

**Dean R. Gale**



**Experience and Qualifications**

Mr. Gale has more than thirty-five years of experience in the construction industry, and has been providing construction management services and consulting services to private and public owners, contractors, insurers, and financiers of construction projects since 1988. He has served many transportation clients, including the California Department of Transportation, the Orange County Transportation Authority, and the Los Angeles County Metropolitan Transportation Authority.

During the first segment of his career, he acquired twelve years of experience constructing institutional and military facilities for a large general contractor, and completed a wide range of project types. Dean Gale has managed both union and open shop projects, and held the positions of Project Supervisor, Project Manager, Superintendent, and Quality Control Supervisor. His formal education includes a bachelor's degree in Building Construction, with honors, and he is a Licensed General Contractor in the State of California.

Dean Gale is considered an expert in the analysis and preparation of construction delay and impact claims, detailed schedule analyses, and the resolution of disputed extra work issues. He has performed surety evaluations, construction feasibility assessments, construction risk assessments, and construction defect investigations. Mr. Gale has been designated as a construction expert in over fifty cases and has testified at trial, arbitration, and mediation on numerous occasions. He has also served as a construction dispute arbitrator for the American Arbitration Association.

**DG Construction Management, Inc.**                      **Principal**                      Feb 2003 to Present  
Irvine, California

Dean Gale provides construction management services and advice to private and public owners, contractors, subcontractors, insurers, and financiers of construction projects. His construction industry expertise provides his customers with a wide array of project management and project control techniques and processes that maximize the likelihood of successful projects. Services are provided for all project phases - planning, design, construction, commissioning, and closeout.

Mr. Gale also provides expert analysis of construction contract claims and disputed extra work issues. He assists his clients with the resolution of complex schedule delay issues, delay related costs and productivity claims during litigation and while projects are ongoing. If necessary, Mr. Gale provides expert testimony at trial, arbitration or mediation.

- |                  |  |                           |
|------------------|--|---------------------------|
| Clients include: | Orange County Transportation Authority | County of San Diego       |
|                  | California Dept. of Transportation     | City of Palm Desert       |
|                  | California Department of Corrections   | Hatch Mott MacDonald      |
|                  | Berg & Associates                      | Butier Engineering        |
|                  | Kemp Bros Construction                 | Conco Cement Companies    |
|                  | Hoag Memorial Hospital                 | St. Joseph Health Systems |
|                  | Eisenhower Medical Center              | Scripps Health            |

The following are brief descriptions of projects and DG Construction Management assignments in the transportation sector.

## Experience and Qualifications

### **Railroad Grade Separation Projects, Orange County Transportation Authority.**

Mr. Gale is currently assisting the Orange County Transportation Authority with the review of Design Engineer-prepared construction plans and specifications for bidability and constructability on six separate railroad grade separation projects – The Placentia Avenue, Kraemer Boulevard, and Sand Canyon Avenue railroad under-crossings, and the Orangethorpe Avenue, Tustin Avenue / Rose Drive, and Lakeview Avenue railroad over-crossings. The projects were designed by six different Engineering firms. Mr. Gale’s assignment included the review of the 65% and 100% plans and specifications, preparation of comments and recommendations as to phasing and staging of bid packages. Dean Gale prepared a CPM schedule for each project, and identified the major staged-construction work tasks, utility company interface points and tasks, work tasks performed by the BNSF Railroad, Southern California Regional Rail Authority (SCRRA), and other work restrictions and construction considerations. The CPM schedules were used by the project team to determine and specify contract milestone completion times, overall project duration and liquidated damages.

As the projects transition from the design phase to the construction phase, Mr. Gale assists the program team with setting up the processes utilized by each project’s construction management consulting firm for the review, acceptance and monitoring of the contractor schedules. He also has on-call responsibilities for schedule-related claims and evaluation of time-related costs, as the need arises.

Mr. Gale assisted with the development of a Construction Program Implementation Plan for the grade separation projects, which OCTA utilized for the management of the construction phase of six Grade Separation Projects, five along the BNSF Railroad right of way, and one at the SCRRA / Metrolink right of way in Orange County. The Construction Program Implementation Plan described the roles and responsibilities of the key project participants and how those parties would work together to complete the projects. Mr. Gale also developed the General Conditions and Special Conditions boilerplate and templates for incorporation into all six project’s Contract Documents.

### **Coffman Specialties v. State of California, I-15 Managed Lanes, Middle Segment, Unit 1.**

Mr. Gale was retained by the State of California, Department of Transportation Legal Division, to provide expert review, analysis and testimony related to alleged schedule delays and project impacts. The expert analysis is currently on-going, and will culminate with expert testimony at arbitration.

### **Riverside Avenue / I-10 Overcrossing – San Bernardino Associated Governments (SANBAG).**

Mr. Gale provided schedule analysis and review services as part of the construction management team. He reviewed the Contractor’s baseline CPM schedule submissions, reviewed schedule updates, analyzed schedule revisions, and provided advice to the Resident Engineer on schedule delay issues. Mr. Gale’s designated role also included claim analysis, when required.

### **Valley Center Roadway Reconstruction, Phase 2 - County of San Diego.**

Mr. Gale provided claims and schedule analysis services to the Office of County Counsel of the County of San Diego. The roadway widening and improvement project experienced design changes for which the contractor was seeking time extensions and additional costs, including productivity losses, idle equipment and extended overhead costs.

Dean R. Gale



**Experience and Qualifications**

**Granite Construction v. State of California, SR-111 El Centro.**

Mr. Gale was retained by the State of California, Department of Transportation Legal Division, to provide expert review, analysis and testimony related to alleged schedule delays and productivity losses. The expert analysis culminated with detailed schedule delay analysis charts and expert testimony at arbitration.

**I-405 / SR-55 Interchange Project - MOS 2&3, Orange County Transportation Authority.**

Mr. Gale has an on-call contract (through Hatch Mott MacDonald, prime contractor) with the Orange County Transportation Authority (OCTA) to provide consulting services on an as-needed basis. On the MOS 2&3 project, he was retained to conduct a review and assessment of the scheduling practices by both the Owner representatives and the Contractor, and to provide schedule delay claim mitigation advice.

**SR-22 Design-Build Widening Project, Orange County Transportation Authority.**

Mr. Gale provides on-call consulting services to OCTA on an as-needed basis. Currently, he provided expert analysis and advice related to project documentation, project schedules, and potential claims on the \$350M design-build project to widen the Garden Grove Freeway.

**Banshee Construction v. State of California, New River Bridge Project.**

Mr. Gale was retained by the State of California, Department of Transportation Legal Division, to provide expert review, analysis and testimony related to various disputes between the Contractor and Caltrans during the construction of the New River Bridge, near Brawley, California. The expert analysis included schedule delay analysis, disputed extra work cost analysis, and delay damage calculations.

**Hoag Memorial Hospital Presbyterian**

Facilities Design & Construction Dept.  
Newport Beach, California

**Director of Construction**

Acting Department Head  
Project Manager

Nov 2001 - Mar 2003  
Feb 2002 - Jul 2002  
Feb 2001 - Oct 2001

Mr. Gale directed the construction of more than \$100 million of capital improvement projects during a two-year period. Eight project managers reported to him, and for six-months, he was the acting department head, supervising a staff of twenty. He turned around several projects, which had experienced delays and cost growth, and directed the implementation of numerous department organization and project management process improvements. In addition, Mr. Gale settled several million dollars worth of disputed extra work issues and he closed-out a half dozen construction contracts through negotiated agreements with the contractors. He spearheaded an effort to improve the hospital's standard construction contract agreements and general conditions, and its design professional services contracts.

Mr. Gale was the Project Manager on the \$11 million Original Building Upgrade project, which was completed on time and under budget, despite the discovery of numerous unanticipated existing conditions, and working in and beneath fully functioning hospital facilities. The project won a Distinguished Project award from the Western Counsel of Construction Consumers.

Dean R. Gale



## Experience and Qualifications

**PinnacleOne** (Arcadis US, Inc.)  
Irvine, California

**General Manager**  
Assist. General Manager  
Project Manager  
Senior Engineer

Feb 1994 - Jan 2001  
Jun 1992 - Jan 1994  
Apr 1989 - May 1992  
Mar 1988 - Mar 1989

PinnacleOne provided consulting services in the areas of construction management, claims analysis, surety evaluations, project feasibility studies, risk assessments, defective construction investigations, and real property evaluations. As General Manager of the Irvine office, Mr. Gale supervised a 23-person staff and had primary responsibility for assignment staffing, project management and client satisfaction with work product and services. As Project Manager on specific assignments, he was the lead consultant and was responsible for the successful completion of all construction management services and/or claim analysis tasks performed by professional support staff.

### Transportation Project Experience while at PinnacleOne

#### **I-5 North Widening Projects, OCTA and the California Department of Transportation.**

The Orange County Transportation Authority (OCTA), in cooperation with Caltrans, contracted for services to provide construction scheduling and claims support to assist OCTA and Caltrans in managing the construction of the five Interstate 5 / North project segments from State Route 22 to just north of State Route 91. The rebuilding of Interstate 5 involved reconstructing the existing six-lane freeway to eight mixed flow lanes plus two HOV lanes. The \$485 million project included the reconstruction of 13 interchanges and involved approximately 45 major structures. The overall project was divided into 5 segments with 10 individual construction contracts.

The scheduling and claim mitigation team, supervised by Mr. Gale, prepared and administered a Master Construction Schedule to coordinate the work of multiple contractors and minimize traffic disruption during construction. Mr. Gale developed special contract terms, scheduling specifications, and bid provisions to ensure compliance with contract completion dates, and to avoid claims.

Mr. Gale was the scheduling oversight manager and supervised a staff of four schedulers. Each of the contractor's baseline schedules was reviewed for compliance with the contract provisions and interface with the adjacent contractor's scheduled activities. All of the contractors' baseline CPM schedules, and later each monthly update, were combined into one Master Schedule on a monthly basis. Quarterly reports were provided to OCTA and Caltrans that provided the current project schedule status information, noted any schedule slippages, and the reasons why. Mr. Gale and his team, worked closely with each of Caltrans' project managers to identify schedule problems early and to develop work-around plans and other schedule delay mitigation measures. When contractors submitted change order requests that included time extension requests or productivity impacts, the team led by Mr. Gale analyzed the requests and reported to the findings to the Caltrans Resident Engineer.

#### **Freeway Interchange Project - 5 / 57, California Department of Transportation.**

Kiewit Pacific Construction Co. v. the California Department of Transportation - Mr. Gale presented the results of his expert analysis during mediation in response to the contractor's claims concerning steel and pre-cast concrete pile driving work and alleged inefficiencies. He also responded to the contractor's disputed extra work issues and differing underground site conditions, its alleged schedule

## Experience and Qualifications

delays, and the alleged resulting delay damages. The claims were later settled between the parties. \$6,000,000 claim, \$40 million construction cost.

**LA Metro Rail, Two Red Line Stations, Los Angeles County Metropolitan Transportation Authority.** Tudor-Saliba-Perini v. LAC MTA. Mr. Gale managed a professional staff of seven in the analysis of two multi-million dollar claims presented by Tudor-Saliba-Perini on two separate Red Line subway stations. He supervised the preparation of a detailed schedule analysis which included the insertion of hundreds of claimed delays and impacts into the Primavera CPM schedules. Mr. Gale also analyzed the contractor's labor and equipment productivity claim, prepared an independent analysis of the actual concrete placement sequence and placement cycles, and compared that to the contractor's original plan. The claim analysis also included the assessment of about fifty disputed extra work issues.

### **On-Call Claims Consulting Services - California Department of Transportation.**

Mr. Gale was one of several claims experts providing services to Caltrans on a task order basis under statewide consulting services contracts. During a six-year period, Mr. Gale provided expert analysis and advice on active and recently completed projects to mitigate Caltrans' exposure to construction contractor's claims. He was involved with projects in District 7, District 11, and District 12. In 1998, Mr. Gale lead a team of CPM scheduling experts who updated Caltrans' CPM Scheduling training manual, and then conducted numerous two-day classes at different locations throughout the state titled *How to Review Contractor CPM Schedules*.

**Highway 76 Improvements, Oceanside, CA, San Diego Area Governments and District 11 of the California Department of Transportation.** During the project, Mr. Gale provided the Caltrans Resident Engineer with support services related to the analysis of the contractor's baseline and updated schedules. There were three separate contracts, all constructed by the same contractor. Mr. Gale directed the work of two scheduling experts who analyzed more than twenty schedules and schedule updates on each contract, and assessed numerous contractor delay claim issues. Advice was provided during the project performance so that proper documentation could be maintained by Caltrans during the completion of the three projects. After the contract work was completed, the contractor submitted a delay, productivity, and disputed extra work, claim on each project segment. Mr. Gale led a team of claim analysts who assisted Caltrans with the formal responses to the three contractor claims, and later worked with the Caltrans Legal Division when the contractor filed for arbitration.

### **San Joaquin Hills Transportation Corridor, Transportation Corridor Agencies.**

The San Joaquin Hills Transportation Corridor (SJHTC) was one of three toll road systems built in Orange County, California in the 1990s. The Transportation Corridor Agencies (TCAs), representing member cities and the County of Orange, had completed a preliminary design of the fifteen-mile roadway and had just awarded a design-build contract to construct the SJHTC - to be ready for revenue operations, in four years' time. TCAs asked Lloyds of London to underwrite a policy which would cover the loss that might arise out of a delay not controlled by TCAs - known principally as force majeure events. Working for Lloyds as part of a team, Mr. Gale provided the schedule analysis portion of the assignment. He assessed the reasonableness of the contractor's schedule, its achievability, and the elements of risk that could affect project completion. In the end, the policy premium proposed by Lloyds was considered too high, and the policy was not purchased.

## Experience and Qualifications

### **On-Call Claims Consulting Services - California Department of Transportation - District 12.**

Mr. Gale directed a team of several claims experts providing services on a task order basis for Caltrans District 12 - Orange County. During a three-year period, Mr. Gale provided expert analysis and advice on numerous active and recently completed projects where construction contractors had filed claims, or where claims were anticipated.

### **LA Metro Rail, 7th and Flower Street Station, Los Angeles County Transportation Commission.**

Granite Construction Co. v. LACTC – Mr. Gale conducted analyses and made an oral presentation of findings relative to LACTC's position in response to various subcontractor claims before a Disputes Review Board. \$29,150,000 claim, \$43 million construction cost. The disputed issues included alleged differing site conditions, design errors and omissions, existing utility interferences, and excavation and concrete loss of productivity issues.

### **Santa Monica Municipal Airport Operations Center Project, and Airport Site Improvement Project, City of Santa Monica.**

\$4.3 million construction value, \$1,508,000 claim. Bernards Bros. v. City of Santa Monica - Mr. Gale performed an exposure assessment of delay costs and disputed extra work issues on the Operations Center Project. He provided litigation support during mediation, where the case settled. On the Site Improvement Project the contractor filed another \$1,500,000 claim. Mr. Gale conducted expert analysis of alleged delays and claimed costs, and provided client consultation during mediation and that case also settled.

### **Other Expert Analysis and Dispute Resolution Work while at PinnacleOne**

Mr. Gale provided consulting services on over 50 projects where claims and disputed extra work issues were the subject of litigation or arbitration. The following is a list of projects where Mr. Gale testified as an expert witness at trial, arbitration, mediation, and/or deposition.

#### **High Desert State Prison, Bid Packages 3 and 4**

McCarthy Builders v. the California Department of Corrections. \$20,000,000 claim, \$98 million contract value.

#### **Friant Hydroelectric Power Plant**

Friant Power Authority v. CNA Insurance Co. and Tudor Engineering. \$6,700,000 claim, \$30 million construction cost.

#### **Power Control Center Facility, Sacramento Municipal Utility District**

Park Mechanical v. Sacramento Municipal Utility District and Turner Construction. \$2,000,000 claim, \$12 million construction cost.

#### **Butler Middle School, Ralph Allen Partners and Evanston Insurance Co.**

Weeger Bros. v. Long Beach Unified School District. \$776,000 claim, \$5.9 million construction cost.

#### **Wastewater Treatment Plant Office and Maintenance Shops, City of San Diego**

Landex Construction Company v. The City of San Diego. \$2,300,000 claim, \$5 million construction cost.

Dean R. Gale



## Experience and Qualifications

### **Pacific Torrey Reserve - Commercial Real Estate Development**

Pacific Torrey Reserve Assets v. American Newland Associates. \$1,000,000 claim, \$30 million construction cost.

### **Street Improvements, City of San Diego**

Scheidel Construction Co. v. City of San Diego. \$1 million project, \$675,000 claim.

### **Sewer Trunk Line Replacement, County Sanitation Districts of Los Angeles County**

American Pacific Concrete Pipe Co. v. Calfon Construction Co. \$3 million project, \$500,000 claim.

### **Canyon Side Community Park, City of San Diego**

Kvaas Construction Co. v. City of San Diego. \$2.5 million project, \$200,000 claim.

### **Administration Building and Laboratories for Water Treatment Plant, City of San Diego**

Blake Construction Co. v. City of San Diego. \$9.6 million project, \$300,000 claim.

### **Alvarado Water Treatment Plant Training Building, City of San Diego**

Kilgallon Construction Co. v. City of San Diego. \$2 million project, \$90,000 claim.

### **Vista High School, C.V. Holder, Inc. and Nationwide Insurance**

Vista Unified School District v. C.V. Holder, Inc. \$11 million project, \$1 million claim.

### **Metropole Hotel, Linkletter Construction Co.**

Linkletter Construction Co. v. Avalon Development. \$3 million project, \$500,000 claim.

### **Hoag Cancer Center – Sitework Package, Hoag Memorial Hospital Presbyterian**

Berry Construction v. Hoag Memorial Hospital Presbyterian. \$1.4 million project, \$146,000 claim.

### **Hoag Cancer Center, Hoag Memorial Hospital Presbyterian**

M.H. Golden v. Hoag Memorial Hospital Presbyterian. \$13.2 million project, \$3,535,000 claim.

### **Clairemont Hospital Renovation, County of San Diego and the Stichler Design Group**

Kilgallon Construction Co. v. County of San Diego. \$5 million project, \$1 million claim.

## **General Contractor Experience From 1973 to 1988**

Santa Fe Engineers, Inc.	<b>Project Supervisor</b>	Apr 1985 - Feb 1988
Test Support Facility, Edwards AFB, CA, \$72 million		
Federal Construction Company	<b>Project Manager</b>	Sep 1984 - Mar 1985
Hendry County Jail, LaBelle, FL, \$4 million		
Santa Fe Engineers, Inc.	<b>Chief of Quality Control</b>	Nov 1982 - Aug 1984
U.S. Army Hospital, Phase II, Fort Carson, CO, \$62 million		

**Dean R. Gale**



**Experience and Qualifications**

Santa Fe Engineers, Inc. 520-Bed Replacement Hospital, Bay Pines, FL, \$60 million	<b>Superintendent</b>	Dec 1980 - Oct 1982
Santa Fe Engineers, Inc. Wastewater Treatment Plant, Bakersfield, CA, \$11 million	<b>Project Manager</b>	Nov 1977 - Nov 1980
Santa Fe Engineers, Inc. Enlisted Men's Barracks Modernization, Fort Sill, OK, \$10 million	<b>Quality Control Supervisor</b>	Dec 1975 - Oct 1977
Santa Fe Engineers, Inc. Rotary Wing Facilities, Fort Carson, CO, \$4 million	<b>Quality Control Supervisor</b>	Jun 1975 - Nov 1975
Cooper-Benton Construction Co. Various Projects in Central Florida	<b>Estimator</b>	Jun 1974 - Aug 1974

**Education**

- Bachelor of Building Construction, Honor Graduate, University of Florida, 1975
- Continuing Education in Personnel Management, Bakersfield College, 1979
- Advanced Construction Claims, 1980
- Practices and Procedures for Asbestos Control, University of Kansas, 1988
- Advanced Construction Claims, 1989
- California Construction Law, 1994
- Change Order Estimating and Pricing, Construction Estimating Institute, 1996
- AAA - Practices and Procedures in Commercial and Construction Arbitration, 1996
- AAA - Advanced Training in Commercial and Construction Arbitration, 1996
- Forensic Engineering, the Engineer as an Expert Witness, ASCE, 1997
- Construction Dispute and Avoidance for Contractors, 1998
- Construction Law and Labor Law Update, 1998
- Construction Dispute and Claim Avoidance, 2000
- Common Sense Construction Law, 2000

**Licenses**

- Class A, General Engineering Contractor, State of California
- Class B, General Building Contractor, State of California

**Professional Affiliations**

- Member – Construction Management Association of America