



**ROBERT D. KELLY, JR., PMP PSP CFCC**

***Project Controls, Claims Consulting, Dispute Resolution, Expert Witness***

- Education:** B.A./English/The College of William & Mary in Virginia (1990)
- Memberships:** The Project Management Institute (PMI)  
The Association for the Advancement of Cost Engineering International (AACE)
- Certifications:** Project Management Professional (PMP) (2004)  
Planning and Scheduling Professional (PSP) (2009)  
Certified Forensic Claims Consultant (CFCC) (2010)

**Experience Summary:** 26 years of experience in construction project management, project controls, cost estimating, CPM scheduling, and claims preparation, analysis, and response, for owners, contractors, designers, and attorneys. Also, mediation and alternative dispute resolution, and expert witness services in support of litigation. Direct project management performed on projects ranging in value from \$300,000 to \$92,000,000. Project control functions performed throughout the design and construction process, including projects as large as \$1.4b. Claim and dispute resolution support performed on projects as large as \$8b. Certified Forensic Claims Consultant (1 of 73, worldwide).

Named as an expert witness by the State of Ohio on construction matters including time and performance (delay, disruption, acceleration, etc.), and reasonable/allowable cost. Also made claim defense presentations in mediation and for a Dispute Resolution Board on behalf of the Virginia Attorney General's office. Selected as mediator by office of the Ohio Attorney General.

**Seminars, Presentations  
and Publications:**

- "CPM Scheduling and Analysis of Time Related Impacts" presented to State Architect of Ohio and construction industry attendees, 1997
- "Resolving Construction Nightmares from the Owner's, Designer's, Supplier's and Contractor's Perspectives in Maryland," Lorman Seminars, March 2005.
- "Tricks, Traps and Ploys Used in Construction Scheduling in Pennsylvania," Lorman Seminars, April 2005.
- "Tricks, Traps and Ploys Used in Construction Scheduling in Washington, D.C.," Lorman Seminars, August 2005.
- "Mystery or Mainstream? Construction Scheduling for the Project and in the Courtroom," Lorman Seminars, Mechanicsburg, PA, April 7, 2006.
- "Trouble is a Claim Door Bell: DING DONG, Where's Your Notice?" Project Management Institute Virtual Library White Paper, December 2008
- "Construction Delay and Disruption: Using Symptoms to Develop Appropriate Claims Avoidance Documentation" WPL Publishing Co., April 2011
- "Use of a Claims Triage to Determine Schedule Analysis Methodology" for AACE International annual convention, Anaheim, CA, June 2011
- "Total Cost Claim – Demonstration" for National Attorneys General Training & Research Institute Construction Litigation Training, Tampa FL, April 2013
- "Mis-Using the Measured Mile to Make a Claim" for AACE International annual convention, Washington, D.C., July 2013
- "Cross-Examining the Measured Mile Claim," for Ohio Attorney General's Construction Litigation Forum, Columbus OH, October 2013
- "Great Debate: Is Cumulative Impact a Provable Reality?" for AACE International annual convention, New Orleans, LA, June 2014



“Mock Trial Cross-Examination,” for Ohio Attorney General’s Construction Litigation Forum, Columbus OH, October 2015  
“The Construction Progress Schedule,” presented to the Ohio Facilities Construction Commission, Columbus OH, May 2017

**Testimony:**

*Gaylor Group v The Ohio State University, 2009*  
*Mecon, Inc. v The University of Akron, 2012*  
*N.L. Construction v. Ohio Department of Transportation, 2012*  
*IPS v The University of Toledo, 2015*  
*Accurate Electric Corporation v The Ohio State University, 2016*

**Hearings, Mediations  
and other ADR:**

*The State of Ohio v. Robert P. Madison, et al., 1997*  
*Settle-Muter Electric v. OH Dept of Youth Services, et al, 2001*  
*Reed Excavating v. VA Dept of Transportation, 2002*  
*Golden Eagle Construction v. VA Dept of Transportation, 2004*  
*Ardalan Construction Company v University of Cincinnati, 2006*  
*Archer-Western Contractors v VA Department of Transportation, 2007*  
*Valley Electric Company v. Youngstown City School District, 2008*  
*Archer-Western Contractors v VA Department of Transportation, 2008*  
*Gaylor Group v. The Ohio State University, 2009*  
*Blaze Building Corporation v. Cleveland State University, 2010*  
*North Bay Construction v. The Ohio State University, 2010*  
*J.W. Didado Electric, Inc. v. Ravenna School District, 2011*  
*Converse Electric and Miami Trace Local Schools, 2011*  
*Mecon, Inc. v. The University of Akron, 2011*  
*Converse Electric, Inc. v. Miami Trace Local Schools, 2012*  
*Leander Construction Company and Central Illinois College, 2012*  
*Lake Erie Electric and Lakota Local Schools, 2012*  
*Lake Erie Electric and Ottawa Glandorf Schools, 2012*  
*N.L. Constr. Corp. v. Ohio Dept. of Adm. Servs., 2012*  
*Enertech Electric and Wadsworth Local School District, 2013*  
*Kinsale Corporation and Southern Local School District, 2013*  
*Triton Services and Cincinnati Public Schools, 2013*  
*Standard Plumbing & Heating, Adena Corporation, Spring Electric and Crestline Exempted Village School District, 2013*  
*MEB General Contractors, Inc. and Stafford County, VA, 2015*  
*Alan Myers VA, Inc. v. County of Chesterfield Virginia, 2016*

**Representative Project Experience includes:**

- **State of Ohio Computer Center**, Ohio Attorney General, Columbus, OH: Forensic analysis coordination, project records review and liability identification/allocation. Project management of corrective construction. Litigation support. Mediation presentation. *The State of Ohio v. Robert P. Madison, et al., 1997*
- **Springfield Interchange Phase II/III**, Shirley Contracting Corp., Springfield, VA: Infrastructure/utility installation productivity impact claim research and development on behalf of the contractor, 2000.



- **University of Maryland Medical School Phase III**, Turner Corporation, Baltimore, MD: Time impact analysis and claim development on behalf of the contractor, 2001.
- **Marion Youth Facility**, Ohio Department of Youth Services, Marion, OH: Defense of productivity impact claim made by electrical prime contractor. Mediation presentation. *Settle-Muter Electric v. OH Dept of Youth Services, et al*, 2001
- **Rt. 360**, Virginia Office of the Attorney General, Giles County, VA: Defense of prime contractor's \$1.45m claim for time and cost impacts. Presentation at administrative hearing. *Reed Excavating v. VA Dept of Transportation*, 2002
- **Jackson City Schools**, Jackson, OH: temporary Construction Management services on \$55m District-program. Two new elementary schools and one new high school under construction. Resolution of pending issues with multiple prime contractors on each project. Schedule development and contractor agreement, 2002.
- **Lee Chapel Road Expansion**, Virginia Office of the Attorney General, Springfield VA: Defense of prime contractor's delay and acceleration claim. Administrative hearing presentation. *Golden Eagle Construction v. VA Dept of Transportation*, 2004
- **Swift Hall Renovation / Student Life Center**, University of Cincinnati, OH: Support of defense to structural prime contractor's claim of time and cost impacts. Change order scope validation and cost estimating. Support of Mediation presentation. *Ardalan Construction Company v University of Cincinnati*, 2006
- **Ottawa House Dormitories**, University of Toledo, OH: risk assessment consulting associated with structural re-design during construction (termination for convenience versus work-around and recovery). Negotiation with multiple prime contractors of associated cost impacts.
- **Springfield Interchange Improvement Project Phases VI/VIII**, Virginia Office of the Attorney General, Springfield, VA: Examined contractor's initial claims of delay and acceleration against the Virginia Department of Transportation (VDOT) for purposes of potential liability. Prepared presentation and attended Dispute Resolution Board hearing on six specific Time Impact Analyses, claiming delay and acceleration. Engaged to provide expert response to contractor's claim of delay and acceleration. Prepared submissions for and made presentations to Dispute Resolution Board. *Archer-Western Contractors v VA Department of Transportation*, 2008
- **270/161 Interchange**, Ohio Department of Transportation, Columbus, OH: Risk assessment of ODOT's processes and handling of various claims on the project.
- **New East High School**, Youngstown City Schools, Youngstown, OH: Defense of productivity impact claim made by electrical prime contractor. Mediation presentation. *Valley Electric Company v. Youngstown City School District*, 2008.
- **Hagerty Hall Addition and Renovation**, The Ohio State University, Columbus, OH: Defense of time and labor impact claim made by electrical prime. Expert report, deposition testimony, and mediation presentation. *Gaylor Group v. The Ohio State University*, 2009.
- **I-595 Corridor Roadway Improvement Program**, Ft. Lauderdale, FL. Contractor's baseline CPM schedule development team leader on this \$1.4b project. Baseline approved by FDOT, 2009.
- **Mill Creek Tunnel Expansion, MCT-3**, Northeast Ohio Regional Sewer District (NEORS). Review and response to prime contractor's claim of delays caused by Owner and associated cost impacts. Expert report. *KMM&K Joint Venture v. NEORS*, 2010.
- **Parker-Hannefin Administration Building Addition & Renovation**, Cleveland State University, OH: Support of review and response to general trade contractor's claim of time and cost impact on this 55,000s.f. project. Mediation support and presentation. *Blaze Building Corporation v. Cleveland State University*, 2010.
- **McCracken Power Plant Expansion, Phase II**, The Ohio State University, Columbus, OH: Review and response to electrical prime contractor's claim of time and labor impacts. Expert report; Mediation support and presentation. *North Bay Construction v. The Ohio State University*, 2010.



- **New Ravenna High School**, Ravenna School District, Ravenna, OH: Defense of electrical prime contractor's time and labor impact claim on this new high school project. Mediation development and presentation. Expert report. *J.W. Didado Electric, Inc. v. Ravenna School District*, 2011
- **Football Stadium / Multiplex Project**, The University of Akron, OH: Defense support in case of claimed wrongful termination. Expert Report, deposition and trial testimony provided on the subject of reasonable costs associated with the preparation of a contractor's bid. *Mecon, Inc. v. The University of Akron*, 2011
- **New Middle School**, Miami-Trace Local School District, Washington Courthouse, OH: Defense of productivity impact claim made by electrical prime contractor. Mediation presentations. Expert Report. *Converse Electric, Inc. v. Miami Trace Local Schools*, 2012
- **Cougarplex**, Illinois Central College, East Peoria, IL: Development of prime contractor's time impact analysis and associated cost damages. Presentation of analysis to design/CM and owner, 2012.
- **New K-8 School**, Ottawa and Glandorf Local School District, OH: Defense of productivity impact claim made by electrical prime contractor. Mediation presentation, 2012.
- **New PK-12 School**, Lakota Local School District, OH: Defense of productivity impact claim made by electrical prime contractor. Mediation presentation, 2012.
- **Ellis Island Seawall Restoration**, Ellis Island, New York: Evaluation of contractor's proposed recovery schedule. On-site validation of conditions, opportunities, and risks. Support further refinement of recovery logic and monthly updates through completion. National Park Service. 2012.
- **Noble County Maintenance Facility**, Caldwell, OH: Defense of time impact claim brought by general trades contractor. Expert report and deposition testimony. *N.L. Constr. Corp. v. Ohio Dept. of Adm. Servs.*, 2012.
- **Rothenberg Academy**, Cincinnati Public Schools, OH: review and negotiation with multiple prime contractors of time-related and labor inefficiency cost claims associated with schedule extension, 2013. Mediation representation, defense of plumbing prime contractor's claim, 2013.
- **Neutral Facilitation and Partnering Services, Ohio Facilities Construction Commission**, 2010-2013 with the OFCC for neutral facilitation and partnering services task assignments. Statewide services on elementary, middle, and high school construction projects. Subsequent facilitation of university project partnering sessions, Bowling Green State University.
- **VDOT Hampton Roads District-wide Bid Document Reviews of Locally Administered Projects**, process development and implementation of bid document reviews on behalf of VDOT Hampton Roads District. Contract language, specification and design standards review. Risk, conflicts, ambiguities identified. More than 95 bid document review assignments since October 2010 on projects totaling more than \$260m.
- **New K-12 School**, Wadsworth Local School District, OH: Defense of productivity impact claim made by electrical prime contractor. Mediation representation, 2013.
- **HS Addition**, Southern Local School District, Meigs County, OH: Defense of productivity impact claim made by General Contractor. Mediation representation, 2013.
- **New PK-12 School**, Crestline Exempted Village School District, OH: Defense of multi-party claims totaling \$2m, including productivity impact claimed under mechanical and plumbing prime contracts. Mediation presentation, 2013.
- **Utility Relocation**, Impact analysis and reporting for subcontractor responsible providing 36" waterline relocation as a part of the Midtown Tunnel project, Norfolk-Portsmouth, VA. Records review and impact identification for collapsed as built analysis, to demonstrate "but for" completion date supporting incentive entitlement in lieu of Liquidated Damages assessment. September-October 2013.
- **New 55-mile Roadway**, Claims and risk management for Owner team on \$1.4b design-build roadway project (U.S. Route 460, "Commonwealth Connector"), Suffolk-Petersburg, VA. On-going situational assessment and risk analysis, schedule impact / implication analysis, entitlement review,



reporting and communications support in response to positions taken by design-build contractor. October 2013 – February 2014.

- **VA Hospital - Clinic**, Design phase quantity and cost estimate on behalf of designer working for the Veteran's Administration. \$8.6m project estimate. March 2013.
- **Facility Manual update**, Major revision to existing Facility Manual used by the State of Arkansas Department of Education Division of Public Schools Academic Facilities and Transportation (DPSAFT). Content and format revisions. Product and system specifications, program requirements, and participant responsibilities / timeline for the project process. April - June 2014.
- **Hospital Addition and Renovation**, expert report and litigation support services for the University of Toledo's Medical Mall Phase II Interiors Package project. \$410,000 claim for labor productivity impacts, schedule disruptions, and time-related costs brought by electrical prime contractor. Expert report issued June 2014. Expert testimony at trial January 2015.
- **Structural Repairs to Naval Dock**, support of narratives and damage development on behalf of marine subcontractor on U.S. Navy dock repair project, Charleston SC. Federal Acquisition Regulation (FAR) compliant Requests for Equitable Adjustment (REA) related to changes, changed conditions, and associated time/cost impact. Nine REAs totaling \$2,358,528 submitted October 2014.
- **HVAC Upgrades to Existing Building**, expert report and litigation support services for DDC subcontractor claim against prime contractor for project at Yorktown Naval Weapons Station. Response to prime contractors counterclaim, including schedule review and time impact analysis. Total project cost of \$2,137,770; prime contractor counterclaim amount of \$86,720.96. Expert report for United States District Court for the Eastern District of Virginia, Newport News Division in November 2014. *ESI v Hanover Insurance Company*. Case settled January 2015.
- **Child Development Center**, litigation support for prime contractor's defense of subcontractor's claim for payment. \$10m child development center at Ft. Hood, Texas. Named as expert witness. Analysis undertaken, case settled February 2015. *J-Crew Management, Inc. v. Atlantic Marine Constr. Co.*
- **Water Treatment Facility**, support contractor's development of \$9.4m claim on \$25 water treatment facility project in Stafford County, VA. Claim submitted March 2015; updated claim submitted June 2015. Subsequent engagement to provide independent analysis of time impact and damages in support of mediation. Mediation October 2015.
- **Support Facility Renovation**, Director of Administration & Management (DA&M) Site R. Engaged by prime contractor to develop time impact analysis supporting two Requests for Equitable Adjustment on this Department of Defense project administered by the Facilities Services Directorate. REAs developed June – July 2015.
- **Roadway and Bridge Widening**, defendant's (Owner) expert in defense of contractor's \$7.2m time and cost impact claim filed July 2015. *Allan Myers VA, Inc. (p/k/a American Infrastructure-VA, Inc.) v County of Chesterfield, Virginia*. \$13m project. Contract entitlement review, schedule review, damage calculation review. Expert Report issued August 2016. Mediation November 2016.
- **Bureau of Criminal Investigation facility** at Bowling Green State University (Ohio), mediator / facilitator of disputed issue (designer's request for additional fees). \$10.5m facility. Named as mediator / facilitator by the Ohio Attorney General's Office. Session conducted February 2015.
- **Controlled Industrial Facility**, Portsmouth Naval Yard (Virginia). Support development of prime contractor's Requests for Equitable Adjustment related to time impact and Project delay. \$28m facility for the U.S. Navy, project administered by Naval Facilities Command – Mid-Atlantic. REA's developed April 2015, May 2015, and September 2015.
- **VSTOL Power Check Pad Overhaul**, Marine Corps Air Station, Cherry Point NC. Engaged by concrete subcontractor to develop time impact analysis on this jet engine test pad overhaul. Department of the Navy project, administered by the Naval Facilities Engineering Command. Prime contract value of \$2,141,000; subcontract amount of \$547,745. Collapsed as built analysis performed Fall 2015.



- **Network Control Center Renovation**, International Broadcast Bureau (IBB), W.J. Cohen Building, Washington, D.C. Engaged by prime contractor to develop time impact analysis supporting Request for Equitable Adjustment on this IBB project administered by the Government Services Administration. REA developed July 2015.
- **Mission Critical Power Reconfiguration**, Pentagon, Arlington, VA. Engaged by prime contractor to defend against subcontractor claim and support counterclaim on this \$4.6m Department of Defense project. *M.C. Dean Inc. and United States of America v. Arch Insurance Company and Ironbridge Construction, Inc.* Expert Report submitted November 2015.
- **Wastewater Treatment Plant**, support contractor's development of labor disruption change order request on Army Phase 3 \$71m wastewater treatment facility renovation and expansion project in Norfolk, VA. 2016.
- **South High Rise Dormitory Renovations Phase 3 Bid Pkg 8**, The Ohio State University, Columbus, OH: Litigation support and expert witness services in defense of electrical prime contractor's \$800K labor productivity impact claim. Expert Report issued February 2016, deposition testimony provided May 2016. *Accurate Electric Construction, Inc. v The Ohio State University*, Ohio Court of Claims.
- **Claims Evaluation Consultant 2016 - 2018**, Ohio Facilities Construction Commission two-year term contract for claim evaluation consulting services. Term commences July 1, 2016.
- **Nimmo Parkway, Virginia Beach**, Virginia. Named expert in defense of sub-subcontractor's compensation claim against subcontractor client on \$44.8m new roadway and bridge project. Payment and performance evaluation and expert report in review of and response to plaintiff's \$886,634.38 claim for additional compensation. Expert report issued November 2016. *Long Contractors, Inc. v. Parkway Grading, Inc.*
- **Ground Water Treatment Plant**, support contractor's development of delay and disruption change order request on private GWTP facility project in Richmond, VA. Also engaged to support future schedule updates, time component of change order requests, and time impact analysis. 2017.
- **Roadway Realignment Project**, provide review of contractor's proposed baseline schedule on this \$2.85m roadway realignment project in Chesterfield County, VA. Jessup Road Improvements, VDOT project #0643-020-R16,M501 Review provided on behalf of Chesterfield Department of Transportation, June 2016.
- **Professional Building**, 5121 Greenwich Rd., Norfolk VA. Replacement cost estimate for building and site improvements of this property in support of condemnation associated with VDOT Project 0264-134—102, R201. Circuit Court – City of Virginia Beach Case No. CL16-1751, Commissioner of Highways v. 5121 Greenwich Road LLC. Cost study issued June 8, 2017.



**Employment History:**

**Principal – Kelly Consulting Services, 2014-present**

Continue supporting and promoting services associated with project management and controls, stakeholder representation and consulting support, impact analysis, and dispute resolution.

**Senior Project Manager - Alpha Corporation, 2008-2014**

Summit Consulting Services acquired by Alpha Corporation. Continue supporting and promoting services associated with project management and controls, neutral facilitation, stakeholder representation and consulting support, impact analysis, and dispute resolution. Mediation presentations. Expert witness designation and testimony.

**Senior Associate - Summit Consulting Services, 2000-2008**

Consulting support for construction project management, project control, and dispute resolution services. Oversaw development of project schedules, supported progress updates, and participated in processes associated with revised conditions, changed costs, contract time and time impact. Developed independent analyses in support of dispute resolution related to claims for cost and time. Mediation and Hearing presentations. Troubled project management and recovery responsibilities.

**Asst. Project Manager - Shirley Contracting Corporation, 1999-2000**

Served as prime contractor's Asst. Project Manager on the \$92m Phase II/III portion of the Springfield Interchange Improvement Project in Springfield VA. Assisted in the bid and schedule preparation as a part of project set-up. Primarily responsible for Utility Coordination during the project, construction phasing, schedule maintenance, and submissions of notice of impact.

**Associate – Coopers & Lybrand / PricewaterhouseCoopers, 1994-1999**

Consulting support for various matters in dispute resolution. Emphasis on schedule development and analysis in support or defense of time-based claims. Cost analysis, including reasonable costs and allocable overhead examinations. Mediation presentation. Troubled project management and recovery responsibilities.

**Consultant - Coppi & Associates, 1993-1994**

Consulting support for various construction matters in dispute resolution. Project record research for impact identification. Schedule impact analysis; presentation development and delivery.

**Project Manager - Rockhard Excavating, 1992-1993**

Prime contractor's on-site project manager of \$4m roadway expansion project at Dulles International Airport. Responsible for schedule development and maintenance, pay applications, subcontractor coordination and reporting to the Owner. Developed productivity examination to support subcontractor termination.

**Project Manager - Lynmar Corporation, 1991-1992**

**Asst Project Manager - Lynmar Corporation, 1990-1991**

Commercial and residential construction. As assistant project manager, initially responsible for project controls processes, including submittals, RFIs, PCOs/COs. Advanced to full project management of various facilities including a temporary fire station, a library addition/renovation, and a satellite tracking facility. Project values \$300,000 - \$2.3m.