



STEVEN J. BIENIEWICZ



Mr. Bieniewicz is a Senior Principal with Long International. He has over 45 years of experience in engineering, project management, project planning and scheduling, cost engineering, construction claims/dispute resolution, project performance audits, and corporate management. He has over 30 years of construction claims and contract dispute resolution experience including issue entitlement evaluation, schedule delay analysis, damages analysis, attorney support, and expert witness testimony on a substantial number of complex construction projects. Mr. Bieniewicz is recognized as an expert in the development of schedule delay and cost overrun analyses for construction projects, including power plants, offshore oil and gas facilities, LNG facilities, refineries, highways, buildings, rail facilities, hospitals, heavy civil projects, airports, and wastewater facilities. He has worked on over 100 claims ranging in size from US\$50,000 to over US\$12 billion. Before joining Long

International, Mr. Bieniewicz had been a Principal in four consulting companies that focused on construction claims and project management.

Prior to entering the consulting field, Mr. Bieniewicz had direct experience on a number of construction projects including nuclear and fossil power plants, wastewater treatment plants, hospitals, and commercial buildings. As a Senior Project Manager for a contractor, he had complete management responsibility for several projects including hospitals and commercial buildings. As a Planning and Scheduling Engineer, he developed and maintained project schedules for a broad variety of projects.

EDUCATION

M.B.A., Finance, Virginia Commonwealth University, 1978

B.S., Electrical Engineering, Northeastern University, 1974

TEACHING AND SEMINARS

Faculty, "How Contract Documents Can Cause or Prevent Claims," Lorman Seminars 2005–2006

Faculty, "Change Orders In Colorado," Lorman Seminars 2004–2005

TECHNICAL EXPERIENCE

Representative U.S. and international technical experience includes:

- Construction claims preparation, analysis, and defense of settlements
- Development of project management plans and procedures
- Development of corporate policies and procedures
- Management of the mechanical and electrical installation contracts on four institutional and U.S. Corps of Engineers projects
- Project management and project management oversight on nuclear, fossil fuel, and hydroelectric power projects, light and heavy rail transportation projects, wastewater treatment plants, and major highway construction projects
- Management performance assessments
- Deposition and expert witness testimony



- Speaker on the subjects of construction claims, planning and scheduling, change order preparation and negotiation
- CPM schedule analyses including determination of cause/effect, assessment, quantification, and responsibility allocation of delays and disruptions
- Direct and indirect damages quantifications
- Contract/entitlement analysis
- Development of copyrighted construction management/document control database software and other applications using C++ programming language

PROJECT EXPERIENCE

As a recognized expert in the analysis and resolution of complex construction disputes, Mr. Bieniewicz has prepared, presented, negotiated, and testified on disputes and claims for owners, engineers, and contractors for a wide variety of projects. Representative projects include the following:

- Schedule delay analysis, expert report preparation, and expert testimony in international arbitration in defense of claims submitted by the suppliers of a turbine generator island and nuclear island facilities, and in support of the owner's delay claim against the suppliers on a nuclear power plant project in Europe. Prepared a windows-based schedule delay analysis to quantify the contractor's entitlement to a time extension and the owner's entitlement to delay damages. Also prepared an As-Built But-For Schedule Delay Analysis to quantify the contractor's entitlement to delay damages.
- Schedule delay analysis and rebuttal report preparation for defense of a claim submitted by the general contractor concerning an emergency diesel generator replacement for a nuclear power plant in Europe.
- On behalf of the owner seeking to recover delay and disruption costs paid to an EPC contractor on an LNG plant in Australia, critiqued the contractor's compliance with industry practices in the preparation and updating of the project baseline CPM schedule and schedule updates. Prepared a windows-based schedule delay analysis to quantify delays on the critical and near-critical paths for the overall project and major subcontractors. Wrote an expert report for testimony in arbitration.
- Schedule delay analysis of a combined cycle power plant in Illinois in support of the owner's delay claim against the manufacturers of a gas turbine generator and a heat recovery steam generator.
- Assessment of management performance and the analysis of cost overruns on the South Texas Nuclear Project. Testified in the prudency hearings conducted by the Texas Utility Commission.
- Assessment of management performance and analysis of cost overruns on the Palo Verde Nuclear Project used in the prudency hearings conducted by the Arizona Corporation Commission.
- Schedule delay analysis, and preparation of a preliminary expert report. Participation in mediation on behalf of the owner in defense of a claim submitted by the general contractor on a geothermal power project in Indonesia.
- Evaluation of the prime contractor's schedules, and preparation of an integrated project Level 3 schedule. Schedule delay analysis, and preparation of written reports for the owner in defense of a claim submitted by the prime contractor on an offshore FPSO vessel to be installed in Brazil.
- Schedule delay analysis, and preparation of an expert report. Preparation of a counterclaim on behalf of the owner in defense of a \$40 million claim submitted by the prime contractor on a cost-reimbursable contract for the management of the design and construction of a gravity-based LNG Terminal Project that was delayed over 18 months. Analyzed deficiencies in the EPC contractor's schedules, and performed an analysis of concurrent delays.



- On behalf of the owner, performed a detailed windows schedule analysis in defense of a contractor's \$87 million delay and disruption/loss of productivity claim resulting from alleged design changes to a semi-submersible hull and mooring system project, which was fabricated in Norway and installed in the Gulf of Mexico.
- Schedule delay analysis, and preparation of an expert report. Presented expert testimony in deposition and trial for the general contractor in defense of a claim submitted by a subcontractor on a major highway construction project in Colorado.
- On behalf of the owner, analyzed a Russian and Turkish contractor's claim for change orders, delay, and loss of productivity. Also analyzed the owner's counterclaims for default due to inadequate project management performance and substandard installations of a residential community project in eastern Russia. Developed a document database, inspected the site, reviewed contractual entitlements, and provided the owner with a basis for negotiating a settlement with the contractor.
- Analysis of a delay claim and preparation of an expert report associated with the placement of undersea oil and gas pipelines in the Gulf of Mexico. Testified in deposition.
- Review of a Swedish subcontractor's claim for delay and loss of productivity associated with the fabrication and assembly of living quarters for an offshore oil production facility in the Gulf of Mexico.
- Schedule delay analysis, and preparation of an expert report. Presented expert testimony in deposition and arbitration for the general contractor in a claim against the owner on a commercial construction project at Truman State University in Missouri.
- Schedule delay analyses and preparation of expert and rebuttal reports for the general contractor in claims against the owner on the Amtrak Northend Electrification Project from Boston to New Haven.
- Schedule delay analysis and damages quantification for the mechanical subcontractor involved in a claim against the general contractor on a new high school construction project in Dodge City, Kansas.
- Damages analysis performed for the owner in defense of a claim submitted by the general contractor on the construction of a wastewater treatment plant in Aspen, Colorado.
- Schedule delay analysis, and preparation of an expert report. Testified at a DRB hearing on behalf of the general contractor in a claim for a compensable time extension and related damages against the owner on a tunneling project in California.
- Schedule delay, damages analysis, and preparation of the claim document for the electrical subcontractor on a glycol recovery project at Denver International Airport. The claim was prepared as a pass-through claim to be submitted through the general contractor's surety to the project owner.
- Schedule delay analysis and negotiation for the Denver Housing Authority in defense of claims submitted by the general contractor for the renovation of the old YMCA building into low-income housing.
- Schedule delay analysis, damages analysis, and preparation of an expert report. Testified in deposition for the electrical subcontractor on the Detroit VA Hospital project. The claim was prepared as part of the overall omnibus claim submitted by the general contractor to the VA.
- Schedule delay analysis, damages analysis, and preparation of an expert report for the electrical and mechanical subcontractors on the Dallas VA Hospital project. The two claim documents were submitted as part of the general contractor's overall omnibus claim to the VA.
- Schedule delay analysis, damages analysis, and preparation of an expert report on behalf of the electrical subcontractor on claims against the general contractor on two Corps of Engineers lock and dam projects on the Red River in Louisiana.



- Schedule delay and damages analyses for the GSA in defense of a claim submitted by the general contractor on the construction of a new federal court house in Omaha, Nebraska. Prepared the GSA's presentation in mediation regarding the findings of the analyses and assisted the GSA in the negotiation of a settlement.
- Schedule delay analysis, and preparation of an expert report. Testified in deposition for the electrical subcontractor in a claim against the general contractor on the construction of a new Intel chip facility in Colorado Springs, Colorado.
- Schedule delay analysis, damages analysis, and preparation of an expert report. Testified in deposition for the general contractor's surety in defense of a claim submitted by the electrical subcontractor on the construction of a correctional facility in Arapahoe County, Colorado.
- Schedule delay analysis, damages analysis, and preparation of expert reports for the mechanical subcontractor on claims against the general contractors and owners on two condominium projects in Winter Park, Colorado and Avon, Colorado.
- Schedule delay analysis, damages analysis, and preparation of an expert report for the subcontractor who performed the cooling tower design and construction on a combined cycle power plant project in New Jersey.
- Schedule delay analysis, damages analysis, preparation of expert and rebuttal reports for the general contractor in a claim against the owner on the construction of a new wastewater treatment facility in Cortez, Colorado.
- Schedule delay analysis, damages analysis, and preparation of expert reports. Testified in deposition for the design/build turnkey contractor in claims against the owner on two geothermal power plant projects in the Salton Sea area of California.
- Schedule delay analysis, preparation of an expert report, and presentation of testimony in deposition and arbitration for the general contractor in defense of claims submitted by the glass/glazing subcontractor on the Kansas City Airport Renovation Project.
- Schedule delay analysis, damages analysis, and preparation of an expert report for the general contractor in a claim against the owner on a highway improvement project in Jefferson County, Colorado.
- Provided project management services including document control, planning and scheduling, and dispute resolution for the owner of a major toll highway project in Colorado.
- Provided project management oversight, and planning and scheduling services on a Y2K remediation project for a major midwestern utility.
- Presented expert witness testimony for the electrical subcontractor regarding reasonableness of its estimating methodology and construction means and methods employed on an apartment building project in San Diego, California.
- Performed damages and schedule delay analyses and presented expert witness testimony in arbitration for a design/build contractor against the owner on an oil refinery expansion project in California.
- Provided contract administration, schedule development, schedule delay and damages analysis, and claim preparation services for several contractors on the construction of buildings and facilities at the Denver International Airport.
- Schedule delay analysis, and preparation of an expert report. Testified on behalf of the architect/engineer on a high-rise commercial building in Westwood, California.
- Schedule delay analysis and preparation of an expert report for the general contractor in a claim against the owner on the construction of a new terminal at John Wayne Airport in Orange County, California.



- Document data base development, entitlement analysis, damages analysis, and litigation support for the mechanical contractor in a claim against the general contractor on a hospital renovation and expansion project in California.
- As a member of a project oversight engineering team, performed construction management performance audits of a light/heavy rail transit system in Los Angeles, California.
- Prepared cost and schedule delay analyses in support of the owner's defense against a claim submitted by the prime contractor on the construction of a wastewater treatment facility in Ohio.
- Prepared the project schedule for the general contractor on a highway construction project. Analyzed delays, and prepared written reports for time extension requests to the project owner.

PROFESSIONAL EXPERIENCE

Long International, Inc.

Phoenix, Arizona Area (December 2006 to Present)

As a Senior Principal with Long International, Mr. Bieniewicz provides engineering and construction contract dispute and resolution consulting services including CPM schedule delay and acceleration analysis, damages quantification, issue identification and entitlement evaluation, claims preparation and negotiation, and expert testimony.

Demand Construction Services, Inc.

Centennial, Colorado (March 2001 to December 2006)

As a Principal specializing in the resolution of construction contract disputes, Mr. Bieniewicz provided claims analysis and preparation on a wide variety of projects including commercial buildings, hospitals, prisons/detention facilities, highways, power plants, and wastewater treatment plants for general contractors, subcontractors, project owners, and architect/engineers. He presented expert witness testimony in deposition, arbitration, and trial on several different types of projects in the areas of CPM schedule delay analysis and damages quantification.

83 South Constructive Solutions, LLC

Parker, Colorado (March 1996 to February 2001)

Mr. Bieniewicz founded the company to provide consulting services specializing in construction contract dispute analysis and resolution, litigation/arbitration/mediation support, and expert testimony. His responsibilities as a Principal included CPM delay analysis, damages quantification, claim preparation and negotiation services to the engineering and construction industry on a variety of projects. Mr. Bieniewicz also provided project management oversight services on a \$400 million toll highway project in Colorado. In addition, he developed the construction management/document control software used by the project owner and project oversight engineer.

Advanced Analytical Solutions

Englewood, Colorado (December 1991 to February 1996)

Mr. Bieniewicz was a Founding Partner and Principal. He also served as Chief Financial Officer, and was responsible for client communications, project management, and overall project coordination. Moreover, he provided claims preparation and dispute resolution services to general contractors, subcontractors, owners, and architect/engineers in the construction industry. Mr. Bieniewicz also oversaw business development, personnel supervision and management, and corporate operations.



Kellogg Corporation

Littleton, Colorado (June 1987 to November 1991)

As a Principal, Mr. Bieniewicz oversaw project management, dispute resolution, claims management, litigation support, and data base management services. Mr. Bieniewicz assisted clients in the power, industrial, commercial, and institutional construction industry segments.

Commonwealth Companies

Lincoln, Nebraska (June 1984 to May 1987)

As a Senior Project Manager, Mr. Bieniewicz had overall profit/loss responsibilities for the mechanical and electrical installation contracts on several commercial and institutional projects. Specific responsibilities included the direct supervision and management of all on-site personnel, procurement, submittal processing, change order preparation/negotiation, and resolution of major technical problems. In his preceding role as the Director of Cost Engineering, Mr. Bieniewicz had primary responsibility for the control of financial and cost reporting systems on approximately 100 projects over \$50,000. He also provided scheduling and cost expertise on projects, and prepared and submitted claims on several commercial, industrial, power, and institutional projects. His project management experience included Corps of Engineers construction projects in South Carolina and Georgia, and hospital projects in Alabama and Florida. Mr. Bieniewicz's claim preparation and negotiation experience included two commercial buildings, three wastewater treatment facility construction projects in Texas, and a hospital renovation and expansion project in Florida.

Commonwealth Companies

New Washington, Indiana (January 1983 to May 1984)

As Manager of Project Management Systems for Commonwealth Electric, a subsidiary of Commonwealth Companies, Mr. Bieniewicz supervised and controlled a department of 28 personnel. He oversaw all estimating, planning/scheduling, cost engineering and data processing functions for the \$300 million electrical contract on the Marble Hill Nuclear Power Station. He prepared the specifications for and coordinated the implementation of an in-house cost control system to track all construction-related activities. In addition, he prepared and submitted a detailed termination claim to the owner after the power station project was canceled.

Cost Associates, Inc.

Wellesley, Massachusetts (January 1980 to December 1982)

Mr. Bieniewicz served as Senior Planning Engineer. His responsibilities included the development and maintenance of the overall project schedule encompassing engineering, procurement, construction, and start up on the Marble Hill Nuclear Power Plant. Additional activities included the coordination of all schedule components and computerization of the project schedule. Mr. Bieniewicz was a key participant in the development and implementation of the project restart schedule in 1980. He was subsequently assigned to the electrical construction management group to develop detailed plans and schedules for electrical work on the project.

Virginia Electric and Power Company

Richmond, Virginia (June 1974 to December 1979)

As Planning Engineer in the construction management department, Mr. Bieniewicz directed the development and implementation of planning and scheduling systems on all major construction projects including the North Anna Nuclear Power Station, Bath County Pumped Storage Project, and Surry Nuclear Power Station Steam Generator Replacement Project. His duties included the coordination and supervision of software procurement, in-house software development, and use of project software packages. He was assigned as the



Lead Planner on the schedule development for a four-unit, coal burning, fossil power station covering all disciplines and encompassing engineering, construction, and start-up activities. Mr. Bieniewicz's prior assignments as an Electrical Engineer within the power station engineering and construction group included responsibilities as the lead Electrical Project Engineer and Field Engineer on the North Anna Nuclear Power Station. As a Project Engineer, Mr. Bieniewicz reviewed the AE's design for conformance with company design policy and code compliance. He developed company standard specifications for electrical cable and electrical installation criteria. As a Field Engineer, Mr. Bieniewicz resolved field-related engineering problems and conducted electrical equipment testing. Also, he served as an Electrical Construction Supervisor at the North Anna Nuclear Power Station, and was involved in punch list completion and project start up.

PUBLICATIONS AND SPEAKING ENGAGEMENTS

Faculty, "How Contract Documents Can Cause or Prevent Claims," Lorman Seminars, 2005–2006.

Faculty, "Change Orders in Colorado," Lorman Seminars, 2004–2005.