

Christopher Kane P.E., J.D.

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OVERVIEW

A top West Point graduate, registered professional engineer, licensed attorney and certified mediator/arbitrator with over 35 years of proven leadership in project development, engineering, construction, environmental, finance and related dispute resolution. I have been an army officer, project manager, business executive, and legal advisor for top industry E&C companies and public owners. Over the years, I consistently delivered on the most challenging infrastructure projects that required innovative finance, performance based contracts and integrated delivery, including water resources, wastewater, energy, transportation and buildings.

PROFESSIONAL EXPERIENCE

P3 COLLABORATIVE LLC, *Owner and President* (4/09 to Present) Wash. DC - Princeton, NJ. Advisor to project participants (except during period recruited by AECOM below), providing project structuring, contracting, and conflict resolution for water, wastewater, transit, rail and highway projects.

Accomplishments: Procurement advisor on two toll road projects, one P3 and one Build-Finance; Proposal development for \$700MM Corps of Engineers flood and canal pump control project in post-Katrina New Orleans; Advisor to Japan Central Rail on Florida High Speed Rail procurement; Peer Review Advisor and selected DRB member for Regional Transit District on Denver Eagle P3.

AECOM, *Sr. VP to Corporate Vice President, Asst. G.C., Head of Integrated Delivery* (5/12 to 12/18) Arlington, Va. Managing project counsel for DB, DBO, DBFOM & P3 contracting for infrastructure projects.

Accomplishments: Lead attorney negotiating design-build-finance contract for \$270MM wastewater treatment plant in Victoria, BC. Legal counsel for AECOM on several \$50-\$150MM design-build-operate water and wastewater contracts in NE, and district energy P3 project in Denver. Supported P3 transportation pursuits in U.S. and Canada, including \$2B managed lane project in US and \$4B transit project in Canada.

URS/WASHINGTON GROUP INTERNATIONAL, INC. (acquired by URS who restructured following recession eliminating role), *V.P. Project Development* (11/01 to 4/09) Princeton, NJ. Development and negotiation of teaming, JV, design-build and subcontracting for highways, transit, water resources, and airports.

Accomplishments: Lead negotiator for 7 years on successful development of \$2B Dulles Metrorail Phase I Project, including Comprehensive Agreement for \$65MM pre-development and a \$1.7B design-build contract.

RAYTHEON INFRASTRUCTURE, INC. (acquired by Washington Group), *Vice Pres. & General Counsel* (7/99 to 11/01) Princeton, NJ. Managed contracts /legal staff supporting legal, HR and litigation matters.

Accomplishments: Served as general counsel and corporate secretary for Raytheon Corp.'s infrastructure subsidiary and 21st Century Rail Corporation during critical start-up of operations and labor negotiations on \$1.8B Hudson Bergen Light Rail, Design-Build-Operate-Maintain (DBOM) Contract.

BASTIANELLI, BROWN & KELLEY (96 to 99), **CHTD./LYON AND MCMANUS** (6/87 to 7/96) Washington, D.C. *Partner* in two private law firms serving clients in government and construction contracts. Special expertise in project development, contract preparation, negotiation and dispute resolution for Clean Coal Technology, combined cycle and coal gasification power and transmission projects.

Accomplishments: Supported project owners for public/private energy and environmental projects. Negotiated contract documents for \$300MM DOE clean coal gasification, combined cycle project in Nevada. Managed 30 month owner's rep services on \$160MM combined cycle project in Florida.

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PROFESSIONAL EXPERIENCE (CONT.)

HOWARD P. FOLEY COMPANIES, *Div. Mgr. Contract Administration*, Alexandria, VA. International electrical and mechanical contractor. Provided contracting and legal advice to international electrical and mechanical contractor. Assisted senior managers in areas of contracts, real estate transactions, construction disputes, EEO, collective bargaining and financial restructuring. Drafted and negotiated full set of turnkey contract agreements for cogeneration and district heating project. Supported renegotiations & termination for convenience of \$320MM nuclear power plant mechanical and electrical contracts.

GEORGE WASHINGTON UNIVERSITY, *Principal Engineer* (Washington, DC) Serving physical plant department and responsible for design, planning and estimating building systems renovations, energy conservation, and laboratory equipment facilities projects. Managed department staff.

IBM CORPORATION, *Senior Staff Associate Engineer* (Bethesda MD.) Responsible for design and reconfiguration of computer room HVAC and power supply systems; installation of 400 cycle motor generator sets; energy projects and environmental compliance;

U.S. ARMY CORPS OF ENGINEERS, *Captain* (Ft. Belvoir, VA and Ft. Lewis, WA). Managed military construction units on various civil works projects in the Pacific Northwest including roads, airfields, national and state parks, waterways and environmental remediation projects.

EDUCATION AND LICENSES

George Washington University National Law Center, J.D. (Washington, DC)

United States Military Academy, Bachelor of Science (West Point, NY) Top 10%

Admitted to Bar: Virginia; District of Columbia; New Jersey; Pennsylvania

Registered Professional Engineer, Virginia (#9595)

Certified Arbitrator and Mediator, American Arbitration Association

Certified Dispute Review Board Member, Dispute Review Board Foundation

ADDITIONAL TRAINING

AECOM Water Academy, Water Resources Program, Graduate Certificate

School for Conflict Analysis and Resolution at George Mason University, Assoc. of Conflict Resolution, Section on Environment and Public Policy

Vair/F1F9, Introduction to FAST modeling and advanced P3 Finance

Princeton University, Audit Courses in Public Finance, Risk Management, Corporate Finance

Harvard Program on Negotiation, Cambridge Mass., Negotiation for Senior Executives

Lincoln Institute of Land Policy, Resolving Land Use Disputes, Doyle Conservation Center

American Arbitration Association, Construction Arbitrator II Training; Advanced Case Management Issues); Advanced Mediator Training; Advanced Arbitration and Mediation Training

Dispute Review Board Foundation, Training and certification

ARTBA, Washington, D.C. Young Executive Development Program

U.S Army Corps Of Engineers School, Ft. Belvoir, Virginia, Construction Management Course, Engineer Officer's Basic and Advanced Courses.

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REPRESENTATIVE PROJECT EXPERIENCE

WATER AND ENERGY EXPERIENCE

McLoughlin Point Waste Water Treatment Plant, Design-Build-Finance (DBF) Contract, Victoria, BC. Lead project counsel for AECOM in 50/50 DBF Joint Venture with Graham Construction for \$250MM contract with bridge financing from Canadian financier. Developed contracting documents, special purpose company and design-build JV agreement.

Woonsocket Water Treatment Plant, Design-Build-Operate (DBO) Contract, Woonsocket, RI. Lead AECOM negotiator in consortium agreement with Suez for \$60MM water treatment plant with 20-year operating and maintenance agreement. Helped form special purpose company, drop down agreements for design-build and O&M.

Stockton Wastewater Plant, Progressive Design-Build Contract Negotiation, Stockton, Calif. – Project Counsel during proposal phase, through bid protest, selection and contract award. Negotiated \$100MM Progressive Design-Build Agreement for wastewater treatment plant project for City of Stockton.

Harrisburg Cogeneration Project, Design-Build Contracts Development, Pennsylvania - Worked with private developer, design/build contractor, and designer in preparing full set of bidding and contract documents for cogeneration/district-heating project in state capitol to install two diesel generating units and steam production boilers. Project successfully closed and completed.

Sierra Pacific Power Company, Pinon Pine Integrated Gasification Combined Cycle Project, Contract Advisor - Provided procurement advisory services for seven years to Nevada utility in developing and negotiating contract documents, dispute resolution mechanisms, and contract risk strategy for \$300MM DOE Clean Coal Technology Project. Assisted in successful resolution of multi-million dollar contract issues.

Kissimmee Utilities Authority, 160MW CT-Combined Cycle, Cane Island Project Owner's Representative - Provided owner's representative and procurement advisory services for combustion turbine, combined cycle project for Florida municipal utility. Implemented team building workshops, improved contract risk allocations and multi-stepped collaborative dispute resolution.

Orlando Utilities Commissions, Waste Water Treatment Plants EPCM Contract Development - Assisted Municipal Water Commission in central Florida and their engineering consultant in preparing innovative Engineer, Procure and Construction Management contract for fast track construction of a state of the art treatment systems.

Sierra Pacific Power Company, Alturus Transmission Line, Construction Agreements - Assisted Sierra Pacific Power Company in developing and procuring design and construction agreements for 400-mile major transmission line through Nevada and northern California.

Orlando Utilities Commission, C.H. Stanton Energy Project, Unit 2 Preparation of Agreements- Provided procurement advisory services and coordinated preparation of procurement documents with A/E for \$500 million design and construction of Unit 2 of Florida coal fired power plant, including the use of partnering and a DRB.

New Orleans Permanent Canal Closure Project, Project Counsel, Flood Control Proposal – Provided government contracts and procurement, subcontracting and compliance counseling to major E&C Contractor in proposal effort for Corps of Engineer for \$700 million design-build project for permanent fix to flood control system.

Orlando Utilities Commission, C.H. Stanton Energy Project, Unit 1 Claim Resolution - Provided both legal and technical advisory services for the owner in an \$18 million mechanical contractor claim on a coal fired power plant. Helped in structuring a structured negotiating process which resulted in a settlement after a 12 month process.

Energy Savings Performance Contracts, California – supported AECOM Energy Group in development (EPCM) contract with hospital systems and Investor Owned Utility sponsored system.

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REPRESENTATIVE PROJECT EXPERIENCE (Cont.)

TRANSPORTATION PROJECTS

Gilcrease Expressway Build-Finance Project, Tulsa Oklahoma – Legal and contract advisor to lead construction team member on \$250 million toll road project, requiring \$125 million gap financing through substantial completing through a private activity bond issuance. Assisted in all aspects of procurement, development of project agreements, financing documents, construction joint venture, and special purpose company. Team selected and moving toward financial close.

Pennsylvania Rapid Bridge Replacement P3 – Primary project counsel on shortlisted team for AECOM in negotiation of agreements for \$1 billion proposal for Rapid Bridge Replacement P3 in Pennsylvania. AECOM was equity member, construction joint venture partner and lead designer in team with 3 other principle participants for design, build maintain, finance 25 year, availability payment concessions agreement.

Rail Transit Design Agreements on P3 Projects – Legal and contracts advisor for member of the successful P3 teams including proposal efforts and final design agreements for \$200 million **Denver RTD I-225 Transit P3** and \$650 million **Waterloo Light Rail Transit P3** which both closed.

Dulles Metrorail Silver Line Extension, Comprehensive Agreement, Virginia – Project development lead for Washington Group for 7 years on P3 to develop, design, and build extension of Washington Metro to Dulles Airport. Developed operating agreement between partners including major landowner for Dulles Transit Partners (DTP). Acted as co-lead negotiator for DTP of a \$65MM comprehensive agreement, including financial planning, landowners' stakeholders group to form tax improvement district, preliminary engineering, right-of-way acquisition and utilities relocations.

Dulles Metrorail Silver Line Extension, Phase I Design-Build Agreement - Co-lead negotiator for DTP for \$1.7B Design-Build Contract Amendment to Comprehensive Agreement for first phase of project. Negotiated on open book basis with innovative solutions to critical issues, including liquidated damages provisions, use of allowances for undefined work, savings provisions, dispute resolution and cost escalation provisions.

Denver RTD Eagle P3 Project, Colorado – Selected to 3-member peer review panel including international experts in public-private partnerships to conduct a review of procurement strategy and contract documents for Agency's Board prior to the submission of final proposals on 35-year transit P3.

Florida High Speed Rail LLC – Co-Managing Director for US entity formed to pursue high-speed rail system on behalf of Japan Central Rail Company. Assisted in building multi-disciplinary project team, engaging design-build partner, selection of project counsel and preparation of teaming agreements. Toured operations control center, train operations, maintenance facilities and R&D facility in Japan.

Houston METRO Light Rail Program, Texas – Chief negotiator for \$75MM facility provider agreement (FPA) for development of \$2B new light rail systems, which closed in a period of 4 months. The FPA outlined framework for project delivery approach. As lead negotiator, coordinated efforts of remediation, finance, design, development, construction and operations teams and worked closely with Metro's lead negotiators and outside counsel.

Jordanian Railroad, Privatization Agreements, Country of Jordan - Represented private sector company in consortium partnership for privatization concession for Jordanian Freight Railroad system with country of Jordan. Project involved responsibility for existing national railroad and an expansion of the line to transport phosphates from mines to Port of Aqaba. Completed negotiations of transportation, EPC, O&M and concession agreements.

Hudson-Bergen Light Rail Transit System, New Jersey – Worked on \$1.8B Design-Build-Operate-Maintain (DBOM) transit project with New Jersey Transit. Contract included 15-year O&M responsibility including capital asset replacement, fixed pricing, performance and availability requirements. As corporate secretary and general counsel of special purpose company (21st Century Rail Corp.), oversaw \$500MM contract change, start-up and initial operations, collective bargaining.

City of Addison, Airport Landside Operations Agreement, Texas – Assisted in drafting and negotiating 35-year operating agreement between city and private joint venture for O&M land-side services.

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REPRESENTATIVE PUBLICATIONS AND PRESENTATION

- “Understanding P3 Project Delivery Approaches for Transit, Water, and Flood Control”**, Federal P3 Conference, November 27, 2018, Washington DC, moderator and presenter;
- “Integrated solutions for America’s aging water infrastructure”**, Author, ABA Section of Environment, Energy, and Resources Trends March/April 2018;
- “Understanding Different P3 Delivery Approaches”**, P3 Water Conference, San Diego Ca., April 2018, led on line presentation and panel discussion;
- “The Potential Use of DRBs on Public Private Partnership Projects”** Dispute Review Board Foundation Forum by Kurt Dettman and Chris Kane May 2011;
- “Use of PPPs in the US to Develop, Finance and Operate Infrastructure Projects”**, Conference Proceedings American Bar Association Forum on Construction Annual Meeting, Austin, Texas, April 2010;
- “Alternative Dispute Resolution”**, Chapter 11, Co-author New York Construction Law, Aspen Publications, 2003;
- “Innovative Financing Solutions for Rail Transit Projects Using a Public Private Partnership”**, Co-author, APTA Commuter Rail/ Rail Transit Conference Proceedings, Baltimore, MD, June, 2002;
- “The Hudson-Bergen Light Rail Transit Project: Project Solutions through the DBOM Contract”**, Author, ABA Forum on Construction, Fall 2001 Program Proceedings, October 12, 2001;
- “Life Cycle Collaborative Conflict Management for Public Infrastructure Projects”**, By Kurt Dettman and Chris Kane, ACResolution, Summer 2013;
- “The Future of the Engineering & Construction Industry: Greater Integration and Collaboration,”** Presented at ABA Forum on Construction Fall Meeting, Wash. DC, Sept 2013;
- “Collaborative Use of Technical Experts For Environmental and Construction Dispute Resolution”**, by Chris Kane, pg 171, Alternatives, CPR/Jossey-Bass, December 2013;
- Columbia University, School of Engineering, Masters Program in Const. Admin., NYC** - Lecture on “Public Private Partnerships for Financing and Developing Infrastructure” Nov 2012;
- “Use of PPPs in the US to Develop, Finance and Operate Infrastructure Projects”**, Presented at American Bar Association Forum on Construction Annual Mtg, Austin, April 2010;
- Federal Publications Seminar “Innovative Contracting & Financing for Public Projects”**, Washington, DC and Reno, NV, organized, planned, presenter for two day seminar 1998 & 99;
- Federal Publications Seminar “Legal Aspects of Differing Site Conditions in Government Contracts”**, organized, planned, and presenter for two (2) full day seminar, 1998;
- “Alternative Dispute Resolution”**, Chap. 11, Co-author New York Construction Law, Aspen Pubs, 2003;
- “Innovative Finance for Infrastructure Projects”**, Federal Publications, Const. Briefings Aug. 1998;
- “Sharing Risks for New Energy/Efficiency Projects – Parts 1 and 2”**, Co-author, Cogeneration and Competitive Power Journal, Vol.15 No. 1, 2000;
- “Managing Project Risks Through a Teambuilding Approach” Section 4: Finance, Chapter 23, Utility and Independent Power: Concept for a New Millennium**, Author, The Fairmont Press 1997.