

Garry J. "Bud" Jess
15321 West Becker Lane
Surprise, AZ 85379

Mr. Jess has 41 years of experience in field engineering, contract administration, claims analysis, project management and dispute resolution for design, design/build, negotiated procurement and design/bid/build construction projects. He worked for 27 years for the Bureau of Reclamation on various projects ranging in from \$25,000 to \$150 million. Mr. Jess has worked his entire career in the heavy civil work industry on contracts ranging up to \$380 million in individual value and has resolved claims in an aggregate value of \$140 million. Continuing responsible positions have included surveying, inspection, resident engineer and project management in the civil, mechanical and electrical fields, as well as claims analysis, contract administration and dispute resolution through negotiation, mediation, litigation and Disputes Review Boards.

Mr. Jess served as a member on a Disputes Review Board under a contract between Yeager Skanska and the U.S. Army Corps of Engineers and has been an invited guest speaker at Stanford's Construction, Engineering & Management Program for graduate students.

PROFESSIONAL EXPERIENCE:

Current Positions:

Washington Division of URS Corporation - Project Manager – Mission Valley East Project, San Diego CA(CM Contract Value: \$47 M) (January 2006 to Present)

- Perform all functions of the Project Manager for completion of approximately \$300M in construction for approximately six miles of LRT, which included guideway, viaducts, bridges, a tunnel, stations, and track and systems for Metropolitan Transit Development Board (now administered by SANDAG). The prime contractors are Balfour Beatty Ortiz JV, Atkinson Construction, Modern Continental and Stacey Witbeck. The primary outstanding tasks are claim analysis, document production, depositions, coordination with expert witnesses and other support for counsel, for resolution of a \$16M claim. A jury trial resulted in an award for the Contractor – a settlement agreement is currently pending between the parties.

Washington Division of URS Corporation - Project Manager – SANDAG – Centralized Train Control – HSQ/LON and AIMS Fire/Life/Safety Implementation (CM Contract Value: \$90,000) (October 2009 to Present)

- Perform all functions of the Project Manager for staffing, technical analysis, cost estimates, contract revisions, dispute resolution, certification and training for implementation of a new communication system for SANDAG.

Washington Division of URS - Southern California Area Office, Irvine CA – Construction Management Lead/Contracts Manager/Claims Analyst (January 2005 to Present)

- Manage all aspects of the construction management group in the Irvine office including, but not limited to, business development, personnel assignments, staffing and budgeting.
- Provide senior level advice, guidance, training and/or assistance concerning project management, project controls and dispute resolution relative to a number of ongoing engineering design, construction management and/or design-build projects. The projects include, but are not limited to, Eastside Light Rail Design/Build (\$600 M), SR 125 Design (\$20 M), Mission Valley Light Rail CM (\$300 M), San Fernando Bus Rapid Transit Design (\$12 M), Trabuco Canyon Bridge Design/CM (\$2 M), BNSF Soundwalls CM (\$12 M) Tustin Legacy Phase 1 CM (\$20 M), and other miscellaneous projects.

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Previous Positions:

U.S. Army Corps of Engineers – Portland District – Performed a Value Engineering Study relative to one project at Bonneville Dam and two projects at John Day Dams. (June 2009)

Yeager Skanska and U.S. Army Corps of Engineers – Member of Disputes Review Board (DRB) for Prado Dam Project, Riverside County, California (Contract Value: \$65 M) (May 2003 to February 2007)

- Provided senior level advice and/or prepared DRB recommendations for dispute resolution when the parties were having difficulty resolving disputes at the Project level. My specific area of expertise relates to Federal contracting and adherence to the Federal Acquisition Regulations, heavy civil works construction means and methods and contract law regarding dispute resolution. The DRB provided five written DRB Recommendations to the parties and they resolved the issues as recommended. Several other disputes were also resolved at the Project level after discussion and guidance from the DRB.

Washington Group International - Project Manager - San Fernando Valley Bus Rapid Transit (BRT) Project (Subcontract Value: \$12 M)(January 2004 to January 2006)

Perform all functions of the Project Manager under a design subcontract for the 14 mile long BRT. The total construction contract value is approximately \$160M with the Metropolitan Transit Authority, and the contractor was Shimmick/Obayashi JV.

Washington Group International - Contracts Manager for Cowlitz County PUD Project – Rehabilitation of Swift Powerhouse No. 2 and Feeder Canal, Longview, Washington – Contract Value \$50 M (October 2003 to January 2004)

- Work included, but was not limited to, design review, value engineering analyses, packaging and issuance of solicitations and contracts, scheduling, estimating, constructability reviews and resolution of major changes to ongoing contracts.

Washington Group International/Raytheon Engineers & Constructors - Contracts Manager for Olivenhain Dam Project, San Diego, CA - Contract Value: \$150 M (November 1999 to October 2003)

- Managed all facets of the contractual obligations of the Construction Management team for the San Diego County Water Authority. Work included, but was not limited to, design review, value engineering analyses, packaging and management of solicitations and contracts, development and management of a contractor prequalification program, management of the DBE program, project estimating, subcontractor management and resolution of changes and claims.

Metropolitan Water District of Southern California (MWD) - Claims Analyst Consultant, Eastside Reservoir Project, Winchester, CA - Total Claims Value: \$ 155 M (November 1999 to May 2003)

- Provided senior level claims analysis, management and facilitation of engineers, field personnel, attorneys and expert witnesses. The construction claims were resolved through mediation. A Builder's Risk claim was filed in Federal court with parts of the

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claim being resolved at trial and the remainder being resolved through mediation. The settlements were extremely favorable for the client.

Parsons Corporation - Senior Contract Administrator Eastside Reservoir Project Winchester, CA - Contract Value: \$380 M (January 1997 to November 1999)

- Performed all facets of Contract Administration for construction of the West Dam and Saddle Dam at the Project. Both dams were earth/rockfill dams and the materials for construction were developed at the site.

Bureau of Reclamation, Arizona Projects Office - Contracts Manager/Claims Analyst (August 1987 to January 1997)

- Analyzed and resolved numerous construction claims through negotiation, mediation and/or litigation as warranted. Individual claim values ranged up to \$17 M. Managed several contract administrators and/or provided senior level claims analyses for a variety of heavy civil works projects that ranged up to \$105 M in individual value. Received several Meritorious Service Awards while employed on the Project.

Bureau of Reclamation, Grand Coulee Project Office

- Contract Administrator/Claims Analyst – (1983 to 1987) – Served as a contract administrator or claims analyst for a variety of civil, electrical and mechanical projects related to building construction, heavy and highway civil work, water conveyance, tunnels, and hydroelectric power generation systems.
- Resident Engineer or Construction Inspector - Civil, Mechanical and Electrical (1975 to 1983) - Served as a Resident Engineer (or inspector) for a variety of civil, electrical and mechanical projects related to building construction, building renovation, heavy and highway civil work, canals, tunnels, and hydroelectric power generation systems.
- Surveyor – (1968 to 1975): Surveyor that began as a Rodman and was promoted to Party Chief. Occasionally served as an inspector and laboratory materials technician.

ADVANCED SKILLS:

- **Consulting:**

- **Expert Witness:**

- Expert Witness analysis for The Kim Law Firm LLC concerning fraud and misrepresentation regarding a condominium development in Tempe AZ.
 - Expert Witness Declaration regarding equipment rates for tunnel boring machine and ancillary equipment utilizing the U.S. Army Corps of Engineers Equipment Cost Guide. Work was performed at the request of Lindborg & Drill LLC regarding a dispute with Shea-Kenney under a contract for the Arrowhead Tunnels with Metropolitan Water District of Southern California. The issue was resolved with favorable results for the client.

- **Claims Resolution:**

- Provided contract administration and claim settlement advice to Aero Automatic Sprinkler Co., Phoenix, AZ.
 - Provided claims management, facilitation and analyses services for Metropolitan Water District of Southern California as indicated above.

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- **Training Seminars:** Presented several training seminars to company personnel in order to enhance their knowledge and skills regarding contracts, contract formation, claims preparation, dispute resolution processes, construction inspection and claims avoidance.
- **Contract Administration/Claims Analysis:** Attended in excess of 300 hours of senior level training relative to Government contract administration, law, audits, Cost Accounting Standards (CAS), cost/price analysis, FAR interpretation and negotiation such that I was qualified for a Level III Contracting Officer's warrant.
- **Safety Qualified Supervisor and ISO-9000 Quality Management Standard Project Review Board Training**
- **Bureau of Reclamation Regional Facilitator:** Attended approximately 160 hours of training in TQM and participative management, and was a Lower Colorado Regional Facilitator from 1990 to 1997.
- **Construction Inspection:** Attended approximately 150 hours of training relative to concrete and earth construction, safe clearance procedures, and construction safety.
- **Big Bend Community College:** Attended from 1965 to 1968 with a major in Engineering, and additional courses in English and Math. I completed 90-quarter hours that qualified me for a General Studies degree.

Member: CMAA (Construction Management Association of America)
ASCE (American Society of Civil Engineers)

COMPUTER SKILLS:

Proficient in WordPerfect 6.0; Microsoft Word 6.0, Excel 5.0 and Outlook; PowerPoint; and Primavera Expedition. Have a working knowledge of Primavera P3, Hard Dollar Estimating, Summation and several surveying software systems.

PERSONAL ACCOMPLISHMENTS:

- Member of Board of Directors for Hospice of Grant County, Washington
 - Hartline Town Councilman
 - Residential Construction:
 - Renovated a two-story 1600 SF two story house in Hartline WA.
 - As a General Contractor, I completed structural repairs and new roofing for approximately 5 houses on a fixed price basis.
 - As a General Contractor, I completed structural repairs and partially reinodeled approximately 5 houses on a fixed price basis.
 - Renovated an 800 SF house, added 400 SF of structure to the house, and constructed an 860 SF detached garage (complete with all utilities) in Coulee Dam WA
 - Renovated, and added a bedroom/bathroom, at a 2400 SF house in Phoenix, AZ
 - Renovated, and added a 770 SF guest house, at a 2800 SF house in Scottsdale, AZ
- For all of the above, I personally performed all design, permitting, procurement of materials and construction; except that I subcontracted out most of the labor for the guest house at the Scottsdale location.

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TRAINING SEMINARS ATTENDED BY GARRY J. JESS

<u>Training Course Title</u>	<u>Date</u>	<u>Hours</u>
Basics of Photogrammetry	3-25-71	40
Bureau of Reclamation Earth School	1973	40
First Aid Methods	5-20-74	16
Bureau of Reclamation Concrete Techniques	1-27-75	40
AWS Welding Procedures	5-20-76	16
Accident Investigation	3-24-81	2
Defensive Driving	4-14-82	4
Safe Clearance Procedures	9-21-82	4
Fire Extinguisher Training	10-5-82	3
Industrial First Aid	10-15-82	16
Construction Safety Training	3-11-83	32
Prevention of Sexual Harassment	7-25-84	2
Concentrated Course in Construction Contracts	8-3-84	40
Defensive Driving Refresher	5-1-85	4
Workshop on the Davis-Bacon Act	6-18-85	6
CPM Scheduling in Program Management and Claims	12-10-87	24
Program and Project Construction Scheduling	2-2-88	16
Introduction to PC	3-10-88	32
Acquisition Training	3-15-88	3
Government Contracting Negotiation Techniques	9-2-88	40
Discussion Leader Training	11-8-88	16
Advanced Contract Administration	3-31-89	40
Advanced Cost and Price Analysis	7-28-89	40
Supervisory Update-Participative Mgt.	8-23-89	16
Intro to OD & Small Group Facilitation	1-26-90	40
Computer Security for Users	3-22-90	2
Lotus 1-2-3	9-12-90	8
Supervising Employee Performance	2-7-91	24
Achieving a Drug-Free Workplace	2-8-91	4
Introduction to Supervision	3-1-91	40
Preventing & Resolving EEO Complaints	3-21-91	8
Federal Personnel Management for Supervisors	3-29-91	40
Introduction to Primavera	4-26-91	16
OWCP for Supervisors	8-16-91	2
Source Selection and Evaluation	11-1-91	24
Advanced Federal Contract Law	2-7-92	40
Valuing Gender & Cultural Diversity	4-8-92	8
Position Management	6-8-92	4
Defensive Driving Refresher	7-14-93	4
Advanced CAS Standards	4-2-93	16

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Ethics Training	12-13-93	1
Conflict Management Options	1-19-94	8
Team Facilitator Workshop	5-27-94	40
Alternate Dispute Resolution	3-2-95	16
Contracting for A&E Services	6-30-95	40
COR Refresher Training	10-19-95	8
Financial Budget and Management	8-22-96	16
Basics in Excel	4-11-96	8
Hard \$ Estimating	8-23-98	16
Proving Construction Contract Damages	3-2-99	16
10-hour OSHA Training	2-25-02	10
Supervisor Safety Training	2-26-02	8
Claims and Changes	5-30-04	4
ISO 9000 Certification	3-22-05	8
False Claims	2-1-07	2
Local Assistance Resident Engineer's Academy	6-9-07	28
NSC Defensive Driving Course 8.2 Edition	4-28-09	4
DRB Foundation Training for Caltrans DRB and DRA members	11-20-09	16

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PROJECTS HISTORY, POSITIONS AND PRIMARY DUTIES

Description of Project:

Mission Valley East Light Rail Project – San Diego, California

Position and Duties:

Performed all functions of the Project Manager position for completion of approximately \$300M in construction for approximately six miles of LRT, which included guideway, viaducts, bridges, a tunnel, stations, and track and systems for Metropolitan Transit Development Board (now administered by SANDAG). The prime contractors were Balfour Beatty Ortiz JV, Atkinson Construction, Modern Continental and Stacey Witbeck. The primary outstanding tasks were project's closeout, as well as claim analysis, document production, depositions, coordination with expert witnesses and other support for counsel, for resolution of a \$16M claim which went to a jury trial in 2009 – a settlement agreement between the parties is currently pending.

Description of Project:

Tustin Legacy Phase I – Infrastructure Project, Tustin, California

Position and Duties:

Resolved several disputes between the Contractor and the City in the role of construction manager for the City of Tustin. Retained by the City's counsel as an expert claim analyst to provide technical analyses, cost analyses, a mediation presentation, expert reports, discovery, deposition research and questions, as well as and other tasks relative to preparation for trial.

Description of Project:

San Fernando Valley Bus Rapid Transit Project – Van Nuys, California

Position and Duties:

Performed all functions of the Project Manager under a design subcontract for the 14 mile long BRT which had thirty-three intersection crossings and two bridges. The total construction contract value was approximately \$160M with the Metropolitan Transit Authority, and the contractor was Shimmick/Obayashi JV.

Description of Project:

Prado Dam Project – Riverside County, California

Position and Duties:

Member of Disputes Review Board that provided written recommendations for resolving issues regarding Fabrication of Impact Plates, Canal Subdrain System Requirements, Damage due to Overtopping of Cofferdam, Delay in Delivery of Low Flow Bypass Plates, Fabrication and Welding of River Outlet Slide Gates. Several other disputes were also resolved at the Project level after discussion and guidance from the DRB. The project value was approximately \$70M.

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Description of Project:

Swift Powerhouse No. 2 and Feeder Canal Project – Cowlitz County, Washington

Position and Duties:

Contracts Manager performing design reviews, value engineering analyses, packaging and issuance of solicitations and contracts, scheduling, estimating, constructability reviews and resolution of disputes regarding ongoing contracts. Projects were Excavation of Tailrace, Rehabilitation of Powerhouse, Rehabilitation of Two 80MW Hydroelectric Units, Replacement of Switchyard and Rehabilitation of Canal. The total project was approximately \$35M.

Description of Project:

Olivenhain Dam Project – San Diego County, California

Position and Duties:

Contracts Manager performing design reviews, value engineering analyses, packaging and issuance of solicitations and contracts, scheduling, estimating, constructability reviews and resolution of disputes regarding ongoing contracts. Projects were Foundation Excavation and Cleaning and Construction of Olivenhain Dam (1.1 M CY Roller Compacted Concrete) which included Inlet/Outlet Tower, Lake Hodges Headworks/Tunnel/Gate and Outlet Works. The total project value was approximately \$150M.

Description of Project:

Eastside Reservoir Project – Riverside County, California

Position and Duties:

Individual Consultant - A Builder's Risk claim was filed by Metropolitan Water District of Southern California (MWD) in Federal court with parts of the claim being resolved at trial and the remainder being resolved through mediation. I was retained by MWD to provide advice for technical issues involving groundwater and surface water handling, haul routes, equipment selection and utilization, labor-equipment-materials cost and other issues. The settlements were extremely favorable for the client.

Claims Analyst - Provided senior level claims analysis, management and facilitation of engineers, field personnel, attorneys and expert witnesses to resolve claims with a \$150M in aggregate value. The claims were related to Drilling and Shooting a Rock Borrow Area, Crusher Inefficiency, Flood Damage to Inlet/Outlet Tower, West Dam Foundation Excavation, Foundation Excavation and Cleaning, Excavation and Handling of Soil Borrow Area, and other miscellaneous issues. The construction claims were resolved through mediation.

Senior Contract Administrator – Performed all facets of contract administration for construction of the \$380M West Dam and Saddle Dam. The embankment Dams required 66M CY of material. The duties included management of all payments, resolution of numerous changes, analyses and negotiation of claims, analysis and recommendations on disputes regarding the East Dam construction, etc.

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Description of Project: Central Arizona Project – Arizona

Position and Duties:

Claims Analyst/Contracts Manager – Involved in these capacities for the following:

- Latent Defect Claim by Government for failing siphons.
- O&M for Yuma Desalination Plant.
- Westminster Site Remediation for EPA.
- Rehabilitation of Roosevelt Dam - \$120M cast-in-place concrete dam overlay.
- Roosevelt Lake Tap & Tunnel - \$35M tunnel, lake tap, gate shaft & gate. This contractor was terminated for convenience – I negotiated the termination costs and assimilation of the remaining work into the Rehabilitation contract.
- Apache Road Construction - \$5 roadway and retaining walls for access at left abutment of Roosevelt Dam.
- Construction of a new Sheriff’s Substation.
- Reconstruction of Grapevine Airstrip.
- Rehabilitation of Powerhouse, Turbine and Generator - \$5 project to completely renovate the 50MW hydroelectric unit and powerhouse.
- New Waddell Dam – Resolved numerous issues relative construction of the embankment dam and appurtenances.
- Brawley Pumping Plant.
- San Xavier Pumping Plant.
- Red Rock Pumping Plant.
- Picacho Peak Pumping Plant.
- Construction of various reaches of the CAP canal.
- Stewart Mountain Dam Rehabilitation – Resolved numerous issues relative to rehabilitation of the cast-in-place structure and appurtenances.
- Harquahala Irrigation Project – Resolved numerous issues relative to construction of the project.

The value of the entire CAP project was approximately \$4.4B. I received several Meritorious Service awards while employed on the CAP.

Description of Project:

Grand Coulee Dam Third Powerplant Project – Washington

Position and Duties:

Claims Analyst/Contract Administrator – Involved in these capacities for the following:

- Rehabilitation of Warehouse & Construction of Office Building.
- Rehabilitation of Maintenance Area.
- Rehabilitation of 700MW Unit 21.
- Rehabilitation of Three 15MW Station Service Units.
- Construction of Boat Dock Facilities on FDR Lake.
- Construction of Second Bacon Siphon and Tunnel.

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- Construction of Painting Jumbo for 40-foot-diameter Penstocks.

Position and Duties:

Resident Engineer – Involved in this capacity for the following:

- Rehabilitation of Maintenance Area.
- Rehabilitation of Pipe, Valves and Appurtenances for Pumping Units 1-6.
- Installation of Stiffener Rings for Outlet Pipes – Units 1-12
- Rehabilitation of 500KV Cable Spreading Yard.
- Replacement of 500KV Underground Cable.
- Construction of Elevator and Visitors Viewing Facility at Unit 20 Turbine Pit.
- Installation of PCB Collection Facilities.
- Construction of PCB storage and disposal facility.
- Construction of numerous 16” to 24” diameter dewatering wells.
- Rehabilitation of Downstream Embankment.
- Construction of Feeder Canal.
- Renovation of Assembly Building.
- Construction of Visitors Center.
- Construction of Visitors Facilities at North Dam.
- Rehabilitation of State Route 155 at Left Abutment.
- Repainting Interior of Left Powerhouse.
- Factory Inspection of Government Furnished Equipment.
- Factory Inspection of Contractor Furnished Equipment.

Position and Duties:

Construction Inspector – Involved in this capacity for the following:

- Construction of Forebay Dam.
- Construction of Third Powerhouse.
- Installation of three 600MW and three 700MW Turbines & Generators.
- Renovation of Operations Control Center.
- Installation of four 90MW Pump/Generators.
- Installation of 500KV Transmission Lines – Cable Spreading Yard to Switchyard.
- Installation of 500KV Bypass Transmission Lines.
- Installation of 15KV Underground Cable.
- Construction of 500KV Switchyard.
- Construction of 15KV Switchyard.

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Position and Duties:

Land and Construction Surveyor – Involved in this capacity for the following:

- Establishment of Prime Control for Third Powerplant Project.
- Deflection Surveys for existing Grand Coulee Dam.
- Prime Control for Installation of 600MW and 700MW Turbines/Generators.
- Construction of Two Compartment 500KV Cable Tunnel.
- Construction of Forebay Dam.
- Construction of Third Powerhouse.
- Construction and Deflection Surveys for 2500 ton Overhead Crane.
- Photogrammetry for 100-mile-long FDR Reservoir; layout, vertical and horizontal control.
- Layout for construction control, quantity surveys, roadway alignment, etc
- Land surveys for entire Project and land acquisition.

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