



## **MICHAEL HARRIS**



Michael Harris is a Principal with Long International and has over 30 years of construction project and claims management experience. His comprehensive consulting and management background includes risk evaluation, managing, and resolving complex claims and contract disputes on major construction projects throughout the U.S. and globally for a wide range of industries including the power, water, petrochemical, industrial, commercial, healthcare, and general building sectors.

Mr. Harris has extensive expertise in key construction disciplines including project design, project management, construction management, contract management, risk and claims analysis, on-site risk management, claims resolution, claims avoidance management, cost management, and expert witness reporting and testimony. As well as his extensive project execution background, he also has considerable experience in various types of dispute resolution forums such as arbitration, litigation, and mediation proceedings in North America, Europe, the Middle East, and the Far East. Mr. Harris has also been appointed as mediator and arbitrator on various international projects. He has been responsible for the management of numerous major projects, both from a construction and dispute perspective, ranging in size from US\$ 100,000 to over US\$ 500 million.

A strong and rounded project execution background in many countries, together with expansive experience in dispute resolution processes, has allowed Mr. Harris to be thoroughly versed in the management of construction risks and claims for any type of project or problem in any location/country. He is skilled at contract analysis, claims strategy and preparation, claims defense, and the negotiation of settlements. Before joining Long International in 2009, and during the last 10 years, Mr. Harris has held positions as Executive Vice President and Corporate Director of Claims with two Fortune 500 construction companies. In these roles, he has had responsibility for the management, strategizing, implementation, and resolution of numerous construction disputes and contract claims for major projects on four continents.

### **EDUCATION**

Diploma, Arbitration, University of Reading, UK  
RIBA Chartered Architect, University of Plymouth, UK  
BA Architecture & Diploma Architecture, University of Plymouth, UK

### **PROFESSIONAL REGISTRATIONS**

Chartered Architect, RIBA, UK  
Chartered Institute of Arbitrators

### **PROFESSIONAL AFFILIATIONS**

Chartered Institute of Arbitrators, UK  
Dispute Board Federation, Geneva, Switzerland – Board Member  
Royal Institute of British Architects, UK  
Project Management Institute  
GCC Arbitration Center – Expert Witness List  
British Institute of Management, UK  
Bahrain Society of Engineers



## **TECHNICAL EXPERIENCE**

Representative U.S. and international technical experience includes:

- Construction claims management, claims review and preparation, contract analysis, cost analysis, documentation review, defense, dispute strategizing, and technical support to legal team for all dispute resolution forums.
- Time/cost and disruption entitlement analysis.
- Project management performance assessment and analysis using PMBOK and local variances for various international standards.
- Risk management assessment and analysis.
- Identification and analysis of both design and construction problems/defects/discrepancies and their cause/effect on time and/or cost impacts.
- Direct and indirect damages assessments.
- Change Order management and contract administration procedures and best practices.
- Management of CPM schedule analysis for delay and disruption impacts.
- Dispute management of complex contract relationships/interfaces between key stakeholders at all levels.
- Claims management for insurance issues including CGL, Contractors Risk, E & O, and Sub Guard policies.
- Establishing risk avoidance practices/procedures and policies for construction stakeholders.
- Strategy and management review, analysis and support to mediation, arbitration and litigation proceedings.
- Speaker and author of articles and numerous claims/contract management training seminars to key project stakeholder groups.

## **PROJECT EXPERIENCE**

Mr. Harris has served as a designer, construction manager, project manager, risk manager, and contracts claims manager on numerous major construction projects in various countries including the U.S., UK, Italy, Bahrain, Oman, Thailand, Singapore, Ireland, Saudi Arabia, Mexico, Egypt, UAE, and Malaysia. He has managed projects from design through to completion as well as evaluated and directed claims involving the performance and assessment of owners, engineers, contractors, sub-contractors and statutory authorities. Representative projects include the following:

### **Power Plant Facilities**

PROJECT: Coal Fired Power Plant  
LOCATION: Nebraska  
CLIENT: Public Power Provider

*Background:* The project centered on the contract to design and build a 663 MW sub-critical pulverized coal fired plant addition to an existing brown field facility. This was a full EPC contract involving multiple stakeholders including a joint venture between the major contracting entities and power island suppliers.



*Scope of Services:* Management of team engaged to provide risk management and claims avoidance advisory and training services to the on-site project teams. Services also included claims avoidance management both on a term and “as required” basis to facilitate early settlement of project problems and avoid lengthy disputes.

*Outcome:* The project was completed with no major claims or dispute issues.

PROJECT: Gas Fired Combined Cycle Power Plant  
LOCATION: Oregon  
CLIENT: Private Power Provider

*Background:* The project involved disputes between the owner, main contractor, and joint venture power island equipment supplier regarding damage to the combustion turbine caused by projectiles in the power stream. The multi-party dispute involved both contract and insurance claims for delay, disruption, liquidated damages, and direct damage reparation works to the combustion turbine start-up operations.

*Scope of Services:* Management of claims team engaged to consult on both the contract and the insurance claims for the main contractor which involved delay, disruption, and damages analyses for a series of settlement negotiations and mediation. Ultimately the completion of the damaged combustion turbine works had to be factored into the process and the plant restored to full operational capability.

*Outcome:* Settlement talks were ultimately successful and formal litigations proceedings were avoided.

PROJECT: Gas Fired Combined Cycle Power Plant  
LOCATION: Singapore  
CLIENT: Singapore Power Provider

*Background:* The project centered on disputes between the major contractor and the mechanical/electrical sub-contractor on alleged delay and disruption impacts during the construction of a 380 MW Power facility due to alleged late information, delayed procurement, and changes. Project completion was significantly delayed and the subcontractor claimed the contractor caused the negative schedule impacts, subsequently submitting an REA and filing for arbitration.

*Scope of Services:* Team Leader engaged to consult on the main contractor’s defense of the claim both during the contract execution works and the post completion arbitration events. This involved day-to-day contract administration, claims preparation, and overall management of claims team, outside counsel and experts.

*Outcome:* Settlement negotiations were successfully concluded during the arbitration proceedings.

PROJECT: Gas Fired Combined Cycle Power Plant  
LOCATION: Rhode Island  
CLIENT: Private Power Provider

*Background:* EPC design build of a 500 MW gas fired power plant. The project was significantly delayed and disrupted due to local unavailability of labor resources despite union agreements to provide the required manpower for construction.

*Scope of Services:* Prepared a *force majeure* claim based on lack of available local labor and other resources. This involved considerable research into area and regional labor usage, related area and regional construction facilities, and union services interfaces. A heavily researched paper was submitted to the client including supporting CPM analysis and contract entitlements to facilitate settlement negotiations.

*Outcome:* The main contractor was successful in recovering additional monies and avoiding liquidated damages.



PROJECT: CFB Re-Powering Project  
LOCATION: Ohio  
CLIENT: Mechanical Subcontractor

*Background:* The mechanical subcontractor executed a contract with a power contractor to complete outage work and re-powering of CFB unit #1. The power contractor caused project delays and interferences that delayed the required work to a period outside of the specified outage period and resulted in a shortage of manpower. The mechanical subcontractor accelerated work to maintain the work planned for the outage period. This required additional coordination of utilities and steam blows and functional tests of fuel system, oil fired burners, CFB boiler, air ducts, flue gas system and stack, feed water systems, etc.

*Scope of Services:* Team Leader engaged to provide claims review services. Evaluated owner and contractor claims, including a review of the CPM schedule submittals. A schedule delay and productivity analysis was produced to determine responsibility for project delays. The claims team found that power contractor delays and interferences were primarily responsible for the acceleration effort and difficulties experienced by the mechanical subcontractor during the mechanical completion and operational testing phases of work. In addition, excessively wet pet coke caused difficulties with the functional testing of the pet coke system, pet coke handling system, and problems with the dewatering process. Delays were also incurred due to problems with insulated siding for the CFB boiler building.

*Outcome:* Settlement was reached on all claims between parties avoiding arbitration proceedings.

PROJECT: FGD Installation to Existing Power Facility  
LOCATION: Ohio  
CLIENT: Private Power Provider

*Background:* The EPC contractor installed a wet type FGD (Fuel Gas Desulphurization Unit – utilizing CT – 121 Scrubbers to an existing power facility. The project involved coordination or works around existing operating plant and a tight site with regard to construction and storage space facilities.

*Scope of Services:* Prepared defense for the main contractor from sub-contractor and critical vendor supplier claims involving delay and disruption impacts and the application of liquidated damages. The project also suffered from prime contract delays caused by owner interference and local labor regulations and rules instigated by the owner post contract signing that severely impacted the main contractor's ability to manage the subcontract craft workers. Provided CPM schedule, cost, and change order analyses to support the main contractor's claims against the owner.

*Outcome:* The main contractor was successful in achieving a settlement with the owner with regard to owner caused impacts, and all subcontract claims were resolved to the satisfaction of the main contractor.



PROJECT: Gasoline Optimisation Project  
LOCATION: Trinidad  
CLIENT: Owner

*Background:* The owner contracted with multiple EPC contractors for a major Gasoline Optimisation Project, including modifications to an existing FCCU unit, a new alky-acid unit, an isomerization unit, a new heavy naphtha hydrotreater and continuous catalytic regeneration platformer unit, and offsites facilities modifications.

*Scope of Services:* Performed an analysis of various contractor's delay and change order claims on behalf of the owner on a major Gasoline Optimisation Project, including modifications to an existing FCCU unit, a new alky-acid unit, an isomerization unit, a new heavy naphtha hydrotreater and continuous catalytic regeneration platformer unit, and offsites facilities modifications. Damages evaluations included a review of the cost support for the change order amounts, recalculation of time-related costs based on delay analyses, determination of damages based on assessment of contractual entitlements under the terms of the contract, and participation during negotiations to achieve settlement of the change order claims.

*Outcome:* The project is ongoing.

PROJECT: Fossil Fueled Power Plant Boiler Erection  
LOCATION: Florida  
CLIENT: EPC Contractor through General Counsel

*Background:* The EPC contractor designed and supplied two 300 MW Circulating Fluidized-Bed (CFB) boilers to replace the oil and gas fired boilers, as well as boiler islands on two units.

*Scope of Services:* Team Leader engaged to prepare a schedule delay analysis related to a claim filed for an equitable adjustment of the contract price on behalf of the EPC contractor, against the owner. The project team later made a presentation for mediation to the owner on the EPC contractor behalf.

*Outcome:* Settlement negotiations were successful employing the project team's analyses.

PROJECT: Corporate Risk Management of EPC/Manufacturer  
LOCATION: United States  
CLIENT: Power Supplier/Contractor

*Background:* The executive management of this EPC contractor desired to make its project financial forecasting more robust after suffering a number of project write downs. Having verified that this was more than an accounting exercise, the EPC contractor wanted an independent third party to evaluate its bidding and execution practices, benchmark them against industry practices, and develop an integrated project risk management/project governance system that executive management could rely upon.

*Scope of Services:* Mr. Harris was the consultant team lead engaged to evaluate the written procedures and practices of each of the four divisions against industry practices. After the steps required to make those procedures and practices more robust were defined, the team worked with the client to revise the procedures and adjust its practices to make the output of the bidding and execution processes more reliable and transparent to management. This work also involved developing a client custom project governance program to identify high-risk bids and projects during execution and define the tools/staff needed to address these high risk situations.

*Outcome:* The program outlined was managed effectively to the client's satisfaction.



PROJECT: Risk Management Review of Nuclear Facility Provider  
LOCATION: UK  
CLIENT: Nuclear Facility Management Company

*Background:* A government controlled nuclear management company required a third party review and upgrade analyses of its bidding processes and contract conditions for the de-commissioning and new construction of nuclear power plants.

*Scope of Services:* To review the contract/bidding documents and provide an independent risk management report covering best practices, PMBOK application, project success goals, and general procedures for upgrading contractor performance. Mr. Harris was part of a three-man team to undertake and complete the analyses and review in the UK.

*Outcome:* The project was completed on time and budget and to the satisfaction of the client and the UK government.

PROJECT: EPC 280 MW Refinery Power Plant Expansion  
LOCATION: UK  
CLIENT: Private Power User/Refinery

*Background:* EPC design build of a 280 MW gas fired combined cycle power expansion to a refinery brown field site.

*Scope of Services:* Mr. Harris managed and directed contract administration and claims procedures team as well as defending and negotiating a series of owner/sub-contractor claims against EPC contractor. Dispute management also included preparation of a major force majeure weather impact claim.

*Outcome:* The project is still ongoing.

PROJECT: Power Transmission Line  
LOCATION: California  
CLIENT: Private Power Provider

*Background:* The project centered on the installation of a 230 kV transmission line: 24 miles underground and 3.5 miles overhead, through an extremely diverse and environmentally sensitive and challenged series of districts. The major infrastructure subcontractor alleged major delay and disruption impacts caused by the main contractor.

*Scope of Services:* Engaged to provide claim support services to the main contractor against the subcontractor's claims. A defense position paper was prepared involving CPM analysis, disruption analysis, and contract entitlement to rebut the subcontractor's expert report which ultimately resulted in mediation proceedings and a series of settlement negotiations. Also claims avoidance training and lessons learned reviews were given to the main contractor construction team to facilitate improved management of future similar projects.

*Outcome:* Settlement talks were ultimately concluded whereby the main contractor reduced the subcontractors claim by a factor of 90 percent.



### **Water Treatment/Waste Facilities**

PROJECT: Wastewater Treatment Plant  
LOCATION: Ireland  
CLIENT: Local Government Agency

*Background:* The project centered on the EPC design/build of a “state of the art” sewage treatment plant to replace an old existing and over utilized facility in order to meet the current and future needs of the city. Due to site constraints the plant involved stacking SBR’s on top of each other, and building the new works parallel to maintaining the old plant prior to demolition. EU environmental regulations were critical to maintaining high standards of odor and treated water outputs. The plant ultimately failed to meet performance standards, was delayed in construction, and had operational issues for the local residential areas.

*Scope of Services:* Engaged to provide support in developing the main contractor’s construction claims (in conjunction with the main contractor’s consortium partners) against the owner and assist with resolution of insurance claims for E&O problems during the design process. This involved CPM and disruption analysis, plus coordinating outside counsel and ‘other’ experts to support the contractor’s position as well as facilitate resolution of construction defects and project completion.

*Outcome:* The main contractor was ultimately successful in pursuing claims against the owner for owner-caused impacts, schedule extensions and damages. Resolution was reached with the insurance companies for Errors & Omissions recovery and the project was ultimately concluded to the satisfaction of the owner.

PROJECT: Wastewater Treatment Plant Expansion  
LOCATION: Kentucky  
CLIENT: Local Government Agency

*Background:* The project involved the expansion and redevelopment of an existing wastewater treatment plant while maintaining service and operation of existing plant.

*Scope of Services:* Mr. Harris provided contract and claims support to the EPC contractor joint venture to ensure recovery of owner caused impacts throughout the construction process. This involved weekly contract support during construction as well as claims preparation including delay and disruption analysis and entitlement to damages.

*Outcome:* The main contractor was ultimately successful in negotiating and settling claims against the owner for owner caused impacts, schedule extensions, and damages.

### **Oil, Gas, and Chemical Facilities**

PROJECT: LNG On-Shore Terminal Facility  
LOCATION: Costa Azul, Mexico  
CLIENT: Private Energy Company

*Background:* The project involved the EPC construction of a green field LNG terminal including major berthing facilities and on-shore storage, processing, and pumping services.

*Scope of Services:* Mr. Harris provided lead contract and claims support to the EPC contractor Joint Venture to ensure recovery of owner caused impacts throughout the construction process. This involved managing and defending a major claim from the international earthworks sub-contractor through litigation proceedings in both the U.S. and Mexico. This involved detailed rebuttal of schedule, disruption, and damages analyses.

*Outcome:* The main contractor was successful in reaching an agreement with the sub-contractor to reduce its claim by a margin of more than 95%, thus avoiding major cost over runs through prolonged dispute processes.



PROJECT: Gas Debottlenecking Facility  
LOCATION: Shedgum, Saudi Arabia  
CLIENT: Government

*Background:* The project involved the EPC construction of a gas debottlenecking facility and associated sulfur recovery processes to a major existing gas processing facility.

*Scope of Services:* Mr. Harris provided claims management support to the EPC contractor post-completion of the project. This included reevaluating the original claim and performing management of outside counsel and experts towards formal arbitration proceedings in Saudi Arabia under KSA law. This process involved major CPM analysis, contract review, and entitlement and review of thousands of supporting documents.

*Outcome:* This claim is ongoing and is pending resolution.

### **Healthcare, Education, Industrial and General Building**

PROJECT: Flood Damage to Industrial Buildings  
LOCATION: Indiana  
CLIENT: Insurance Company

*Background:* Several industrial buildings were damaged during a major flood.

*Scope of Services:* Evaluated property damage claims associated with flood-damaged industrial buildings and manufacturing facilities following a flood. Prepared comparative cost estimates for the damaged equipment and facilities to test the reasonableness of the damage claims alleged by the owner.

*Outcome:* This project is still ongoing.

PROJECT: General Hospital  
LOCATION: Houston, Texas  
CLIENT: Private Health Organization

*Background:* The hospital facility was badly damaged during a major hurricane storm.

*Scope of Services:* Mr. Harris provided full insurance claim review services working with claim adjusters to assess and review actual damage and required construction repair services. This involved a full construction assessment of building, services, and medical equipment damages including time/costs and rectification budget for repair and/or total replacement of facility.

*Outcome:* This claim was settled to the satisfaction of the client.



**PROFESSIONAL EXPERIENCE**

**Long International, Inc.**

*Kansas City, Kansas (October 2009 to Present)*

As a Principal, Mr. Harris provides full claims management and dispute resolution services to all project stakeholders in the construction industry. He specializes in claims strategy, dispute analysis, claims management and preparation, defense and leading settlement negotiations through alternative dispute forums.

**Marsh Construction Consulting Practice**

*Kansas City, Kansas (April 2008 through July 2009)*

As a Senior Vice President of Marsh Consulting, Mr. Harris specialized in developing and providing Risk and Claims Management services for construction clients and legal groups throughout the U.S. and internationally.

**Black & Veatch**

*Kansas City, Kansas (January 2002 through March 2008)*

As Corporate Vice President and Director of Corporate Claims for all EPC projects throughout the U.S. and internationally, Mr. Harris was responsible for developing and leading a claims/risk management team in providing in-house claims/dispute management services for numerous projects including Power, Water, Gas/Oil/Chemical, Telecommunications, and Transmission facilities. Mr. Harris also managed outside counsel and experts through numerous claims processes, and provided in-house claims/contract training.

**Black & Veatch Singapore PTE Ltd.**

*Singapore (April 2000 through January 2002)*

As Claim/Contracts Manager on a US\$ 350 million – Turnkey power project, Mr. Harris was responsible for all contract, claims and cost management services including managing a major contractor/subcontract claim through LCIA arbitration in London and Singapore.

**ABB Sadelmi**

*Bahrain/Milan (October 1997 through January 2000)*

Mr. Harris was Project Manager for a US\$ 458 million – Turnkey 380MW power and 30MGD desalination project. His duties included full PM responsibilities in country and on-site for the EPC construction of the power and water facility. The project finished on time and on budget. All owner/contractor/subcontractor claims were resolved without utilizing any dispute forum.

**Bahrain Specialist Hospital**

*Bahrain (September 1995 through September 1997)*

As Project Manager, Mr. Harris was responsible for managing the concept, design, development, and medical management of a \$50 million 120-bed Private Hospital to U.S. standards. His duties included budget development and implementation, management of all key specialist consultants, and reporting directly to the BOD and shareholders on all construction matters.



**BHK Consultants**

*Bahrain & Oman (January 1995 – September 1995)*

Mr. Harris provided full project management services to the client through BHK for the inception and development of a US\$ 50 million, 3-star resort at Yitti Beach, Oman for the Movenpick Group of Switzerland.

**Gredeco Ansari Consultants**

*Bahrain (March 1992 – December 1994)*

As Project Manager for a series of multi disciplinary engineering/building projects and advisor to the Minister of Housing, Mr. Harris directed and controlled numerous construction services for the development and construction of government housing and associated infrastructure facilities.

**Frank Shaw & Partners**

*United Kingdom and Bahrain (September 1987 through March 1992)*

As Project Manager for a military US\$ 50 million, 300-bed trauma hospital, Mr. Harris was responsible for all project management services including concept and design development, construction, and hand-over. Despite several contractor claims that occurred as a result of the first Gulf War, the project was completed on-time and on-budget with all disputes settled to the satisfaction of the client.

**Kenzo Tange Associates**

*Japan (January 1986 through August 1987)*

Mr. Harris took over as project manager for the Japanese architectural design consultant for the construction supervision of a US\$ 100 million Gulf University complex. He was responsible for the co-ordination and construction management of Sports, Academic, Administration, Housing, Conference, Library and Infrastructure facilities. The project completed without any major disputes despite the interface of eight contractors working on the various buildings concurrently.

**John Rowe-Parr Consultants**

*Bahrain (August 1984 through January 1986)*

As Project Manager & Senior Designer, Mr. Harris was responsible for supervising the construction of numerous general building facilities including schools, commercial facilities, and local healthcare clinics.

**Newman Levinson & Partners**

*London (April 1983 through August 1984)*

Resident Architect for London Docklands first Technology Business Park US\$ 35 million. Mr. Harris's duties included Design, Supervision, Contract Administration and Claims.

**Elsom Pack & Roberts Partners**

*London (December 1981 – April 1983)*

As Project Designer & Supervisor, Mr. Harris was responsible for a major US\$ 50 million Post Office Sorting and Corporate Industrial Complex.



**Austin Design/Build Co.**

*London (July 1980 through November 1981)*

Mr. Harris's duties included project design and supervision of a number of large-scale industrial projects – US\$ 45 million and upwards.

**PUBLICATIONS AND SPEAKING ENGAGEMENTS**

Construction Claims. Claims Summary Document. Black & Veatch. 2003.

Numerous claims/dispute seminars for Black & Veatch in Hong Kong, Singapore, Bangkok, London and the U.S. 2003 - 2007

“Risk Management,” Presentation to International Construction Super Conference. 2005.

“Repeat Offenders,” Presentation to International Construction Super Conference, London. September 2008.

“Construction Dispute Repeat Offenders, What Have We Learned?” Co-presenter. Ontario General Contractors Association Conference, Chicago. September 2008.

“Construction Claims,” Kansas City Members Bar Association. January 2009

“How to Avoid Construction Disputes,” Kansas City Hall Seminar. March 2009

**TESTIMONY EXPERIENCE**

2009 Schweiger Construction, Missouri District Court. Testimony. *Settled.*

2009 Schweiger Construction, Missouri District Court. Injunction Testimony.

2005 BV/Ascon/Celtic Water, Arbitration, Dublin, Ireland. Deposition. *Settled.*

2004 Nichols vs. Gallagher, Brockton District Court, MA. Deposition and Testimony. *Settled.*

2004 Jurong Engineering vs. BV. LCIA Arbitration, London & Singapore. Deposition and testimony. *Settled.*

2000 ABB vs. Fantuzzi. Arbitration, Italy. Deposition. *Settled.*

1998 Zayany vs. Sallahudin. Ad-Hoc Arbitration. Bahrain. Acting Arbitrator. *Settled*