

Stephen M. Rymal, P.E., Esq. **Consulting Engineer**

Education

- Temple University, J.D., 1989
- Drexel University, MBA Courses, 1980
- Villanova University, B.S.C.E., 1978

Registrations

- Professional Engineer - Pennsylvania
- Pennsylvania and New Jersey Bar Admissions
- New Jersey & Eastern Pennsylvania U.S. District Court Admissions
- U.S. Supreme Court & U.S. Circuit Court of Appeals Admissions
- Registered to practice before the U.S. Patent and Trademark Office

Professional Affiliations

- American Association of Highway Engineers – Member
- American Bar Association – Member
- American Concrete Institute (ACI) - Member
- American Society of Civil Engineers - Member
- American Society of Concrete Contractors – Member
- Association for International Arbitrators (AIA) - Professional Member
- Better Business Bureau - Arbitrator
- Construction Management Association of America - Member
- New Jersey Bar Association - Member
- Pennsylvania Bar Association - Member
- Project Management Institute - Member
- Society of Military Engineers - Member

GENERAL EXPERIENCE

Mr. Rymal is a senior professional with over 30 years of personal, hands-on experience in contract administration, construction claims, construction litigation and project management. He has served as an arbitrator for the American Arbitration Association, the Better Business Bureau and the Delaware County Court of Common Pleas. He has prepared expert reports and expert testimony in all litigation forums including mediation, arbitration and trial in state and federal courts. As a litigator he retained and utilized expert witness testimony on complex, technical cases involving fire cause and origin, fire propagation and spread, fire alarm and fire protection systems, and fire department response and suppression efforts. Mr. Rymal was one of the litigators involved in the multi-district One Meridian Fire Litigation in Philadelphia. Mr. Rymal also

represented clients at arbitration and at trial. He is experienced in the fields of contract administration, construction management, claims analysis and risk management, schedule delay analysis and loss of efficiency claims.

CONSULTING EXPERIENCE

Dallas/Fort Worth Airport, TX Mr. Rymal evaluated a series of construction claims stemming from the \$2 Billion expansion of the Dallas/Fort Worth Airport. He analyzed a \$24 million delay and disruption claim on the Central Utility Plant (CUP) for entitlement and damages. The CUP was completely upgraded including all the boiler and chiller systems including a computerized control system through a tedious phasing plan while maintaining operational integrity and full redundancy. Based in part upon his analysis this claim was successfully negotiated at mediation for less than half of the claimed amount.

Mr. Rymal subsequently analyzed two electrical subcontractor claims for delay and disruption totaling \$2 million based on the Mechanical Contractors Association of America guidelines. Both of these claims were successfully negotiated for less than \$500,000 using his analysis and negotiation recommendations.

Mr. Rymal later analyzed a \$3.5 million tunnel boring machine (TBM) claim on a storm drain system which was drilled 45 feet underneath a fully operational international airport including taxiways and terminals.

On all of these claims his responsibilities included studying all relevant project records including, but not limited to, daily reports, certified payrolls, pay requisitions, contracts, change orders, schedules, correspondence, transmittals, and shop drawings. He also prepared cost estimates and evaluated contractor cost submissions for extended general conditions, loss of efficiency, and extended home office overhead claims. His responsibilities also included drafting letters for the owner responding to contractor requests for equitable adjustment and other claim demands.

New Jersey Transit – Light Rail Transit System Mr. Rymal previously acted as Senior Contract Administrator with DMJM + Harris and Booz Allen Hamilton for NJ TRANSIT on the \$600 million Design/Build/Operate and Maintain (DBOM) Southern New Jersey Light Rail Transit System (SNJLRTS) traversing 34 miles from Camden to Trenton, New Jersey. His responsibilities included investigating and analyzing requests for proposed change, potential change notices and requests for Contracting Officer's Final Decision submitted by the joint venture contractor, preparing and presenting formal entitlement recommendations to the NJ TRANSIT Contracting Officer for disposition, and preparing determination letters, Contracting Officer's Final Decisions, and formal Change Orders for signature by the NJ TRANSIT Contracting Officer.

LITIGATION EXPERIENCE

Rymal & O'Malley, Media PA and Moorestown, NJ Managing Partner of a small general

practice law firm specializing in counseling clients involved in a wide range of legal matters including small business, intellectual property, construction litigation, contract drafting and negotiation, arbitration and mediation.

Cozen & O’Conner, Philadelphia, PA. Junior Partner – Litigation attorney in a large national and international law firm. Experienced in patent infringement, and trademark and copyright applications. Investigated and prepared all phases and types of state and federal litigation from both plaintiff and defense perspectives including case development, analysis, and counseling. Prepared and filed all forms of pleadings, discovery requests, discovery motions, depositions, pre-trial and trial briefs, jury instructions, arbitrations, trials, and settlements in patent infringement, property damage, products liability, insurance coverage, architect/engineer liability, construction, environmental, subrogation, and complex civil litigation. Authored and filed appellate briefs in Pennsylvania, New Jersey, and the Supreme Court of Illinois.

PROJECT EXPERIENCE

MDCSystems®, Paoli, PA As an Engineering Consultant, Mr. Rymal prepares and analyzes delay and productivity claims on complex mechanical, electrical and structural systems including oil refinery and process plants, hotel/casinos, hospitals, manufacturing plants, office buildings, regional wastewater treatment facilities, and railroad maintenance facilities. He also develops and prepares expert reports and testimony for arbitrations, mediations, state and federal Boards of Contract Appeals, U.S. District and Claims Courts.

Ethylene Plant, Port Arthur, TX Mr. Rymal analyzed a \$300 Million ethylene plant fire rebuild on behalf of the owner against the insurer’s claims that the costs including non-covered items including late and defective engineering, late and defective scheduling, improper staging and repair plans, and betterments and improvements. The analysis was submitted to a panel of arbitrators for award. The award is still pending.

New Jersey Department of Transportation Mr. Rymal assisted in the analysis of a \$45 Million construction claim filed by a contractor on a \$42 Million weigh transfer station for delays, escalation, inefficiencies, Force Majeure, design errors, and differing site conditions. As part of the analysis, **MDC®** researched blast reports and industry standards to develop estimated rock quantities based upon the type and volume of the explosives recorded in the construction records. Based in part on Mr. Rymal’s efforts during the analysis and representation at the mediation, a favorable settlement of the claim was negotiated and continued litigation in state court was avoided.

West Frenchie Draw Plant, Wyoming Mr. Rymal analyzed a \$10 Million cost overrun on a \$15 Million construction contract to build a natural gas treatment plant in ten (10) months. The cost overruns consisted of increased labor on a time and material basis to overcome initial construction delays caused by design and manufacturing delays.

Baggage Handling Systems Contracts Mr. Rymal worked at Siemens' Dallas/Fort Worth home office as a project management/contract management/legal consultant assisting with a variety of construction cost, scheduling, and change order management issues encountered under baggage handling system construction contracts at airports across the continental United States including Baltimore Washington International, Boston Logan International, Buffalo Niagara International, Detroit Metro, Denver International, Indianapolis International, John F. Kennedy International, Los Angeles International, Miami International, Orlando International, and Tom Bradley International (LAX).

USAID Egypt Contracts Mr. Rymal assisted in the analysis of a series of USAID sewer and water treatment projects valued at over \$500 million in Egypt during the late 1980's in defense of a Contractor engulfed in a complex Qui Tam action. Mr. Rymal assisted in the preparation of the expert report and expert witness testimony at a jury trial in federal court.

DHL Bulk Handling Facilities Mr. Rymal assisted in the analysis of three DHL regional handling facilities on behalf of Siemens Corporation on bulk mail conveyor system construction contracts totaling over \$100 million for change orders and delay costs. Mr. Rymal assisted in the preparation of the expert report which resulted in a favorable negotiation and settlement by Siemens.

New Jersey Transit The contractor on a \$100 Million rail maintenance facility filed a \$30 Million claim for delay and disruption. Mr. Rymal prepared a time impact schedule analysis identifying critical events affecting the schedule and issue analysis of each event based upon a thorough study of all relevant project records and documents. Mr. Rymal prepared the expert report and the expert for deposition testimony. for trial in New Jersey Superior Court. This case settled on the courthouse steps on the eve of trial before a bench trial in the New Jersey Superior Court for only \$5 Million with contribution from the design firm's liability insurance company.

Tennessee Valley Authority (TVA) Mr. Rymal analyzed a \$28 Million claim by the general contractor against a federal agency on a \$100 Million office building. He analyzed design revisions and schedule delays to structural, electrical and mechanical systems on an expedited basis resulting in a negotiated settlement favorable to the TVA.

St. Joseph's Hospital, Asheville, North Carolina Prepared a detailed Time Impact Analysis (TIA®) on a multi-million dollar renovation of a fully operational and functioning hospital.

Showboat Hotel and Casino, Atlantic City, New Jersey Prepared expert reports and expert witness testimony on behalf of a drywall contractor claiming a loss of efficiency based upon design changes and trade interference on the construction of one of Atlantic City's premiere hotel and casino properties. The plaintiff's case was dismissed on legal grounds based on a No Damage for Delay clause.

CONSTRUCTION MANAGEMENT EXPERIENCE

Resident Officer in Charge of Construction (ROICC), Northern Division, Naval Facilities Engineering Command, Philadelphia Naval Shipyard, Philadelphia, PA As an Assistant Resident Officer in Charge of Construction at the Philadelphia Naval Shipyard, Mr. Rymal was a senior civilian civil engineer advertising, awarding and administering construction and maintenance contracts in an office handling over \$60 million per year of military construction (MILCON) and shipyard maintenance funds.

Mr. Rymal personally managed construction on all facets of the Shipyard including dry-docks, wharves, portal cranes, dredging, the Lift Bridge, Electronics Maintenance Facility, Propeller Shop, Boiler Plant, Steam Turbines, high voltage electrical distribution equipment, Officer's and Enlisted Quarters, office buildings, and retail and residential construction. He also managed all construction and maintenance contracts at the Philadelphia Naval Regional Medical Center on Broad Street.

PROFESSIONAL SEMINARS/PRESENTATIONS

Architect/Engineer Liability Claims, Naval Air Station Warminster, 1985
Claims Prevention and Avoidance Seminar, Siemens PM Summit, January 28, 2008
Managing Construction Projects, Lorman Education Series, July 15, 2010

ARTICLES & PUBLICATIONS

Author, "Home Office Overhead (HOOH)," December 2010
Author, "No Damage for Delay Clauses – An Update," August 2010
Co-Author, "Time Impact Analysis (TIA®) – The Rosetta Stone for CPM Scheduling," Stephen M. Rymal, P.E., Esq. and Robert C. McCue, P.E., September 2009
Author, "Real Risk Management – Read the Contract," April 2007
Author, "Loss of Efficiency & Disruption Claims" Chapter 6, *Construction Litigation, Trial Strategies & Techniques*, Wiley Law Publications – 1989