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Evan Caplicki guides public agencies through all stages of the innovative infrastructure project development process – from delivery option selection through procurement and contracting, to contract administration and claims resolution.

In helping lay the foundation for some of the largest transportation projects in the U.S., Evan provides clients extra depth through his extensive construction expertise. He holds a certificate in Construction Management in addition to his law degree, and has represented owners, contractors and subcontractors in public and private building projects during his career. Before joining Nossaman, he worked at several well-respected construction litigation firms.

Evan is also very active in the Design-Build Institute of America, chairing the Legal and Legislative Committee, co-chairing several of the group's transportation conferences and teaching courses on contracts and risk management.

EXPERIENCE

Orange County Transportation Authority – I-405 Improvement Project. Key member of the legal team engaged as part of the Authority's program management team to advise on a project to add a general purpose lane and an express toll lane in each direction, as well as the conversion of an existing HOV lane in each direction, between SR 73 and I-605 in Orange County, California. The project, the largest highway upgrade in Southern California, will relieve pressure on one of the state's most congested corridors. In November 2016, the Authority awarded a \$1.2 billion design-build contract to a consortium led by OHL USA Inc. and Astaldi Construction Corp. Construction on the project, estimated to cost \$1.9 billion overall, began in 2018. Evan's role includes coordinating the legal and technical aspects of the procurement and contract documents.

Indiana Finance Authority – I-69 Major Moves 2020 Expansion Project. Key member of the legal team that advised on the state's first best value design-build project, which will upgrade sections of the I-69 in Hamilton and Madison counties. The \$85 million project involves adding a third travel lane northbound and southbound as well as a southbound auxiliary lane, interchange improvements, bridge widening and pavement and structural enhancements. IFA selected Milestone Contractors LP as the design-build contractor and the project reached commercial close in January 2016. Substantial completion is expected summer 2018. Evan served as the project manager for the legal team, assisting with structuring the procurement, preparing the procurement and contract documents, coordinating the legal and technical aspects of the documents and facilitating the procurement process and evaluations.

City of Indianapolis – Marion County Justice Center. Key member of the legal team that advised on all aspects of this innovative availability payment P3 project to consolidate the City's criminal justice functions into a single efficient center. The plan, one of the first of its kind for a justice complex, called for \$500 million of up-front design,

construction and financing costs to shift to a private partner responsible for operating, maintaining and upgrading the facility for 35 years. The 1.2-million-square-foot facility combined a new adult detention center with a community corrections facility, courthouse, sheriff's department offices and new surface parking facilities. The City released an RFP to three shortlisted teams in June 2014 and selected a preferred bidder in December 2014. After successfully completing negotiations with the bidder, the Mayor and City staff recommended awarding the project and advancing to commercial and financial close. The City Council, however, decided not to move forward with the complex and cancelled the procurement. Evan focused on addressing the intersection of technical issues with the legal procurement and contract issues associated with the project. He also managed the proposal evaluation process.

San Bernardino County Transportation Authority – I-10 Corridor Contract 1. Key member of the legal team advising on development, procurement and financing of a project to add tolled express lanes along a portion of the heavily traveled I-10 in San Bernardino County. The \$600 million upgrade will feature 10 miles of managed lanes, with two tolled express lanes in each direction. The project used separate procurements for a design-build contractor, launched in December 2016 with the contract awarded in August 2018, and a toll services provider, initiated in January 2017 with the contract awarded in June 2018. Evan's responsibilities include structuring the procurements, drafting the design-build procurement and contract documents, risk analysis, advising on federal and state requirements, facilitating proposal evaluations and administering the contracts.

Texas Department of Transportation – I-35E Managed Lanes. Leader of the legal team that advised on the 2012 procurement of a project to relieve traffic congestion along a 28-mile interstate corridor in Dallas and Denton counties. Nossaman helped negotiate a \$1.4 billion DBM contract with an Archer Western/Granite/LANE Construction Company joint venture. The project includes managed and general purpose lanes, bridges and collector-distributor roads. Evan advised the agency on the procurement and commercial structure of the transaction, led the drafting of the procurement and contract documents and facilitated the procurement and evaluations.

Indiana Finance Authority – East End Crossing (Lewis and Clark Bridge). Key member of the legal team that advised on a precedent-setting P3 for the development of a \$1.18 billion, six-lane toll bridge across the Ohio River which opened in December 2016. The 8.5-mile-long, 2,500-foot cable-stayed East End Crossing (now known as Lewis and Clark Bridge), is a key piece of the \$2.3 billion Ohio River Bridges Project – two bridges designed to provide safer, more reliable travel between Louisville, Kentucky and southern Indiana. East End was the first bridge procured via an availability payment P3 transaction in the United States. Among other industry firsts, it included the first availability payment debt to receive a flat investment-grade rating by both Standard & Poor's and Fitch, and at financial close was the first P3 transportation transaction to not use TIFIA funds in its capital structure. Financing included \$194.5 million in short-term bonds secured by milestone payments and \$482 million in long-term bonds secured by availability payments. Nossaman assisted the Authority in contracting with a joint venture of Walsh/VINCI/Bilfinger for the approximately 35-year DBFOM project, which achieved procurement in record time. Evan was actively involved in the procurement and managing the proposal evaluations. The project won many of the industry's most prestigious awards: In 2013, it captured *The Bond Buyer's* Deal of the Year – a first for a P3 transaction; The American Road and Transportation Builders Association's P3 Project of the Year; *Project Finance International's* Americas Transportation Deal of the Year; *Project Finance* magazine's North American Project Bond Deal of the Year; and *Partnerships Bulletin's* Projects Grand Prize and Gold Prize for best P3 road project, and *Infrastructure Journal* named it a finalist for Transport Deal of the Year. In 2014, *P3 Bulletin International* named East End Best Global Road Project and Best Global Infrastructure Project, and in 2015 the International Road Federation gave it the Global Road Achievement Award for Project Finance and Economics. Most recently, the project was awarded the 2017 Infrastructure Award from the National Council for Public-Private Partnerships.

Central Puget Sound Regional Transit Authority – South-Link Extension. Leader of the legal team that advised the transit agency on a 1.6-mile light rail segment to run south from Washington's Sea-Tac Airport on an elevated guideway. The project includes an Angle Lake Station at South 200th Street, passenger platforms with covered waiting areas, a transfer area for bus connections, passenger pickup and drop-off areas and vanpool parking. Evan helped develop procurement strategy and documents for a \$169 million design-build contract with PCL Civil Constructors in 2012. The segment opened in September 2016, four years earlier than envisioned under the agency's previous plan.

Santa Clara Valley Transportation Authority – BART Silicon Valley Berryessa Extension. Key member of the legal team serving as special design-build counsel on the first phase of a \$2.3 billion Bay Area Rapid Transit system extension into the Silicon Valley. The project, under construction and scheduled to open in 2019, includes 10.2 miles of heavy rail infrastructure and two stations. Evan assisted in structuring the design-build procurement and drafting the procurement and contract documents for a \$722 million 2011 agreement with a Skanska/Shimmick/Herzog joint

venture. The team continues to assist VTA in contract administration and negotiation of arrangements for BART to provide train cars as well as operations and maintenance services for the new line.

California Department of Transportation – Presidio Parkway. Key member of the legal team that advised on a \$1.1 billion project to rebuild a spectacular natural gateway linking the Golden Gate Bridge with the City of San Francisco. The parkway, which traverses an environmentally sensitive national park and a national historic landmark district, was the first procurement under California's P3 law and only the third highway improvement developed under an availability payment P3 in the U.S. Financing for the project, awarded to a Hochtief/Meridiam joint venture, included \$45.6 million in equity, \$166.6 million in senior bank loans and a \$150 million TIFIA loan. Evan focused his efforts on the procurement side of the transaction, managing the process through selection of a preferred proposer. The project, which opened to traffic in July 2015, captured many honors. In 2012, it won "Americas P3 Deal of the Year" from *Project Finance International*; "North American P3 Deal of the Year" from *Project Finance* magazine; "P3 Project of the Year" from the American Road and Transportation Builders Association; and "Best Real Estate Deal of the Year, Infrastructure/ Public-Private Partnership" from *San Francisco Business Times*. In 2013, *P3 Bulletin* named it a finalist for "Best Transport Project of the Year, and in 2016 the National Council for Public-Private Partnerships honored it with the Infrastructure Project Award.

Utah Department of Transportation – I-15 CORE. Key member of the legal team that advised on procurement of a \$1.1 billion design-build contract for a project that alleviated severe traffic on a 24-mile stretch of the I-15 in the Salt Lake City area. Known as the Utah County I-15 Corridor Expansion, the project added two travel lanes in each direction and rebuilt or replaced 63 bridges and 10 freeway interchanges. It also replaced the existing roadway from Lehi to Spanish Fork with 40-year concrete pavement without cutting the number of lanes during the work. Construction on the project – the fastest public highway upgrade of its size in U.S. history – began in April 2010 and wrapped up in December 2012, two years ahead of schedule and \$260 million under budget. Evan assisted the Department with procurement and contract documents relating to an agreement with a Fluor-led joint venture to develop the project. The roadway transformation won numerous honors including the DBIA National Design-Build award and AASHTO America's Transportation Awards Grand Prize, both in 2013.

San Francisco Bay Area Water Emergency Transportation Authority – Water Transportation System. Key member of the legal team that served as general counsel to this statutory regional water transit authority tasked with coordinating publicly-operated ferry services. Nossaman's work included negotiating agreements between the agency and public operators of ferry services that led to the transfer of vessels, facilities and equipment to WETA. The Firm also negotiated and drafted procurement documents for the construction of new ferry vessels and the first new ferry terminal in the Bay Area in more than 50 years. Evan was actively involved in procurement and contracting for the ferries and facilities.

INSIGHTS

SPEAKING ENGAGEMENTS

Instructor, "Design-Build Contracts and Risk Management," Design-Build Institute of America, United States, 2007 - Present

Panelist, "Risk Allocation – Mitigation," Transportation Research Board's 58th Annual Workshop on Transportation Law, Cleveland, OH, 07.23.2019

Presenter, "Warranties: Ensuring Performance After Project Completion," Design-Build Institute of America Design-Build in Transportation Conference, Minneapolis, MN, 03.28.2017

Panelist, "P3 Market Trends," National Council for Public-Private Partnerships P3Connect 2016, Chicago, IL, 06.28.2016

Speaker, "Using Availability Payments for Social and Transportation Infrastructure Projects," Design-Build Institute of America Design-Build Conference & Expo, Denver, CO, 11.03.2015

Panelist, "Balancing RFP Requirements Wants and Needs," Design-Build Institute of America Design-Build in Transportation Conference, San Antonio, TX, 03.10.2015

Panelist, "Alternative Delivery Panel," American Council of Engineering Companies California Annual Conference, Palm Springs, CA, 04.08.2014

Moderator, "Availability Payment P3s: Owner, Equity and Design-Builder Perspectives," Design-Build Institute of America Design-Build in Transportation Conference, Orlando, FL, 03.19.2013

Panelist, "Lessons Learned Forum," Design-Build Institute of America Design-Build in Transportation Conference, Phoenix, AZ, 04.27.2012

Speaker, "Design-Build Procurement Workshop," American Public Works Association-Sacramento Chapter, Sacramento, CA, 11.04.2011

Panelist, "Lessons Learned Forum," Design-Build Institute of America Design-Build in Transportation Conference, Kansas City, MO, 03.28.2011

Speaker, "Innovative Financing for Design-Build Transportation Projects - Non-Toll Financing Alternatives," Design-Build Institute of America Design-Build in Transportation Conference, Dallas, TX, 04.22.2010

Speaker, "Design-Build for Public Entities," County Counsels' Association of California Public Works and Contracts Spring Study Section Conference, San Diego, CA, 05.29.2009

HONORS & RECOGNITIONS

Industry Professional Leadership Award, Design-Build Institute of America – Design-Build in Transportation Leadership Awards, 2016

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COMMUNITY & PROFESSIONAL

Design-Build Institute of America: Chair of Legal and Legislative Committee, Member of Transportation Markets Committee, Co-Chair of 2012 and 2014 Design-Build in Transportation conferences, Co-Chair of 2013 Design-Build Conference and Expo, Instructor of Contracts and Risk Management course

State Bar of California

Washington State Bar Association

American Correctional Association

PRACTICES

Infrastructure

Construction Law, Claims & Litigation

Dispute Resolution

Legislation & Policy

Procurement & Contracting

Project Financing

Regulatory & Compliance Matters

INDUSTRIES

Transportation

EDUCATION

Willamette University College of Law, J.D., 1995, Production Editor, *Willamette Bulletin of International Law and Policy*, 1994-1995

University of Washington, Certificate Program in Construction Management, 1998

University of Colorado at Boulder, B.A., 1992

ADMISSIONS

California

Colorado
Texas
Washington