

# Andrée Blais

Partner | Los Angeles

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Andrée Blais advises public agencies in the use of innovative procurement and contracting methods for the development and delivery of major public infrastructure projects in the transportation and social infrastructure sectors. She focuses her practice on public-private partnership (P3) and design-build delivery, as well as early contractor involvement models such as CMGC, progressive design-build, and predevelopment or progressive P3 structures.

Andrée serves as a lead or key member of Nossaman teams assisting with high profile U.S. projects, and offers the additional benefit of substantial infrastructure experience in Canada – a country with a well-established approach to P3 delivery.

While in Canada, Andrée's roles included working with Alberta Justice, where she led the legal team advising the Province of Alberta on its first two AP social infrastructure P3 deals and helped advance major transportation projects and a water/wastewater facility through P3 models.

Andrée, who had the privilege of beginning her legal career as a law clerk to the Hon. Justice Frank Iacobucci of the Supreme Court of Canada, co-authored Nossaman's model social infrastructure P3 legislation.

## EXPERIENCE

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### **Los Angeles County Metropolitan Transportation Authority (LA Metro) – Sepulveda Pass Rail Transit Program.**

Leader of the legal team engaged to implement LA Metro's first application of the Pre-Development Agreement (PDA) delivery method to develop the approximately \$6 billion to \$10 billion Sepulveda Pass Rail Transit project through one of the most congested interstate highway corridors in the nation. This transit line will connect with the San Fernando Valley and Los Angeles' Westside, integrating into the East-West SFV LRT, the Orange Line, the Purple Line, the Expo Line and ultimately LAX. On March 25, 2021, the LA Metro Board approved the award of two Pre-Development Agreements pursuant to which pre-development services will be performed to further refine alternative transit solutions, including monorail and heavy rail technologies and various alignments.

### **City and County of San Francisco and San Francisco Municipal Transportation Agency (SFMTA) – Potrero Yard Modernization Project.**

Leader of the legal team advising on the procurement of a modern bus maintenance and storage facility equipped to serve the projected future needs of SFMTA's new battery electric bus fleet, together with a mixed residential and commercial development at the 4.4 acre project site. The project, with an estimated construction cost of approximately \$500 million, will be delivered through a Pre-Development Agreement (PDA) method.

**Los Angeles County Metropolitan Transportation Authority (LA Metro) – East San Fernando Valley Transit Corridor Project.** Leader of the legal team advising on the progressive design-build delivery of the \$1.6 to \$2.0 billion 6.7 mile at-grade light rail transit line between LA Metro’s “G” Line (Orange) in Van Nuys to San Fernando Road in Pacoima. The new transit line will include 14 new stations, traction power substations and a new Maintenance & Storage Facility. The project also includes a public-private partnership component and is the second project to enter the Federal Transit Administration’s Expedited Project Delivery pilot program.

**County of Sonoma – Government Center Project.** Key member of the legal team advising the County of Sonoma on the AP/DBFOM procurement of a new government center that would consolidate County operations and potentially include an affordable housing component. The project will allow the County to eliminate significant deferred maintenance of its existing facilities, reduce costly off-site leases currently necessary to house its departments, and allow potential mixed use enhancements.

**City of Inglewood – Inglewood Transit Connector.** Key member of the legal team advising on all aspects of the \$1.1 billion elevated fixed guideway rail project to connect LA Metro’s Crenshaw Light Rail Line with the revitalized Market Street commercial area, the Kia Forum, the Intuit Dome and Sofi Stadium at Hollywood Park. We play key roles in strategic direction, project governance, legal authority, procurement planning and implementation for a DBFOM contract, property acquisition, financial planning, negotiating with third party stakeholders and the formation of a joint powers authority between the City and LA Metro to own and manage the project.

**City of Los Angeles, Los Angeles World Airports – Automated People Mover (APM).** Key member 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. The APM 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 AP public-private partnership delivery model and earned several national and international awards. Andrée’s services included leading the development and drafting of procurement and contract documents and advising the City in connection with commercial and financial close.

**Los Angeles County Metropolitan Transportation Authority (LA Metro) – Link Union Station (Link US) Project.** Leader of the legal team advising on the agency’s first CM/GC project to convert LA’s Union Station from a “stub-end” to a “run-through” station, increase operational capacity to meet the demands of the regional rail system, and provide full multimodal connectivity between light rail, subway, commuter and intercity rail with local, regional and intercity transportation services. The project, which will be delivered in two phases, includes modifications to platform 4, construction of a viaduct across the 101 freeway to ultimately accommodate 10 tracks, and raising the entire track yard.

**City of Los Angeles, Los Angeles World Airports – Consolidated Rent-A-Car Facility (ConRAC).** Key member 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 AP public-private partnership delivery model. The project captured many honors. Andrée’s services included advising on commercial terms and performance-based strategies and advising the City in connection with financial close.

**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 AP 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. Andrée’s services included drafting contract documents and advising on commercial terms and performance-based strategies.

**San Francisco Bay Area Water Emergency Transportation Authority – Water Transportation System.** Leader of the legal team that advised on the procurement of a construction management at risk (CM at risk) contract for a two-phase, \$65 million FTA-funded project to expand and improve existing facilities at the downtown San Francisco Ferry Terminal. WETA will require the contractor to perform early construction work during the project’s first phase, and that services on the agency’s existing ferry routes remain fully operational during the project’s construction. Andrée’s services included advising WETA on its contracting approach (including phasing of the project’s construction work), drafting documents, and helping ensure compliance with the legal requirements applicable to this innovative type of contracting.

**Arizona Department of Transportation.** Researched and prepared a memorandum on alternatives for organizing a central state P3 office, drawing on examples from other jurisdictions, identifying pros and cons for each alternative, and providing a checklist of concepts for inclusion in legislation to expand P3 authority in Arizona.

**City of Indianapolis – Marion County Justice Center.** Key member of the legal team that advised on all aspects of an AP P3 project to consolidate the City's criminal justice functions. The City released an RFP to three shortlisted teams in June 2014 and selected a preferred bidder in December 2014. The City Council, however, decided not to move forward with the complex and cancelled the procurement after receiving three compliant bids.

**SaskBuilds, a Treasury Board Crown Corporation of the Province of Saskatchewan.** Assisted SaskBuilds with development of its P3 program, including guidelines for assessing and selecting projects best suited for P3 delivery and strategies and standards for P3 procurements.

**Province of Alberta – Alberta Schools Alternative Procurement Project I.** At Alberta Justice, leader of the legal team that advised the Province on its first social infrastructure P3 project – a bundle of 18 schools in Edmonton and Calgary. This award-winning CAD \$634 million, 30-year AP DBFM project involved numerous stakeholders including four school boards and two municipalities. The new schools, built to LEED Silver standards, opened in September 2010 with space for more than 12,000 students. Andrée's services included structuring, drafting and finalizing the contract documents, advising on commercial terms, addressing proposer issues in one-on-one meetings and negotiating through commercial and financial close.

**Province of Alberta – Alberta Schools Alternative Procurement Project II.** At Alberta Justice, leader of the legal team that advised the Province on its second bundled schools project, a 30-year P3 providing for 10 schools in the Edmonton and Calgary regions. This CAD \$253 million AP DBFM project involved eight school boards and six municipalities. The new schools, built to LEED Silver standards, opened in June 2012 with space for more than 7,900 students. Andrée's services included structuring, drafting and finalizing the contract documents, advising on commercial terms, addressing proposer issues in one-on-one meetings and negotiating through commercial and financial close.

**Province of Alberta – Evan Thomas Water and Wastewater Treatment Facility P3 Project.** At Alberta Justice, key member of the legal team that advised the Province on the expansion and upgrade of water/wastewater facilities in the environmentally sensitive Kananaskis area of Alberta. The Province awarded the 10-year, DBFO project to EPCOR in October 2012. The \$59.6 million project, which opened in September 2014, included a capital contribution from P3 Canada through the P3 Canada Fund. Andrée advised during the project development phase and her services included structuring and drafting procurement documentation including the project agreement and advising on commercial terms.

**Province of Alberta – Northwest Anthony Henday Drive Ring Road P3 Project.** At Alberta Justice, key member of the legal team that advised the Province on this DBFO availability payment project for the development of the Northwest quadrant of the Edmonton ring road system. The Alberta Government signed a 30-year contract with a Bilfinger Berger BOT Inc.-led consortium to deliver the CAD \$1.42 billion project, which provided 21 kilometers of 6-lane and 4-lane divided roadway with eight interchanges, five flyovers and two railroad crossings. The roadway opened to traffic in November 2011. Andrée advised during the project development phase and was involved in preparation of procurement documentation.

**Province of Alberta – Northeast Stoney Trail Project.** At Alberta Justice, member of the legal team that advised the Province on the DBFO P3 procurement of the Northeast quadrant of the Calgary Ring Road system. The Province entered into a 30-year agreement with a Bilfinger Berger BOT Inc.-led consortium to develop the CAD \$650 million project, which includes 21 kilometers of new 4-lane and 6-lane divided freeway and six interchanges. Construction began in spring 2007 and the roadway opened to traffic in November 2009. Andrée advised during procurement, award and commercial and financial close and assisted with contract administration.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

- Panelist, "Intro to Public-Private Partnerships (P3)," Design-Build Institute of America's 2022 Design-Build Conference & Expo, Las Vegas, NV, 11.1.2022 – 11.4.2022
- Panelist, "The Evolution of Alternative Delivery - The Expansion of P3 Delivery Options," Construction Management Association of America's (CMAA) Educational Webinar, 08.23.2022
- Speaker, "Investment Considerations for Public Plan Investment Officers," Nossaman's 2021 Public Pensions & Investments Fiduciaries' Forum, 12.06.2021 – 12.07.2021
- Moderator, "CEQA Streamlining for Transportation Projects," Women's Transportation Seminar: Los Angeles, Legislative Committee Program, 11.03.2021
- Speaker, "Owner Advisor in DB – It's a Win!," Design-Build Institute of America's 2021 Design-Build Conference & Expo, Denver, CO, 11.01.2021 – 11.03.2021
- Speaker, "Why Institutional Investors May Find New Opportunities in P3 Infrastructure Investments," Regulatory Fundamentals Group 2021 Fall Conference, New York, NY, 10.27.2021
- Instructor, "Introduction to Public-Private Partnerships for the Design-Builder," Design-Build Institute of America Training Course, Washington, DC, 09.30.2021
- Speaker, "The Difference Between Project Funding and Project Financing," 2021 P3 Airport Summit, San Diego, CA, 07.20.2021
- Speaker, "Top 10 Critical Issues When Procuring a P3," 2021 P3 Airport Summit, San Diego, CA, 07.19.2021
- Speaker, "Best Practices in Pre-Development Agreements (PDAs)," ARTBA's 33rd Annual Public Private Partnerships in Transportation Conference, 07.15.2021
- Moderator, "How Federal Transportation Policy Developments Impact You," Women's Transportation Seminar: Los Angeles, Legislative Committee Program, 06.16.2021
- Speaker, "Navigating Environmental Compliance for Public-Private Partnerships," Transportation Research Board Webinar, 04.21.2021
- Speaker, "Social Infrastructure – Alternative Delivery Methods Involving Private Finance," Private Client Presentation, 07.08.2020
- Speaker, "Alternative Project Delivery Models and Procurement Strategies for Infrastructure," Private Client Presentation, Los Angeles, 03.04.2020
- Speaker, "Public-Private Partnership (P3) Procurement Training Course," U.S. Department of Transportation, Build America Bureau, Los Angeles County Metropolitan Transportation Authority, Los Angeles, 11.21 - 22.2019
- Panelist, "What Do Design-Builders Need to Know About P3's?," 2019 Design-Build Conference and Expo, Las Vegas, NV, 11.07.2019
- Panelist, "Infrastructure Panel," Citi California Municipal Conference, Rancho Palos Verdes, CA, 11.09.2018
- Moderator, "Are We There Yet? – The Quest for the Efficient P3 Procurement," U.S. Infrastructure Law Forum, Leesburg, VA, 09.24.2018
- Speaker, "Private Financing for Port Infrastructure," American Association of Port Authorities Port Real Estate Issues Workshop, Seattle, WA, 09.18.2018
- Moderator, "Transforming LAX - LAWA's Automated People Mover and ConRAC Projects," P3C Media's P3 Airport Summit, San Diego, CA, 07.23.2018

Presenter, "The Automated People Mover – Transforming LAX," Women's Transportation Seminar International's 2018 Annual Conference, San Diego, CA, 05.17.2018

Speaker, "Public-Private Partnerships: The New Paradigm," Railway Age Light Rail 2017 + Rail Transit Finance Forum, Denver, CO, 04.20.2017

Speaker, "Public-Private Partnerships (P3s) for Social Infrastructure," CLE International Alternative Delivery & Financing Conference, Austin, TX, 01.30.2017

Speaker, "Design Build Finance Operate Maintain P3s - Basic Characteristics," 3rd Annual California Construction Law Seminar, 01.20.2017

Panelist, "Let's Get Jurisprudential: Hot Topics in P3 Law and Procurement," Canadian Council for Public Private Partnerships National Conference, Toronto, Ontario, 11.14.2016

Moderator, "Social Infrastructure and Innovative P3s," Public-Private Partnership Conference & Expo 2016, Dallas, TX, 03.08.2016

Panelist, "The Growth and Management of the Municipal and Civic Pipeline," 2nd Annual P3 Hub South Conference, Miami, FL, 02.17.2016

Speaker, "Considerations for the Designer in Design-Build Delivery," American Institute of Architects and Design-Build Institute of America San Francisco chapter's Demystifying Design-Build Series, San Francisco, CA, 05.07.2015

Panelist, "Best Practices for Public Building P3 Projects: What Works and What Doesn't?," National Council for Public-Private Partnerships/Performance Based Building Coalition P3s for Public Buildings Summit, Miami, FL, 11.17.2014

Co-Presenter, "Procurement and the Laws of Competitive Bidding: Managing Risks," Canadian Bar Association (Saskatchewan Branch) Mid-Winter Meeting, Saskatoon, Saskatchewan, 02.07.2013

Speaker, "The New West Partnership Trade Agreement and Public Sector Procurement in Saskatchewan," Canadian Bar Association (Saskatchewan Branch) Mid-Winter Meeting, Regina, Saskatchewan, 02.02.2012

## **PUBLICATIONS**

Co-Author, "Design-Build in the Transportation Arena," *Design-Build, Public-Private Partnerships and Collaboration Handbook, 13th Edition*, 03.01.2022

Podcast Co-Host, "Why Pension Systems May Find New Opportunities in P3 Infrastructure Investments," *Public Pensions & Investments Briefings*, 09.02.2021

Author, "P3 Delivers APM at LAWA," *Project Finance International's 2018 Global Infrastructure Report*, 06.01.2018

Author, "Capturing Innovation," *P3 Bulletin*, 02.01.2016

Author, "Wanted: Trillions of Dollars – New Financial Instruments Might Finally put Sorely Needed Private Dollars to Work," *Real Assets Adviser, A Publication of Institutional Real Estate Inc.*, 06.01.2015

## **HONORS & RECOGNITIONS**

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Recognized as a Transportation MVP, *Law360*, 2022

Individual recognition for Projects, PPP – Nationwide, *Chambers USA*, 2022

"Banking & Finance Visionary" honoree, *Los Angeles County: Banking and Finance - Trends, Updates, Visionaries, Los Angeles Times B2B Publishing*, 2022

Recognized as a West Trailblazer by *The American Lawyer*, 2022

"Legal Visionary" honoree, *Business of Law: Trends, Updates, Visionaries & In-House Counsel Leadership Awards, Los Angeles Times B2B Publishing*, 2021

"California's Top 100 Women Lawyers" honoree, *Los Angeles Daily Journal*, 2019

"Most Influential Women Lawyers" honoree, *Los Angeles Business Journal*, 2018

## COMMUNITY & PROFESSIONAL

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Design-Build Institute of America, P3 Committee, 2015-2021

Women's Transportation Seminar: Los Angeles, Legislative Chair, 2018-2021

Association for the Improvement of American Infrastructure (AIAI), Operations & Maintenance Committee and Community Based Infrastructure Committee, 2021

FHWA Initiative to Promote Adoption of Value Capture to Deliver Highway Projects, Member of Technical Working Group, 2018-2019

Women's Transportation Seminar International Conference, National Programs Committee, 2018-2019

## PRACTICES

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Infrastructure

Dispute Resolution

Legislation & Policy

Procurement & Contracting

Project Financing

Regulatory & Compliance Matters

## EDUCATION

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McGill University, LL.B., 1996, *with Great Distinction*

Osgoode Hall Law School of York University, LL.M., 2004

University of Saskatchewan, B.A., 1991, *with High Honors*

## ADMISSIONS

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California

Saskatchewan, Canada