

## **GALE E. POWELL**

Senior Scheduling and Claims Consultant

### **EDUCATION**

B.A., Business Administration, Operations Management, University of Washington, 1975

### **EXPERIENCE AND BACKGROUND**

Gale Powell has over thirty years experience in scheduling, project management, project controls, and field construction on major commercial and heavy industrial projects. He is an expert scheduler, with extensive experience preparing schedules for contractors and reviewing schedules for owners on major projects. He also has extensive experience as a claims consultant and scheduling expert on construction disputes.

Mr. Powell has coordinated, scheduled, and directed project controls on engineering, field operations, and inspection for mechanical, electrical and civil disciplines on commercial, medical, industrial, oil and gas, pulp and paper, mining, nuclear, and ship building projects on both lump sum and fixed fee work. His project experience includes high-rise buildings, telecommunication and research facilities, freeways, airports, schools, parking garages, office buildings, office remodels, hotels, a casino, correctional facilities, a chip manufacturing facility, wastewater treatment plants, port facilities, heavy rail, public housing, and dams.

As a scheduling expert, Mr. Powell is proficient in Primavera P3 and P3e/c, SureTrak, Microsoft Project and other scheduling and project control software programs. He also develops custom client-based applications. As a claims consultant, he is comfortable supporting legal counsel, preparing exhibits and affidavits, being deposed, and testifying in arbitration or litigation.

### **Scheduling**

Mr. Powell has extensive experience in the preparation and analysis of construction schedules. He has developed extensive experience in the application of delay analysis to virtually all aspects of construction, including utilities, structural, concrete, mechanical and electrical systems, and interior finish work. He has built, reviewed and analyzed schedules for public and private entities, owners, designers, general contractors and subcontractors in Washington, Oregon, Idaho, Nevada and California.

The following is a representative list of scheduling projects:

- ◆ Assisted in developing and updating the master project schedule for the general contractor on the 9<sup>th</sup> and Stewart High Rise in Seattle, WA.
- ◆ Assisted in developing and updating the master project schedule for the general contractor on the Westlake Medical and Research Facility in Seattle, WA.
- ◆ Created the CPM schedule used by bidders to evaluate construction concept and milestone dates, and provided construction management / scheduling services during a liquid stream expansion on the Wastewater Treatment Facilities in Camas, WA.
- ◆ Provided the initial information to supplement drawings and specifications by advising on the work plan and creating the CPM schedule used by bidders to evaluate construction concept and milestone dates on the Wastewater Treatment Facilities Expansion and new construction in Puyallup, WA.
- ◆ Developed a schedule analysis for a utility sub-contractor installing the fuel hydrant system on the Ontario Airport Expansion in Ontario, CA.

**Claims Preparation & Analysis**

Mr. Powell has extensive experience in the preparation and analysis of schedule-related construction claims, including delay, acceleration, and impact issues. For over ten years, he has been involved in construction management, litigation support and project management as they relate to equitable settlements and claim presentation.

He has both developed claims and defended against them for his clients, which include owners, designers, general contractors and subcontractors in the Pacific Northwest and California. Claim types entail a wide variety of damage issues, including increased direct costs, uncompensated direct costs, project overhead, unabsorbed and extended home office overhead as well as all types of delay issues. He has reviewed numerous issues relating to bid errors or omissions, defective specifications, owner-directed changes, architect/engineer-related problems, contractor-caused inefficiencies, compression and acceleration and weather-related inefficiencies.

The following is a representative list of his claims and schedule analysis projects:

- ◆ Preparation of the schedule analysis for a rebuttal of an impact, productivity delay claim by the general contractor against the owner and engineer on a large water reservoir in Yorba Linda, CA.
- ◆ Successfully reduced claim by general contractor to less than 10% of asking on this new hydroelectric dam in British Columbia., Canada. This project entailed a 700-activity schedule that was analyzed in the defense of the owner.
- ◆ Prepared the schedule analysis for a rebuttal of a delay claim by the general contractor against the structural steel fabricator on the Burbank Entertainment Village facility in Burbank, CA.
- ◆ Developed a scheduling and productivity analysis covering delay and impacts for the general contractor and a defense analysis of the owners' counter-claim on the John Wayne Airport in Irvine, CA.
- ◆ Preparation of the schedule analysis for a rebuttal of a delay claim by the general contractor on the construction of Garehime Elementary School New Construction in Las Vegas, NV.
- ◆ Developed a scheduling and productivity analysis covering delay and impacts for the general contractor on the construction of the North Beach Parking Garage in San Francisco, CA.
- ◆ Developed a schedule analysis for the general contractor in a claim refuting delay and impact costs by the concrete paving sub-contractor on the I-15 Freeway Expansion in Las Vegas, NV.
- ◆ Developed a scheduling and productivity analysis covering delay and impacts for the general contractor on a historic office building remodel in Los Angeles, CA.
- ◆ Developed a scheduling analysis in a claim for delay and impacts due to design changes and design deficiencies on the construction of heavy lift container crane erections for the U. S. Navy in Concord, CA and Port Hadlock, WA.
- ◆ Developed a schedule analysis in a claim for delay and impact costs for the general contractor due to design changes and design deficiencies on the Gateway Center Hotel in Federal Way, WA.
- ◆ Developed a schedule analysis in a claim for wrongful termination for the communications and controls subcontractor due to delays, changes, design deficiencies and preceding inaccurate work by others on the Bellagio Casino and Hotel in Las Vegas, NV.
- ◆ Developed an affirmative claim for delay, impact and labor productivity issues for the mechanical subcontractor on the Portland City Hall Remodel in Portland, OR.
- ◆ Developed a schedule analysis for a utility sub-contractor installing the fuel hydrant system on the Ontario Airport Expansion in Ontario, CA.

- ◆ Developed a claim for delay, inefficiency loss and impacts due to change orders and out-of-sequence work for the electrical subcontractor on the Intel Computer Chip Manufacturing Facility in Dupont, WA.
- ◆ Developed a claim for delay, inefficiency loss and impact costs for the general contractor due to change orders and out-of-sequence work on the Port of Long Beach Fire Boat Station in Long Beach, CA.
- ◆ Developed a delay, loss of productivity and impact scheduling analysis for the general contractor on mechanical, electrical and civil expansion of the Los Angeles County Correctional Facility in Los Angeles, CA.
- ◆ Developed a schedule analysis defending the owner on the \$18 million Waste Processing and Energy Plant construction/process failure in Portland, OR. Developed a comprehensive as-built and but-for analysis using both process and construction experience for eventual trial presentation. After development and presentation of detail claim analysis report, including defending against a mechanical loss of efficiency claim, the requested amount was reduced to \$0 in settlement negotiations.
- ◆ Developed a schedule analysis defending the owner on a \$27 million delay/acceleration claim on a new construction project for the Metro Underground Rail in Los Angeles, CA. Developed a comprehensive as-built and but-for analysis for presentation initially in a disputes board presentation. Provided expert testimony at the presentation on scheduling aspects and the scheduling effort by the contractor on three projects. The end result was the requested amount was reduced by over 70%. In addition, preparation was in place to provide expert testimony should the case continue to litigation. These projects entailed nine months of effort for a schedule analysis involving a team of cost and scheduling experts working under Mr. Powell's direction. The presentation to the Disputes Review Board was over the course of one and one-half weeks and included deposition.
- ◆ Renton High School Expansion and Modernization - Renton, WA – Development of a scheduling and productivity analysis covering delay and impacts for the plumbing and HVAC sub-contractors. (Presentation of findings at Mediation.)
- ◆ Developed a scheduling and productivity analysis covering delay and impacts for the contractor and a defense analysis of the owner's counterclaim for a telecommunications buried duct bank and fiber optic cable installation in San Francisco, CA.
- ◆ Developed a scheduling and productivity analysis covering delay and impacts for the electrical sub-contractor and a defense analysis of the general contractor's counterclaim for a new school, Deer Park Elementary, in Spokane, WA.
- ◆ Developed a scheduling and productivity analysis covering delay and impacts for the contractor and a defense analysis of work done by the replacement contractor for the new Bannings Landing Community Center in Wilmington, CA.
- ◆ Developed schedule analysis, and analysis of means and methods of construction, quality of construction, delay and disruption, in claim for wrongful termination and takeover for an office building for the City of Thousand Oaks, CA.
- ◆ Analyzed schedule to determine responsibility for delays or disruptions to construction work flow for contractor on the new Charles A. Silvestri Middle School in Las Vegas, NV.
- ◆ Developed claim for delay and impact costs for electrical subcontractor due to design changes and out-of-sequence work on the new Meadowdale High School in Lynnwood, WA.

- ◆ Defense of general contractor for delay claim presented by subcontractor due to design changes and out-of-sequence work, including labor productivity on the remodel and expansion of Mercer Island High School in Mercer Island, WA.
- ◆ Developed affirmative claim for delay, impact and labor productivity issues for the mechanical subcontractor on a remodel project for the Tillamook County Jail in Tillamook, OR.
- ◆ Developed claim for delay, inefficiency loss and impact costs for electrical subcontractor due to out-of-sequence work on the new Mead High School in Spokane, WA.
- ◆ Developed claim for delay and impact costs on earthwork due to adverse weather, change orders and out-of-sequence work on the new Issaquah High School in Issaquah, WA.
- ◆ Developed delay and impact scheduling analysis using computer modeling presented to jury for general contractor. Trial award was for 100% of claim amount on this new school maintenance facility in Long Beach, CA.
- ◆ Reviewed document records and extraction of as-built schedules that were created from incomplete scheduling records and other contemporaneous documents provided by both the owner and the general contractor. Developed a comprehensive claim analysis for the general contractor on the remodel of Northend High School in Snohomish, WA.
- ◆ Developed delay and impact scheduling analysis using computer modeling for general contractor for the new Garfield Elementary School in Santa Ana, CA.
- ◆ Developed claim for delay and impact costs for electrical subcontractor due to change orders and out-of-sequence work for the remodel of Lake Washington High School in Kirkland, WA.
- ◆ Developed claim for delay, and impact costs for general contractor due to change orders and out-of-sequence work on mechanical, electrical and civil expansion of city hall in Los Angeles, CA.
- ◆ Project in defense of the architect on a \$3-million dollar construction delay and loss of productivity claim by the general contractor. Developed comprehensive as-built, but-for and delay analysis using construction experience for eventual trial presentation. Analyzed 40+ schedule updates and revisions to identify cause and effect conditions and issues with each delay and productivity issue for the Ada County Jail expansion in Boise, ID.
- ◆ Developed a scheduling analysis presentation for over 300 change orders and their affects to the owner for the successful resolution of the subcontractor's claims on the new Boeing High-Bay Facility in Everett, WA.
- ◆ Developed a but-for analysis and schedule analysis utilizing graphic presentations and animated graphics in a mediated settlement that included 10 months of negotiations with the resolution in excess of 90% of requested amount for the Tacoma Union Station remodel in Tacoma, WA.
- ◆ Analyzed scheduling efforts and presentation for subcontractor involving a general contractor on the construction of a hospital/research center utilizing a scheduling analysis to develop a but-for/as-built analysis; the end result of which generated 60% return to client on the new Fred Hutchinson Cancer Research Center project in Seattle, WA.
- ◆ Developed a comprehensive but-for scheduling analysis in successful defense of the owner against the general contractor. Numerous changes and delays were encountered, both concurrent and non-concurrent on this new housing project for the US Coast Guard in the Aleutian Chains, AK
- ◆ Claim analysis on construction /conversion of 400-foot Russian vessel to trawler/processor. Provided contract and construction management services on six additional vessels in Seattle, WA.

Mr. Powell has provided testimony on these projects as a scheduling expert through affidavit, deposition and oral testimony in cases before mediators, arbitrators and courts.

**Project & Construction Management**

- ◆ Wright Schuchart Harbor - Tacoma, WA - Project Engineer - Oil process facility. Responsibilities included directing the engineering and scheduling groups on \$180 million dollar project.
- ◆ Waste Water Treatment Facilities New Construction - Seattle, WA - Project included development of constructability studies and feasibility schedules on two Waste Water Treatment Facilities for the Designer.
- ◆ Wright Schuchart Harbor - Elko, Nevada - Project Engineer - \$35 million dollar mining process facility expansion. Responsibilities included scheduling and engineering functions, as well as directing fieldwork crews. Presented successful acceleration claim to owner/engineer. Received 100% of requested amount utilizing a but-for disruption/acceleration delay scheduling analysis.
- ◆ Wright Schuchart Harbor - Seattle, WA - Lead Scheduling Engineer - \$27 million dollar, 340-foot trawler/processor ship building project. Created and maintained project schedule. Developed delay/disruption acceleration claim. Testified in court as fact witness and project scheduling expert.
- ◆ Project Support Services - Anacortes, WA - Partner - Provided scheduling services to local projects including ship building firms, earthwork and construction projects focusing on scheduling and presentation of claims and change orders and the affects thereof in the costing and sequencing.
- ◆ Veco Constructors - Prudhoe Bay, Alaska (Kuparek Field) - Project Control Manager - Responsibilities included managing cost and scheduling groups on field projects. Presented two successful delays/acceleration claims with the use of an impacted as-built schedule analysis including a but-for analysis. Using visual presentations I presented a claim analysis to the owner's field office and home office.
- ◆ Wright Schuchart Harbor - Anacortes, WA - Project Control Engineer - Requested by the owner, Arco Oil of Alaska, to join construction management team on construction project of salt-water treatment plant for extraction of fresh water and installation in the oil fields in Alaska. I was responsible for the costs and scheduling on the project. Developed and maintained project schedules and assisted in the successful defense of a delay/acceleration claim presented by the general contractor and three subcontractors. I developed short-term schedules, at the request of the owner, to ascertain the affect on the project of design changes. Recommended and implemented changes within the project twice and rejected changes due to excessive cost three times.
- ◆ Wright Schuchart Harbor - Stockton, CA/Prudhoe Bay, Alaska - Project Control Engineer- I was responsible for the cost and scheduling on modular construction of a 15-acre oil pumping station in Stockton that would be installed in the oil fields in Alaska. Responsibilities/duties were to develop and maintain project schedules working with the owner, British Petroleum, and designer, Parsons Engineering, on fast track construction of a new oil processing facility. I developed on-site construction scheduling and cost analysis to support complex ownership reporting requirements. Responsible for developing a planned interface schedule for use after the plant was delivered to Alaska for installation.
- ◆ After the facility was delivered to the job site on Prudhoe Bay, responsibilities/duties were to develop and maintain project schedules working with the owner, British Petroleum, and eight subcontractors for changes. Responsible for resolving subcontractor's claims with the use of schedule delay analysis including a but-for analysis. Also included was the creation of an as-built

depicting major activities and controlling events. Total project duration including construction phase in Stockton was eleven months. Project was brought on-line over one week early.

- ◆ Wright Schuchart Harbor - Tri-Cities, WA - Lead Field Engineer/Scheduling Engineer - Responsibilities working for the general contractor in the construction of two nuclear power plants included directing five additional field engineers in the collection of progress/development and sequencing of the work to be accomplished. Developed and maintained comprehensive schedules which incorporated 21 other major contractors and subcontractors. Presented successful change orders/claims for delay and acceleration claims on work as revised by drawings and interference by other subtrades.
- ◆ Technovators – Seattle, WA - Operations Manager – I was responsible for the production and scheduling for a manufacturing, research/development and construction installation firm. Responsibilities included developing, constructing and installing material handling and bulk material solid processing equipment.
- ◆ Waterfront Center High-Rise New Construction - Vancouver, Canada - Involved during construction phases to assist change order integration and development of construction schedules. In addition, developed successful presentation to the owner for a negotiated settlement of unresolved change order costs and impacts including both delay by the designer and owner caused acceleration.

### **Prior Construction Experience**

Prior to becoming a scheduling and claims consultant, Mr. Powell had fifteen years of hands-on experience scheduling, managing, and providing project engineering for construction contractors in the Pacific Northwest and Alaska. His prior construction experience includes:

#### **Project Engineer**

- \$180 million oil process facility working for Wright-Schuchart-Harbor in Tacoma, WA.
- \$35 million mining process facility expansion working for Wright-Schuchart-Harbor in Elko, NV.

#### **Project Control Manager**

- Construction and installation of a saltwater treatment plant for extraction of fresh water working for Wright-Schuchart-Harbor in Anacortes, WA. and Prudhoe Bay, AK.
- Construction and placement of modular pumping stations working for Wright-Schuchart-Harbor in Stockton, CA. and Prudhoe Field in Prudhoe Bay, AK.
- Construction of a 26-mile pipeline and tank-farm on Kuparek Field working for Veco Constructors in Prudhoe Bay, AK

#### **Lead Scheduling Engineer**

- Construction of a \$27 million 340-foot trawler/processor ship working for Wright-Schuchart-Harbor in Seattle, WA.
- Construction of two nuclear power generating plants working for Wright-Schuchart-Harbor in Tri-Cities, WA.

#### **Operations Manager**

- Responsible for the production, scheduling and construction installation working for Technovators, a research and development company, in Seattle, WA.

**Teaching Experience**

- University of Washington, College of Engineering, Avoidance and Resolution of Construction Delay Claims in Public Works Projects.
- University of Washington, Project Team Chemistry Building - Advanced Scheduling Techniques Using Contemporaneous Period Analysis.
- University of Washington, APWA Construction Committee - Advanced Scheduling Techniques Using Contemporaneous Period Analysis.
- University of Washington, Construction Management Extension Course, Richland, Washington - Advanced Scheduling Techniques Using Contemporaneous Period Analysis.
- University of Washington, Construction Management Extension Course, Port Townsend, Washington - Advanced Scheduling Techniques Using Contemporaneous Period Analysis.
- Canadian Public Owner’s Seminar, Vancouver, British Columbia - Avoiding Construction Claims and Advanced Scheduling Techniques.
- Associated Builders and Contractors of Western Washington, Scheduling, Cost and Documentation Seminars, Bellevue, Washington.
- Participated in various training seminars for contractors and subcontractors on Scheduling, Cost and Documentation

**Expert Witness/Testimony Experience**

<i>CLIENT</i>	<i>FORUM</i>	<i>PARTIES</i>
Bluegrass Concrete Cutting, Inc. Attorney: Chism, Thiel, McCafferty, Campbell & Steinmark Counsel: Randy Thiel	Mediation	General Construction v. Bluegrass Concrete Cutting, Inc.
PCL Construction Services Attorney: Groff Murphy Law Offices Counsel: Marisa M. Bavand	Deposition	Farrow Concrete v. PCL Construction Services
Cascade General Attorney: Schwabe, Williamson & Wyatt Counsel: Jill Schneider	Deposition Trial Testimony	Cascade General v. Powerhouse
Golden State Boring & Pipe Attorney: Schoth, Creyaufmiller & Associates Counsel: Tim Creyaufmiller	Trial Testimony	Golden State Boring & Pipe v. Colich Construction Court Case No. BC318701
Vista Del Verde LLP Attorney: Bois Macdonald Counsel: Tom Bois	Mediation	Gateway Pacific Contractors v. Toll Bros./Del Verde, et al Court Case No. 03CC11919
Betschart Mechanical and Delta Technology Attorney: Short, Cressman & Burgess Counsel: Paul Cressman	Mediation	Betschart Mechanical/Delta Technology v. Renton High School
Max Riggs Construction Co. Inc. Attorney: Watt, Tieder, Hoffar & Fitzgerald Counsel: David Johnson	Deposition	Bartholomew Enterprises v. Max Riggs Construction Co. Inc. Court Case No. A410825
Prudential Construction and Management Attorney: Greenberg & Creyaufmiller; Counsel: Timothy Creyaufmiller	Deposition Arbitration	Prudential Construction and Management v. Old Financial District, LP AAA Case No. 72 110 747 01 HLT
Zurich/Steadfast Insurance Company Attorney: Brown, Brown & Klass Counsel: Delos Brown	Mediation	Alpha Construction v. Ocean Front Walk HOA Claim No.: 942-0037370 & 942-0037369

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ETALCO-Spantec Attorney: Watt, Tieder, Hoffar & Fitzgerald Counsel: Tim Heffernan	Deposition Arbitration	ETALCO-Spantec v. Impsa AAA 55-110-000082-99
E. Kent Halvorson Attorney: Winston & Cashatt Counsel: Pat Sullivan/Rob Crick	Mediation Arbitration	E. Kent Halvorson v. Gateway 75 Y 110 001 00148099
Zurich/Steadfast Insurance Company Attorney: Watt, Tieder, Hoffar & Fitzgerald Counsel: Michael Hutchins	Deposition	Alpha Construction v. City of Thousand Oaks Court Case #SC 021127
Berschauer-Phillips Attorney: Short, Cressman & Burgess Counsel: Paul Cressman	Mediation Deposition Arbitration	Berschauer-Phillips v. Mills Electric 75 Y 110 0187 00
Charles A. Silvestri Middle School Attorney: Watt, Tieder, Hoffar & Fitzgerald Counsel: David Johnson	Arbitration	Grove, Inc. v. Ford Mechanical, et al District Court Case No. A401917
Great American Insurance Company Attorney: Greenberg & Creyaufmiller Counsel: Timothy Creyaufmiller	Deposition Trial Testimony	Great American Insurance Co. v. Dabico
Seattle Industrial Attorney: Short, Cressman & Burgess Counsel: Paul Cressman	Mediation	Meadowdale HS v. Seattle Industrial 75 124 00409 99
Natkin & Co. Attorney: Barokas & Martin Counsel: John Ahlers	Deposition Arbitration	Natkin & Co. v. Drake Construction AAA 75M 110 00085 99
Natkin & Co. Attorney: Barokas & Martin Counsel: John Ahlers	Arbitration	Natkin & Co. v. City of Tillamook, OR Court Case #98-2108
Power City Electric Co. Attorney: Barokas & Martin Counsel: John Ahlers	Arbitration	Power City Electric Co. v. Lydig AAA 75 110 00308 97
Great American Insurance Company Attorney: Greenberg & Creyaufmiller Counsel: Lawrence Greenberg	Deposition Trial Testimony	Rainey Construction v. Long Beach School District