment P3 structures that laid the groundwork for such transactions across the United States. He is *Chambers*-rated nationally and globally in the field of P3s and AV Preeminent® Peer Review Rated by Martindale-Hubbell.

Patrick's deep private sector background broadens his perspective in assisting public clients. Before joining the Firm, he served as general counsel and executive manager for two of the world's largest construction and engineering firms, both based in Japan. He also worked as legal and business advisor on dozens of public and private construction and infrastructure projects around the world including the Petronas Towers in Kuala Lumpur, Malaysia – two of the world's tallest buildings.

## EXPERIENCE

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**City of Los Angeles, Los Angeles World Airports – Automated People Mover (APM).** Leader of the legal team advising on a \$4.9 billion APM train system to ease access in and out of the Los Angeles International Airport. It will also connect travelers to a light rail, intermodal transportation facility and a rental car center. It is the first APM system to be procured through an availability payment public-private partnership delivery model and earned several national and international awards. Patrick's services include drafting contract and procurement documents, facilitating evaluations and managing commercial and financial close.

**City of Los Angeles, Los Angeles World Airports – Consolidated Rent-A-Car Facility (ConRAC).** Leader of the legal team advising on the ConRAC project at the Los Angeles International Airport (LAX). The facility will relocate and centralize car rental facilities away from the Central Terminal Area and provide direct access to major freeways. The estimated \$1 billion project is being procured through an availability payment public-private partnership delivery model. The project captured many honors.

**Denver International Airport – Jeppesen Terminal Redevelopment Project (“Great Hall Project”).** Key member of the legal team that advised the City and County of Denver on the Great Hall Project, which involved a complex, multi-faceted upgrade of Denver International Airport's signature Jeppesen Terminal and the development and management of a new concessions program within the terminal. The \$1.8 billion P3 project combines an availability payment structure with shared revenue risk on the concessions program. The project reached financial close in

December 2017 with Denver Great Hall LLC, the winning consortium led by Madrid-based Ferrovial Airports. Patrick's services include drafting and negotiating the development agreement.

**The Regents of the University of California – UC Merced 2020 Campus Expansion Project.** Leader of the legal team that advised the University of California on this-high profile project to accommodate growth of the university system's newest campus from the current 6,700 students to 10,000 students by 2020. The \$1.3 billion project, procured as an availability payment-based P3, added approximately 790,000 assignable square feet of a mix of new revenue-generation and non-revenue generating facilities, including student housing, administrative and research space, classrooms and recreational centers and associated infrastructure. Following a best and final offer phase, which included negotiation with the ultimately successful Plenary-led consortium, the project quickly reached commercial and financial close in August 2016, and achieved substantial completion on schedule and on budget in June 2020. As the first university campus expansion in the United States undertaken using the P3 availability payment model, the successful project serves as a template for other colleges seeking to expand or rehabilitate their campuses. Patrick's services included assisting with structuring the procurement, drafting and finalizing procurement and contract documents, and developing the evaluation process. Following closing, he advised on legal issues arising from the implementation of the project. *Project Finance International* named the project the 2016 "Americas P3 Deal of the Year" and *IJ Global* honored it as the 2016 "North American Social Infrastructure Deal of the Year." In 2017, the Board of Regents and the University received the silver award in the "Government Agency of the Year" category, and claimed the gold award for "Best Social Infrastructure Project" at the *P3 Bulletin* awards ceremony.

**Chesapeake Bay Bridge and Tunnel District – Parallel Thimble Shoal Tunnel.** Co-leader of the legal team advising on the design and construction of a new \$756 million tunnel beneath the Thimble Shoal Channel in Virginia's lower Chesapeake Bay. The second two-lane tunnel will expand capacity and improve safety for travelers utilizing the Chesapeake Bay Bridge-Tunnel, the sole connection between Delmarva Peninsula and the Hampton Roads area. Patrick advised the District on the procurement and is advising on contract administration.

**Florida Department of Transportation – I-4 Ultimate.** Leader of the legal team that advised on development and negotiation of contract and procurement documents for this innovative highway improvement. The \$2.3 billion project, which will rebuild and widen 21 miles across Orange and Seminole Counties, is the largest availability payment transaction ever undertaken in the United States. As part of a 40-year DBFOM agreement with a Skanska/John Laing consortium, I-4 Ultimate will rebuild 15 major interchanges, add 56 new bridges, replace 71 bridges and build four tolled express lanes. Financing for the project, which achieved commercial and financial close in September 2014, included a \$949 million TIFIA loan – the largest sum ever secured through the federal lending program. Construction began in February 2015 and completion is anticipated in 2021. I-4 earned several awards in 2014 including *Project Finance International's* Americas Transportation Deal of the Year, *IJ Global's* North American Transport Deal of the Year, and *Trade Finance* magazine's Deal of the Year.

**Port of Long Beach – Gerald Desmond Bridge.** Lead attorney advising on a new 1.5-mile bridge to serve one of the world's largest and busiest container ports. With towers rising more than 500 feet into the air and a roadway standing 200 feet over the water, the project is the first cable-stayed bridge for vehicles ever built in California. The structure, which will feature six traffic lanes and separate bicycle paths and pedestrian walkways, is one of 10 projects authorized under California's P3 Design-Build Demonstration Program. In 2012, the Port entered into a \$649.5 million agreement with a Shimmick/FCC/Impregilo venture – the single largest contract ever awarded by the Port. Patrick advised on procurement and contract documents and negotiations and is now helping to implement the agreement during construction.

**Florida Department of Transportation – I-595 Corridor Improvements.** Lead attorney advising on procurement and delivery of this \$1.8 billion public-private partnership aimed at alleviating congestion on the main east-west traffic corridor in Fort Lauderdale. We advised on procurement and contract documents and the financing structure, and addressed issues that arose throughout design and construction. The project, the first U.S. transportation project with an availability payment scheme, won numerous honors. Patrick led the legal team advising on procurement and contract documents and the financing structure.

**Washington State Department of Transportation – Alaskan Way Viaduct Replacement.** Key member of the legal team that assisted the State Attorney General's Office on the \$1.35 billion design-build contract to replace the 60-year-old Alaskan Way Viaduct with SR 99, the world's largest-diameter bored tunnel. The two-mile waterfront tunnel through downtown Seattle opened in February 2019. It incorporates a double-decked roadway with incoming and outgoing traffic on different levels. Patrick assisted with risk allocation and drafting procurement and contract documents.

**Florida Department of Transportation – Port of Miami Tunnel.** Lead attorney that advised on procurement, financing and delivery of the public-private partnership which greatly reduced traffic in the Miami region. The \$800 million availability payment project, which opened in August 2014, included construction of twin 42-foot tunnels under Biscayne Bay, linking Port facilities on Dodge Island, MacArthur Causeway and I-395. The project captured many honors. Patrick assisted with risk allocation and drafting procurement and contract documents.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Resiliency in Transportation Planning," Cornell Breakfast Briefing, 10.02.2020

Speaker, "Resiliency Matters," 2020 Mobility 21 Southern California Transportation Summit: Generation Transportation, 09.17.2020

Speaker, "Risk Allocation for Alternative Delivery Projects: Legal Issues," Private Client Presentation, 05.06.2020

Speaker, "The Influence of the Interstate Commerce Clause on Transportation," 2020 Transportation Research Board Annual Meeting, Washington, DC, 01.12.2020

Panelist, "U.S. Infrastructure Trends & Policy for Federal, State & Local Government," 2019 American Bar Association (ABA) Annual Meeting, San Francisco, CA, 08.09.2019

Panelist, "Assessing the Impact of State-Level P3 Laws on Development," U.S. P3 Forum 2019, New York City, 06.13.2019

Moderator, "P3 Showcase Session – LAWAs Consolidated Rent-A-Car Facility (ConRAC) Project," 2019 Public-Private Partnership Conference and Expo, Dallas, TX, 03.05.2019

Speaker, "History of and Improvements in P3 Legislation," Transportation Research Board 2019 Annual Meeting, Washington, D.C., 01.14.2019

Speaker, "Lessons Learned from Progressive Design-Build Implementation on Airport Projects," Transportation Research Board's 98th Annual Meeting, Washington, DC, 01.13.2019

Panelist, "Looking to the Future: Puerto Rico's Student Life and Public Safety Training Center Projects," 2018 P3 Higher Education Summit, San Diego, CA, 09.12.2018

Panelist, "Is There Value in Long-term Partnerships through P3's For Small and Medium Sized Projects?," P3C Public-Private Partnership Conference & Expo, Dallas, TX, 02.27.2018

Panelist, "Implementing Higher Education P3s: The UC Merced, Ohio State University and University of Massachusetts Experience," 2017 P3 Higher Education Summit, San Diego, CA, 10.02.2017

Panelist, "Comparison of Alternative Delivery Models," The Public-Private Partnership Airport Summit, San Diego, CA, 07.25.2017

Panelist, "The New World of Public-Private Partnerships," USC Gould School of Law 2017 Real Estate Law and Business Forum, Los Angeles, CA, 03.09.2017

Speaker, "UC Merced 2020 Project – A Path Breaking Social Infrastructure P3 Project," P3C Public-Private Partnership Conference & Expo, Dallas, TX, 02.27.2017

Speaker, "University of California Merced 2020 Project – Early Lessons from a Path Breaking Project," 2016 Public-Private Partnership Higher Education Summit, San Diego, CA, 10.04.2016

### PUBLICATIONS

Co-Author, "Lessons Learned from Progressive Design-Build Implementation on Airport Projects," *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 11.01.2019

Co-Author, "I-4: The Ultimate Project," *Project Finance International*, 01.01.2015

Co-Author, "Florida's Forward Thinking," *World Highways*, 10.2014

Author, "I-4 Ultimate Financial Close A P3 Benchmark," *Public Works Financing*, 09.01.2014

Co-Author, "Public-Private Partnerships for Transportation Projects: Beyond Design-Build," *Construction Law Update*, 03.11.2010

## HONORS & RECOGNITIONS

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Individual recognition for Projects, PPP-Nationwide, *Chambers Global*, 2012-2020 and *Chambers USA*, 2011-2020

Listed, *The Legal 500 United States*, Finance – Project Finance – Advice to Sponsors, 2019-2020

Named a Top 100 Lawyer by the *Daily Journal*, 2018, 2020

California Lawyer of the Year (CLAY) – Infrastructure, *Daily Journal*, 2019

Named a California Trailblazer by the *Recorder*, 2019

Named one of the Most Influential Minority Attorneys in Los Angeles by the *Los Angeles Business Journal*, 2019

Winner – Real Estate Category – Leaders in Law, *Los Angeles Business Journal*, 2018

Project Finance MVP, *Law360*, 2014, 2016

Selected to the Southern California Super Lawyers list, 2014-2015

AV Preeminent® Peer Review Rated by *Martindale-Hubbell*

## COMMUNITY & PROFESSIONAL

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American Bar Foundation, Fellow

Cornell Program in Infrastructure Policy, Advisory Board

California Transportation Foundation, Advisory Board

USC Viterbi School of Engineering and USC Price School of Public Policy, Adjunct Instructor

American Bar Association, Forum on the Construction Industry

## PRACTICES

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Infrastructure

Procurement & Contracting

Construction Law, Claims & Litigation

Dispute Resolution

Legislation & Policy

Project Financing

Regulatory & Compliance Matters

COVID-19 & CARES Act

## INDUSTRIES

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Transportation

Government & Public Sector

## EDUCATION

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University of California, Los Angeles School of Law, J.D., 1986

Loyola Marymount University, B.A., 1983

## LANGUAGES

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Japanese

## ADMISSIONS

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California

Florida