

CARRIE L. OKIZAKI

Co-Founder and Partner



Carrie Okizaki is a founding member and President of Modus Strategic Solutions, Inc. Okizaki is an attorney who has broad experience in consulting owners, developers, design/builders, design professionals, general contractors and subcontractors in all stages of the construction process, including entity formation, contract negotiation and drafting, contract administration, litigation and alternative dispute

resolution. This representation has included ongoing commercial oversight of multi-year, highly complex construction projects, defense and/or prosecution of multi-million dollar professional liability claims, delay, impact and acceleration claims, mechanic's lien foreclosures, and construction defect claims.

EXPERTISE

- ▶ Project Oversight
- ▶ Project Management Advice & Reporting
- ▶ Contract Negotiation
- ▶ Contract Management
- ▶ Commercial Risk Management
- ▶ Contract Dispute Avoidance & Dispute Resolution
- ▶ Regulatory/Governmental Reporting

15 YEARS OF EXPERIENCE

EXPERIENCE

Okizaki's practice is focused on consulting energy-industry clients. She has consulted regulated utility, independent power providers, EPC contractor clients with respect to new-build, and rehabilitation of fossil fuel, clean energy and nuclear projects.

Okizaki's focus is on identifying, avoiding and mitigating major project risks on behalf of her clients. Okizaki has worked daily on site with the client's project management team and its vendors throughout the various phases of large capital projects. This consulting includes developing contracting strategies, review and development of Requests for Proposals, contract negotiation, analysis and resolution of contractor claims, and providing strategic advice on day-to-day legal and commercial issues as they arise.

Utilizing her experience of working with project teams of large energy projects on a day-to-day basis, Okizaki has helped clients to evaluate existing procurement and project processes and procedures or develop new ones aimed at implementing the industry's best practices in order to control project costs. This has involved performing due diligence on existing procedures and application of lessons learned from prior projects. She has also developed and presented training seminars to project personnel aimed at facilitating effective implementation of such procedures.

Okizaki has developed standardized forms and commercial contracts for clients to use on large, highly complex projects. These forms and commercial contracts integrate the clients' needs and risk tolerance with standard industry practices and allow the client consistency in contracting approach. Okizaki has also evaluated project contracts that are already in place to identify risks associated with negotiated contract language and suggest mitigation strategies for those risks.

Okizaki has negotiated contracts worth in excess of \$1.5 billion and provided oversight regarding the contracting strategy and development of an additional \$10 billion for future projects. Okizaki has drafted and negotiated all forms of contractual agreements including Engineer, Procure and Construct ("EPC"), Time and Material, Unit-Price, Fixed-Price, and Target-Price agreements.

Additionally, Okizaki's experience extends beyond the contract negotiation phase to the administration of the contracts in the field. Okizaki has negotiated and resolved large contractor claims with creative "win-win" solutions for both the contractor and the owner, preserving the project relationships and ensuring that the projects do not become mired in commercial claims.

Okizaki provides consulting in the regulatory arena for utility client rate cases focused on prudent management of large capital projects in which the utility seeks recovery of construction and financing costs. Okizaki has developed methods for maintaining project documentation that preserves and memorializes decision-making processes for key decisions made by the regulated utility during the course of the project, as well as providing review and drafting of periodic reports to the appropriate



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commission and commission staff, drafting responses to data requests, and drafting witness testimony regarding prudence issues.

REPRESENTATIVE PROJECTS

- ▶ Provided project management oversight for the Board of Directors on the planning of a \$12.8 Billion (CAD) nuclear refurbishment project.
- ▶ Negotiated as legal counsel several high-dollar construction contracts for power plant construction projects (\$100 million to over \$1 billion).
- ▶ Assisted in the development of a bid and contracting strategy for a multi-billion dollar new nuclear unit in North America.
- ▶ Developed a multi-unit, multi-phase contracting strategy and RFP for environmental upgrades to over 4,000 MW of a client's existing coal-fired fleet.
- ▶ Provided contracting strategy, contract management and dispute resolution services over the course of six years (from start to finish) on a \$2 Billion new build and environmental retrofit project for a coal-fired plant.
- ▶ Resolved through mediation \$35 Million (US) in claims made by two EPC contractors on a large power plant mega-project.
- ▶ Provided regulatory advice, strategy and drafted witness testimony to recover billions of dollars in project costs in several rate cases before public utility commissions.

PUBLICATIONS

Construction ADR, Chapter 32, "Design Professional's Perspective on ADR" (Co-Author), American Bar Association (2014).

Fundamentals of Construction 2nd Ed, Chapter 2, "The Design Professional" (Co-Author), American Bar Association (2013).

Construction Checklists: A Guide to Frequently Encountered Construction Issues (Co-Editor), American Bar Association (2008).

The Construction Contracts Book: How to Find Common Ground in Negotiating Design and Construction Contract Clauses, Chapters: 17, "Fee Structures", 18, "Reimbursable Expenses", 22, "Defining the Scope of Basic Versus Additional Services", 23, "Authorization for Performance of Additional Services", 27, "Redesign Costs", 28, "Value Engineering", and 29, "Design Delegation" American Bar Association (2004, updated 2008).

Design Professional and Construction Manager Law Chapter 15, "Considerations for Subconsultant and Subcontract Agreements for Design Professionals and Construction Managers" (Co-Author), American Bar Association (2007).

Construction Litigation In Colorado – Basic Issues of Design Professional Liability (Co-author), Lorman Educational Seminars, Inc., Denver, Colo. (June 2002).

Legal Limitations On Allocating Risk Through Indemnification Agreements (Co-author), presentation given by L. Tyrone Holt, American Bar Association, Forum on the Construction Industry/TIPS Fidelity & Surety Committee, Joint Winter Meeting, New York (January 2002).

"What Are You?": Hapa-Girl and Multiracial Identity," Colorado Law Review, Vol. 71 (2000) (Reprinted in Mixed Race America and the Law (2003).

PAST POSITIONS

The Holt Group, LLC

2011 to 2013



CARRIE L. OKIZAKI

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Of Counsel

Schiff Hardin, LLP, Chicago, Illinois

Partner

Associate Attorney

2005 to 2011

(January 2008 to July 2011)

(March 2005 to December 2007)

Holt & Stalder LLC, Denver, Colorado

Associate Attorney

2003 to 2005

Ireland Stapleton Pryor & Pascoe, P.C., Denver, Colorado

Associate Attorney

Law Clerk

2000–2003

(September 2000 to September 2003)

(February 2000 to September 2000).

EDUCATION

University of Colorado School of Law (J.D., 2000)

Case Note and Comment Editor, University of Colorado Law Review

Georgetown University (B.S., cum laude, 1996)

