



Michael C. Loulakis ,Esq.  
Reston, Virginia



**Current Employer-Title**

Capital Project Strategies, LLC – President & Chief Executive Officer

**Profession**

Attorney, Consultant

**Work History**

President/Chief Executive Officer, Capital Project Strategies LLC, 2007 Present; Shareholder, Akerman Senterfitt Wickwire Gavin, 2006 – 2007 President (2000 – 2006)/Shareholder (1983 – 2006)/Associate (1979 – 1983), Wickwire Gavin P.C., 1979 – 2006; Engineer, Geotechnical Engineers Inc, 1976.

**Experience**

Almost 45 years of construction industry experience, as a geotechnical engineer, construction lawyer, and procurement and contracting consultant, with substantial experience on design-build, P3 and EPC projects.

As a construction lawyer, has represented owners, general contractors, subcontractors, design professionals, construction managers, sureties, and insurers. Legal experience includes transactional services (e.g., advice on project delivery and procurement, as well as contract drafting and negotiations) and representing clients on claims and disputes. Significant experience in handling large conflicts involving changes in scope, differing site conditions, delays, disruptions, defective work, and terminations. A majority of the conflict experience involved disputes subject to arbitration. Project experience includes public infrastructure (e.g., transportation, water/wastewater, tunnels); industrial (e.g., petrochemical and process); commercial and public (e.g., correctional and DOD) facilities; healthcare; and multifamily residential.

Substantial experience representing owners and developers on power

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generation facilities (e.g., coal, gas, biomass, and hydroelectric). Projects include domestic and international (e.g., India, Pakistan, and China), with experience ranging from contract drafting and negotiations to representing clients in claims and disputes.

Since 2006 has focused on providing consulting services to public and private sector owners on their capital projects. Services generally include advice on project delivery, risk management, procurement, and contracting approaches for design-build, EPC, EPCM, or P3 delivery models. Public sector consulting experience in transportation industry includes heavy and light rail, road and bridge, airport, and tunneling projects. Public sector consulting experience in water/wastewater industry includes treatment plant expansions/renovations and tunnels (both intake and combined sewer overflows). Private sector consulting experience includes healthcare, data centers, food processing, and international oil and gas, power, and petrochemical.

Adjunct Professor in the Department of Civil, Environmental, and Infrastructure Engineering, George Mason University.

#### **Alternative Dispute Resolution Experience**

Arbitration panelist (including panel chair) on variety of construction disputes, including matters involving disputes in excess of \$1.0 billion. Typical disputes involve contested changes, differing site conditions, delay and disruption-related issues, terminations, and defective work. Has served as a panelist on ICDR and other arbitral panels involving power generation, mining and other industrial projects.

In addition to arbitration experience, frequently serves on Dispute Review Boards (DRBs), including both binding and non-binding DRBs. Has served as a chair and party-appointed wing on DRBs in the transportation sector for projects delivered through design-build and P3, including road, bridge, and aviation projects. Has also served on a DRB for a nuclear project.

#### **Education**

Boston University School of Law (JD-1979); Tufts University (BS, Civil Engineering-1976).

#### **Professional Licenses**

Admitted to the Bar: Virginia (1979), District of Columbia (1980), Maryland (1990).

#### **Professional Associations**

Design-Build Institute of America (Fellow; Brunelleschi Lifetime Achievement Award; Past Member Board of Directors; Past Chairman of Manual of Practice Committee, Education Committee, and Best Practice Committee); American College of Construction Lawyers (Fellow); National Academy of Construction (elected member); Water Collaborative Delivery Association, Past Member Board of Directors; American Bar Association (Member, Forum on Construction Committee and Public Contract Law Section); American Society of Civil Engineers (Member); Virginia Bar Association.

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## Recent Publications & Speaking Engagements

### PUBLICATIONS:

#### Transportation Research:

- "Resolving Construction Disputes: Review of State DOT Processes," Legal Research Digest 92 (August 2024), National Cooperative Highway Research Program, lead investigator.
- "Liability of Design-Builders for Design, Construction, and Acquisition Claims," Legal Research Digest 68 (December 2015), National Cooperative Highway Research Program, co-lead investigator.
- "Alternative Technical Concepts for Contract Delivery Methods," NCHRP Synthesis 455 (2014), Transportation Research Board, co-lead investigator.
- "Legal Aspects for Performance-Based Specifications for Highway Construction and Maintenance Contracts," Legal Research Digest 61 (July 2013), National Cooperative Highway Research Program, lead investigator.
- "Legal Issues Involving Surety for Public Transportation Projects," Legal Research Digest 40 (July 2012), Transit Cooperative Research Program, lead investigator (awarded John C. Vance Award, recognizing author(s) of an outstanding paper published by TRB that advances the study, understanding, and implementation of transportation law).
- "Geotechnical Information Practices in Design-Build Projects," NCHRP Synthesis 429 (2012), TRB, co-consultant.

#### Books:

- THE ENGINEER'S PROJECT DELIVERY METHOD PRIMER, ASC Press (2022), co-author.
- DESIGN-BUILD FOR THE PUBLIC SECTOR, Aspen Publishers, Inc (2003), editor.
- CONSTRUCTION BUSINESS FORMBOOK, Aspen Publishers, Inc. (2003), co-editor.
- THE DESIGN-BUILD CONTRACTING HANDBOOK, Aspen Law Publications, 2nd ed. (2001), Co-editor and chapter author.
- DESIGN-BUILD: PLANNING THROUGH DEVELOPMENT, McGraw-Hill Publications (2001).
- "Legal Concerns After a Failure," Chapter 5, FORENSIC STRUCTURAL ENGINEERING HANDBOOK, McGraw-Hill, (2000; rev. 2009).
- "Creatively Avoiding and Resolving Design-Build Disputes," Chapter 10, DESIGN-BUILD: RISKS AND LITIGATION, Aspen/Wiley Law Publications (1999).
- CONSTRUCTION MANAGEMENT: LAW AND PRACTICE, Wiley Law Publications (1995).

#### Other Publications:

- "The Law," monthly column in Civil Engineering Magazine, American Society of Civil Engineers (1982 to present), co-author.
- "Distinctive Features of Construction Arbitration," Ch. 1, Construction Arbitration – The Advocate's Practical Guide, ABA Forum on

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Construction Law (2023), author.

- “An Introduction to Public-Private Partnerships in the United States,” Journal of the American College of Construction Lawyers (2022), author.
- “Geotechnical Risk Allocation on Design-Build Construction Projects: The Apple Doesn’t Fall Far from the Tree,” Journal of the American College of Construction Lawyers (2017), co-author.
- “Alternate Delivery Systems: Design-Build, Construction Management and IDIQ Task Order Contracts,” Ch. 5, Federal Government Construction Contracts, American Bar Association, 3rd Edition (2017), co-author.
- “Dispute Resolution Processes,” Ch. 24, Design-Build for Water and Wastewater Projects, American Water Works Association (2012).
- “Power Generation Projects: Structuring the Design and Construction Process to Meet the Developer’s Goals,” Getting It Right: How to Structure Complex Projects to Allocate Risks and Minimize Disputes, American Bar Association Forum on the Construction Industry (2001), author.

#### SPEAKING ENGAGEMENTS:

Nationally recognized speaker before state and federal agencies (transportation, defense, corrections), as well as the Design-Build Institute of America (DBIA), ABA Forum on the Construction Industry, American College of Construction Lawyers (ACCL), International Risk Management Institute (IRMI), and other trade and professional associations on a variety of topics affecting the construction industry. Subjects have included design-build, P3, risk allocation and management, public sector procurement issues, construction contract administration, contract claims and defense of claims.

<b>Citizenship</b>	United States of America
<b>Languages</b>	English
<b>Compensation:</b>	<p>Hearing: \$750.00 per hour</p> <p>Study: \$750.00 per hour</p> <p>Cancellation: \$5,000.00 per day</p> <p>Cancellation Period: 60 days</p> <p>Comment: Cancellation Fee: The cancellation fee will be charged for all scheduled hearing days in the event a hearing is cancelled or continued (postponed) and notice of same is received within 60 days of the first scheduled hearing day. Other: Hearing days are billed at a minimum of 8</p>

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hours/day. Travel will be by business class.

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