

# Yukiko Kojima

Partner | Los Angeles

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Yukiko Kojima offers clients unique experience with highly innovative alternative delivery strategies for large-scale infrastructure projects in the U.S. because of her deep knowledge of national best practices as well as Canada’s mature P3 market. She primarily advises public agencies in the use of methods such as P3 and design-build, but also represents private-sector participants on select projects.

Yukiko takes an active role in Nossaman’s P3 practice initiatives in the social infrastructure area, and co-authored the Firm’s model social infrastructure P3 legislation. She served on the national board of Design Build Institute of America and chaired its P3 Committee from its inception.

Before joining Nossaman, she was a partner in the leading P3 practice of a Canadian law firm in Vancouver and Tokyo where she assisted successful and shortlisted bidders on numerous award-winning P3 projects in Canada.

## EXPERIENCE

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**Maryland Department of Transportation and Maryland Transit Administration – Purple Line Light Rail Renegotiation/Resolicitation.** Leader of the Nossaman team that advised Maryland on the negotiation of the amended P3 agreement and resolicitation of the replacement design-build contractor to complete Maryland’s first transit P3 project – a \$3.4 billion (capital cost), 16.2-mile light rail system that will significantly facilitate mobility between the Maryland suburbs and Washington, D.C. After the original design-build contractor left the project in fall of 2020, MDOT/MTA and the concessionaire negotiated amendments to the P3 agreement and resolicited a replacement design-build contractor. The amended project reached financial close in April 2022. Yukiko continues to advise MDOT/MTA in the implementation of the amended P3 agreement.

**City of Los Angeles – Convention Center Renovation and Expansion.** Leader of the legal team retained by the City to help negotiate and draft an implementation agreement for the Los Angeles Convention Center (LACC) expansion P3 project, for which the City entered into an Exclusive Negotiation Agreement with a developer in January 2019. The resulting expansion is anticipated to add at least 190,000 square feet of additional contiguous exhibit space, 55,000 square feet of meeting room space and at least 95,000 square feet of multi-purpose space to the existing facility, and includes the renovation of the Gilbert Lindsay Plaza.

**Denver International Airport – Jeppesen Terminal Redevelopment Project (“Great Hall Project”).** Leader 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. Yukiko’s services included drafting and negotiating the development agreement and advising on implementation issues.

**The Regents of the University of California – UC Merced 2020 Campus Expansion Project.** Key member 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. Yukiko's services included assisting with structuring the procurement, drafting and finalizing procurement and contract documents, and developing the evaluation process. Following closing, she advised on legal issues arising from the implementation of the project.

**Florida Department of Transportation – I-4 Ultimate Project.** Key member 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 rebuilds 15 major interchanges, add or replace 127 bridges, and build four tolled express lanes partially funded through a \$949 million TIFIA loan. Yukiko drafted the contract documents, participated in one-on-one meetings with shortlisted proposers, assisted with the evaluation process and assisted with the negotiation and finalization of contract documents and the closing process.

**Maryland Transit Administration and Maryland Department of Transportation – Purple Line Light Rail.** Key member of the legal team that advised on the procurement of Maryland's first transit P3 project, then an approximately \$2 billion (capital cost) light rail system, awarded in 2016. Yukiko prepared a written assessment of delivery alternatives and North American P3 procurement best practices for the project prior to launch of the original procurement.

**New York State Thruway Authority – Tappan Zee Bridge.** Key member of the legal team that advised on a project Gov. Andrew Cuomo has described as the state's most pressing infrastructure need – replacement of an aging three-mile-long cantilever bridge over the Hudson River with a new cable-stayed, dual-span structure designed to last a century. To help deliver the project, Nossaman drafted procurement and contract documents and assisted with the procurement, which resulted in the award of a \$3.1 billion design-build contract with to a Fluor-led consortium – \$800 million less than the next lowest bidder – in the first such deal undertaken by the transportation agency and the largest in the country to date. The new Governor Mario M. Cuomo Bridge opened to traffic in 2017. Yukiko's services included reviewing enabling legislation, assessing project risk, producing procurement and contract documents, participating in meetings with proposers and contract negotiations.

**InTransit BC Limited Partnership – Canada Line Rapid Transit Project.** Key member of the legal team that advised the successful proposer led by SNC-Lavalin in its successful bid for the CAD \$2 billion DBFOM rapid transit project connecting downtown Vancouver with Vancouver International Airport and the City of Richmond. The concessionaire completed the P3 project within budget and ahead of schedule before the opening of the 2010 Winter Olympics. Following financial close, Yukiko also acted as lead external counsel to the concessionaire on all legal matters arising from project. In 2005, *Project Finance* magazine named Canada Line North American Transport Deal of the Year and *PFI* magazine honored it as Infrastructure Deal of the Year-Americas. In 2010, *Infrastructure Journal* named the line one of the 100 most innovative and socially significant infrastructure projects in the world.

**Brookfield Infrastructure Partnerships Quinte – Quinte Consolidated Courthouse Project.** Key member of the legal team that advised the successful proposer in connection with an approximately CAD \$250 million P3 project to design, build, finance and maintain a new consolidated courthouse in Belleville, Canada. Yukiko's services included drafting and negotiating the design-build contract on behalf of the concessionaire.

**Brookfield Infrastructure Partnerships Surrey – Surrey Pre-Trial Services Centre Expansion Project.** Key member of the legal team that advised the successful proposer on a CAD \$90 million DBFM availability payment concession for the Surrey Pre-Trial Services Centre Expansion Project in Surrey, British Columbia, which included the construction of 216 high-security, state-of-the-art cell expansions and renovation of an existing detention facility. In 2011, the project received the Canadian Council for Public-Private Partnership's Gold Award for Project Financing. Yukiko's services included drafting and negotiating the design-build contract on behalf of the concessionaire and assisting with closing.

**Golden Crossing General Partnership – Golden Ears Bridge Project.** Key member of the legal team that advised the successful proposer led by Bilfinger Berger BOT Inc. in its bid to design, build, finance, operate and maintain a new crossing of the Fraser River in Vancouver, Canada. The concessionaire entered into a CAD \$1 billion, 35-year P3 concession agreement with South Coast British Columbia Transportation Authority. The project, which opened to traffic in 2009, captured numerous awards including 2006 "North American P3 Deal of the Year" from *Project Finance*

magazine, “North American Deal of the Year” from *PFI* magazine and “North American P3 Deal of the Year” from Project Finance (Euromoney). In 2007, *Infrastructure Journal* named the project “Global Deal of the Year.” Yukiko’s services included drafting and negotiating the design-build contract on behalf of the concessionaire.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Panelist, "Owners Perspective: Real Life or Simply Fantasy," 2022 Aon Construction Professional Liability Conference, Chicago, IL, 06.02.2022

Panelist, "P3s: The Opportunities and Implications of Working with Private Partners and the U.S. DOT to Deliver Transit Capital Projects," American Public Transportation Association’s 2022 Legal Affairs Seminar, Boston, MA, 04.03.2022

Moderator, "Applying Design-Build Best Practices to Higher Education Project Delivery," 2020 P3 Higher Education Summit, 10.29.2020

Moderator, "Solving the Puzzle: Effective Project Delivery Selection Processes," 2020 P3 Airport Summit, 09.23.2020

Moderator, "The University of Hawai’i West O’ahu – Development Opportunities in the O’ahu’s Second City," 2019 P3 Higher Education Summit, San Diego, CA, 10.24.2019

Moderator, "Comparing and Contrasting P3 Delivery Models in Higher Education," 2018 P3 Higher Education Summit, San Diego, CA, 09.12.2018

Moderator, "Denver International Airport’s Great Hall Project – Insights into an Innovative P3," P3C Media's P3 Airport Summit, San Diego, CA, 07.23.2018

Speaker, "P3s – What is Next in Implementing/Managing Public-Private Partnerships?," Airports Council International – North America’s Legal Affairs Spring Conference, San Francisco, CA, 05.05.2018

Moderator, "Denver International Airport’s Great Hall Project – Insights into an Innovative P3," Public-Private Partnership Conference & Expo, Dallas, TX, 02.27.2018

Moderator, "Implementing Higher Education P3s: The UC Merced, Ohio State University and University of Massachusetts Experience," 2017 P3 Higher Education Summit, San Diego, CA, 09.18.2017

Moderator, "Why the 'F' in DBFOM," The Public-Private Partnership Airport Summit, San Diego, CA, 07.25.2017

Moderator, "Transit P3s - Issues and Lessons Learned," Design-Build Institute of America Design-Build in Transportation Conference, Minneapolis, MN, 03.28.2017

Moderator, "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

Speaker, "P3s in Florida," Enterprise Florida Board of Directors Meeting, Tallahassee, FL, 01.29.2016

Panelist, "Current Trends in P3 Project Delivery in U.S. and Canada," Transportation Research Board's 95th Annual Meeting, Washington, DC, 01.12.2016

Panelist, "PPP Perspectives," National Governors Association State Planning Connecticut Retreat on Public-Private Partnerships, New Britain, CT, 11.17.2015

Moderator, "How to Procure a P3 Project," P3s for Public Buildings Summit, Washington, DC, 10.22.2015

Panelist, "Emerging Trends in P3 Project Delivery in U.S. and Canada," Transportation Research Board Annual Workshop on Transportation Law, Chicago, IL, 07.21.2015

Panelist, "Overview of Current P3 Market for Public Buildings," P3s for Public Buildings Summit, Miami, FL, 11.17.2014

Panelist, "Understanding Public-Private Partnerships," National Governors Association North Carolina Retreat on Public-Private Partnerships, Raleigh, NC, 10.30.2014

Moderator, "Canadian and U.S. P3s -- A Comparative Discussion," American Road & Transportation Builders Association P3s in Transportation Conference, Washington, DC, 07.26.2013

## **PUBLICATIONS**

Co-Author, "How COVID-19 May Change Universities' Use of P3s," *Law360*, 12.02.2020

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

## **HONORS & RECOGNITIONS**

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Shortlisted for Leading Women in Infrastructure Award, *P3 Bulletin*, 2022

Individual recognition for Projects, PPP – Nationwide, *Chambers Global*, 2021-2022

Individual recognition for Projects, PPP – Nationwide, *Chambers USA*, 2015-2018, 2020-2022

Most Influential Minority Lawyers honoree, *Los Angeles Business Journal*, 2016, 2022

Listed, Finance – Project Finance – Advice to Sponsors, *The Legal 500 United States*, 2020-2022

Top Women Attorneys honoree, *Los Angeles Business Journal*, 2020

Top Women Lawyers honoree, *Daily Journal*, 2018

Project Finance MVP, *Law360*, 2017

Most Influential Women Lawyers honoree, *Los Angeles Business Journal*, 2017

Leading Expert in Project Finance in Japan, *Global Law Experts*, 2010

## **COMMUNITY & PROFESSIONAL**

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UC Merced Foundation, Trustee

U.S. Infrastructure Law Forum, Steering Committee Member

Design-Build Institute of America, Former National Board Member and Chair of P3 Committee

Education Through Music-Los Angeles, Board Member

Los Angeles County Bar Association, Member

American Bar Association, Member

## **PRACTICES**

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Infrastructure

Procurement & Contracting

Project Financing

## **INDUSTRIES**

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Government & Public Sector

Transportation

## **EDUCATION**

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University of Toronto, LL.B., 1997

University of Toronto, B.A., 1994

## LANGUAGES

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Japanese

## ADMISSIONS

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California

New York

Ontario, Canada, (*non-practicing*)

British Columbia, Canada, (*non-practicing*)