



## JOHN CHEEK



John Cheek is a Senior Executive Consultant with Long International and has nearly 35 years of experience in commercial and industrial construction. He is an expert in the evaluation of construction cost claims, schedule impact delay analysis, arbitration/mediation support, and dispute resolution. He has been involved with numerous commercial, institutional, and industrial projects in the U.S. and internationally. Mr. Cheek's claims and litigation support services include testimony in arbitration and mediation and assisting corporations, municipalities, developers, contractors, and insurers. His involvement has included petrochemical, wharf, wastewater, power government, resort, hospitality, educational, condominium, retail, medical, and industrial projects. He has prepared more than twenty cost estimate analyses, written expert report supplements and evaluations, and supported attorneys in depositions, mediations, and settlement negotiations.

Mr. Cheek has claim-related experience in analyses of cost (estimated, bid, and actual), schedule (delay and acceleration), and disruption (labor inefficiency and productivity) for a variety of projects. His extensive experience in contract negotiations, project management (project documentation and controls), predevelopment (team member selection, site selection, masterplanning, and program planning), preconstruction (estimating, scheduling, and cost engineering), and field operation management is utilized to the benefit of clients on both dispute-related assignments and on project management consulting engagements.

### EDUCATION

Southern Technical Institute, CETSC (Civil Engineering Technology, Surveying, and Construction), 1978

### PROFESSIONAL AFFILIATIONS

Association for the Advancement of Cost Engineering  
Associated General Contractors, Georgia  
American Concrete Institute  
Glencastle Constructors Board Member

### TECHNICAL EXPERIENCE

Representative U.S. and international technical experience includes:

- Construction claims preparation support, and analysis, defense, and negotiation of settlements on commercial, institutional, municipal, and public works projects.
- Identification and systematic evaluation of constructability and construction problems and their cause/effect relationship on cost and schedule overruns.
- Construction Management performance assessments.
- Contract form of agreement assessment for owners, contractors, subcontractors, designers, engineers, and specialty consultants.
- Authored procedural manuals on the subject of preconstruction, change order analysis, estimating, project safety, and project management.



- CPM schedule analyses of the impacts of delays, disruption, acceleration and loss of labor productivity.
- Analysis of monthly progress reporting.
- Supporting analysis of design errors and omissions.
- Direct and indirect damages assessments.
- Contract analysis of change order preparation, entitlement, and cost analysis.
- Development of computerized estimating systems.

### **PROJECT EXPERIENCE**

Mr. Cheek has served as a managing consultant on more than twenty five claims ranging in size from \$100,000 to over \$50 million. He has assisted in the evaluation of claims and assessed the performance of program construction managers, contractors, subcontractors, and owners on numerous types of projects in the U.S. Representative projects include the following:

#### **Petrochemical and Power Facilities**

- Assessment of a \$120 million dollar Gas to Liquids project in receivership and under construction in Trinidad and Tobago. Performed contract review analysis of time and materials and lump sum contracts. Prepared project management team audits and contractual agreement assessments. Participated in and prepared project status and recovery assessments, procurement process status and evaluations, and document control process status and evaluations.
- Analysis of a claim regarding a Thailand-based company responsible for providing components required for the manufacturing and construction of heat recovery steam generators (HRSGs) for a repowering project located in Florida. Prepared a detailed analysis of various project records to make an evaluation of the extent to which the actions and failures to act by the parties involved contributed to the delayed completion and shipment of the (HRSGs) in preparation of litigation.

#### **Heavy Construction, Industrial, and Wastewater Treatment Projects**

- Assessment of causation and schedule impacts on a potential \$50 million dollar claim regarding construction of a multi-phase wharf/jetty facility located in Edmonton, Canada. Prepared detailed analyses in preparation of settlement negotiations and arbitration.
- Analyzed a pipe tunneling contractor's claim for extended equipment cost and prepared evaluation and cost related damages on a disruption delay claim, for a risk management services company.
- Evaluation of entitlement and preparation of damage analyses for the general contractor on a \$120 million water treatment reclamation facility in Centreville, Virginia regarding concrete cost overruns, and prepared weather impact study to be used in trial. Performed analysis of mechanical subcontractor's loss of productivity and prepared general contractor's extended overhead damages resulting from interference by other parties.
- Prepared supporting cost estimate and data for the purchase evaluation for a prospective buyer of a Trenton New Jersey potable water line.
- Review and analysis of a contractor's claim for scope changes and differing conditions encountered on branch creek remediation project in Gainesville, Florida.
- Cost analysis and estimate preparation of a Generating Project-Turbine Building in California.



- Performed an analysis of a contractor's cost claim for unforeseen conditions for the owner of a paper manufacturing facility located in Evadale, Texas.
- Evaluation of cost estimates for a Florida coastal seaport facility.
- Preparation of claim analysis on a SC DOT project, for negotiations regarding delays and cost claim associated with equipment charges.

### **Food Processing Facilities**

- Preparation of a \$20 million estimate to support a claim for as-built building cost and replacement cost value resulting from total loss resulting as a result of fire to a poultry processing facility in the Southeastern U.S.
- Prepared cost estimates to support a \$5 million insurance claim for food processing building and equipment losses resulting from fire, and provided project management of building stability and safety for examination and documentation of conditions resulting from fire and fire expulsion damage. Supported the preparation of detailed CPM schedule analyses. Designated as a construction cost expert in support of the insured's claim.
- Review and analysis of both approved and pending change order costs by a construction manager, for entitlement and reasonability to assist the owner of a food processing facility in Smithfield, Virginia.

### **Commercial, Educational, and Medical Facilities**

- Reviewed and performed delay and cost analysis services for a mixed use and retail development project in Roswell, Georgia. Prepared detailed schedule, damages, and delay analysis in preparation of litigation and support for trial.
- Review and analysis of a contractor's \$22 million GMP proposal and buyout costs on a 400,000 s.f. build to suit project by a commercial developer providing project development services to a REIT.
- Provided expert testimony regarding entitlement and damages through detailed cost comparison and analysis of as-priced and as-designed construction documents in support of contractor's claim for unforeseen added project costs on a comprehensive critical care center located on Skidaway Island.
- Analysis of a contractor's claim against an insurer for costs associated with repairs to damage resulting from a tower crane jacking failure on a mixed use development project in Atlanta, Georgia. Prepared detailed analyses and reports to identify reasonableness of costs claimed in preparation of negotiation and settlement between the insurers, insured, and the insured's contractor.
- Prepared feasibility estimates of construction cost for a hospital in Los Angeles, California.
- For a hospital owner; reviewed Architects estimate and program for reasonability and prepared independent feasibility program estimate of a multi-phase hospital in Chicago, Illinois.
- Reviewed and performed quantification and analysis of errors and omissions related to standard of care issues on the Library of Congress Conservation Facility in Washington, DC.
- Reviewed and analyzed contracts of various parties involved in the development and operation of a major hotel & residences project located in Ft. Lauderdale Florida. Provided analysis regarding pre-construction duties and obligations.
- Evaluated project delay and impact, analysis of resources and productivity and quantification of damages for the owner of a high rise apartment complex in Arlington, Virginia.
- Reviewed a subcontractor's claim for delay and extra work cost against a contractor for a condominium development in Florida. Prepared damages related to direct and indirect construction costs.



- Prepared a cost study and evaluation of development costs associated with a lease agreement for segregation of responsible parties for lease negotiation for a children's hospital in southern Florida.
- Analysis of a contractor's claim, on a Miami condominium, involving disputed scope changes, design omissions, and preparation of segregation of costs for responsible parties for the contractor claim against the owner.
- Prepared a construction estimate cost analysis for the developer on a five star resort property located in the Grand Cayman Islands.
- Prepared a site acquisition cost study for a prospective residential developer in Colorado.
- Performed reasonableness review and analysis of various estimates of replacement costs for \$300 million of tenant spaces of the World Trade Center.
- Analysis of a contractor's claim against a fire insurance company for costs associated with repairs to 25% of a recently completed community school. Prepared detailed analyses and reports to identify reasonableness of costs claimed in preparation of a settlement negotiation by the insurer.

## **Municipal Facilities**

- Preparation of a damage analysis on behalf of a municipality authority for a \$1,000,000 claim against the designer on a new riverquarium and omniplex project facility in the Southeastern U.S. Provided expert report supplements leading to the successful settlement of the case prior to State District Court trial. Supplemental reports were also utilized in the successful settlement of a secondary settlement of claims against the structural engineer.
- Evaluation of expert reports provided by consultants regarding "sick building" conditions of five county fire department/sheriff department facilities. Prepared expert reports regarding quality of construction issues and performed site investigations to identify and investigate alleged deficiencies in construction methods and materials. Designated as a construction expert witness.
- Analysis and review of final completion claims submitted by the owner, against a contractor, due to non-contract compliance and partially caused by design errors/omissions on a county high school project in Baldwin County, Alabama. Prepared damages related to quantification and analysis of errors/omissions.
- Claims analysis in support of the contractor's \$30 million claim against owner caused by design deficiencies resulting in delay, and disruption on a world class convention center in Atlanta, Georgia.
- Reviewed multiple trade contractor claims against the contractor on a convention center and performed productivity analysis, schedule analysis, and cost analysis to determine reasonability and entitlement. Trade contractors analyzed included: demolition, drywall, structural steel, mechanical and electrical.
- Analysis of a \$30 million claim resulting from mismanagement of \$350 million of public projects. Prepared document production requests, and developed cost analysis documentation for more than \$10 million of disputed costs resulting from unjustified subcontractor, general contractor and construction program management costs. Prepared reports for use in testimony and assisted with breach of contract identification and analysis.
- Preparation and analysis of estimated quantities and costs of pending work, and evaluation of alleged deficiencies against a contractor's surety for a regional criminal justice facility in Nevada. Designated as a construction cost expert witness.
- Reviewed and analyzed a claim for recovery of development costs against the City of Gainesville, Florida and provided opinion of completeness, accuracy and reasonableness of damages.



- Analysis and review of multiple cost claims submitted by the contractor, due to finalization of construction documents, and then erroneously approved by an owner's construction manager on a patent & trade office, in Virginia.
- Performed an analysis of a mechanical contractor's claim for disputed changes in scope, delays, and resequencing associated with the design of a criminal lab facility.
- Provided supporting constructability analysis on a criminal justice facility, analyzing identification of delay and causal facts-contract document errors, and sequencing of construction activities.
- Prepared detailed cost evaluations of municipal library prototype designs for a municipality in California.

## **PROFESSIONAL EXPERIENCE**

### **Long International, Inc.**

*Atlanta, Georgia (March 2008 to Present)*

As an Executive Consultant, Mr. Cheek provides a variety of dispute resolution services, including but not limited to schedule delay, cost and damages analysis, productivity analysis, and review of bids, estimates, and contract documents. He specializes in preparing detailed cost analyses and apportioning responsibility for delays, disruption, and acceleration impacts. He is skilled at contract analysis, cost analysis, delay analysis, and claims support, and his skills include testimony in, arbitration and mediation and assisting corporations, municipalities, developers, contractors, and insurers.

### **Navigant Consulting, Inc.**

*Atlanta, Georgia (June 2005 to March 2008)*

As a Managing Consultant, Mr. Cheek provided expert analysis and testimony regarding pre-construction and construction processes including construction cost, change orders, schedule, progress, productivity, delay, procurement, and damages. He assisted in claims avoidance by reviewing and evaluating contract documents for their constructability prior to construction. He performed quantification and analysis of errors and omissions related to standard of care issues, and he evaluated project delay and impact, analysis of resources and productivity and quantification of damages for owners and contractors and designers.

### **A. W. Hutchison and Associates, Inc. (Purchased by Navigant in 2005)**

*San Francisco, California (November 2003 to June 2005)*

As a Senior Consultant, Mr. Cheek, prepared schedule analyses, cost analysis, wrote findings of fact, evaluated claims for contractors and subcontractors on major construction projects. He analyzed construction schedules to determine the causes of construction delays and to equitably allocate responsibility for delay-related costs. He reviewed estimates to determine adequacy of labor, material, and equipment cost and quantities. He developed "cause and effect" analyses for time extensions and delay damages. He evaluated the adequacy of construction budgets to allow sufficient funds for contract compliance. He also compiled and analyzed document databases, and researched and analyzed of facts to support arbitration, litigation, and mediation.



**Batson-Cook Company**

*Atlanta, Georgia (November 2002 to October 2003)*

As Vice President, Mr. Cheek's responsibilities included the management of business development, pre-construction and estimating. Project delivery methods included Construction Management, Design Build, and General Construction. Project types include hospitality, high-rise condominiums, office buildings, interior construction, healthcare, educational, and religious facilities.

**DPR, Inc.**

*Atlanta, Georgia (August 2001 to November 2002)*

As Pre-development Manager and a division leader, Mr. Cheek developed new projects and project leads to provide for the growth of the new east coast regional division of this California based construction firm.

**Brice Building Company**

*Atlanta, Georgia (1999 to August 2001)*

Hired to take over the responsibilities of managing the Atlanta office of this Alabama based construction firm, Mr. Cheek as Vice President and Division Manager, was responsible for profit and loss, division management, contract negotiations, and client account management. Project types included retail, hospitality, and mixed use development facilities.

**Batson-Cook Company**

*Atlanta, Georgia (November 1987 to 1999)*

As Director of Preconstruction Services, Mr. Cheek established, developed, and managed the pre-construction and estimating department. He directed all pre-construction and estimating activities on a variety of projects including office buildings, hospitality, corporate, healthcare, prison facilities, educational, retail, transportation and industrial facilities. He bid and/or negotiated projects utilizing construction management, design-build, guaranteed maximum price, fast-track, lump sum and fixed cost contracting methods. His responsibilities also included presentations, contract negotiations and client account management.

**McDevitt & Street (Bovis Lend Lease)**

*Macon, Georgia (1984 to 1987)*

As Project Manager, Mr. Cheek was responsible for the construction of medical facilities in Utah and the Carolinas. Mr. Cheek was promoted to Director of Preconstruction with full profit accountability of the pre construction and estimating department for the regional division of this national commercial contractor. He was responsible for the efforts of a six-member department team and collaborated with cross-departmental managers to mobilize the pre-construction process for healthcare, and hospitality projects nationwide. Mr. Cheek managed the development of the computer estimating software package utilized specifically for medical facilities as well as other commercial projects.



**ABCO Builders, Inc.**

*Atlanta, Georgia (1981 to 1984)*

As Project Manager, Mr. Cheek estimated, bid, and/or negotiated projects ranging from \$4 million to \$12 million. He was the project manager on a variety of project types including public schools, wastewater treatment plants, daycare centers, renovation projects, department stores and military armories.

**Foster & Cooper**

*Atlanta, Georgia (1979 to 1981)*

As Project Superintendent, Mr. Cheek supervised the construction of the architectural and structural renovation and additions to a historical museum and was the joint venture partner representative of a new department store in Daytona Beach, Florida.

**Batson-Cook Company**

*Atlanta, Georgia (November 1972 to 1979)*

As a co-op student of Southern Tech, Mr. Cheek served as office engineer on multiple tenant projects. He served as field engineer on projects including a hospital, branch banks, commercial office buildings, and field supervisor of an addition to an electronics design facility. He assisted with the estimating and bidding of multiple projects such as public transit stations, retail facilities, and office tenant construction, and was the assistant project manager of an automotive manufacturing painting facility.