



PATRICK C. KELLY, CPE, PSP

Senior Project Controls Consultant

Education: B.A./History/Hamden Sydney College (2001)

Memberships: American Society of Professional Estimators (APSE)
The Association for the Advancement of Cost Engineering International (AACE)
The Construction Management Association of America (CMAA)

Certifications: Certified Professional Estimator (CPE) (2004)
Planning and Scheduling Professional (PSP) (2009)

Experience Summary: Mr. Kelly has over 13 years of experience in job cost accounting and job cost analysis, construction management practices, conceptual estimating, project estimating and CPM scheduling and analysis. He has performed claim preparation and claim analysis on scheduling claims for delays, disruption and acceleration for site development projects, roads and bridges, power projects, commercial buildings, manufacturing facilities, governmental facilities and residential projects. He has performed real-time cost analyses for troubled projects and cost analyses for claimed damages on both commercial and residential project claim environments. Mr. Kelly's estimates have been utilized in both mediation and litigation environments. Mr. Kelly has testified during arbitration hearings held before the American Arbitration Association. He has considerable experience in case document management and electronic documents and has utilized electronic document management in deposition and trial testimony exhibits.

Mr. Kelly has in-depth knowledge in the Project Controls arena that serves to buttress his claims and dispute resolution experience. Mr. Kelly is certified in Primavera Project Planner P3 and Primavera Project Management P5 and P6, and is proficient in Microsoft Project and Primavera Suretrak and Project Management P7 and P8. Mr. Kelly has created and reviewed baseline and project update schedules for large transportation and new and renovated facilities projects as well as complex statewide facility assessments. Mr. Kelly additionally has experience in the creation and review of Time Impact Analyses for large municipal projects and is knowledgeable in the arena of Risk, including creation and update of Risk Registers and quantifying impact from potential Project Risks.

Representative Project Experience includes:

- **U. S. Consulate Ciudad Juarez, Mexico, Claim Analyst;** U. S. State Department OBO, Washington, DC. Senior Scheduler for the review of the update and recovery schedules on this new construction project in a hostile environment, including analysis of procurement and productivity predictions at the new U. S. Consulate, Ciudad Juarez. Responsibilities included the gathering and sorting of vast project data, forensic examination and verification of project schedules, review of network logic and activity durations as well as claims avoidance schedule review, and developing written schedule review. The Project is for the construction of a New Consular Compound in Ciudad Juarez, Mexico using a local contractor. The facility includes a new office building, site security, compound access points, technical rooms, communication equipment, and other ancillary buildings.
- **Olkiluoto Nuclear Power Plant, Claim Analyst;** for the analysis of a multi-billion dollar delay and disruption claim related to approximately 9 year delay on a 5 year baseline for a European Pressurized Reactor (EPR) delivered through the Design Build method, the first of its kind. Responsibilities included the organization and review of vast amounts of project data including 7 years of monthly schedule updates that were over one hundred thousand activities. Forensic examination and verification of Contractor submitted project schedules, review of multiple Contractor's analyses from As-Planned vs. As-Built methodologies. Additionally the analysis of the opposing counsel's expert report was undertaken to find areas of potential mediation and opposition

between the two sides.

- **HEUMF (Highly Enriched Uranium Maintenance Facility), U. S. Department of Energy and Bechtel/Babcock & Wilcox, Oak Ridge, Tennessee; Claim Analyst;** for the analysis of an \$83M delay and disruption claim related to approximately four months of delay. Responsibilities included the organization and review of vast project data including 140 weekly schedule updates, forensic examination and verification of project schedules, review of multiple Contractor's analyses from As-Planned vs. As-Built to Collapsed As-Built methodologies, conducting a Bifurcated Period Analysis, development of a risk assessment for negotiation purposes, identification of causes of delay and review of disruption issues, extensive research and coordination with project and supervisory personnel and attorneys in order to fully analyze the contractor's claim parts, developing written reports and presentations for the attorney team, and providing support at contractor meetings during the negotiation process. The project consisted of \$130M new secure facility with nuclear concrete construction, vault door entry, containment and access security construction details, and advanced mechanical and controls systems to store and maintain weapons grade uranium.
- **Potable Water Pipe Rehabilitation Project Schedule Delay Analysis, U. S. Department of Energy and Bechtel/Babcock & Wilcox, Oak Ridge, Tennessee; Claim Analyst;** Performed in the analysis of a delay and disruption claim related to approximately four months of delay. Responsibilities included the planning for the organization and review of project data including contractor and CM Y-12 schedule updates, forensic examination and verification of project schedules, review of Contractor's claim, conducting a Bifurcated Period Analysis, identification of causes of delay and developing an inefficiency analysis using available invoicing and resource data, coordination with attorneys, developing written report.
- **500 Brickell Condominium REA Preparation and Analysis, Peckar and Abramson, LLC, Miami, Florida; Claim Preparation;** Performed in the development of the mediation package in development of a request for equitable adjustment following completion of the construction of two 42 story high-rise condominiums. Responsibilities included the selection and review of the project methodology, oversight for sorting and gathering of vast project data, forensic examination and verification of project schedules, development of the time impact analysis using the window technique, identification of causes of delay, extensive research and coordination with field personnel, supervisory personnel, and attorneys in order to fully develop the REA, and providing assistance to the attorneys in support of the mediation.
- **Ocean Towers Condominiums Schedule Analysis, Hammock Beach, Florida; Claim Analyst;** Performed claims analysis services for two wings of a \$70M high-end 10 story high rise residential condo, comprised of 92 luxury residential units, with first floor retail and two levels of parking. Services included reviewing schedules and contemporaneous project documents, schedule analysis for delay and disruption, forensic estimate and review of project invoices, producing one expert report for use in a motion for dismissal and final report designed for litigation. The delay analysis was performed using monthly periods using contemporaneous schedules and documents. The disruption analysis included a modified Measured Mile, supported by original cost estimate and other disruption industry factors as a confirmation. Other services included fact and expert testimony provided in deposition, and representation of the Contractor in formal Mediation. Case settled before litigation was necessary. Project construction included reinforced pile caps and grade beams on concrete precast piling, with formed in place reinforced concrete walls and columns, and two way reinforced concrete floors, and EIFS exterior façade. Project included site development, including relocation of significant underground utilities, on two occupied sites with coordination of lay-down areas, two tower cranes and demolition of adjacent finishes.
- **Virginia Department of Transportation, Springfield, Virginia; Claim Analyst;** Preparation of an analysis regarding alleged time impacts brought by a contractor on a \$100,000,000 highway project. Contractor alleged a constructive acceleration situation in which minor owner issues were allegedly driving the entire projects sequence of work. The contractor's claims totaled over \$17,000,000 and also included the position that they were not responsible for nearly \$7,000,000 dollars in time related liquidated damages in respect to interim milestones due to the fact that the project completion was on time. Defense included analysis of both Contractor claimed Delay and Disruption events.
- **Hedley International Emirates Contracting LLC, Dubai, United Arab Emirates; Claim Preparation;** creation

of delay based claim for Contractor on a large Site Development and Planned Urban Creation Project, who was terminated during the economic downturn in Dubai for the Tribunal format of Dispute Resolution. The wrongful termination claim included analysis of the original baseline schedule and critical path delays. Damages in the Dispute totaled over \$50,000,000. The project was a site development project installing large underground piping for waste, water, and 4' diameter District Cooling lines as well as development of the roadway. Disputes centered around the sequencing of the excavation and installation of the utility lines and the release of design drawings as well as changed conditions.

- **Route 60 (Warwick Boulevard) Project, Phase 3 Analysis Review, VDOT, Newport News, Virginia; Claim Analyst**; Schedule Analyst for review of the multi-million dollar claim submitted by the Contractor for delay and disruption. Responsibilities included review of contractor analysis and report, developing review strategy, assigning analysts to relevant portions of the claim, providing review of the claim to determine validity of methodology chosen, implementation of methodology, accuracy of facts and legitimacy of schedules used in analysis. Deliverables included evaluation of the claim analysis in a report, providing risk assessment for project impact events, briefing senior department leads, and presenting at Commissioner's Hearing. Delays were related to adverse weather, changes in unit quantities of pavement, and utility interferences. Project included relocation of existing four lane road traffic, installation of new main sewer, water, and storm sewer lines and manholes, pumping station, location of existing underground utilities and relocation, rework of all traffic signaling, new excavation and fill, and installation of new asphalt paving, site concrete and appurtenances.
- **Belmont Correctional Facility, Belmont, Ohio; Claim Analyst**; Analysis of a claim against the Ohio Department of Rehabilitation and Correction for delays, disruption and acceleration and lost productivity incurred in the construction of a prison project. Analysis of latent construction defects and the preparation of cost estimates to repair a 2500 bed prison for the Ohio Department of Rehabilitation and Correction. Buildings constructed in pyritic shale, which once exposed to air, heaved and caused heaving and structural cracking. Underground utilities built without cathodic protection leading to premature failure of underground water mains. Managed the remediation of the buildings and replacement of water lines, while facility remained populated and brought case against the design team.
- **Phoenix and Bethel High Schools, Hampton, Va Claim Preparation**; Claim preparation and successful negotiation, for a local site contractor who experienced nearly three quarters of a million dollars of labor disruption during the building of two local high schools for the Hampton, VA city school district.
- **Intel Computer Chip Factory, Denver, Claim Analyst**; analysis of design change impacts, changed conditions on earthwork efficiency and delays to project in preparation of a claim on \$120,000,000 computer facility.
- **Belmont Correctional Facility, Belmont, Ohio, Claim Analyst**; Analysis of a claim against the Ohio Department of Rehabilitation and Correction for delays, disruption and acceleration and lost productivity incurred in the construction of a prison project. Analysis of latent construction defects and the preparation of cost estimates to repair a 2500 bed prison for the Ohio Department of Rehabilitation and Correction. Buildings constructed in pyritic shale, which once exposed to air, heaved and caused heaving and structural cracking. Underground utilities built without cathodic protection leading to premature failure of underground water mains. Managed the remediation of the buildings and replacement of water lines, while facility remained populated and brought case against the design team.
- **Marion Youth Detention Center, Marion, Ohio, Claim Analyst**; Analysis of claims for delays, labor cost increases, lost productivity, lost business opportunity on a brought against the owner in detention facility by an electrical prime contractor. Ohio Department of Youth Services successfully mediated the project due to analysis of the contractor's claims.
- **Ohio State University, Columbus, Ohio, Claim Analyst**; Analysis of claims for material and labor cost increases, damages due to delay and disruption and lost business opportunity brought by a roofing contractor on an Ohio university. Contractor contended that unforeseen conditions affected overall productivity rates, impacting their duration on the project and obstructed them from pursuing other potential business. Ohio State successfully repudiated the contractor's claims.

- **Ohio Schools Facilities Commission, Columbus, Ohio, Claim Analyst**; Analysis of a claim for delays, compression, lost productivity, overtime impact, defective design drawings and indirect cost damages brought by an electrical contractor on a school construction project. Contractor contended that school project was over crowded with multiple subs. The Ohio Schools Facilities Commission successfully mediated the project due to analysis of the contractor's claims.
- **Custom Glass Incorporated, Washington D.C., Claim Preparation; Claim Preparation**; Preparation of a claim of delays and a claim for time-related impacts to project costs and damages suffered by a subcontractor on a luxury high-rise condominium. Contractually stipulated access and project progress was not realized, resulting in multiple trades working and lack of available working area for the glass contractor.
- **McCarthy Improvement Company, Chesterfield, Virginia, Claim Preparation**; Preparation of claim for delays, disruption, lost productivity, idle equipment costs, additional mobilization costs and unabsorbed home office overhead suffered by a paving contractor on a highway and bridge project. Due to multiple delays in grade prep and other predecessor activities on the Route 188 extension in Chesterfield, Virginia, the paving contractor had to mobilize four additional times.
- **Amyclae, U.S.A, Stafford, Virginia, Claim Analyst**; Preparation of a claim for delays and a claim for completion costs and damages suffered by a land developer in the default and termination of the site development contractor. The residential lots were to be developed in phases and the site development contracts brought Phase 1 and Phase 2 in later than planned and defaulted during Phase 3.
- **Ohio State University, Columbus, Ohio; Claim Preparation**; Preparation of an analysis of delays and a claim for costs of completion and consequential damages suffered by an Ohio university due to the default of a design build contractor on a power plant renovation and upgrade. Major cost components included the lack of as built drawings produced by the defaulted contractor who left process piping in place causing a need for redesign and addition procurement of process piping and generation equipment.
- **Merrill Iron, Sioux City, Iowa; Claim Analyst**; Analysis of cost and time impacts alleged by a steel erector under contract to a steel fabricator on an event center/arena in Iowa. The contractor alleged that late delivery of steel and changes to the design were the result of the fabricator they were contracted to.
- **Allen County Library, Fort Wayne, Indiana; Claim Preparation**; Preparation of losses resulting from alleged negligence in the construction of renovations and an addition to an historic public library building in Indiana. While the project was under construction a water infiltration event occurred, which destroyed computerized library stacks in the basement of the property. The incorrect sizing temporary sump pumps to replace incorrectly removed sump pumps, as well as contractors opening the foundations without proper water mitigation steps caused the damage on the project.
- **CAMBR Company Inc., Ocean City, Maryland; Claim Analyst**; Preparation of an analysis of unreasonable costs claimed against a land developer by a site development contractor on a commercial/residential development in Maryland. The site developer's claims centered around a unit priced contract, the difference between directional drilling and boring and their respective costs and the costs claimed for an event in which a municipal forced sewer line was breached over a holiday weekend.
- **R.F. Mlasofsky / Riggs Distler / Ohio State University, Columbus, Ohio; Claim Analyst**; Preparation of an analysis of delays and a claim for costs of completion and consequential damages suffered by an Ohio university due to the default of a design build contractor on a power plant renovation and upgrade. The defaulted contractor left the process piping for the power plant at 80% and did not provide as-builts for installed work. Consequential damages costs included costs for completion of original scope, including commissioning requirements.
- **Ardalan Construction Company / University of Cincinnati, Cincinnati, Ohio; Claim Analyst**; Analysis of a claim for disruption and lost productivity on the concrete structure for a Student Life Center. The curved cast in place concrete building was outside the normal operations for the claiming contractor and the arguments used were rebutted by cost and material delivery analysis.

- **Demarco, Inc. / Ohio State University, Ohio State University, Columbus, Ohio; Claim Analyst;** Analysis of claims for material and labor cost increases, damages due to delay and disruption and lost business opportunity brought by a roofing contractor on an Ohio university. The contractor claimed unseen conditions due to rotted substrate and support during the roof replacement operations. These claims were rebutted by a productivity analysis of the contractor's work.
- **Cleveland Construction Co. / Kent State University, Kent, Ohio; Claim Analyst;** Preparation of the analysis of claims for delay and constructive acceleration on a dormitory project for an Ohio university.

Employment History:

Kelly Consulting Services, LLC, 2014 – present

Starting in January 2014, Mr. Kelly began working as a Senior Project Controls Consultant for Kelly Consulting Services.

Alpha Corporation, 2008 – 2013

Mr. Kelly was involved in multiple claims in the State of Ohio, the State of Virginia and the State of Florida, and in the Middle East representing Owners and General Contractors. He has been involved in forensic schedule analysis for the United States Department of Energy in the state of Tennessee for mediation efforts. Most recently he was involvement in both the Procurement phase and Design phase on the Rt. 460 Project in Virginia. He has performed forensic estimates for litigation and mediation purposes that dealt with productivity impacts and costs for disruption. He has produced estimates and testified in front of the American Arbitration Association. He served as an Owner's representative for the Miami Dade Aviation Department in the billion dollar renovation and expansion of the airport. He has additionally created multiple baseline schedules for large industrial and commercial projects in multiple Primavera versions. In his capacity as project manager he is in charge of managing client expectation, validating billing and managing schedulers and estimators workloads on his projects.

Summit Consulting Services, 2001 – 2008

Mr. Kelly was involved with the construction claims and construction management practices at Summit Consulting Services for the 8 years preceding acquisition by Alpha Corporation in 2008. During that time he served as an Owner's Representative, a Project Manager, a Project Controls Consultant, a CPM Scheduler, a Forensic Scheduling Analyst, and a Project Claims Consultant. He performed estimates for numerous projects, in all phases of construction and disputes, representing commercial, institutional and residential projects.