

Capital Project Management, Inc.

Contract Dispute Analysis & Resolution

Expert Testimony

Project Management Oversight

Project Controls

Surety Evaluations

untangling
construction disputes



A CASE STUDY

Delay Analysis

The turnkey contract for a cogeneration plant stipulated fast-track construction with liquidated damages assessed at interim milestones and at turnover. The project was completed three months late. The contractor responsible for engineering, procurement and construction retained CPMI to develop a claim against the owner for recovery of costs and to defend against the owner's claim for liquidated damages.

The contractor's claims totaled over \$40 million for extra work and delay and disruption caused by the owner's late decisions, work stoppages, equipment issues, utility coordination and startup activities.

CPMI organized all documents by key issue to support the litigation; assessed all major issues; evaluated schedules prepared by the owner and contractor; and prepared a detailed delay analysis to identify excusable and compensable time extensions. CPMI prepared graphics to present the findings at mediation, where a favorable settlement was made for the contractor.

Resolving a delay-and-disruption claim—or any complex contract dispute—is a challenging enterprise. Sorting out specifics to determine responsibility or to evaluate the results of a party's action or inaction can be difficult and time consuming. Demonstrating a clear cause-and-effect relationship between events and their impact on a project can be more difficult still. And presenting this complex information concisely and comprehensibly is a skill mastered by few.

CPMI Can Make it All Seem Easy

At Capital Project Management, Inc., we specialize in untangling the details of a claim to get to the facts quickly. We carefully analyze the issues in dispute and provide expert testimony if your case goes to trial. Unlike many other consulting firms, the analysis, resolution and prevention of contract disputes is our primary business.

When you work with CPMI, a principal of the firm—backed by a team of seasoned professionals—leads your assignment, ensuring top-level attention throughout the duration of your case or project. Each CPMI principal has more than 20 years of hands-on experience in design, construction and claims evaluation. Collectively, they have assessed more than \$5 billion in contract claims.

Whether your dispute involves traditional construction or the development and production of sophisticated products and equipment—from railcars to rocket nozzles—CPMI is uniquely qualified to get the job done in a timely, cost-effective manner. We roll up our sleeves and dig deep, often sifting through thousands of documents to skillfully identify those germane to your case. Then, after thorough analysis, we help resolve your dispute by presenting our findings clearly, credibly and persuasively—in meetings, hearings or courtrooms. A superior track record is one reason why we generate 70% of our business from repeat clients.

CPMI Approach to Claims Analysis

ANALYSIS

INITIAL ASSESSMENT

- Document Organization
- Major Issue Definition
- Preliminary Evaluation

DISCOVERY ASSISTANCE

- Document Production
- Deposition Support
- Written Discovery Assistance

ANALYSIS & EVALUATION

- Technical Issues Analysis
- Schedule/Delay Analysis
- Damage Assessment
- Expert Report

RESOLUTION

ALTERNATIVE DISPUTE RESOLUTION

- Settlement Negotiations
- Mediation
- Mini-Trials
- Dispute Review Boards

LITIGATION

- Expert Testimony
- Trial Exhibit Preparation
- Pre-Trial Assistance
- Post-Trial Assistance



“As an expert witness, objectivity, credibility and clarity are vital. We know that keeping it brief, sticking strictly to the facts, and demonstrating our findings with precise graphics is the most effective, persuasive way to make a case. It’s not that simple, but we make it work for our clients time and again.”

Frank Brennan, Principal

Contract Dispute Analysis and Resolution

Using proven techniques, such as Critical Path Method scheduling, we relate causes to their impact on a project and apportion responsibility for delays, disruption and inefficiency.

Our unique experience in both design/construction and litigation allows us to swiftly and effectively analyze technical, scheduling, cost, quality and other critical issues.

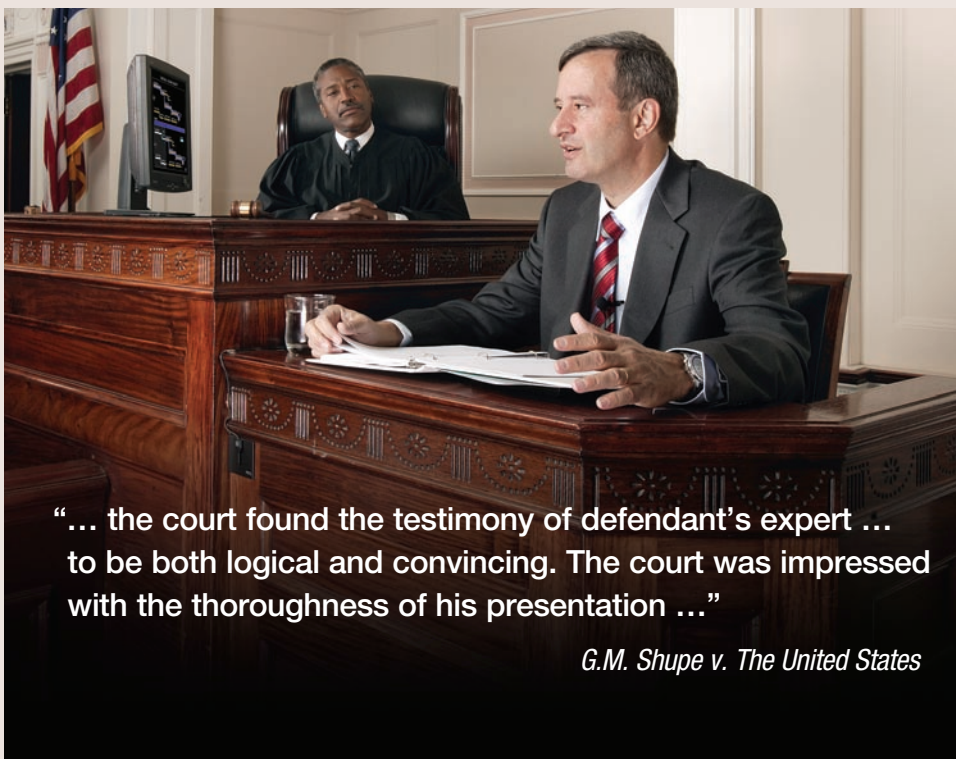
From there, we assist in negotiating, mediating, arbitrating or litigating even the most complex cases.

Expert Testimony

As highly experienced expert witnesses, CPMI professionals have testified in ...

- Federal District and State Courts
- Court of Federal Claims
- Boards of Contract Appeals
- Arbitration
- Alternative Dispute Resolution

We present clear, compelling testimony, supported by illustrative graphics and visual aids. Although many cases are settled out of court, we ensure that our clients are prepared to go to trial with complete confidence.



“... the court found the testimony of defendant’s expert ... to be both logical and convincing. The court was impressed with the thoroughness of his presentation ...”

G.M. Shupe v. The United States

**No matter how
puzzling
the problem ...**



A CASE STUDY

Contract Default

During construction of a 14-story medium-security detention center, the contractor was delayed by owner-requested changes, manufacturing problems with the prefabricated metal prison cells, and installation issues regarding the surveillance and security systems.

Initially, the owner retained CPMI to review the contractor's completion schedule and to determine the effect of the changes the owner itself had requested.

Ultimately, the owner terminated the contractor for default due to continuing delays and failure to produce a reasonable schedule to complete. Subsequently, the owner's counsel retained CPMI to prepare a delay analysis and to provide expert witness testimony concerning the project delays and various technical issues, including slow manufacturing of the prefab cells.

The trial judge determined that termination for default was justified, and the decision was upheld through appeal.

Project Management Oversight

CPMI helps protect owners' interests in capital projects by identifying and managing scheduling, cost and quality risks before they become costly problems. Regardless of the phase a project is in, we can recommend management alternatives, propose cost-effective resolution of existing problems and help mitigate potential contract disputes.

Project Controls

For projects that are just getting underway, CPMI provides clients with comprehensive services to help keep construction on time and within budget. With extensive design/build experience, our team offers unsurpassed expertise in planning, budgeting, scheduling and many other areas crucial to efficient project management and sound technical decision-making. We've provided project control assistance in the building of airports, criminal justice facilities, hospitals, utilities, mass transit systems and more.



institutional and commercial buildings



roadways and transportation



process and power plants



full-scale development and production



offshore and shipbuilding



“There really *is* no substitute for experience. By regularly scheduling active construction projects the way we do, we stay current on the latest issues and software ... This only makes us better when it comes to our ‘forensic’ work. Our clients trust this experience and our obsession with details.”

Mark Boe, Principal



“Most of us know what it’s like to work with an impersonal organization. No matter how much CPMI grows, we’ll always maintain the same business philosophy ... All of our principals work hands-on with our clients. We’re committed to giving them the same level of attention and senior expertise we’d demand for ourselves.”

Mike D'Onofrio, Principal

Surety Evaluation Services

CPMI helps sureties protect their interests by evaluating potential construction default situations and payment bond claims. We investigate and document the physical and financial status of the project, prepare a cost-to-complete budget and assess other factors, such as the ability of the principal to complete the job. Our comprehensive recommendations provide sureties with accurate, reliable information on which to base their decisions.

Unlock the Answers with CPMI

If you’re engaged in a tough contract dispute or involved in a construction project that needs to be run efficiently and cost-effectively right from the start, contact the professionals at Capital Project Management, Inc. With our understanding of both the construction and litigation processes, we can help you resolve even the most puzzling construction situations.



... when it comes to the analysis, resolution and prevention of contract disputes ...



A CASE STUDY

Labor Productivity

During the renovation of a large urban rail station and office complex, the project's electrical subcontractor filed for bankruptcy. The surety that undertook project completion soon filed a claim against the general contractor for delay and reduced labor productivity, citing several unrelated causes, including asbestos removal, tenant drawing revisions and multiple changes.

The general contractor retained CPMI to evaluate the surety's claims. CPMI compared labor costs during disrupted periods versus non-disrupted periods, developed a detailed as-built schedule, prepared an overall project schedule analysis and provided expert testimony during the trial. As a result, CPMI successfully refuted the claims, demonstrating that the loss of productivity was due to the subcontractor's actions. The general contractor prevailed.

Representative Client List

Archer-Western Contractors, Ltd.

Army Corps of Engineers

CNA

Connell Foley LLP

Continental Airlines

Duane Morris LLP

Eckert Seamans Cherin & Mellott, LLC

Epic Management, Inc.

Federal Bureau of Prisons

Flamm, Boroff & Bacine, PC

General Services Administration

Goetz Fitzpatrick LLP

Hoagland, Longo, Moran,

Dunst & Doukas, LLP

Jacoby Donner, P.C.

Jones Day

Kajima Engineering and
Construction, Inc.

Kaplin Stewart

Kirkpatrick Lockhart Preston
Gates Ellis LLP

L. F. Driscoll Co.

Morgan Lewis

National Institutes of Health

New Jersey Department
of Transportation

New York City Transit

Ober|Kaler

Odebrecht Construction, Inc.

Peckar & Abramson, P.C.

Pennsylvania Convention
Center Authority

Pepper Hamilton LLP

Perini Corporation

Powell Trachtman Logan
Carle & Lombardo, P.C.

Prismatic Development Corporation

Reed Smith

Shoemaker Construction Co.

Skanska USA

State of New Jersey

State of New York

Tennessee Valley Authority

U.S. Department of Justice

U.S. Department of State

Washington Metropolitan Area
Transit Authority

XL Design Professional

Zetlin & De Chiara LLP



... you can
trust CPMI
to help straighten
things out.



For More Information

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www.cpmiteam.com.

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Capital Project Management, Inc.



ABOUT OUR LOGO

The CPMI team provides a complete array of high-quality, cost-effective consulting services for legal counsel and clients. Our corporate symbol represents multidisciplinary experience in four key facets of the business: design, construction, project controls and dispute resolution.