

TDF, LLC

A Construction Consulting Services Company

459 Herndon Parkway, Suite 19, Herndon, VA 20170; (o) (703) 673-1190 // (f) (703) 673-1189

- CPM Scheduling
- Project Controls
- Construction Claims
- Dispute Resolution

Founded in 2001 by Thomas D. Fertitta, TDF, LLC has built one of the finest reputations in the construction industry by continually producing positive results for project stakeholders. TDF, LLC's broad experience with owners, owner agents, architects, engineers, contractors and subcontractors provides a unique view of project issues during all phases of the construction process. Our insightful strategies assist our clients in identifying and avoiding potential project risks, complying with severe contract requirements, exploring efficient construction sequences, and preparing persuasive analyses. Our project experience includes schools, train stations, rail, office buildings, municipal buildings, co-generation plants, industrial facilities, condominiums, wastewater treatment plants, prisons and courthouses.

Scheduling and Project Controls

Our experience with scheduling software allows us to handle any CPM Scheduling assignment. Considering our vast work in the preparation of claims, we are able to anticipate potential problems early and prescribe actions to mitigate such problems before they adversely affect progress. We ensure accurate periodic updates by visiting the jobsite, confirming changes in logic with the project decision-makers and suggesting alternative means to avoid pitfalls.

Construction Claims and Dispute Resolution

In the areas of claims and disputes, we apply our methodology to quickly identify all aspects of the dispute. Our findings are based on facts derived directly from all elements of the project record and in-depth interviews with project personnel. Whether the construction dispute requires negotiation, mediation, arbitration or court hearings, our unique experience with owners and contractors provides us with keen foresight to know what to look for in the opposition's files, what questions to ask and how to interpret the responses. Our meticulous approach to evaluating, organizing and analyzing documents yields an analysis consistent with what actually occurred during the project and accurately reflects the true impact of events.

Our Personnel

Our personnel are seasoned construction professionals whose experience includes making project level decisions regarding means and methods, scheduling, estimating and administration. We have published a variety of articles, written chapters in text books, and performed seminars related to construction and CPM scheduling matters.

TDF, LLC

A Construction Consulting Services Company

459 Herndon Parkway, Suite 19, Herndon, VA 20170; (o) (703) 673-1190 // (f) (703) 673-1189

Some of recent successes include:

- Prepare a cost-loaded and resource-loaded CPM baseline schedule and monthly schedule updates for a general contractor at a multi-phased U.S. Federal Courthouse under the GSA scheduling specification. TDF's services also include "Monte Carlo" simulations to evaluate construction sequences and "what-if" scenarios.
- Testify as a schedule expert in mediation for a transit authority on a \$217 million design-build rail extension project. TDF used the windows method in the detailed schedule analysis that considered impacts such as weather, access and utility issues, productivity, design changes and contractor delays.
- Testify as a schedule expert in state court for a sitework contractor on a \$10 million home improvement warehouse retail outlet. The general contractor terminated the sitework contractor, yet the contractor failed to consider the owner's re-design of underground stormwater piping and its own failure to coordinate the work.
- Prepare an evaluation of the integrity and feasibility of a baseline schedule for an EPC contractor at a nuclear medical isotope facility.
- Prepare a CPM completion schedule, monthly updates, and a preliminary delay analysis for a general contractor on a \$36 million condominium project. Delays were caused by differing site conditions and numerous design changes. Our involvement in the on-site joint scheduling meetings assisted the contractor in avoiding litigation.
- Assist a general contractor with strategic demonstrative graphics for two separate projects: an office/retail project and a Library/Theater project. Our graphics were used by the contractor to illustrate a cause and effect relationship between the numerous owner changes and the related schedule activities that delayed occupancy.
- Assist a mechanical contractor prepare a productivity study at an underground water distribution and sewer collection system. The contractor faced differing site conditions related to unexpected quantities of rock and excessive utilities during construction. TDF used a measured mile approach to quantify damages and delays.
- Assist a mechanical contractor prepare a delay analysis at an underground steam distribution project. The contractor encountered numerous owner disruptions related to access that required the contractor to revise its planned sequences at an active college campus.
- Testify as a schedule expert in mediation for a transit authority on a \$90 million train station. The contractor failed to submit timely monthly updates ultimately leading to lack of progress on critical activities and disruption across a project that included 8 inter-related milestones.

See our website at TDF-LLC.com for more other highlights.

TDF, LLC

A Construction Consulting Services Company

459 Herndon Parkway, Suite 19, Herndon, VA 20170; (o) (703) 673-1190 // (f) (703) 673-1189

Representative Client List

<u>Owners</u>	
▪ Amtrak	▪ Metropolitan Washington Airports Authority
▪ Architect of the Capitol	▪ Petrobras
▪ Bank of America, NA	▪ Toronto Transit Commission
▪ Federal Bureau of Prisons	▪ Town Of Hempstead
▪ Grain Processing Corporation	▪ Washington Metropolitan Area Transit Authority
▪ Intracorp Properties	▪ Town Of Hempstead

<u>Contractors</u>	
▪ Blakeslee Arpai Chapman, Inc.	▪ Robert W. Granger & Sons, Inc.
▪ Bovis Lend Lease, Inc.	▪ Sigal Construction Corporation
▪ C.M. Parker & Co., Inc.	▪ Sterling Boiler & Mechanical, Inc.
▪ Cauldwell Wingate Company, LLC	▪ Turner Construction Company
▪ Harris Contracting Company	▪ Washington Group International
▪ Honeywell International Inc.	▪ Joseph R. Wunderlich, Inc.
▪ Lunseth Plumbing & Heating, Inc.	

<u>Sureties</u>	
▪ Carolina Casualty Insurance Company	▪ New Hampshire Insurance Company

<u>Architects / Engineers</u>	
▪ Atomic Energy of Canada Limited	▪ DMJM
▪ Ayers Saint Gross	

TDF, LLC

A Construction Consulting Services Company

459 Herndon Parkway, Suite 19, Herndon, VA 20170; (o) (703) 673-1190 // (f) (703) 673-1189

Representative List of Law Firms

▪ Akerman Senterfitt	▪ Ingram Yuzek Gainen Carroll & Bertolotti, LLP
▪ Barnes & Thornburg	▪ Lee & McShane
▪ Breakell Law Firm	▪ Leonard, Street & Deinard
▪ Cameron & Hornbostel	▪ Osler, Hoskin & Harcourt
▪ Dechert	▪ Peckar & Abramson
▪ Department of Justice	▪ Sills, Cummins, Espstein & Gross
▪ Duane Morris	▪ Smith, Pachter & McWhorter
▪ Emmet, Cobb, Waits & Kessenich	▪ Watt, Tieder, Hoffar, & Fitzgerald
▪ Fabyanski, Westra & Hart	▪ Winston & Strawn
▪ Glaholt, LLP	▪ Williams Mullen Christina & Dobbins
▪ Holland & Knight	

Representative Projects

- Bronx Criminal Court Complex, New York, New York
- Ingleside at King Farm, Rockville, Maryland
- Silver Spring Gateway, Silver Spring, Maryland
- Regeneration of Con Mount Court, Toronto, Ontario
- Alcoa Warrick Power Plant – Scrubber Installation, Evansville, Indiana
- Thurgood Marshall U.S. Federal Courthouse Renovation–Options 1 & 2, New York, NY
- Capitol Visitor Center, U.S. Capitol Building, Washington, D.C.
- Library and Theater Project, Arlington County, Virginia
- Dulles Corridor Metrorail, Northern Virginia
- Yale School of Medicine Congress Avenue Building, New Haven, Connecticut
- Schedule Specification Review, Washington Metropolitan Area Transit Authority, Washington, D.C.
- Georgetown University Davis Performing Arts Center, Washington, D.C.
- Lowe’s Home Improvement Warehouse at Latham Circle Mall, Albany, New York

TDF, LLC

A Construction Consulting Services Company

459 Herndon Parkway, Suite 19, Herndon, VA 20170; (o) (703) 673-1190 // (f) (703) 673-1189

Representative Projects (cont'd)

- Water Distribution and Sewer Collection System, Duluth, Minnesota
- MDS Nordion Medical Isotopes Reactor Project, Chalk River, Ontario
- Acton's Landing Condominium Project, Annapolis, Maryland
- Underground Steam Distribution System, University of North Dakota, Grand Forks, North Dakota
- The Windrows at Princeton Condominium Project, Princeton, New Jersey
- Washington Metro Blue Line Extension to Largo, Maryland
- Don Mills Train Station – Sheppard Subway System, Toronto, Canada
- Cloverly Towne Center, Cloverly, Maryland
- Indiana Harbor Non-Recovery Coke Facility, East Chicago, Indiana
- Ernest N. Morial Convention Center – Phase III, New Orleans, Louisiana
- Hollywood Casino, Shreveport, Louisiana
- Corn Wet Milling Facility, Washington, Indiana
- P-19 and P-31 Conversion of Oil Processing Platform and Tanker, Brazil
- Maryland Center of Performing Arts, College Park, Maryland
- Metropolitan Detention Center-400 Bed Interim Facility, Brooklyn, New York
- Utility Building East Expansion, Dulles International Airport, Virginia
- Albany School of Humanities, Albany, New York
- Hempstead Resource Recovery Plant, Hempstead, New York
- Amtrak Northend Electrification Program, Northeast Corridor
- Canal Road Water Treatment Plant Expansion, Elizabethtown, New Jersey
- Barracks Complex, Fort Stewart, Georgia

TDF, LLC

A Construction Consulting Services Company

459 Herndon Parkway, Suite 19, Herndon, VA 20170; (o) (703) 673-1190 // (f) (703) 673-1189

Results

BAST HATFIELD, INC., Plaintiff

v.

JOSEPH R. WUNDERLICH, INC., Defendant

STATE OF NEW YORK SUPREME COURT, COUNTY OF ALBANY

INDEX NO. 1933-04

March 2009

The Court credits the testimony of Wunderlich's expert, Thomas D. Fertitta, based upon his knowledge of construction and the critical path method of scheduling construction projects. Fertitta concluded that the primary causes of delay were late site demolition by the owner, Bast's delay in processing submittals and lack of coordination by Bast as evidenced by its failure to inform its subcontractors of the accelerated schedule. He determined that Wunderlich could not have completed its work any sooner regardless of manpower and, in any event, any delay in performance by Wunderlich did not delay completion of the project beyond the substantial and actual completion date.

R.W.GRANGER & SONS INC., Respondent,

v.

CITY SCHOOL DISTRICT OF ALBANY, Appellant.

91195

SUPREME COURT OF NEW YORK, APPELLATE DIVISION, THIRD DEPARTMENT

2002 N.Y. App. Div. LEXIS 7116

July 3, 2002, Decided

July 3, 2002, Entered

2002 N.Y. App. Div. LEXIS 7116

We affirm. The trial evidence and exhibits are far too voluminous for lengthy recitation here. However, plaintiff's expert engineer, Thomas Fertitta, testified that based upon his "critical path" analysis, the project was delayed for a total of 133 days. Of the 133 days, Fertitta attributed all but 15 days to defendant and its agents by reason of their failure to coordinate the work of the various prime contractors and to prepare adequate construction schedules. These failures, in turn, resulted in the mechanical, electrical and plumbing work interfering with plaintiff's work, thereby causing the complained of delay. Fertitta attributed only 15 days of the delay to plaintiff which, in his opinion, was neither substantial nor material to completion of the project. To be sure, there was contrary testimony on the part of defendant's expert, but this merely presented a credibility determination for the trial court to resolve, and its determination in this regard is entitled to deference due to its ability to observe the tenor and demeanor of the witnesses.

THOMAS D. FERTITTA
TDF, LLC

459 Herndon Parkway, Suite 19 – Second Floor
Herndon, VA 20170
(703) 673 - 1191 (direct)
(703) 673 - 1189 (fax)

thomasfertitta@TDF-LLC.com
TDF-LLC.com

Mr. Fertitta founded TDF, LLC in April 2001 as a construction consulting services company. Since 1981 his construction experience has included project management, cost estimating and fieldwork coordination of shell and tenant improvements on a variety of facilities such as high-rise office buildings, warehouses, and research and development buildings. He has held leadership positions with a general contractor, a real estate developer and an international professional services firm. Mr. Fertitta has prepared a variety of construction schedules and schedule analyses for owners and contractors on private and municipal projects such as schools, office buildings, co-generation plants, industrial facilities, condominiums, wastewater treatment plants, prisons and courthouses. He has performed critical path analyses demonstrating delay, disruption, acceleration, as well as performing damage and loss of productivity calculations, as-built construction schedules, issue and entitlement identification and analysis, and document control and organization. Mr. Fertitta has provided expert witness services for negotiation, mediation, arbitration, state court and federal court regarding scheduling matters.

Previous Work Experience:

2001 – Present TDF, LLC

Sole Member – Manager

1990 – 2001 Coppi & Associates, Inc. / Coopers & Lybrand / PricewaterhouseCoopers

Director / Manager in Construction Litigation Practice

1988 – 1990 Emory Hill Development

Construction Director / Project Manager in a real estate development firm

1987 – 1988 Robert D. Rauch & Associates

Project Manager / Sales Manager for CPM scheduling services and construction projects

1985 – 1987 Arthur Andersen

Consultant in Information Systems Management Division

1983 – 1985 Center for Continuing Education - The George Washington University

Manager of Computer Lab and attend MBA classes full-time

1981 – 1983 Turner Construction Company

Superintendent/Field Engineer/Assist Project Engineer

Education:

MBA, Information Systems Management, The George Washington University, 1985

BS, Civil Engineering, The George Washington University, 1981

THOMAS D. FERTITTA
TDF, LLC

Licenses/Certifications:

Planning & Scheduling Professional (PSP), AACEI
Certified Professional Constructor (CPC), American Institute of Constructors

Affiliations:

Project Management Institute, College of Scheduling
American Institute of Constructors
Construction Management Association of America

Publications:

Author, "The Dangers of Sequestering Float," December 2005 Newsletter, College of Scheduling

Author, "Using As-Built Data in a Delay Analysis;" Construction Briefing Spring 2004, Published by Osler, Hoskin & Harcourt LLP

Author, "Use of Calendars in a Project Schedule," September 2003 Topic of the Month, College of Scheduling Website

Author, "Schedule Updating & Record Keeping Best Practices," March 2003 Topic of the Month, College of Scheduling Website

Co-author, "Delay Claims;" "Proving Differing Site Conditions Claims;" "Owner Claims Against Construction Managers, Design Professionals, General Contractors, and Design-Builders;" "Claims Against the Government;" *Proving and Pricing Construction Claims, Third Edition, 2001*; Aspen Law and Business, edited by Robert F. Cushman, John D. Carter, Paul J. Gorman, and Douglas F. Coppi.

Co-author, "Using Critical Path Network Analysis to Prove Delay," *Construction Disputes: Representing the Contractor, Third Edition, 2001*; Aspen Law and Business, edited by Robert F. Cushman, John D. Carter, Paul J. Gorman, and Douglas F. Coppi.

Co-author, "Managing the Troubled Project: A Practical Guide," Canadian Society of Civil Engineers 1999 Proceedings.

Speeches and Seminars:

"Proving and Defending Time Impact Claims," American Bar Association, Managing and Litigating the Complex Surety Case Conference, May 2007

"Staying Ahead of the Curve: Updating the Project Schedule," Associated General Contractors of America Annual Conference Annual Conference, March 2007

"Two Competing Perspectives For Analyzing Project Delay," College of Scheduling Conference 2006, Orlando, Florida

THOMAS D. FERTITTA
TDF, LLC

Speeches and Seminars (cont'd):

“Evaluating Construction Delays through Schedule Analysis,” Ontario Bar Association, Toronto, Canada, March 2006

“Construction Scheduling Revealed – Preparing & Assessing Construction Schedules and Delay Claims,” Sponsored by CMAA, Various Dates in 2005 and 2006

“Avoiding Scheduling Gamesmanship,” College of Scheduling Conference, 2005, Scottsdale, Arizona

“Construction Scheduling: Seeing Through The Looking Glass,” AGC Conference, March 2005

“Tricks, Traps and Ploys Used in Construction Scheduling in Maryland,” Sponsored by Lorman Education Services, September 2004

“How to Use Web-Based Applications to Identify, Quantify and Mitigate Construction Risks,” IQPC e-Construction & Contracting Conference, February 2001.

“Electronic Procurement in the Engineering and Construction Industry,” Forbes E-Business in the Construction Industry Conference, December 2000.

“Critical Path Method (CPM) Scheduling – Intellectual Honesty in Proving Delay,” Board of Contract Appeal Judges Association, January 2000, Panelist with Jon Wickwire and Stuart Ockman.

“Advanced Techniques for Handling the ‘Large Document’ Case – The Paperless Trial,” Board of Contract Appeal Judges Association, January 1999.

“Managing Construction Risks in a Booming Market,” in conjunction with Philip L Bruner, Esq., September 1998.

“Critical Path Method Scheduling and Analysis,” three part series sponsored by the State of Ohio’s State Architect’s Office, spring 1997.

“Assessing the Health of a Construction Project,” AIC, Northern Virginia Chapter, and in conjunction with Owen Shean, Esq., October 1996.

“Nuts and Bolts of Successful Planning and Scheduling in the 1990's,” GC/Virginia and AGC/Virginia Northern District, with Jon Wickwire, Esq., and Stephen B. Hurlbut, Esq., 1994.

THOMAS D. FERTITTA
TDF, LLC

Relevant Project Experience:

- Prepare a preliminary schedule analysis for a general contractor at a \$100 million retirement community in Rockville, MD.
- Prepare critical path analysis for a general contractor at an \$89 million apartment/ retail / parking garage in Silver Spring, MD.
- Provide construction management consulting services as an owner representative for an approximate \$6 million park facility and athletic fields to be dedicated to Fairfax County, Virginia.
- Prepare a preliminary assessment of delay issues impacting a public-private partnership at a stacked-town house residential development in Toronto, Canada
- Prepare a preliminary assessment of project delays and disruptions for a mechanical contractor installing scrubbers at a power generating facility, Evansville, Indiana
- Prepare a cost-loaded and resource-loaded CPM schedule for a general contractor for the first phase of a \$35 million renovation at 34 story U.S. Federal Courthouse, New York, New York
- Develop scheduling specifications and review an initial baseline schedule for a \$2.5billion rail project, Northern Virginia
- Develop a preliminary assessment of a project's status and prepare a preliminary schedule analysis at a large municipal facility in Washington, D.C.
- Prepare a summary schedule analysis for a concrete contractor at a \$25 million university laboratory building, Blacksburg, Virginia
- Prepare a summary delay analysis for a general contractor at a \$13 million municipal theater and library, Arlington, Virginia
- Prepare a review of a transit authority's scheduling specifications in Washington, D.C.
- Prepare a delay analysis for a sitework contractor at a \$10 million home improvement warehouse in Latham, New York
- Prepare a productivity analysis and demonstrative exhibits identifying adverse impacts causing delay and lost productivity at an underground water distribution and sewer collection system
- Prepare an evaluation of a commissioning schedule for an EPC contractor at an over \$150 million medical isotope reactor, Ontario, Canada
- Prepare a schedule analysis for an owner at an approximately \$217 million subway extension in the Washington, D.C area
- Prepare a schedule analysis for a financial institution following its takeover of a defaulted real estate developer on a \$70 million condominium project in Princeton, New Jersey
- Prepare a preliminary schedule analysis, a completion schedule and schedule updates at a \$36 million multi-story condominium project in Annapolis, Maryland

THOMAS D. FERTITTA
TDF, LLC

Relevant Project Experience:

- Preparation of delay/acceleration/lost productivity analysis for a contractor at a \$9.8 million underground steam distribution at an educational facility, Grand Forks, ND.
- Development and preparation of strategic demonstrative exhibits illustrating cause and effect of owner caused impacts and delays for a \$12 million office/retail complex in Bethesda, Md.
- Analytical review of project documentation and preparation of a schedule analysis for an owner at a \$55M bio-mass fueled co-generation plant in St. Paul, Minnesota.
- Preparation of a delay/acceleration/lost productivity analysis for an owner at an \$88 million train station and parking structure in Toronto, Canada.
- Preparation of a baseline schedule, monthly updates and a delay analysis for a general contractor at a \$6 million retail / office building in Cloverly, Maryland.
- Owner Representative for pre-construction and construction phases on a multi-million dollar residential project in Fenwick Island, Delaware.
- Analytical review of contemporaneous schedule analyses and delay issues for an architect/engineer at a \$28 million glass and structural aluminum conservatory.
- Preparation of delay and mitigation analysis for an EPC contractor at a 1.33 million tons per year \$181.5 million coke making facility.
- Preparation of a delay and acceleration analysis for an instrumentation sub-contractor at a \$181 million convention center.
- Preparation of delay analyses for a mechanical/electrical subcontractor against a general contractor at two U.S. Army Barracks facilities.
- Preparation of a delay analysis for a mechanical/electrical subcontractor against an owner at a U.S. Army medical/dental facility.
- Preparation of a delay analysis for a surety in defense of an owner's force majeure claim at a fast track casino project.
- Preparation of a delay analysis in defense of a \$203 million delay/acceleration claim for a floating oil and gas production system (FPS) involving the re-fit of a semi-submersible drill rig and the conversion of a crude oil carrier (VLCC) to a fuel processing storage offloading (FPSO) facility.
- Preparation of a schedule analysis for an industrial owner in defense of a contractor's wrongful termination claim at a \$280 million grain processing plant.
- Schedule and entitlement analysis in defense of a \$17 million delay and acceleration claim at an \$85 million performing arts center.
- Entitlement analysis in defense of a termination for convenience claim for a \$22 million federal prison facility.

THOMAS D. FERTITTA
TDF, LLC

Relevant Project Experience:

- Defense of a \$10 million delay and acceleration claim against an airport authority for a \$12 million expansion to the mechanical utility building.
- Critical path analysis for a general contractor showing owner caused delay and wrongful termination on a \$9 million municipal middle school.
- Preparation of a delay and loss of productivity claim for a curtain wall contractor on a \$60 million federal government research facility.
- Cost review and analysis of general conditions and schedule of values for an owner at a \$12 million pharmaceutical plant expansion.
- Critical path analysis for mechanical subcontractor showing delays and disruption caused by the general contractor on an \$85 million water treatment plant.
- Preparation of an owner's \$25 million delay and disruption counterclaim for a \$1.3 billion rail project involving infrastructure and electrification issues.
- Preparation of contractor's claim for delays and cost overruns related to a \$240 million water system and control program.
- Defense of a \$7 million loss of productivity claim against a municipality for a \$200 million resource recovery facility.
- Critical path analysis for an owner of a \$4 million rental car facility showing lost profits caused by a general contractor's delay and lack of coordination.
- Defense of a \$45 million bankruptcy claim against a large automotive manufacturer involving work at seven plants spread around the country. Disputed claim by citing contractor inefficiencies, deficient fieldwork, project mismanagement and estimating inadequacies.
- Defense of a general contractor's delay claim against a state department of public works on a \$10 million multi-story masonry dormitory at a state university.
- Entitlement analysis related to cost overruns and schedule delays for the owner on a \$3 million food processing plant.
- Critical path analysis for a general contractor and mechanical subcontractor showing delay and acceleration caused by owner interference on a \$70 million municipal wastewater treatment plant
- Critical path analysis for a general contractor showing delay and disruption on a major university's new \$19 million research facility.
- Critical path analysis showing delay, acceleration and loss of productivity for a mechanical piping subcontractor on a \$20 million oil refinery project.
- Critical path analysis for a general contractor showing owner delay caused by owner requested design changes on a \$12 million municipal housing project.

THOMAS D. FERTITTA
TDF, LLC

Relevant Project Experience:

- Defense of a mechanical subcontractor delay and disruption claim against a turnkey general contractor at a \$103 million co-generation plant.
- Issue development for a construction manager showing delay for a turnkey general contractor on a \$123 million co-generation plant.
- Critical path analysis for a general contractor showing delay caused by a differing site condition on a \$2.0 million hospital renovation.
- Critical path analysis for a general contractor showing delay caused by lack of mechanical subcontractor performance on a \$25 million federal medical research facility.
- Critical path analysis for a general contractor showing owner delay on a \$10 million terminal project at an international airport.
- Defend a claim regarding misappropriation of funds against a city housing authority's \$20 million renovation program of public housing.
- CPM schedule preparation, contemporaneous time impact analysis for individual issues, and overall schedule analysis demonstrating delays in a wrongful termination claim for a contractor on a \$23 million federal courthouse.
- Acceleration damage calculations and negotiations for a general contractor on a \$4.3 million underground steam pipe distribution system at a federal military base.
- Critical path analysis for a contractor showing delay and acceleration caused by a differing site condition on a \$100 million data center.
- Critical path analysis for a general contractor showing delay caused by concrete supplier on a major university's \$9 million student union building.
- Defense of a masonry subcontractor disruption claim for a general contractor on a \$20 million high school.
- Critical path analysis involving significant change orders and recovery efforts for a general contractor on an \$80 million neuropsychiatric hospital.
- Critical path analysis for a contractor showing acceleration caused by an owner's design changes on a \$6 million baggage tunnel project at a major international airport.
- Defense of a structural steel disruption and acceleration claim for a contractor on a \$27 million concourse project at a major international airport.
- Critical path analysis for a contractor showing delay caused by differing site conditions and disruption caused by owner requested design changes on a \$35 million municipal parking garage and visitor center.
- Critical path analysis for a contractor showing delay and acceleration caused by design changes on a \$68 million state-of-the-art pharmaceutical facility.

THOMAS D. FERTITTA
TDF, LLC

Relevant Project Experience:

- Critical path analysis for a general contractor showing owner delay on a \$5 million transportation maintenance facility located on a federal government military base.
- Issue development and negotiation position for a general contractor showing owner caused delay and disruption on a \$23 million municipal wastewater treatment facility.
- Critical path analysis for the owner showing the general contractor's delay and disruption on a \$20 million food processing plant.
- CPM schedule preparation, maintenance and time impact analysis for a general contractor showing owner delay on the demolition of a state prison.
- Defense of a drywall subcontractor's loss of productivity claim for a general contractor on a \$38 million federal facility.
- Critical path analysis for a general contractor showing owner delay on a \$2.5 million hospital renovation.
- Defense of an earthwork subcontractor's disruption and loss of productivity claim for a contractor for a \$22 million irrigation canal system.
- Defense of a general contractor's disruption and delay claim for a construction manager on a \$100 million resource recovery co-generation plant.
- Defense of an asphalt-paving subcontractor's differing site conditions claim for a contractor on a \$43 million U.S. postal distribution facility.
- Defense of a lost profits claim for a general contractor showing delay and disruption caused by owner requested design changes on a \$13 million condominium renovation project.
- CPM schedule maintenance and time impact analysis for a general contractor showing delay caused by owner requested design changes on a \$48 million office building.
- Critical path analysis for a general contractor showing delay and disruption caused by owner requested design changes on a \$15 million strip retail shopping center.
- Critical path analysis for a general contractor showing delay and acceleration caused by owner changes on a \$13 million subway station parking structure.
- CPM schedule maintenance and time impact analysis for a general contractor showing delay caused by owner requested design changes on a \$99 million municipal waste water treatment facility.
- Schedule preparation and time impact analysis for a contractor showing owner caused delays on a \$5.4 million wastewater treatment facility.
- CPM schedule updates for a general contractor on a \$32 million wastewater treatment facility.

THOMAS D. FERTITTA
TDF, LLC

Relevant Project Experience:

- Critical path analysis for a general contractor showing delay and disruption caused by owner requested design changes on an \$18 million state hospital.
- Critical path analysis for a general contractor showing owner caused on a \$12 million parking structure and office building.
- Defense of a mechanical subcontractor's disruption claim for a turnkey contractor on a \$70 million co-generation power plant.
- Defense of a general contractor's delay claim on a \$2.5 million sprinkler upgrade at a state institution for the state's department of public works.
- General contractor, project manager, estimator and owner representative for over 500,000 square feet of tenant improvements including office, research and development, state of the art biotech clean rooms, computer rooms, and hazardous storage.
- General contractor, project manager, estimator and owner representative for a \$8 million steel framed 50,000 square feet 6 story office building.
- General contractor, project manager, estimator and owner representative for \$7 million steel framed 108,000 square feet office and distribution center for an international cosmetic corporation.
- General contractor, project manager, estimator and owner representative of \$7 million steel framed 90,000 square feet office and research facility for a major high technology manufacturer.
- Field Engineer/Area Superintendent for a \$200 million steel-framed high-rise office tower.
- Project engineer and estimator for a \$6 million 35,000 square feet 6 story office building.

MICHAEL J. WESTRICH
TDF, LLC
3754 Rhiannon Court
Marietta, Georgia 30066
(o) 703-673-1194
(f) 703-673-1189
mwestrich@TDF-LLC.com

Mr. Westrich is an accomplished civil engineer/construction consultant with over twenty-three years of experience in the construction industry. His experience ranges from extensive on-site project management to scheduling and dispute resolution in the government, transportation, industrial and commercial sectors, with an emphasis on civil projects. A 1986 graduate from the University of Missouri-Rolla, Mr. Westrich compliments his on-site experience with a Bachelor of Science in Civil Engineering.

Mr. Westrich's multi-disciplined projects include hard bid, negotiated, design/build and fast track construction. He works in association with general contractors, subcontractors, as an owner's advocate in the role of construction manager and as a sub-consultant to other consultants. His skills encompass project management; CPM scheduling/planning, change order negotiation and contracts dispute resolution. Moreover, Mr. Westrich's cooperative interactions with architects, engineers, owners and contractors warrant him a thorough understanding of past and present construction practices. His specific areas of expertise reside in heavy / civil projects as well as specialty trades including, Exterior Building Enclosure, Mechanical, Electrical and Finish trades.

As an experienced construction professional Mr. Westrich's diversified background and attention to detail provides significant support to owner and contractor relations. His knowledge in schedule & cost control is a proven asset for those he serves, specifically, in the settlement & negotiation process of contract related matters. Moreover, Mr. Westrich's ability to strategically identify, analyze and develop fact based solutions to problematic issues results in amicable and mutually equitable negotiated settlements.

Previous Work Experience:

2004 - Present TDF, LLC
Consultant

1996 – Present C.E. Support & Associates, Inc.
Owner/Principal

1995 – 1996 Hensel Phelps Construction Company
Senior Project Manager – Site Work

1993 – 1995 M.A. Mortenson Company
Project Manager – Interior Finishes & Scheduling

1989 – 1993 J.S. Alberici Construction Company
Quality Control Manager, Scheduling Manager, Project Engineer

MICHAEL J. WESTRICH
TDF, LLC

1986 – 1989 S.J. Groves & Sons Construction Company
Project Engineer, Field Engineer

Education:

B.S. Civil Engineering, May 1986, University of Missouri-Rolla

Affiliations:

National Society of Professional Engineers (1985 – Present)

Georgia Society of Professional Engineers (2003 – Present)

American Society of Professional Engineers (1986 – Present)

Relevant Experience:

- Prepare critical path analysis for a general contractor at an \$89 million apartment/ retail / parking garage in Silver Spring, MD.
- Prepared a preliminary assessment of delays for a mechanical contractor installing scrubbers for a power generating facility in Evansville, Indiana.
- Prepared an as-built schedule for a \$217 million rail project in Maryland and followed with the preparation of a schedule analysis to defend a contractor's claim for alleged delays.
- Prepare a preliminary analysis for an owner of a large municipal facility in Washington, D.C.
- Prepared an assessment of best practices on an initial baseline schedule for a \$2.5 billion rail project in Northern Virginia
- Prepared an preliminary assessment of a commissioning schedule for an EPC contractor at an over \$150 million medical isotope reactor, Ontario, Canada
- Prepared a schedule analysis for a concrete contractor at a medical building in New Haven, Connecticut.
- Prepared a delay analysis for a general contractor on a \$6 million office / retail project in Cloverly, Maryland.
- Prepared a delay/acceleration/lost productivity analysis for an owner at an \$88 million train station and parking structure in Toronto, Canada.
- Prepared a delay/acceleration/lost productivity analysis for a contractor at a \$9.8 million underground steam distribution at an educational facility, Grand Forks, ND.
- Prepared a schedule analysis for a financial institution following its takeover of a defaulted real estate developer on a \$70 million condominium project in Princeton, New Jersey

MICHAEL J. WESTRICH
TDF, LLC

Other Project Experience:

- Phillips Arena Facility – Atlanta, Georgia
- Gateway Office Building Complex – Charlotte, North Carolina
- H. Lee Moffitt Cancer Center & Research Bldg – Tampa, Florida
- Medical University of South Carolina – Charleston, South Carolina
- Shands Cancer Facility at the University of Florida – Gainesville, Florida
- 55 West Church Street Mixed Use Building Facility – Orlando, Florida
- Town Center Luxury Hotel & Residences – Virginia, Beach
- Phillips Arena Facility – Atlanta, Georgia
- Enlisted 4th Brigade Training Barracks – Fort Jackson, South Carolina
- C.C. Williams Waste Water Treatment Facility – Mobile, Alabama
- Trion Waste Water Treatment Facility – Trion, Georgia
- Apalachicola Waste Collection System – Apalachicola, Florida
- Southport Water System – Bay County, Florida
- Georgia State University RAC Expansion – Statesboro, Georgia
- Central Elementary School – Albemarle, North Carolina
- GSU Foy Building Addition – Statesboro, Georgia
- Georgia Power Plant Scherer – Juliette, Georgia
- Bob Mathis Elementary School – Dekalb, Georgia
- UFL Proton Beam Therapy Center – Jacksonville, Florida
- Banneker High School Renovation – Newnan, Georgia
- Walton High School Renovation/Addition – Smyrna, Georgia
- Jackson Heights Elementary – Albany, Georgia
- Columbus High School Renovation – Columbus, Georgia
- Jasper County Courthouse – Monticello, Georgia
- South Georgia College – Douglas, Georgia
- Wake Technical College – Raleigh, NC
- R.L. Sutton Water Reclamation Facility – Smyrna, Georgia
- Scott Candler Water Filter Plant Expansion – Doraville, Georgia
- Noonday Creek WRF – Marietta, Georgia
- Douglas Asphalt Company – All Paving Jobs in Georgia
- South Cross Bayou Phase II WWTP – Tampa, Florida
- U.S. Federal Courthouse Building – Montgomery, Alabama
- Langley Air Force Base Addition – Norfolk, Virginia
- Monterey Pass Apartments – Thomson, Georgia

**MICHAEL J. WESTRICH
TDF, LLC**

Other Project Experience (cont'd):

- Holy Cross Health Care Headquarters – South Bend, Indiana
- C17 A/C Maintenance Facility – Charleston AFB, South Carolina
- Riley High School – South Bend, Indiana
- Centennial Arena – Raleigh, North Carolina
- Red River Bridge & Approaches – Baton Rouge, Louisiana
- Federal Medical & Correctional Facility – Butner, North Carolina
- University of Georgia Research Center – Athens, Georgia
- Lee Arrendale Correctional Institute – Alto, Georgia
- UNC Women & Children Hospital – Chapel Hill, North Carolina
- Long Creek Waste WWTP Upgrade – Gastonia, North Carolina
- UNC Campus Building – Chapel Hill, North Carolina
- Sikorski Bridge & Approaches – Stratford/Milford, Connecticut
- JFK Bridge and Approaches – Louisville, Kentucky
- Hotel Resort at Summerlin – Las Vegas, Nevada
- U.S. Federal Courthouse – Albany, Georgia
- Microtel Inn & Suites – Dunwoody, Georgia
- Harrahs/Players Hotel Casino – St. Louis, Missouri
- Edward A. Jones Stadium & Convention Center – St. Louis, Missouri
- Melvin Price 3rd Stage Cofferdam – Alton, Illinois
- Melvin Price 2nd & 3rd Stage Lock & Dam 26 – Alton, Illinois
- Varina-Enon Cable Stay Bridge – Richmond, Virginia

ASHISH M. ABRAHAM
TDF, LLC
459 Herndon Parkway, Suite 19
Herndon, VA 20170
(703) 673 – 1193 (office)
(703) 673 – 1189 (fax)
aabraham@TDF-LLC.com

Mr. Abraham has prepared CPM schedules, monthly schedule updates, as-built schedules, issue analyses and preliminary schedule analysis for a variety of projects such as laboratories and medical buildings, office/retail projects and condominium projects. His graduate level course work in Construction Management included courses such as Project Management, Construction Estimation, Computer Applications in Construction, Construction Planning and Scheduling, Construction Safety and Health Management, and Legal Aspects of Construction.

Mr. Abraham is skilled in Primavera (P3/Project Management Release 6.0), Suretrak, Timberline Precision Estimating, AutoCAD, MicroStation and MS Word, Excel, PowerPoint, and Adobe Photoshop software. He is also fluent in French.

Previous Work Experience:

2005 – Present TDF, LLC
Project Engineer

2003-2005 Department of Civil Engineering, SUNY, Buffalo
Math Tutor – assisted students in under-graduate level mathematics coursework.
Teaching Assistant – assisted with coursework related to Construction Estimating and Project Management graduate courses.

2002-2003 Design Center, India
Civil Engineer – Inspected and approved building plans and worked extensively with AutoCAD and MicroStation software

Education:

Master of Science in Civil Engineering, SUNY, Buffalo, 2005
Bachelor of Technology in Civil Engineering, Cochin University of Science & Technology, 2001

Relevant Experience:

- Prepare a preliminary schedule analysis for a general contractor at a \$100 million retirement community in Rockville, MD.
- Prepare critical path analysis for a general contractor at an \$89 million apartment/ retail / parking garage in Silver Spring, MD.
- Performed monthly schedule updates for a general contractor on a \$36 million renovation project at a U.S. Federal Courthouse in New York.
- Assisted in the preliminary assessment of delays for a mechanical contractor installing scrubbers for a power generating facility in Evansville, Indiana.

ASHISH M. ABRAHAM
TDF, LLC

Relevant Experience (cont'd):

- Prepared a delay analysis for a general contractor at a \$13 million municipal theater and library in Arlington, Virginia.
- Prepared an as-built schedule for a structural steel contractor for a bridge project in Alexandria, Virginia.
- Prepared an as-built schedule for a \$217 million rail project in Maryland and followed with the preparation of a schedule analysis to defend a contractor's claim for alleged delays.
- Prepare an assessment of best practices on an initial baseline schedule for a \$2.5billion rail project in Northern Virginia.
- Prepare a document database and issue analysis used during arbitration at a \$6 million Retail / Office complex in Maryland.
- Prepared fragnets demonstrating delay for a general contractor at a military operations center.
- Prepared a preliminary schedule analysis for a concrete contractor at a \$25 million laboratory building in Blacksburg, Virginia.
- Prepared preliminary schedule analysis for a condominium project in Washington, D.C.
- Prepared a schedule analysis comparing three project schedules (including an accelerated schedule) at a \$10 million Lowe's Home Improvement Warehouse in Latham, New York.
- Prepared an as-built schedule for a concrete contractor at a medical building in New Haven, Connecticut.
- Prepared a preliminary schedule analysis for a performing arts center in Washington, D.C.
- Assisted in the development of a completion schedule and performed monthly schedule updates for a contractor on a \$36 million condominium project in Annapolis, Maryland.
- Prepared an as-built schedule and developed issues that adversely impacted progress on a \$6 million office / retail project for a general contractor in Cloverly, Maryland.
- Researched productivity parameters and a planned versus actual analysis for an underground water distribution and sewer collection system project in Duluth, Minnesota.

**JOHNATHAN CONKLIN
TDF, LLC**

459 Herndon Parkway, Suite 19
Herndon, VA 20170
(703) 673 – 1197 (office)
(703) 673 – 1189 (fax)
jconklin@TDF-LLC.com

Mr. Conklin has had a variety of construction management experience including office buildings and parking structures to large scale multi family residential projects. He has worked for subcontractors, general contractors and developers. He has been involved in project documentation, scheduling, budgeting, financial reporting and resolving problems during the construction process. He brings an understanding of the issues all parties face during the life cycle of a project.

Education:

M.S. Construction Management, College of Architecture and Urban Studies, Virginia Polytechnic Institute and State University, Blacksburg, VA, May 2000

B.S. Accounting (Information Systems) with a minor in Spanish, R.B. Pamplin College of Business, VPI and State University, 1995

Previous Work Experience:

2008 – Present TDF, LLC
Project Engineer

2006-2008 Camden Development, Inc., McLean, VA
Project Engineer

2004-2006 Clark Realty Builders, Bethesda, MD
Assistant Project Executive

2000-2004 Foulger Pratt, Rockville, MD
Project Engineer

Relevant Experience:

- Prepare a preliminary schedule analysis for a general contractor at a \$100 million retirement community in Rockville, MD.
- Prepare critical path analysis for a general contractor at an \$89 million apartment/ retail / parking garage in Silver Spring, MD.
- Developed a computerized tracking system for finishes and completion activities at a condominium project in Woodbridge, VA
- Prepared monthly CPM schedule updates for a condominium project in Lorton, VA
- Coordinated pre-construction planning and construction tasks between the general contractor and design team for a commercial project in College Park, MD

**JOHNATHAN CONKLIN
TDF, LLC**

Relevant Experience (cont'd):

- Developed scopes of work, prepared schedules, and managed subcontractor requisitions for various multi-family housing projects.
- Performed take-offs during project buyout phase, managed project documentation including Change Orders, RFIs, and meeting minutes, reviewed applications for payment to the owner and prepared and maintained project schedules.

JON GROVE

TDF, LLC

459 Herndon Parkway, Suite 19

Herndon, VA 20170

(703) 673 – 1192 (office)

(703) 673 – 1189 (fax)

(703) 669-5999 (cell)

jgrove@TDF-LLC.com or jgrove@grovegfx.com

Mr. Grove possesses significant experience in providing construction litigation support services. He has been involved in a variety of construction projects preparing as-built schedules, monthly updates and document review for issue analysis. He also specializes in demonstrative exhibits used to illustrate delay, disruption and acceleration for construction matters as well as the creation of trial exhibits, simulations/animations, web-pages and other substantive graphics used in dispute resolution forums.

Mr. Grove is proficient in Primavera (P3 and Project Management Release 5.0), Suretrak, MS Project, Microsoft Access, Flash MX, Corel Draw, 3D Studio Max, Dreamweaver MX.

Previous Work Experience:

2001 – Present TDF, LLC

Consultant

2001 – Present Grove Graphics and Networks, LLC, Leesburg, VA

President

Specialized in litigation support services including preparing baseline schedules, monthly updates, as-built schedules, issue analysis and demonstrative exhibits used in dispute resolution matters.

1998 – 2001 PricewaterhouseCoopers, McLean, VA

Graphics Manager

Specialized in the creation of graphics for construction dispute analyses and fraud/financial investigation analyses on multimillion dollar claims.

1995 – 1997 Mid-Atlantic Energy, Fairfax, VA

Vice President

Co-Owner and Manager selling home improvement products. Created all graphics and design layouts for company.

1991 – 1995 Environmental Disposal Options Corporation, Harleysville, PA

Regional Manager

Developed and implemented sales plans for broker/consultant services for New York, Massachusetts, Connecticut, and Rhode Island. Focused on providing remedial services, landfill and cement kiln disposal services. Assisted in the implementation and use of industry software.

JON GROVE
TDF, LLC

Education:

B.S. Bio-Chemistry, Susquehanna University, Selinsgrove, PA, 1990

Relevant Project Experience:

- Prepared demonstrative exhibits for a preliminary schedule analysis for a general contractor at a \$100 million retirement community in Rockville, MD.
- Prepared demonstrative exhibits for critical path analysis for a general contractor at an \$89 million apartment/ retail / parking garage in Silver Spring, MD.
- Prepared an as-built schedule for a structural steel contractor for a bridge project in Alexandria, Virginia.
- Prepared as-built schedule for a large rail project in Maryland and followed with the preparation of a schedule analysis to defend a contractor's claim for alleged delays.
- Prepared a preliminary schedule analysis for a concrete contractor at a laboratory building in Blacksburg, Virginia.
- Prepared preliminary schedule analysis for a condominium project in Washington, D.C.
- Prepared an as-built schedule for a concrete contractor's submittals/deliveries and installation at a medical building in New Haven, Connecticut.
- Prepared preliminary schedule analysis for a performing arts center in Washington, D.C.
- Prepared as-built schedule and preliminary analysis for a sitework contractor at a \$10 million Lowe's Home Improvement in Latham, New York.
- Prepared an as-built schedule and demonstrative exhibits for a \$9 million water distribution and sewer collection system in Duluth, Minnesota.
- Prepared an as-built schedule, perform issue analysis and develop planned versus actual impact charts for a mechanical contractor on a \$9.8 million underground steam distribution at an educational facility in Grand Forks, North Dakota.
- Assisted in the development of a completion schedule for a contractor on a \$36 million condominium project in Annapolis, Maryland.
- Researched weather days for an owner and compared weather days submitted by the contractor on an approximately \$217 million subway extension in the Washington, D.C. area.
- Prepared CPM monthly updates at an airport expansion in Dallas, Texas.
- Prepared a simulation / animation related to concrete pour sequences and planned versus actual comparisons at a NIH, located in Bethesda, Maryland.
- Prepared a simulation / animation illustrating the extent of damaged foundation and remediation efforts related to settlement in a two-story building's foundation.