

Infrastructure & P3

Providing comprehensive solutions for infrastructure projects



Nelson Mullins' Infrastructure and Public-Private Partnerships ("P3s") Practice Group understands the complexities of infrastructure projects and provides tailored, strategic solutions for the diverse needs of our clients by

- evaluating and advising on funding solutions for critical infrastructure
- planning project deliveries to optimize finance options and meet operational demands
- procuring and negotiating integrated contracts for advanced delivery methods
- negotiating contracts and project financing and addressing federal, state, and local regulatory requirements to protect the interests of our clients
- serving as thought leaders in ever-changing industries and staying ahead of the curve

Our team prides itself on providing a full-spectrum of services to its clients, including:

- Critical planning
- Procurement
- Contracting
- Financial close-out
- Project implementation
- Design
- Construction
- Operation
- Maintenance
- Claims and dispute resolution
- Refinancing

Related Practice Areas

[Aviation](#)
[Construction - Transactions](#)
[Energy](#)
[Government Contracts & Grants](#)
[International](#)
[Litigation](#)
[Public Finance](#)
[Railroads](#)
[Technology](#)
[Transportation](#)

Related Industries

[Banking & Financial Services](#)
[Construction](#)
[Energy & Utilities](#)
[Infrastructure & P3](#)
[Real Estate](#)
[Technology](#)
[Transportation](#)

Our Infrastructure and P3 team's deep experience provides insight into infrastructure projects and different delivery methods.

Our professionals are leaders in their respective fields and include:

- Former Chief Counsel of the Federal Highway Administration and member of the USDOT Credit Council who advised senior officials on various first-of-their-kind highway mega projects ranging from \$100 million to \$5 billion, and led various P3s and congestion relief initiatives, including the creation of what is now the Build America Bureau and the streamlining of TIFIA procedures
- Former Chairman and member of the Florida Transportation Commission, overseeing FDOT's annual \$5+ billion infrastructure budget
- Former Chairman of the Orlando-Orange County Expressway Authority, overseeing the \$500+ million Western Beltway Project and \$330 million Southern Connector Project, while instituting electronic toll lanes
- Former Chairman and member of the University of Florida's Board of Trustees during a period of meteoric growth and development
- Director of the Infrastructure & P3 Team for the 2016 Presidential Transition, leading a team of 35 industry experts in developing a plan to create and finance a \$1 trillion transportation and infrastructure development plan
- General Counsel to the Jacksonville Transportation Authority
- Member of the General Counsel team at the Greater Orlando Aviation Authority
- Former Assistant Corporation Counsel for the City of Chicago who advised senior City officials on P3 agreements and initiatives, including the Chicago Skyway Toll Bridge concession agreement

Our clients span industry sectors

Nelson Mullins' Infrastructure and P3 team is composed of industry attorneys with deep-seated knowledge of large-scale, unique, and first-of-their-kind infrastructure projects of all types. **We are committed to working with our clients to craft personalized solutions.**

Our clients include the following industries:

- **Transportation Infrastructure:**
 - Airports
 - Highways, Toll Facilities, Bridges, and Tunnels
 - Intelligent Transportation Systems (ITS)
 - Rail and People Mover Systems
 - Intermodal Facilities
 - Transit Systems
 - Seaports
- **Social Infrastructure:**

- Courthouses
- Educational Facilities, University Housing, and Campus Facilities
- Federal Buildings, Facilities, and Grounds
- Housing
- Hospitals
- Military Facilities
- Municipal Facilities
- Parking Facilities
- Prisons
- Public Safety Centers
- Smart Cities
- Sports Stadiums
- Theaters and Museums
- Distressed Assets
- **Private Industry Infrastructure:**
 - Commercial
 - Hospitality
 - Mixed-Use Facilities
 - Multi-Family Residential
 - Senior Living Communities
- **Power, Telecommunications, and Utility Infrastructure:**
 - Electric Grid and Dams
 - Energy Systems, Networks, and Facilities
 - Fiber Optic Networks and Telecommunications
 - Fuel and Compressed Natural Gas Projects
 - Pipelines
 - Recycling Facilities and Resource Recovery Facilities
 - Waterways and Water & Drainage Systems
 - Waste Water Systems

Our multi-industry project experience adds value to our clients; we are hands-on and hit the ground running.

The Infrastructure and P3 Team has effectively navigated the evolution of P3s and is experienced with transactional, finance, local, state, and Federal policy, and regulatory elements of P3s. Drawing from these experiences, Nelson Mullins' Infrastructure and P3 attorneys are committed to understanding their clients' needs and tailoring specialized solutions to fit those needs, whether you are an owner, developer or concessionaire, or lender.

Whether a project is going as planned, or if unexpected procurement challenges, claims, or political and policy changes arise, our experience helps solve your problems.

We have experience and technical skills to identify the issue, craft cost-effective strategies, and provide personalized solutions.

- **Project identification and assessment** to evaluate finance options
- **Project financing strategy** to maximize project delivery
- **Procurement planning** to customize selection processes to project needs
- **Contract negotiations** with all project stakeholders to deliver integrated project documents
- **Financial close-out** to comply with project requirements
- **Project implementation and management** to carry out contract requirements and avoid operational impacts
- **Operation and maintenance** to ensure optimal performance
- **Claims and dispute resolution** to avoid delays and cost-impacts

Why Nelson Mullins?

- Multidisciplinary team comprised of experienced lawyers across a myriad of industries including P3s, public finance, project finance, tax, government contracting/procurement, construction, environmental, real estate/eminent domain, energy, technology, and government affairs
- Extensive experience with large-scale and unique projects, including airports, rail, ports, highway systems, social infrastructure, multi-family, and venue projects such as sports stadiums
- Industry thought-leaders, frequently called upon for speaking engagements, writing industry literature, and expert witness testimony in transportation and public-private partnership litigation
- Process and result-oriented approaches to project delivery with the ability to provide all legal services in-house
- A national and international platform with a network of offices, trusted lawyers whom we associate in foreign countries, and projects in many states and several countries

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Aviation and Space

- Currently serving as lead counsel on Orlando International Airport's \$3.85 billion Capital Improvement Program involving a new international terminal, intermodal facility for high-speed rail, automated people mover systems, and all associated infrastructure and technology, with daily involvement on all policy, procurement, contract, oversight, and risk and claims management issues
- Served as a peer review consultant on an approximately \$5 billion P3 automated people mover system project for a U.S. airport, which is to be delivered on a DBFOM basis
- Currently serving as outside counsel to private developer on a multi-phase, commercial space launch facility and manufacturing plant involving over \$300 million in infrastructure development with hybrid, public, and private funding sources
- Served as counsel to an international concessionaire in matters involving privatization of U.S. airport facilities and control towers valued at over \$187 million
- Served as counsel to Brazilian team of global infrastructure firm for U.S. airport security RFP and related general corporate matters
- Served as consultant on a \$120 million consolidated rental car facility (CONRAC) project at an airport, updating all procurement documents, selection processes, and construction management agreement

Bridges, Highways, Tunnels

- Served as counsel to a developer consortium on a \$50 million rapid bridge replacement P3 involving 33 bridges in the Northeast
- Served as counsel to an international company on development of megaproject P3s involving privatization of transportation facilities and systems in the U.S. valued at over \$1.2 billion
- Represented Osceola Expressway in a P3 project for the acquisition, construction, and equipping of a toll road facility in Osceola County, Florida, involving the State of Florida, Osceola County, Polk County, Osceola Expressway Authority, and a private developer
- Served as counsel to an \$8 billion international financial institution in development of a \$100 million P3 project involving an interstate access point and regulatory approvals
- Served as counsel to the Central Florida Expressway Authority in connection with the negotiation and preparation of the material agreements between the Authority, the Florida Department of Transportation, and private landowners for the acquisition, construction, and equipping of the Wekiva Parkway Project
- Served key role in developing a P3 that resulted in building the Southern Connector Extension and Osceola Parkway (\$450 million), which involved a partnership between private landowners who contributed property towards the acquisition, construction, and equipping of a toll road facility in western Orange County, Florida
- Served as counsel on both the Port of Miami Tunnel and I-75 private/public road projects, representing separate consortiums of entities bidding on each project
- Represented the largest North American privately owned, international toll bridge company, in successfully closing a P3 transaction involving \$53 million in USDOT toll credits from FHWA
- Represented an international toll bridge company in successfully advancing a \$500 million dollar P3 bridge project before a state legislature

Port and Maritime

- Currently serving as lead counsel for St. Lucie County for the competitive procurement and contracting of a public-private deal for the development, renovation, and operation of the Port of Fort Pierce, Florida, for the conversion into a commercial "mega-yacht" port facility

- Represented a privately owned port concessionaire in its bid to acquire a post-Panamex ready seaport facility on the east coast

Power and Utility Infrastructure

- Served as counsel to Jacksonville Transportation Authority (JTA) on its Public-Private Partnership project for a compressed natural gas facility, from conceptual planning to procurement and contracting, preparing all policies, procurement documents, and contracts; currently involved on JTA's urban connector people mover system P3 project
- Represented the receivership of a distressed U.S. city in a \$130 million P3 transaction involving the sale of its waste-to-energy plant

Private Industry

- Served as counsel on over \$200 million in infrastructure development for one of the largest senior living campuses in Florida, handling all procurement, contracting, and claims management on residential tower projects, health center, and associated facilities, including its current master plan development
- Served as counsel to developer of Orlando's "Medical City," a multi-billion dollar, 650-acre medical corridor with over several billion in ongoing construction, involved in legal aspects related to development and construction of infrastructure, procurement, and contracting, including the multi-party, public-private partnership transaction for the Burnham Institute
- Currently serving as counsel to a private developer of a mixed-use town center program of over 4 million square feet and in excess of \$1 billion in commercial facilities, residential units, and associated infrastructure, handling the negotiation and preparation of design and construction contracts, and management of claims during construction

International

- Represented oil brokers in drafting and negotiating PPAs and bulk oil purchase agreements
- Represented a U.S. power company in setting up a joint venture for bagasse power plants in Guatemala
- Advised Spanish owner of half of the Dominican Republic electric transmission sector of its options to exit that sector
- Established a SPAC to acquire sugar plantations in Brazil to produce ethanol
- Advised the financing of power plants in Mexico and Nicaragua
- Represented an unsuccessful U.S. bidder in the privatization of a power plant in the Dominican Republic
- Represented a U.S. oil company in an arbitration against Libya relating to its expropriation of the oil company
- Created a grantor trust and facilitated the sale of a major electric energy company in Venezuela to that grantor trust

Rail and APM

- Served as counsel to a large state department of transportation on P3 projects ranging from \$50 million to \$1 billion, including projects for highways, bridges, rail lines, rail stations, mass transit, and tunnels
- Served as counsel to a metropolitan area authority in its development of a \$200 million light rail line P3 project in the Midwest
- Served as counsel to a public awarding authority on a billion-dollar design-build light rail project; legal services include procurement, contract, risk management/insurance, and claim issues arising on the project

- Served as part of an outside counsel team for a high-speed rail authority, advising on federal financing agreements, Buy America, and other legal and compliance matters
- Served as General Counsel to JTA on its intermodal transit program, including special advisor to the U2C people mover system project, a proposed p3 system
- Represented a U.S. port facility and a Class I rail carrier in successfully obtaining a \$20 million TIGER-1 Grant from USDOT for its \$200 million post-Panamex expansion plan involving upgrades to its rail lines
- Served as private counsel to the only American-led, shortlisted team for Florida High Speed Rail P3 procurement issued by the Florida Department of Transportation, providing multi-disciplinary advice on public affairs and process, procurement, contract review and risk management
- Represented a Class II rail carrier in obtaining RRIF loans and a Railroad Rehabilitation and Repair Grant for areas of its line located within a federally declared disaster area
- Represented a Class I and II rail carrier in federal government relations before USDOT and FRA

Social Infrastructure

- Served as lead counsel for a Florida municipality on its public-private transaction with the NY Mets for the development of a new sports complex and spring training stadium, negotiating the Facilities Use Agreement and handling all public procurement and contracting for the design, oversight, and construction of the facility
- Served as part of lender's counsel team for a consortium bidder on a \$1.1 billion University of California at Merced DBFOM campus expansion project, advising on University's legal structure and preparing due diligence report on the master development agreement
- Served as counsel on the Miami Dolphin Stadium project, which included an Installment Purchase contract, a Leasehold Mortgage, and assignments of the respective rights
- Served as underwriters' counsel to a major U.S. lending institution for various P3s involving municipal parking, water, and wastewater facilities
- Served as counsel to a global concessionaire on its state university parking concession, advising on various strategic options for capital improvements and expansion under its concession agreement

Technology and Telecommunications

- Served as counsel to a state in developing a first-of-its-kind \$1.1 billion, 30-year concession P3 project involving privatization of its statewide dark fiber optic network, which earned the "Deal of the Year Award" for 2015 from Bond Buyer and the "Excellence in Development Finance Project Award," a top award from the Council of Development Finance Agencies
- Represented a \$2.2 billion green field fiber optic line and data center P3 project under construction in the Northeast U.S.
- Served as lead counsel on over \$150 million in innovative technology procurements for an international airport, involving smart building controls, gigabit passive optical network (GPON) technology, low voltage, and seamless 4k UHD LED/Video technology, and smart parking control and revenue systems, on customized design-build-operate-maintain (DBOM) methodologies, developing all procurement documents, testing, and product demonstration protocols, presiding over public selection meetings, and negotiating and drafting all contractual instruments
- Served as counsel to a concession team in its proposal of an unsolicited P3 to provide a \$500 million statewide fiber optic network to a state transportation authority
- Served as counsel to a U.S. data center park in its \$400 million P3 merger with a certified local exchange carrier and fiber optic line provider

Claims, Alternative Dispute Resolution, and Litigation

- Successfully defended a federal court protest and emergency injunction action against Orlando International Airport's DBOM procurement of an approximate \$220 million Automated People Mover system project
- Successfully defended a federal court protest and emergency injunction action against Osceola County Expressway Authority on its design-build highway and bridging system project (approximately \$78 million), a critical link to its master plan highway network
- Developed a Dispute Review Board process for Orlando International Airport CIP projects, including a "Super-DRB" for its multi-billion dollar terminal program, creating a mechanism for early resolution of disputes, saving many millions in claims and lowering incidence of suit to a rare occurrence
- Achieved a favorable, global resolution prior to trial when representing the Program Manager for Miami International Airport's South Terminal Program, which spawned over \$125 million in impact and delay claims
- Handled all claims and termination proceedings involving an ENR Top 10 Contractor on a \$600+ million CM@Risk contract, and successfully negotiated a successor contract to take over, with no impact on schedule or ensuing claims
- Served as eminent domain and trial counsel to the Orlando-Orange County Expressway Authority on the Western Beltway expansion project, a \$500+ million dollar highway system, handling multiple evidentiary order of take hearings, mediations and dispute resolution proceedings, including a two-week jury trial in a damages claim arising from an elevated section of highway that bisected a luxury residential development
- Served as appellant counsel for a defendant shareholder of a highway construction company in one of the largest DBE/SBA fraud cases in the western U.S. involving FHWA contracts
- Served as lead counsel on an estimated \$200 million design-build-operate-maintain (DBOM) project employing first-of-its-kind technology in the U.S., for an Independent Carrier Baggage Handling System for an international airport, overcoming several televised procurement challenges, an investigation into bidder collusion, ultimately achieving a successful contract well under budget
- Served as litigation counsel for foundation subcontractor pursuing claims on I-95 bridge project in Providence, Rhode Island
- Served as co-counsel for a debarred defendant involved in the largest DBE fraud case in FHWA history
- Served as counsel to a national steel fabrication company in a multimillion-dollar suspension and debarment matter involving FHWA and multiple state DOTs
- Represented a Fortune 500 fare collection systems contractor in federal contracting strategies for P3s involving transit fare collection systems