

MICHAEL HARRIS, PMP, FCI Arb, LLM



Mr. Harris is a Senior Principal with Long International and has over 35 years of construction project and claims management experience. His comprehensive consulting and management background includes risk evaluation and managing and resolving complex claims and contract disputes on major U.S. and international construction projects. Mr. Harris' experience spans a wide range of industries including power (nuclear, hydro, coal, gas, and oil facilities), water, petrochemical, industrial, commercial, healthcare, federal government, and general structures. He has extensive expertise in key construction disciplines including project design, project management, construction management, contract management, risk and claims analysis, construction cost analysis, schedule delay review and analysis, on-site risk management, project audits, claims resolution, claims avoidance management, cost management, and expert witness report preparation and testimony.

In addition to his extensive project execution background, Mr. Harris 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. Also, he has operated as a mediator and arbitrator on an ad-hoc basis on several projects. From both a construction and dispute perspective, Mr. Harris has been responsible for the management of major and mega projects ranging in size from US\$100,000 to over US\$4 billion.

With a strong and well-rounded international project execution background, together with expansive experience in dispute resolution processes, Mr. Harris is thoroughly versed in construction risks and claims management for any domestic or international project or problem. He is skilled at contract analysis, claims strategy and preparation, claims defense, and the negotiation of settlements. Before joining Long International, Mr. Harris held positions as Senior Vice President, Vice President of Risk Management, and Corporate Director of Claims with three major global EPC construction companies. In these roles, he was responsible for the management, planning, implementation, and resolution of numerous construction disputes and contract claims including several federal government military agencies under FAR for major and mega projects on four continents. Mr. Harris is on the American Arbitration Association roster of construction arbitrators and is a Fellow of the Chartered Institute of Arbitrators.

EDUCATION

Master of Laws (LLM) Construction Law & Arbitration, RGU University, U.K.

Diploma, Arbitration, College of Estate Management of Reading, U.K.

RIBA Chartered Architect, University of Plymouth, U.K.

B.A., Architecture & Diploma Architecture, University of Plymouth

PROFESSIONAL REGISTRATIONS

Chartered Institute of Arbitrators (Fellow: 6113052)

Project Management Professional (No. 3198097)

PROFESSIONAL AFFILIATIONS

American Arbitration Association – Construction Arbitrator Roster

Chartered Institute of Arbitrators, U.K. (Fellow)

Dispute Board Federation, Geneva, Switzerland

Royal Institute of British Architects, U.K.

Project Management Institute

TECHNICAL EXPERIENCE

Representative U.S., federal government, 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 teams for all dispute resolution forums
- Project audits with specific regard to project management, contract, change, and cost performance matters
- Surety claims, disputes, and bond management
- Federal government construction claims management under FAR, claims review and preparation, contract analysis, cost analysis, documentation review, defense, dispute, and settlement strategizing
- Claims management through ASBCA (Armed Services Board of Contract Appeals) and FCA (Federal Court of Appeals)
- 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 design and construction problems, defects, and discrepancies, their causes, and their effects on time and cost impacts
- Direct and indirect damages assessments
- Change order management and contract administration procedures and best practices
- Oversight management of CPM schedule analysis for delay and disruption impacts
- Dispute management of complex contract relationships and interfaces among key stakeholders at all levels
- Claims management for insurance issues including CGL, Contractor's Risk, Errors & Omissions (E&O), and Sub-Guard policies
- Establishment of 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, Disputes Advisor, Commercial/Supply Chain Manager and Contracts Claims Manager on numerous major construction projects in various countries including the U.S., Canada, Cuba, Japan, Afghanistan, Iraq, the United Kingdom, Italy, Bahrain, Oman, Thailand, Singapore, Ireland, Saudi Arabia, Mexico, Egypt, the United Arab Emirates, and Malaysia. He has managed projects from design to completion as well as evaluated and directed claims involving the performance and assessment of owners, engineers, contractors, subcontractors, and statutory authorities. Representative projects include the following:

Oil, Gas, and Chemical Facilities

- Provided lead claims resolution management services in preparation for both mediation and LCIA arbitration proceedings involving the skid assembly and support construction of a greenfield oil pumping

facility in Iraq. Many skids that the main contractor provided arrived in pieces instead of pre-assembled, resulting in major delay and disruption impacts and costs.

- Provided lead contract and claims support to a joint venture EPC contractor to ensure recovery of owner-caused impacts throughout the construction process of a greenfield LNG terminal including major berthing facilities and onshore storage, processing, and pumping services. The project involved managing and defending a major claim from the international earthworks subcontractor through litigation proceedings in both the U.S. and Mexico. Prepared a detailed rebuttal of schedule, disruption, and damages analyses.
- Provided claims management support to an EPC contractor post-completion of a gas debottlenecking facility and associated sulfur recovery processes to a major existing gas processing facility. The project 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.
- Analyzed various contractors' delay and change order claims on behalf of the owner on a major gasoline optimization 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 in Trinidad. The 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.
- Directed a risk management team in the preparation of a project audit of five separate plant facilities, including schedule and cost analysis, claims review, time extensions, and overall risk analysis on a project-by-project status. The client used the analysis reports to successfully negotiate end-of-project disputes with the main contractors for numerous refinery biofuel facilities in Missouri.
- Managed and directed a contract administration and claims procedures team as well as defended and negotiated a series of owner/subcontractor claims against the contractor for the EPC design build of a 280 MW gas-fired combined-cycle power expansion to a refinery brownfield site. Dispute management also included preparation of a major force majeure weather impact claim.

Power Plant Facilities (Nuclear, Hydro, Oil, Gas, and Coal)

- Currently providing contract performance and claims oversight on a \$25 billion 5380 MW APR-1400 x 4 unit nuclear power plant in the United Arab Emirates. Oversight and general audit services include review of both contractor and owner performance factors (contract, cost, schedule, change management) regarding the settlement of prime contract claims and disputes including FANR regulatory impacts.
- Provided on-site dispute and claims management services for a CAD\$5.5 billion 824 MW hydroelectric power plant in northern Labrador, Canada. Managed a large team of contract administrators and commercial support resources to provide day-to-day commercial, claims, and risk administration of C1 component (powerhouse and dam). Managed a CAD\$500 million civil contract dispute through arbitration. Engaged in the audit, negotiation, and settlement of various contract disputes involving BOP and mechanical (turbines and gates) contractors. Team leader and advisor for the owner defending against a CAD\$500 million claim from an international contractor through arbitration in Canada. The owner was successful in the arbitration.
- Conducted a risk analysis and prudence audit of contract/bidding documents on behalf of a government-controlled nuclear management company involving the long-term de-commissioning of an old 240 MW nuclear power plant in the U.K. Audited contract/bidding documents and provided an independent risk management report covering best practices, PMBOK application, project success goals, and general procedures for upgrading contractor performance in terms of schedule and cost. The government-controlled nuclear management company required a third-party review and upgrade analyses of its bidding processes,

contract conditions, and general performance metrics for the de-commissioning and new construction of nuclear power plants.

- Team member who provided full claims support including cost audits and delay and disruption analysis services for the owner of a major 1600 MW single-unit extension to a nuclear power plant in Finland involving contract/owner disputes. Specific regard to cost audit of claims.
- Team leader for an EPC contractor pursuing a claim against the owner involving the construction of a two-unit 2700 MW nuclear power plant in Taiwan. The claims involved the detailed audit review, analysis, and presentation of several major contract changes from a cost, schedule, and disruption perspective with specific reference to the owner's project management performance and regulatory impacts causing delay and additional costs.
- Provided management of a team engaged to provide risk management and claims avoidance advisory and training services to the on-site EPC project teams for a 663 MW sub-critical pulverized coal-fired power plant in Nebraska. Provided claims avoidance management both on a term and "as required" basis to facilitate early settlement of project problems and avoid lengthy disputes. Managed a 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 for a gas-fired combined-cycle power plant in Oregon. The multi-party dispute involved both contract and insurance claims for delay, disruption, liquidated damages, and direct damage repair works to the combustion turbine start-up operations. The completion of the damaged combustion turbine works had to be factored into the process and the plant restored to full operational capability.
- Team leader engaged to consult on the main contractor's defense of a claim both during the contract execution works and the post-completion arbitration events for disputes between the major contractor and the mechanical/electrical subcontractor on alleged delay and disruption impacts due to alleged late information, delayed procurement, and changes during the construction of a 380 MW gas-fired combined-cycle power plant facility in Singapore. Provided day-to-day contract administration, claims preparation, and overall management of claims team, outside counsel, and experts.
- Prepared a force majeure claim based on a lack of available local labor and other resources on the EPC design-build of a 500 MW gas-fired combined-cycle power plant in Rhode Island. Conducted considerable research into area and regional labor usage, related area and regional construction facilities, and union services interfaces. Submitted a thorough research paper to the client including supporting CPM analysis and contract entitlements to facilitate settlement negotiations.
- Team leader engaged to provide claims review services and evaluate owner and contractor claims, including a review of the CPM schedule submittals for a CFB re-powering project in Ohio. Prepared a schedule delay and productivity analysis to determine responsibility for project delays. The claims team discovered that power contractor delays and interferences were primarily responsible for the acceleration effort and difficulties that the mechanical subcontractor experienced 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. The mechanical subcontractor accelerated work to maintain the work planned for the outage period. Provided 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, and feed water systems. Also, delays occurred due to problems with insulated siding for the CFB boiler building.
- Prepared a defense for the main contractor against subcontractor 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. The EPC contractor installed a wet-type Fuel

Gas Desulphurization (FGD) unit utilizing CT-121 scrubbers to an existing power facility in Ohio. The project involved coordination or work around existing operating plant and a tight site with regard to construction and storage space facilities.

- Team leader responsible for the preparation of 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 on a fossil-fueled power plant boiler erection project in Florida. 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.
- Team leader for the executive management of a U.S. power supplier/contractor EPC contractor to evaluate the written procedures and practices of each of the four divisions against industry practices. After defining the steps required to make those procedures and practices more robust, 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. Also developed 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.
- Provided claim support services to the main contractor against the subcontractor's claims for installation of a 230 kV power 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. Prepared a defense position paper 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. Provided claims avoidance training and lessons-learned reviews to the main contractor construction team to facilitate improved management of future similar projects.

Water Treatment/Waste Facilities

- Provided support for the development of a main contractor's construction claims (in conjunction with the main contractor's consortium partners) against the owner and assisted with insurance claims resolution for E&O problems during the design process of a wastewater treatment plant in Ireland. Performed CPM and disruption analysis and coordinated outside counsel and "other" experts to support the contractor's position as well as facilitate resolution of construction defects and project completion.
- Provided contract and claims support to an EPC contractor joint venture to ensure recovery of owner-caused impacts throughout the construction process of a wastewater treatment plant expansion in Kentucky. Provided weekly contract support during construction as well as claims preparation including delay and disruption analysis and damages entitlement.

Healthcare, Education, Industrial, and General Building

- Completed an expert review and report using PMBOK factors as a baseline reference for the critical analysis of a contractor's project management performance and failures on a \$180 million hospital and office complex in North Dakota.
- Evaluated property damage claims associated with flood-damaged industrial buildings and manufacturing facilities following a flood in Indiana. Prepared comparative cost estimates for the damaged equipment and facilities to test the reasonableness of the damage claims alleged by the owner.
- Provided full insurance claim review services working with claim adjusters to assess and review actual damage and required construction repair services for a hospital facility badly damaged during a major hurricane in Houston. 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 the facility.

Federal Government Projects under FAR Contracts

- Claims preparation, management, and settlement of numerous government-related projects on a global basis in Afghanistan, Guantanamo Bay, Iraq, Japan, and the U.S. Scope of work included the establishment of risk and settlement management strategies as well as administration of outside counsel and experts through both Armed Services Board of Contract Appeals and Federal Court of Appeals for claims totaling over US\$150 million.

PROFESSIONAL EXPERIENCE**Long International, Inc.**

Kansas City, Kansas (October 2009 to July 2013) and Boston, Massachusetts Area (June 2014 to Present)

As a Senior Principal with Long International, 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. From 2015 to 2022, Mr. Harris provided full-time on-site claims and contract services to Nalcor Energy in Newfoundland, Canada, for an 824 MW hydroelectric power plant, including advising and managing the owner's claims team through a major arbitration. The arbitration resulted in a satisfactory conclusion for the owner.

Mr. Harris is currently engaged in advising the government consortium owner of the ongoing construction of a nuclear power plant project in the U.A.E. regarding the audit, analysis, and settlement of prime contract, schedule, cost, disruption, regulatory, and PCM performance impacts and disputes.

Lakeshore Toltest Contractors

Chicago, Illinois (July 2013 through May 2014)

As Vice President, Mr. Harris provided lead risk and claims management services for all private sector and federal government construction claims and disputes on a global basis. Mr. Harris managed the preparation of both affirmative and defensive claim packages utilizing both in-house and external expert resources and was the company lead in guiding over 25 separate FAR claims totaling \$150 million through ASBCA and FCA proceedings (including outside legal counsel management).

Marsh Construction Consulting Practice

Kansas City, Kansas (April 2008 through July 2009)

As a Senior Vice President, Mr. Harris developed and provided 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 internationally and throughout the U.S., 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 (including nuclear), 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 the management of 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 380 MW power and 30 MGD desalination project. His duties included full project management 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 board of directors and shareholders on all construction matters.

BHK Consultants*Bahrain & Oman (January 1995 through September 1995)*

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

Gredeco Ansari Consultants*Bahrain (March 1992 through 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 US\$50 million, 300-bed military 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 coordination and

construction management of sports, academic, administration, housing, conference, library, and infrastructure facilities. The project was completed without any major disputes despite the interface of eight contractors working concurrently on the various buildings.

John Rowe-Parr Consultants

Bahrain (August 1984 through January 1986)

As Project Manager and Senior Designer, Mr. Harris supervised the construction of numerous general building facilities including schools, commercial facilities, and local healthcare clinics.

Newman Levinson & Partners

London (April 1983 through August 1984)

Mr. Harris served as Resident Architect for the US\$35 million London Docklands First Technology Business Park. His duties included design, supervision, contract administration, and claims management.

Elsom Pack & Roberts Partners

London (December 1981 through April 1983)

As Project Designer and 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' duties included project design and supervision of a number of large-scale industrial projects valued at US\$45 million and upwards.

PUBLICATIONS AND SPEAKING ENGAGEMENTS

"The Art of Contract Correspondence," *Long International, Inc.*, July 2022.

"Why Construction Disputes Occur and How to Promote Early and Amicable Settlements," *Long International, Inc.*, October 2014.

"The Importance and Value of Notice Provisions in Construction Contracts," *Long International, Inc.*, November 2012.

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

"Construction Claims," Kansas City Members Bar Association, January 2009.

"Repeat Offenders," Presentation – International Construction SuperConference, London, September 2008.

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

"Risk Management," Presentation – International Construction SuperConference, 2005.

Construction Claims Summary Document. Black & Veatch, 2003.

Numerous Claims/Dispute Seminars conducted for Black & Veatch in Hong Kong, Singapore, Bangkok, London, and the U.S., 2003–2007.



TESTIMONY EXPERIENCE

- 2018–2022 *Astaldi v. Muskrat Falls Corporation*, Arbitration, NL, Canada. Fact witness testimony and cross examination – *Settled*.
- 2013 Corps of Engineers, Litigation, Kansas City. Deposition – *Settled*.
- 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 v. Gallagher*, Brockton District Court, MA. Deposition and Testimony – *Settled*.
- 2004 *Jurong Engineering v. BV. LCIA Arbitration*, London and Singapore. Deposition and Testimony – *Settled*.
- 2000 *ABB v. Fantuzzi*, Arbitration, Italy. Deposition – *Settled*.
- 1998 *Zayani v. Sallahudin*, Ad-Hoc Arbitration, Bahrain. Acting Arbitrator – *Settled*.