



## **Fernando J. Rodriguez Marin**

Partner

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### **About Fernando**

Fernando advises developers, investors and financial institutions on infrastructure, energy and real estate projects. He represents clients in project finance and public private partnership (P3) transactions, including transportation (roads, rail, airports, ports) and social (courthouses, schools) infrastructure projects, as well as renewable energy (solar, wind, biomass), energy efficiency (ESCO structures), and water projects. He negotiates, structures, drafts and reviews P3, concession, Design-Build, EPC and O&M contracts, as well as financing and investment agreements on behalf of equity investors, consortiums, financial institutions and government agencies. In addition, Fernando has recently dedicated especial attention to ESG financing and investment, including green loans and bonds.

He has extensive experience in Latin American and Spanish matters having represented clients in projects in many Latin American jurisdictions including Chile, Colombia, Ecuador, Mexico, Peru and Central America. His Spanish experience includes 15 years in Spain where he led a practice which concentrated on real estate development, acquisition, investment and financing, general corporate law and general financial matters. Fernando has been recognized by *Chambers* and *The Legal 500* for his expertise in the P3 and lending sectors.

### **Recent Notable Matters**

***Spanish Independent Power Producer*** — as seller of two industrial-size solar photovoltaic projects located in the ERCOT region

***BayWa r.e.*** — in connection with the negotiation of commercial contracts in connection with the development of solar projects in the United States

***MUFG*** — structuring and closing of two separate back-leverage project financings of portfolios of solid oxide fuel cell power generation projects with two unaffiliated borrowers

***MUFG*** — structuring and closing of two project financings with respect to two portfolios aggregating more than 300MW of distributed generation gas-fired microgrids

**Regional US Bank** — construction loan and back leverage project financing of a battery storage system in the United States

**Leading Energy and Infrastructure Investor** — on its bid to acquire a portfolio of wind and hydro energy assets located in Chile

**Lenders/Underwriters** — supporting the bid of one of the teams shortlisted for the SR400 Express Lanes Project currently under procurement in Georgia

**Edgemoor-Star America Hayat Brown Education Partners** — on the procurement for the Prince Georges County Public Schools Project in Maryland

**Leading Peruvian construction company** — in connection with financing documentation and its obligations thereunder as a member of the sponsor entity for one of the largest infrastructure projects in Latin America

**Algonquin Power & Utilities Corp** — in the sale of a fully contracted utility scale solar project in Colombia and a joint venture with a European investment fund to develop approximately 30 MW of utility scale solar projects in Colombia

**Edgemoor-Star America Judicial Partners** — procurement and financial closing of the Howard County Maryland Courthouse P3 project, which achieved financial close in October 2018, P3 Awards winner for Best Social Infrastructure Deal of the Year and Best Social Infrastructure Financial Structure of the Year, 2019

**Compañía Española de Financiación del Desarrollo (COFIDES)** — term loan financing for a leading hospitality Group in connection with expansion of its brand in the United States

**Algonquin Power & Utilities Corp** — long-term back-leverage equity financing to a subsidiary of Abengoa that holds an interest in Vista Ridge water project under development in San Antonio, Texas, the largest P3 water project in North America

**Citibank, N. A.** — project financing for an affiliate of Metrus Energy LLC with respect to the installation and maintenance of certain energy efficiency solutions to be installed at properties owned by a leading medical device manufacturer

**Government of Cyprus** — tender of a concession for the redevelopment of the Port of Larnaca\*

**European investor** — acquisition of a multinational telecommunications backbone and infrastructure provider with a presence in Latin America, including Colombia, Argentina, and Uruguay\*

**Tozzi Renewable Energy and Ergon Peru (SAC)** — bridge loan and term loan facilities to finance the development, construction, installation, operation and maintenance of certain autonomous photovoltaic panels in areas not connected to the interconnected network of Peru under three “Investment Agreements” entered into with the Government of Peru, acting through the Ministry of Energy and Mines, under a new structure for solar in Peru

**Lenders** — supporting a shortlisted bidder for the Central 70 P3 Project in Colorado \*

**Puma Energy** — refinancing of its acquisition of Exxon-Mobil’s Central American downstream assets located in six Central American jurisdictions. The financing included taking security on fuel service stations, terminals and other individualized assets located in each of the six jurisdictions and the subsequent cancellation of the same following repayment of the debt \*

**Consortium of international companies** — project bond and bank financing of a long-term DBFOM Agreement with respect to the future Line 2 of the Lima, Peru metro\*

**Administrative agent and senior bank lenders** — financing of the Pocahontas Parkway toll road project in Virginia, in connection with the strict foreclosure by the lenders, restructuring of debt and equity, and tax structuring for a mix of cross-border, public and private side lenders, including TIFIA

\* Work completed prior to Bracewell

## Publications and Speeches

“Public Private Partnerships: USA,” *Lexology*, October 2021.

“Public Private Partnerships: Overview” *Lexology*, October 2021.

“Financing ESCO energy efficiency projects,” PFI, October 2021.

Moderator, “Renewables – “What are the best countries to invest in?” Infrastructure Investors Forum – Latin America, March 3, 2021

“Challenges to Mainstreaming ESG in Financial Markets”, *The Texas Lawbook*, March 9, 2020

Moderator, “ESG, Green Finance & Renewables” Project Finance & Capital Markets Latin America 2020, Miami, February 10, 2020.

”Illustrating Public-private Partnership Applications in Construction” *Construction Executive*, April 2019

Panelist, “P3 Mega Project Review”, *The Bond Buyer’s* Transportation/P3 Conference, Dallas, November 29, 2018.

Moderator, “Completing 4G: What will the final round of deals look like?”, Energy and Project Finance Andes 2008, Bogotá, Colombia, March 1, 2018.

Panelist, “Importance of Infrastructure Development in Haiti,” 6th Annual NAAHP Conference on Haiti and its Diaspora, New York, NY, November 4, 2017.

“Peru: New Projects Are Waiting,” *Project Finance International*, October 18, 2017.

Panelist, “Financing 4G Projects Through Public-Private Partnerships (P3s): The Key to Unlocking Private Investment,” Bonds, Loans & Derivatives Andes 2017 Conference, Bogotá, Colombia, February 2017.

Moderator, “How Can Project Developers, Sponsors and the Government Become More Harmonized to Realize Peru’s Infrastructure and Energy Potential?” 2017 Project Finance & Capital Markets, Peru, April 2017.

Moderator, “How Can Energy and Infrastructure Developers Secure Long Term Sponsorship for Their Projects and Why the Introduction of P3s Is Vital to Secure Sufficient Liquidity?” 2016 Argentina Bonds, Loans & Derivatives Conference, Buenos Aires, November 3, 2016.

“New Peruvian Framework for P3s,” *Project Finance International*, March, 9, 2016.

Moderator, “Local Lending vs. International Loans: Are Regional Banks the New Power Players in the Market?” Bonds, Loans & Derivatives Andes 2016, Bogotá, Colombia, February 23, 2016.

“A New York P3 State of Mind,” *Project Finance International*, Issue 556, July 1, 2015.

## **Education**

Harvard Law School, LL.M.  
1988

Universidad de Sevilla, LL.B.  
1983

## **Noteworthy**

*Chambers Global*, USA – Projects: PPP, 2022 - 2024; USA – Projects, 2016; Spain – Projects 2016; Spain – Banking & Finance, 2017 – 2020

*Chambers USA*, Nationwide Projects: PPP, 2021 - 2023

*The Legal 500 United States*, Finance - Commercial Lending: Advice to Lenders, 2019, 2021; Finance - Commercial Lending: Advice to Borrowers, 2019, 2021; Project Finance, 2016 – 2020; Energy Transactions: Conventional Power, 2019; Energy: Renewable/Alternative Power, 2016

## **Bar Admissions**

New York

Madrid

## **Languages**

French

Spanish