

THE LIGHT RAIL PROJECT COULD SERVE AS A MODEL OF WHAT TO AVOID IN COMPLICATED P3 INFRASTRUCTURE INITIATIVES.

Maryland's much-delayed Purple Line is getting a contractual do-over.

agreement in January to tap Dragados USA and OHL USA, the as the new design-build consortium on the project.

partnership (P3) agreement has the potential to set precedent for other closely watched public works projects, particularly as funds from the \$1.2 trillion Infrastructure Investment and Jobs

"This is the type of project that everyone in the business is aware of," said Mark Himmelstein, a partner in the Newport





complex, there's lots of contractors in most cities who can do that," said Himmelstein. "But if you're looking at infrastructure like an airport or light rail, there's not a ton of them out there."

For that reason, Heller said it's likely the Purple Line's more narrow agreement with MTS came at a price.

"It sounds like the municipality can take away the ability of the contractor to walk by paying them for it," Heller said.

"To the extent there's a lesson learned from this, the pendulum

willing to take," said Subak. "I think that'll be factored into the way in which the projects are structured."

Resolution clause

process," according to MDOT. A "short fuse" arbitration provision is often used for that purpose.

"The parties agree beforehand to use a reputable construction arbitrator to arbitrate the case in some shorter period of time, like 30 or 60 days," Himmelstein said. "The idea is you don't wait six months."

The more complex the project, the more likely setting up that type of dispute resolution structure beforehand can help keep it on track.

"These projects absolutely end up taking on a life of their own, especially over long stretches," said Trent Cotney, a partner

particularly challenging, he said, since it involves underground, horizontal and vertical construction.

From that perspective, the Purple Line project and contract, for all its twists and turns thus far, could serve as a model for complicated infrastructure projects going forward, he said.

"This one in particular is a great, textbook example of how

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