



CURTIS W. FOSTER



Mr. Foster is a Senior Principal with Long International. He has over 40 years of experience in design, construction project management, and construction disputes. His experience includes oil and gas, mining, refining, processing, storage facilities, industrial, power, environmental, high-voltage power transmission, commercial, and transportation projects. He is skilled in the areas of contract management, cost management, estimating, scheduling, earned value performance measurement, and field engineering. Mr. Foster had a significant role in the development of integrated project management procedures for various firms involved in facilities design and construction. His claim-related efforts include analyses of cost (estimated, bid, and actual), schedule (delay and acceleration), and disruption (labor inefficiency and productivity) on a wide range of domestic and international projects.

Mr. Foster has significant experience in management, design, and field engineering on marine petroleum and power projects, including offshore platforms (for oil collection, separation, storage, and pumping), pipelines, and receiving/export facilities. His experience with power projects includes coal fired power generation, gas-fired combined-cycle cogeneration facilities, waste-burning facilities, and other facilities burning various fuels. Mr. Foster also has hands-on project management experience on commercial projects, including hospitals and mid-rise condominiums. His duties on these projects included contract administration (including change order management, schedule review, and estimating), and field inspection to ensure conformance with design documents.

Mr. Foster has broad experience in project management, project controls (estimating, scheduling, and cost engineering), and field and project engineering in various industries. He employs his extensive experience to the benefit of his clients on both project management consulting engagements, and dispute-related assignments.

EDUCATION

B.S., Civil Engineering, Georgia Institute of Technology, 1979

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Association for the Advancement of Cost Engineering International

TECHNICAL EXPERIENCE

Representative international technical experience includes:

- Construction claims analysis, defense, and negotiation of settlements
- Identification and evaluation of engineering, fabrication, and construction problems and their cause/effect relationship on project progress
- CPM schedule analyses of the impacts of delays, disruption, acceleration, and loss of labor productivity
- Contract/entitlement analysis
- Direct and indirect delay damages assessments



- Property damage and betterment assessments
- Business interruption delay and damages assessments
- Bid preparation, including cost, schedule and compliance, and management review
- Management of construction project control procedures, data acquisition for projects, and the organization, analysis, and reporting of project cost, schedule, procurement, and resource utilization information
- Performance of due diligence reviews of corporate policies and procedures, project management plans and procedures, project progress reporting and auditing, and risk analysis
- Project management and project management oversight on oil and gas marine construction projects, co-generation and municipal waste power projects, pulp and paper projects, environmental waste incineration projects, and commercial construction projects

PROJECT EXPERIENCE

Mr. Foster's project management and claims experience includes engagements for private and public sector owners, law firms, insurance companies, and contractors. Representative projects include the following:

Oil & Gas Collection, Processing, Refining and Petrochemical, Projects

- Lead Schedule Expert on behalf of the EPC contractor on a claim involving the design and construction of a steam-assisted gravity drainage heavy crude oil and bitumen processing plant located near Fort McMurray, Alberta. Issues involved construction delays and increased costs related to the owner-provided FEED and owner-prepared project site, among others. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents, and inspection reports) and all claim-related documentation (*e.g.*, witness statements and expert reports). Prepared a delay report and a rebuttal report. Virtually testified in Calgary, Alberta as the EPC contractor's delay expert in arbitration. The arbitration decision is still pending.
- Lead Schedule Expert on behalf of a module fabricator on a claim involving the design and fabrication of process modules for a gas processing plant located near Fort Nelson, British Columbia. Issues involved construction delays related to the fabrication of the modules and repairs ordered by the owner to the prefabricated piping on the modules. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents, and inspection reports) and all claim-related documentation (*e.g.*, witness statements and expert reports). Prepared a rebuttal report. Testified in Calgary, Alberta as the module fabricator's delay expert in arbitration. The owner received a favorable award on delay.
- Lead Schedule Expert on behalf of the construction insurers for a LNG terminal in New Brunswick, Canada. Issues involved delayed project start up due to construction delays related to the replacement of construction materials lost at sea during shipment to the fabrication site. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents, and inspection reports) and all delay claim-related documentation (*e.g.*, opposing expert's report). Prepared a rebuttal report. Presented the report during settlement discussions. The delay claim was reduced by a substantial amount, and the insurers reached a satisfactory settlement.
- Schedule Expert on behalf of the construction insurers for a natural gas collection, primary processing, and compressing terminal in British Columbia, Canada. Issues involved the business interruption related to the repair and upgrade of the facility after a fire damaged the equipment and shutdown production. Reviewed the repair project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents, and inspection reports) and all claim-related documentation (*e.g.*, opposing expert's report). Prepared a report separating the time spent during the repair due to betterment or upgrades to the facility. The business interruption claim was significantly reduced, and the insurers reached a satisfactory settlement.



- Tribunal Appointed Arbitration Schedule Expert tasked with assessment of the analyses and opinions regarding delay set forth by the Party Appointed Experts. The arbitration involved a construction delay dispute at an oil refinery located west of Athens, Greece. Reviewed the project record (e.g., periodic reports and schedules) and all delay claim-related documentation (e.g., PA expert's reports). Participated in interviews of the PA Experts and assessed the information and analyses set forth by the PA Experts. Determined whether their respective opinions about the cause and responsibility for delay were valid. Participated in drafting Long International's report to the tribunal.
- Schedule Expert on behalf of the owner of a \$14 billion oil sands project in northern Alberta, Canada. Long International's overall assignment was to prepare an in-depth project wide integrated cost and schedule risk analysis. Specific assignments included the review of the Level III schedules for all units in the project including the review of logic ties and key interface milestone details, and development of an overall Level II EPC schedule to be used as the risk analysis schedule. Provided an assessment as to whether the current schedule and cost forecast was achievable. Participated in the risk analysis. Contributed to the report and presentation of same to senior management.
- Schedule Expert on behalf of the owner on a major gasoline optimization project in Trinidad. Performed an analysis of various contractor's delay and change order claims on the project units 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. Claim evaluations included an assessment of the integrity of the contractor's baseline and schedule updates, preparing alternative impact analysis of delays allegedly caused by scope changes as well as concurrent delays caused by the contractor. Reviewed cost support for the change order amounts, and participated during negotiations to achieve settlement of the change order claims.
- Schedule Expert on behalf of the owner. Performed an assessment of the EPCM contractor's schedule, and project management performance on a multibillion-dollar LNG project in Australia. The project experienced billions of dollars in cost overruns and years of delay. Provided a drawing review of revisions to tabulate the engineering cost and the cost and schedule effect incurred by the implementation contractors to assist with the owner's claim against the EPCM contractor.
- Schedule Expert on behalf of the owner concerning a LNG facility being constructed in Angola. Performed a review and analysis of schedule delay claims by the prime contractor. Established a procedure for periodic review of the project schedule to track performance to agreed resolution of contractor claims.
- Schedule Consultant on behalf of the owner on a major refinery on the U.S. gulf coast. Issues involved a claim of gross negligence and fraud against the EPC contractor resulting in cost and schedule overruns. Reviewed project schedule critical path delays related to piping prefabrication and installation. Provided support and analysis to the testifying damage expert during arbitration.
- Schedule Consultant on behalf of the owner to provide schedule quality assurance services regarding a gas supply expansion project in Nigeria. Evaluated and reported on schedule metrics and appropriateness of the critical path of the baseline schedule.
- Schedule Consultant on behalf of the owner to provide analysis of EPC schedules for a \$2.7 billion LNG facility in Angola. Verified the schedule work scope against contract requirements. Evaluated and reported on schedule metrics, reviewed schedule logic, and assessed the reasonableness of the critical path.
- Damages Consultant on behalf of the owner on a floating marine drilling semisubmersible conversion to 40,000 BPD offshore drilling/production rig. Tracked and tabulated cost accounting for over 300 change orders to counter contractor's claim for overruns at completion of the conversion. Provided a report that demonstrated that change order payments were not credited to claimed accounts thus leaving accounts insufficient at project closeout.



- On behalf of the contractor, provided on-site engineering, oversight, and construction coordination on the installation and repair of dozens of offshore marine platforms and undersea pipelines. Responsibilities included contract and technical compliance as well as schedule reporting and forecasting.

Power Projects

- Lead Schedule Expert on behalf of the owner of a hydroelectric transmission line project in Manitoba, Canada. The CAD\$4.6 billion transmission line project included a 1,384 km, 500-kV HVDC transmission line, two new converter stations, and additional 230-kV transmission line interconnections. Reviewed the construction claims and disputes related to construction of both the HVDC transmission line and the converter stations. In each of the various claims or disputes, reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, and contract documents) and all claim-related documentation. Prepared a report covering entitlement and causation for the delay.
- Lead Schedule Expert on behalf of the contractor on the construction of environmental upgrades at a coal-fired power plant in South Carolina. Reviewed project baseline and update schedules to identify the cause of project delay. Performed a Time Impact Analysis to demonstrate the effect of the owner's delay in providing engineering for piping installation. Prepared a report for the contractor in defense of the owner's claim for liquidated damages.
- Lead Schedule Expert on behalf of the construction insurers for a major refurbishment project on a nuclear power plant in New Brunswick, Canada. Issues involved the delayed project start up from construction delays related to the refurbishment and replacement of reactor components. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents and inspection reports) and all delay claim-related documentation (*e.g.*, opposing expert's report). Performed a schedule review verifying the insured event was on the project critical path, compared planned versus actual performance on all critical path steps to isolate normal construction delay from the delay properly attributed to the claimed event. Identified an undisclosed concurrent delay path that would have become a critical delay but for the insured event delay. Performed delay analysis on the concurrent delay and prepared a rebuttal report indicating the concurrent contractor responsible delay subsumed most of the claimed delay in startup. Presented the report and provided testimony during mediation. The delay claim was substantially reduced, and the insurers reached a satisfactory settlement.
- Schedule Expert on behalf of owner for the construction of an \$880 million coal fired power plant. Provided due diligence monthly schedule reviews. Performed analysis of EPC schedules, evaluated schedule metrics, reviewed schedule duration and logic changes, compared planned and actual progress at activity level and assessed the reasonableness of the updated critical path. Provided the owner with a monthly report illuminating reported progress and delays to the forecast for project completion.
- Schedule Consultant on behalf of the construction insurers for a 550 MW combined-cycle power plant. Issues involved increased construction cost for a delay and delayed project start up related to a construction crane accident. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents and inspection reports) and all delay claim-related documentation (*e.g.*, opposing expert's report). Performed a schedule review verifying the insured event was on the project critical path, compared planned versus actual performance on all critical path steps to isolate normal construction delay from the delay properly attributed to the claimed event. Identified various construction work around plans that would have mitigated much of the overall delay and fulfilled contractors obligation to mitigate delay. Performed a delay analysis considering the accident and what impact potential work around plans would have had on the actual delay. Prepared a rebuttal report indicating the significance of the relatively inexpensive work around plans that would have mitigated most of the claimed delay in startup.
- Schedule Consultant on behalf of a boiler component manufacturer in a liquidated damage claim from the owner for late delivery of materials. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents and inspection and delivery reports) and all delay claim-related



documentation (e.g., opposing expert's report). Performed a schedule review verifying that the delivery of boiler components was on the project critical path. Compared planned versus actual performance on all critical path steps to isolate normal construction delay from the delay properly attributed to the claimed event. Identified an undisclosed concurrent delay path that would have become a critical delay but for the late-phased delivery of the boiler tubes. Performed delay analysis on the concurrent delay of later than planned contractor fabrication. Prepared a rebuttal report indicating the concurrent contractor responsible delay subsumed most of the claimed delay.

- Schedule Consultant on various power plant construction projects for both owners and EPC contractors. Reviewed the project record focusing on those records related to the claimed delay. Performed a schedule review to identify the cause of delay to the project critical path, and compared planned versus actual performance on all critical path steps to isolate normal construction delay from the delay properly attributed to the claimed cause. Performed the schedule analysis to identify the party responsible for project delay and prepared a report identifying and apportioning the project delay to the relevant parties. Representative power projects include:
 - Boiler fuel conversion – 200 MW power plant
 - 300 MW combined cycle power plant
 - 250 MW combined cycle power plant
 - Two 30-cell air cooled condensers
- On behalf of an EPC contractor, provided on-site engineering oversight and construction coordination on the piping installation for a 300 MW combined cycle power and steam plant at a pulp and paper mill in Alabama. Responsibilities included contract and technical compliance for all the piping systems as well as progress reporting and forecasting system completion. Additional responsibilities grew to include insulation and heat tracing of the piping systems, system closeout and pre-commissioning, and plant start up.
- On behalf of an EPC contractor, provided civil and mechanical equipment erection estimates and hard money bid preparation for municipal waste incineration and power generation plants at various locations throughout the United States. Responsibilities included estimation of quantities, and equipment and time required to complete the various steps of the civil and mechanical equipment erection on projects. Identified qualified subcontractors, and acquired proposals for the various scopes of work to complement the submission of a proposal to an owner.

Transportation Projects

- Schedule and Cost Claim Consultant retained by a transportation agency. Reviewed claims advanced by the contractor on a project involving electrification and track improvements, street and overpass construction, and improvements on a high-speed passenger rail project along the U.S. northeast corridor between Washington, D.C., and Boston. Analyzed contractors' claims and change order requests. Researched and verified various aspects of claim components including manpower charged to the claim. Evaluated the work flow for competing delays, and prepared alternative calculations. Prepared reports recommending positions, and assisted in case preparation during claim disposition proceedings.
- Schedule Claim Consultant retained by a transportation agency to defend against claims advanced by the contractor on a highway construction project. The project involved the transport of large quantities of cut and fill. Analyzed contractors' claims and project records. Identified idle equipment due to maintenance issues and prepared alternative calculations. Assisted in the preparation of a report disputing contractors' positions and claim for compensation.



Industrial Projects

- Damages Consultant retained by a cement manufacturing company to prepare alternative damage assessments and to defend against the prime contractor's claims related to construction of a large cement production facility. Issues included alleged schedule delays, design defects, and scope changes. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents and inspection reports) and all claim-related documentation. Performed a schedule review identifying the causal linkage from the schedule delays to the scope changes and design rectification efforts.
- Schedule Consultant on behalf the owner on an insulation manufacturing facility in Alberta, Canada. Evaluated delay claims and cost overruns by EPC contractor. Performed an extensive site visit during construction to document productivity and craft idle time. Performed an analysis of schedule and cost data in support of the owner's \$28 million counterclaim against the EPC contractor's \$20 million claim.
- Schedule Consultant on behalf of the construction insurers for a glycol process plant facility in Alberta, Canada. Issues involved property damage and business interruption resulting from cracking to a recently installed reactor vessel. Reviewed the project record (*e.g.*, periodic reports, project schedules, correspondence, contract documents and inspection reports) and all claim-related documentation (*e.g.*, inspection report). Performed a schedule review verifying the duration of the claimed proposed repairs. Prepared deposition questions and assisted loss adjusters and underwriters' counsel with cost and schedule analyses.
- Damages Consultant retained by a cement manufacturing company to evaluate labor productivity issues and increased costs associated with the construction of a cement plant in Texas under a reimbursable contract.
- Damages Consultant retained by a cement manufacturing company to evaluate a piping contractor's claim associated with increased piping quantities for the construction of a cement plant in Florida.
- Damages Consultant retained by the owner to evaluate a piping contractor's claim associated with increased piping quantities for the construction of a poultry processing plant.
- Schedule Consultant retained by the owner of a polyester chip manufacturing plant to evaluate claimed construction completion delays related to the late delivery of owner supplied equipment.
- Schedule Consultant retained by the owner of a prototype gold ore processing facility to evaluate claimed construction completion delays related to the additional piping in change orders.
- Lead Project Scheduler on behalf of an EPC contractor on an absorbent fiber manufacturing facility. Responsibilities included both the development of the baseline schedule and the monitoring of progress against the plan using Primavera scheduling software. Measured progress on engineering deliverables and obtained construction updates from the field concerning construction progress.

PROFESSIONAL EXPERIENCE

Long International, Inc.

Atlanta, Georgia Area (2006 to Present)

As a Senior Principal with Long International, Mr. Foster provides construction claims analyses related to construction means and methods, technical issues, schedule delays, productivity losses, and damages quantification. Other duties include proactive CPM scheduling and schedule assurance services, cost control and monitoring services, and property damage and business interruption claims analyses.



Revay & Associates USA Ltd.

Atlanta, Georgia (2001 to 2006)

As a Senior Consultant, Mr. Foster was involved in all aspects of the consulting practice specializing in dispute resolution and litigation support. Specific responsibilities included client liaison, strategy formation, issue definition, performance of required analyses, coordination of technical tasks and assignments, design/preparation of demonstrative exhibits, and assistance in the preparation for expert testimony.

Hanscomb

Atlanta, Georgia (1999 to 2001)

As a Senior Consultant, Mr. Foster was involved in all aspects of the consulting practice specializing in claims and litigation support. Specific responsibilities included project document review, schedule creation, review and analyses of existing schedules, development and management of project man-hour databases, performance of required analyses, design/preparation of demonstrative exhibits, and assistance in the preparation for expert testimony.

Resolution Management Consultant

Atlanta, Georgia (1995 to 1999)

As a Senior Consultant, Mr. Foster was involved in all aspects of the consulting practice specializing in project management support, dispute resolution, and litigation support. Specific responsibilities included establishing project documentation databases, performing contractor project report audits and project schedule update audits and reports, reviewing project documentation, defining issues, performing required analyses, coordinating technical tasks and assignments, designing, and preparing demonstrative exhibits, and assisting in the preparation for expert testimony.

GE Power Generation

Atlanta, Georgia (1993 to 1994)

In 1993, Mr. Foster was employed in the Project Support Office. In 1994, he transferred to Projects as a Field Piping Engineer for a gas turbine combined cycle power project for International Paper in Selma, Alabama. His responsibilities included reviewing piping drawings, ensuring piping prefabrication and delivery to the jobsite, working with craft labor to ensure installation was performed according to plans and specifications, and implementing scope or engineering changes. His responsibilities grew to include instrumentation and freeze protection. He subsequently assumed the role as a Startup/Punch-out Engineer.

Ford, Bacon & Davis Inc.

Atlanta, Georgia (1992 to 1993)

Mr. Foster was employed as a Project Controls Manager for this large engineering firm, which specialized in the pulp and paper and chemical industries. His responsibilities included preparing estimates and project schedules, and monitoring project progress and performance on various industrial projects.



Tampella Power Inc.

Atlanta, Georgia (1990 to 1992)

Mr. Foster was employed as an Estimating Manager for this major equipment vendor specializing in the pulp and paper industry. His responsibilities included preparing estimates and proposals for recovery boilers and evaporators.

Simons Eastern Inc.

Atlanta, Georgia (1988 to 1990)

Mr. Foster was employed as an estimator for this large engineering firm specializing in the pulp and paper and chemical industries. His responsibilities included preparing conceptual estimates on paper machine line rebuilds and green field projects.

Clark Kenneth Inc.

Atlanta, Georgia / Bethesda, Maryland (1984 to 1988)

Mr. Foster was first employed as a Civil Estimator and then Chief Estimator. He was responsible for developing estimates and preparing proposals for design build waste-to-energy projects. This assignment entailed development of project scope, preparation of conceptual drawings, completion of the project cost estimate, acquisition of environmental impact studies, local community approval, and permits.

Marvin M. Black Construction, Inc.

Atlanta, Georgia (1983 to 1984)

Mr. Foster was employed as a Project Engineer. His responsibilities included estimating, scheduling, subcontractor management, preparation of project progress reports, general drawings and specification compliance, inspection, and punch-out. Mr. Foster's involvement in projects included a seven-story luxury condominium, a multi-story frame construction apartment complex, and a 60-bed substance abuse hospital.

McDermott International

Middle East, Louisiana, and Singapore (1978 to 1982)

Mr. Foster was employed in 1978 as an Offshore Field Engineer for a two-year period on assignment in the Middle East Office, Dubai UAE. His responsibilities included ensuring structure location, drawing and specification compliance with the contract as well as implementing change order work and performing contract closeout to the client's satisfaction. Mr. Foster's projects involvement included offshore structural platforms, oil and gas processing/pumping platforms, and undersea pipelines. He transferred to the Gulf of Mexico Offshore Division in 1980 and was assigned as an Offshore Construction Estimator. His responsibilities at this one-year assignment included preparing estimates for installation of offshore platforms and pipelines. This work entailed determining equipment requirements, estimating the time of construction, and obtaining quotations for any specialties such as equipment rental or subcontractors. Mr. Foster then transferred to the Far East Singapore Division in 1981 and was assigned as Proposals Manager for the Offshore Construction Group. His responsibilities included receiving RFQs, distributing pertinent information to all involved departments, estimating offshore installation, and coordinating efforts among the Fabrication, Legal and Insurance Departments. Mr. Foster also produced complete and comprehensive proposals, obtained management buy-off, and delivered work to international clients on time.