



## David S. Pattillo

### President

Mr. Pattillo has over thirty years of experience in construction and project management, risk management and dispute resolution. He provides a wide range of services to public and private owners, contractors and engineers, design firms, and sureties. His experience includes the analysis of schedule delays and cost overruns on hundreds of projects in the energy, oil and gas, industrial, infrastructure, commercial and institutional sectors both domestically and internationally. Mr. Pattillo consults with clients in the areas of project risk management, including optimizing cost and schedule control systems and procedures, project monitoring, scheduling, and contemporaneous evaluations of schedule delay and productivity.

Mr. Pattillo has provided expert testimony on more than 40 occasions in Federal and State courts, State and County Boards, Board of Contract Appeals and numerous private, ICC and AAA arbitrations on such subjects as CPM schedule analysis, delay and impact evaluations, delay and impact causation analysis, labor productivity, contract administration, project management, and quantification of damages.

### Education

Penn State University  
1985 BS Civil Engineering

### Professional Associations

American Society of Civil Engineers (ASCE)

## Professional Experience

**David Pattillo & Associates (Present)** Founder and President of David Pattillo & Associates, a firm dedicated to meeting the ever-changing needs of clients seeking the most comprehensive construction management and dispute resolution services.

**Navigant Consulting, Inc. (2005-2010)** Managing Director and Global Leader - Dispute Resolution Services. Responsible for consultant construction practice as member of executive team and for global disputes business. Led multiple project teams on dispute engagements and testified to schedule, loss of productivity and damage issues involving substantial claims on power, industrial, hospitality and government projects.

**A. W. Hutchison & Associates, LLC (1988-2005)** President and Chief Operating Officer. Oversaw firm-wide construction management and expert services that included CPM schedule analysis, cost estimating, project scheduling and monitoring, contract and design constructability review, cost-to-complete evaluations, time delay studies, impact analysis, productivity studies, damages quantification, project and risk management, training and seminars, and various litigation technical support services.

- Performed numerous critical path analyses and delay causation studies involving such issues as differing site conditions, adverse weather, design changes, extended procurement, equipment and craft labor resource usage and contractor means and methods.
- Quantified damages associated with delay, disruption, scope changes and loss of productivity on major construction projects.
- Provided various construction management services prior to and during construction, example projects include: \$300M Convention Center, \$200M hotel/resort, \$1B steel mill, \$500M chemical weapons facility, \$600M transit project, \$250M airport, \$500M institutional program, \$4B power plant program, \$1.5B gas-fired power plant, \$300M arena, \$500M stadium, \$150M prison and \$1B of high-rise condo projects in Florida.

**McCarthy Construction Company (1985-88)** Project Engineer and Assistant Project Manager. Responsible for CPM project scheduling, cost and financial reporting, change order preparation and processing, as well as coordinating and supervising of self-performed concrete operations and all major subcontracted work including exterior enclosure, mechanical, electrical, and plumbing and finish trades.

# Representative Projects

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- **Council Bluffs Energy Center-Unit 4**

Mr. Pattillo was retained by the prime contractor on this \$1.2 billion 790 MW coal fired power plant to analyze a multitude of issues surrounding schedule delays, acceleration, costs overruns and the default termination of a subcontractor on the project. The services provided include CPM analysis to determine the cause of equipment and piping delays and productivity losses and the quantification of specific cost impacts due to delay and disruption. In addition, the engineering and procurement activities for the turbine and boiler buildings was studied in order to ascertain the controlling activities to completion. Mr. Pattillo testified at the arbitration hearings on the CPM analysis, the labor productivity losses and the quantification of additional costs arising out of the impacts and delays. The prime contractor received a favorable award in the arbitration.

- **Rodemacher 3 Solid Fuel Power Station**

The Rodemacher facility is a \$1 billion solid fuel fired power station owned and operated by Cleco Corp near Lena, Louisiana. Mr. Pattillo was retained by the EPC contractor regarding a dispute with the boiler manufacturer. Issues of significance in the case related to the timing and quality of the fluidized bed boiler component deliveries and the impact, both in terms of costs and schedule, which arose out of these delivery issues. In addition to a discrete schedule and cost impact analysis concerning the boiler deliveries, a complete CPM schedule analysis was performed for the start-up and commissioning phases of the work in order to allocate responsibilities for delays due to equipment problems versus other balance of plant and turbine island events. Mr. Pattillo issued a detailed expert report of his findings and the case was eventually settled favorably prior to testimony at arbitration.

- **PT Kiani Kertas Pulp Mill**

The prime contractor for this \$1.5 billion greenfield pulp mill retained Mr. Pattillo to analyze the entire project's critical path(s) and to quantify cost overruns attributable to late engineering and material/equipment delivery delays. The remote location of the plant in northeast Kalimantan, Indonesia created major logistical challenges in order to receive the materials and plant process equipment necessary to construct the facility with more than 5,000 workers. Mr. Pattillo analyzed the unique events related to the impact of multiple strikes at the site and the coordination effort required with the 3 member design and supplier consortium to manage the change process. Mr. Pattillo prepared expert findings for ICC arbitration and testified at the hearings.

- **AK Steel-Rockport Works**

This \$1.2 billion facility is one of the most technologically advanced steel finishing facilities in the world. Production facilities are housed in more than 1.75 million square feet under roof and include the world's most powerful continuous carbon and stainless cold-rolling mill, a continuous galvanizing and galvanealing line which holds the world record for tons produced, continuous pickle line, anneal and pickle lines and a temper mill. DPA provided scheduling, schedule analysis, labor productivity and damages quantification services during the course of the project and disputes were favorably resolved.

- **Vogtle Units 3 and 4**

The engineering company building this \$21 billion two unit nuclear power plant retained Mr. Pattillo to perform a schedule analysis regarding the delays that occurred during the NRC combined licensing approval process and during the initial procurement and construction activities for the project. The analyses entailed a detailed study of the four year COL process in order to determine the driving causes of delay. Further analyses had to be conducted to assess the causes of delays to the procurement of the large structural modules being fabricated off site and to delays that were occurring to the concrete placements and off site fabrication of the shield building materials. Mr. Pattillo submitted two expert reports as a part of the litigation. Subsequently the parties were able to reach a global settlement that included a 36 month time extension and approximately \$750 million in compensation.

- **Kent State University Residence Halls**

The project involved the construction of four new residence halls on the main campus of Kent State University. The late summer completion date of the project was crucial as the University had made commitments to house students in the halls for the fall semester. Mr. Pattillo was retained by the general contractor to perform a detailed CPM schedule analysis. The findings showed that the contractor was due an excusable time extension which was not granted during construction leading to an acceleration of the work. Mr. Pattillo further quantified the additional acceleration costs including loss of labor efficiency incurred by the contractor and testified to both the schedule and damages analyses in Ohio State court. The contractor received an award for the full amount of its acceleration costs.

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- **North American Stainless Mill**

This state-of-the-art production facility on 1400 acres near the Ohio River was a “greenfield” project that offers the full range of stainless flat and long products. DPA was retained to analyze contractors claims related to design changes, procurement delays and productivity problems during construction. In working with our client, we were able to develop a detailed response and analysis of the claims presented and the case was resolved during the dispute resolution process.

- **E.C. Gaston Unit 5 Precipitator Rebuild**

Mr. Pattillo was retained by a major southeast utility to evaluate claims made by the prime contractor concerning delays and loss of efficiency issues. The project’s scope, workforce requirements and tight 12 week outage schedule were just some of the challenges facing the project team. Mr. Pattillo prepared a detailed schedule and labor analysis to demonstrate the causes of delays, disruptions and labor overruns. The dispute was equitably resolved at mediation.

- **Southeast Utilities New Cogeneration Program**

Mr. Pattillo was retained by a major southeast utility to provide advisory and evaluation services regarding a \$3 billion multi-project program to engineer, procure and construct gas fired combined cycle facilities. Services included developing a project controls group that integrated the estimating, scheduling and cost teams, benchmarking studies of reference plants across the southeast US, and evaluations of specific project schedule and cost issues as they arose. In addition, a termination for convenience on two of the projects required an analysis of cost expenditures in relation to the contracts, the preparation of cost to complete forecasts and the preparation of to-go schedules on both projects.

- **Amara 400kV Substation**

The disputes in this matter involve the design, procurement and construction of a 400kV substation in Amara, Iraq. The project was managed by the Corps of Engineers on behalf of the United States Joint Contracting Command-Iraq/Afghanistan and was an integral step towards reinforcing the Iraq transmission grid. Issues in the case revolved around security problems in the region as well as design issues which arose prior to and during construction. The US Army Legal Services Agency retained Mr. Pattillo to perform a CPM schedule analysis and determine the cause of the project delays. In addition, an analysis of claimed damages by the design-build contractor was prepared. Mr. Pattillo submitted an expert report and the case was eventually resolved in an equitable fashion in advance of the Armed Services Board of Contract Appeals hearings.

- **Ivanpah Solar Electric Generating System**

DPA was retained by the EPC contractor to provide schedule delay, disruption and labor productivity analysis services on one of the world’s largest solar thermal power projects. The project is in southern California’s Mojave Desert in San Bernardino County, about 48 miles southwest of Las Vegas. The project includes three concentrating solar thermal power plants of 126 MW for Unit 1 and 133 MW each for Units 2 and 3. The technology is based on a Brightsource power tower and heliostat mirror technology, in which 173,000 heliostat (mirror) fields focus solar energy on three solar receiver steam generators located at the top of 360-foot towers located near the center of each heliostat array to produce high-temperature steam. The steam is piped to a Rankine cycle reheat steam turbine generator ("STG") located adjacent to each power tower to produce power. The central issues concerned the quantification of delays during construction and start-up of the plants and the proper allocation of responsibility between parties. Key issues involved late delivery of Owner supplied equipment, solar performance shortfalls and operational changes that extended completion of commissioning. A settlement was reached between the parties before a formal dispute resolution process.

- **ThyssennKrupp Steel Mill**

This \$4 billion Green Field steel processing plant near Calvert, Alabama retained our professionals to provide independent project oversight. The Project scope included the design, construction, start-up and integration of 15 separate major projects on a 3000 acre site. DPA assisted the prime piping contractor in the preparation of an analysis of its schedule delays and impacts caused by changes in the design and prepared an independent quantification that was used by the client to resolve its disputes before litigation.

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- [Los Bronces Copper Mine Expansion](#)

Mr. Pattillo was retained by the EPC contractor on the \$1.7 billion project involving the expansion of a copper concentrator, construction of a new concentrator, new crushing facility and conveying equipment and two 52-kilometer slurry and water pipelines connecting the grinding and flotation plants. The project's high altitude (3,200 meters up in the Andes) northeast of Santiago, Chile presented many challenges, as did the management of the engineering and procurement process and the construction utilizing upwards of 6,000 workers. Mr. Pattillo was asked to analyze the overall schedule and performance relative to the original baseline on the project in order to correlate differing site conditions issues (such as unexploded ordinance and rockslides) and an increase of 40% in overall project scope from inception. All outstanding cost, fee and time issues were equitably resolved during project close out.

- [Vlore Combined Cycle Power Plant](#)

On behalf of an international contractor, Mr. Pattillo was retained to perform schedule and cost analyses regarding a combined cycle power plant located in Albania. The project is a nominal 100 Megawatt gas fired combined cycle power plant featuring marine-oil unloading facilities and including the construction of a new 220/110 kV substation and new 7 km 220 kV transmission line.

- [El Conquistador Resort and Casino](#)

Completed in 1993, the \$250 million 900-room hotel and casino renovation/expansion, conference center, 18-hole golf course and marina was developed by a joint Japanese/Puerto Rican team. Mr. Pattillo was retained by the developer during construction to prepare an overall revised integrated project schedule, to coordinate through resolution several restraints to accelerated performance of the work and to monitor the progress of the work through the grand opening of the facility. Project schedule and cost risks were mitigated significantly to allow a successful opening for a major Fortune 100 conference to take place.

- [I-595 Corridor Roadway Improvements-South Florida](#)

This PPP project valued at approx. \$1.8 billion was the first of its kind to be built in Florida. The project consists of the reconstruction and widening of the I-595 mainline and all associated improvements to frontage roads and ramps from the I-75/Sawgrass Expressway interchange to the I-595/I-95 interchange, for a total project length of approximately 10.5 miles. Mr. Pattillo was retained by the design-build contractor to evaluate the overall delivery processes and the performance of the parties to assess delay and cost overruns. He prepared several deliverables that our client used during a settlement process to equitably resolve its disputes.

- [I-635 New LBJ-Dallas TX](#)

This \$2.7 billion P3 project involved complex logistics and sequencing along a 17 mile stretch to construct the 6 new main toll lanes and reconstruct the adjacent frontage roads. Key aspects of the analysis pertained to the means and methods and sequencing of work between the depressed and elevated sections of the toll lanes. Mr. Pattillo was retained by the earthwork contractor to evaluate the cause of delays to the construction and respond to claims filed by the design-build venture. He prepared a detailed analysis and report that was used at mediation to successfully resolve the disputes.

- [Scattergood Repower, Los Angeles CA](#)

The project involved the construction of a new gas fired power plant adjacent to the existing plant and was valued at approx. \$500M. Mr. Pattillo was retained by the EPC contractor to develop a schedule delay/acceleration analysis, prepare a report and testify at trial. The primary issues in the case centered around delayed power island equipment deliveries due to an accident during shipping and the effect that this had on the overall schedule. The physical configuration of the new plant and the logistics necessary to deliver and erect the major equipment were key considerations in the analysis. The contractor was awarded the majority of its damages.

- [Ft Benning Lodge, Columbus, GA](#)

The design-build project entailed a 4 story, 860 room temporary lodging facility on the Ft Benning base. Mr. Pattillo was retained by one of the primary subcontractors that experienced substantial delays and disruptions to its work. A complete schedule analysis had to be performed as well as a productivity evaluation. He prepared a report that allocated delays and cost overruns and which addressed the delay claims put forth by the prime contractor. The disputes were resolved through a jury trial and the client was awarded damages.

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- [Mercedes Stadium-Atlanta, GA](#)

Mr. Pattillo was retained by one of the designers of the new stadium project to evaluate delay/acceleration claims of the joint venture contracting team. One of the main features of the 72,000 seat stadium is a retractable roof in the shape of a camera lens, which can be opened in less than ten minutes. He performed an analysis of the initial schedule delays related to the structural steel procurement and erection and evaluated the true pacing activities that drove the start of the complex roof truss installation. The disputes were eventually resolved through a series of mediations.

- [Marriott Hotel, Ithaca, NY](#)

This new hotel was built adjacent to an existing building and along an active roadway in downtown Ithaca, which served to create very unique site restrictions and logistical concerns that were fundamental to the schedule delay analysis performed by Mr. Pattillo. He represented the concrete subcontractor in defense of claims brought by the general contractor and prepared a detailed report showing exactly what caused the delays to the structure. The matter was resolved through an arbitration proceeding where Mr. Pattillo presented the detail findings regarding the causes of delays and the subcontractor was ultimately awarded its damages.

- [AC Hotel-Minneapolis, MN](#)

The general contractor on this new hotel project retained Mr. Pattillo to perform a schedule delay analysis and to respond to certain claims made by the developer related to the final GMP value of the work. He performed an overall schedule analysis of the project and addressed the impact caused by multiple design changes during construction. Mr. Pattillo presented his findings at trial and the contractor was awarded its damages and attorney's fees.

- [Intelligence Community Comprehensive National Cybersecurity Initiative Data Center, Camp Williams, UT](#)

Mr. Pattillo was retained by the design-build contractor on this \$2 billion government data center to perform an overall schedule analysis and to evaluate the schedule delays and disruptions caused by a series of incidents with the electrical switchgear during start-up and commissioning. He was required to perform a detailed analysis of the multi-building structure construction planned versus as-built and to perform an evaluation of the electrical procurement and installation. Mr. Pattillo prepared multiple reports, participated in two mediations and provided deposition testimony. The matter was eventually resolved prior to completion of the arbitration hearings.

- [Labrador-Island Transmission Link Project -Labrador & Newfoundland](#)

The project consisted of the overall design and construction of a transmission line, 1,092 km in length, connecting the Muskrat Falls Generating Facility in central Labrador to Soldiers Pond on Newfoundland's Avalon Peninsula. The work encompassed five primary sites, Muskrat Falls, Churchill Falls, Forteau Point, Shoal Cove, and Soldiers Pond, which contained AC substations and converter stations. Mr. Pattillo was retained by the design-build firm to evaluate overall schedule performance as well as to prepare schedule delay and disruption analyses and reports regarding claims by the civil contractors. The disputes were eventually resolved prior to ICC arbitration hearings.

# Publications, Training, Seminars & Conferences

## David S. Pattillo



- “Hitting a Moving Target-Challenges of Litigating During an Ongoing Mega-Project”, Construction SuperConference, Las Vegas, NV, 2016.
- “Front-End Risk Management for Nuclear Construction,” 7th Annual Nuclear Construction Summit, Atlanta, GA, April 15, 2016.
- “Surviving Turbulent Times with Project Risk Management Strategies,” CURT Annual Meeting, Washington, DC, June 15, 2010.
- Civil Engineering Cost and Schedule Control Classes, Penn State University, University Park, PA.
- ABA Forum on the Construction Industry, Multiple Seminars, Atlanta, GA.
- “Trends in Project Risk Management for Capital Improvement Projects,” 5th Annual International Construction SuperConference, London, England, May 2005.
- “New Ways to Build and Manage Projects,” The Associated Owners and Developers Conference, 2004.
- Construction Law Seminar – Smith, Currie and Hancock, 2002.
- “Is Your Plant Heading in the Right Direction?” Forbes Energy/Power Conference, San Francisco, CA, 2002.
- “Mega Projects: How to Proactively Manage and Mitigate Claims,” Construction SuperConference.
- “Project Monitoring and Claims Mitigation,” (Co-authored with Steven A. Huyghe, CEO of A.W. Hutchison & Associates, LLC) Forbes Conference on Construction, New York, NY, 2000.