

Patrick D. Harder

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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

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. Now under construction, it is the first APM system 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 \$2 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 \$1.8 billion P3, which included a multi-faceted upgrade of Denver International Airport's Jeppesen Terminal and the development and management of a new concessions program within the terminal. The project combined an availability structure with shared revenue risk on the concessions program. 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 a \$1.3 billion P3 project that doubled the size of its Merced campus with the addition of new facilities, including student housing, classrooms, recreational facilities and associated infrastructure. The award-winning project is the first university availability payment P3 to close in the United States, and achieved substantial completion on schedule and on budget in June 2020. The project was awarded platinum LEED, making it the first public research university to be certified as carbon neutral. 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.

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 the development and negotiation of contract and procurement documents for a \$2.3 billion highway development across Orange and Seminole Counties. The award-winning availability payment P3 project will rebuild 15 major interchanges, add or replace 127 bridges, and build four tolled express lanes partially funded through a \$949 million TIFIA loan.

Port of Long Beach – International Gateway Bridge. Lead attorney advised on the development of a new 1.5-mile bridge to serve one of the world's largest and busiest container ports. We assisted with the \$649.5 million procurement including advising on project labor agreements, and are currently assisting with claims resolution and contract closeout. We also negotiated agreements for property acquisitions and utility relocations, as well as agreements for transfer of property to another public agency and the project's long-term operation and maintenance agreement. 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

SPEAKING ENGAGEMENTS

Speaker, "Risk Allocation for Alternative Delivery Projects: Legal Issues," Private Client Presentation, 01.25.2021

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, "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, "U.S. Infra Faces New Stresses," *Project Finance International*, 01.13.2021

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

Individual recognition for Projects, PPP-Nationwide, *Chambers Global*, 2012-2021 and *Chambers USA*, 2011-2021
California Lawyer of the Year (CLAY) – Infrastructure, *Daily Journal*, 2019

Named a Top 100 Lawyer by the *Daily Journal*, 2018, 2020
Named to the Minority Leaders of Influence: Attorneys list by the *Los Angeles Business Journal*, 2021, 2019
Recognized as one of the “2021 Visionaries” in Banking & Finance, *Los Angeles Times*, 2021
Listed, *The Legal 500 United States*, Finance – Project Finance – Advice to Sponsors, 2019-2021
Named a California Trailblazer by the *Recorder*, 2019
Winner – Real Estate Category – Leaders in Law, *Los Angeles Business Journal*, 2018
Project Finance MVP, *Law360*, 2014, 2016
AV Preeminent® Peer Review Rated by *Martindale-Hubbell*

COMMUNITY & PROFESSIONAL

American Bar Foundation, Fellow
Construction Lawyers Society of America, 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

Infrastructure
Procurement & Contracting
Construction Law, Claims & Litigation
Dispute Resolution
Legislation & Policy
Project Financing
Regulatory & Compliance Matters
COVID-19 & CARES Act

INDUSTRIES

Transportation
Government & Public Sector

EDUCATION

University of California, Los Angeles School of Law, J.D., 1986
Loyola Marymount University, B.A., 1983

LANGUAGES

Japanese

ADMISSIONS

California
Florida