

**Michigan Department of Transportation (MDOT)
Candidate Application for Dispute Review Board (DRB)**

A. Contact Information

Name: Andrew A. Goldsmith		Date: Oct. 9, 2012
City: Hackett	State: AR	Zip Code: 72937
Phone #: 479-689-4602	Email Address: aagold@cms-tx.us	

B. Professional Licenses/Registrations (Please provide name/type of license, state, expiration date and number.)

Name/Type of License/Registration	State and Number	Expiration Year

C. Education/Related Training (Please list degree, college/other school and dates. Please indicate the location and date of your training.)

University/College/Organization/Trade School	Degree/Certificate	Date/Year
Texas State University	BAAS	Dec. 17, 1994
Construction Specification Inst.	CDT & CCCA (see Resume)	Both 1997
Association for the Advancement of Cost Engineering	Certified Forensic Claims Consultant (CFCC)	Sept. 2007

D. Construction Experience Summary

I have construction experience working in the following capacities:

<input checked="" type="checkbox"/>	Civil Engineer	<input type="checkbox"/>	Architect	<input type="checkbox"/>	Builder/Developer
<input type="checkbox"/>	Structural Engineer	<input type="checkbox"/>	Electrical Engineer	<input type="checkbox"/>	Designer/Planner
<input checked="" type="checkbox"/>	Geologist	<input checked="" type="checkbox"/>	Land Surveyor	<input type="checkbox"/>	Mechanical Engineer
<input checked="" type="checkbox"/>	General Contractor	<input checked="" type="checkbox"/>	Accountant	<input type="checkbox"/>	Chemical Engineer
<input checked="" type="checkbox"/>	Construction Manager	<input type="checkbox"/>	Supplier/Manufacturer	<input type="checkbox"/>	Environmental Engineer
<input checked="" type="checkbox"/>	Sub/Specialty Contractor	<input type="checkbox"/>	Owner Representative	<input type="checkbox"/>	Landscape Architect
<input type="checkbox"/>	Other (Describe) →				

I have substantial experience in the following types of construction:

<input checked="" type="checkbox"/>	Bridge (Concrete)	<input checked="" type="checkbox"/>	Bridge (Steel)	<input checked="" type="checkbox"/>	Buildings
<input checked="" type="checkbox"/>	Earth Retaining Systems	<input checked="" type="checkbox"/>	Electrical Systems	<input checked="" type="checkbox"/>	Environmental
<input checked="" type="checkbox"/>	Foundation	<input checked="" type="checkbox"/>	Highway	<input type="checkbox"/>	Landscaping
<input checked="" type="checkbox"/>	Marine	<input checked="" type="checkbox"/>	Mechanical	<input checked="" type="checkbox"/>	Tunnel
<input checked="" type="checkbox"/>	Other (Describe) →	Light Rail & Terminals			

E. Qualification Statement

Candidates shall have substantial experience in or directly related to public agency highway and bridge construction projects with or on behalf of federal, state, or local government agencies, particularly MDOT. Experience shall be a minimum of 10 years in active involvement, supervision, or management of public agency highway and bridge construction contracts preferably with an emphasis in resolution of disputes arising out of said contracts. Lawyers, attorneys, and/or legal counsel are not permitted to be DRB candidates nor are they permitted to serve on a DRB panel in any capacity.

**Michigan Department of Transportation (MDOT)
Candidate Application for Dispute Review Board (DRB)**

Provide a 500 word or less statement of your qualifications that explain how you meet the aforementioned criteria:

I have a total of 35 years of heavy construction experience. At present, I am a consultant for two different San Antonio Contractor's who do almost exclusive TXDOT work. I have been involved with TXDOT claim/change order work for at least 15 years now, resolving over 100 claims. I have developed a trust with TXDOT, wherein they want me to be the representative for contractors on problem projects. On one \$21 million project TXDOT paid my consulting fees to jointly help TXDOT and the contractor work through problems on a defective designed project to get it back on track and resolve the claims. I am a schedule expert recognized by both federal and state courts. From 2001 to 2005, I was directly involved with the \$645 million DFW Terminal Automated People Mover project building elevated bridge for automated rail cars. I resolved two complex change orders for the Owner & PM, one a Martin K. Eby precast columns issue, the other a mechanical acceleration directive, and was part of a team on two other claims with McCarthy & Gilbert, for about \$50 million.

From 2009 to 2012 Goldsmith, served as a DRB member on the Dallas Area Rapid Transit's \$433 million, Irving Texas Project - Orange Line Expansion Contract. This light rail project is a Design Build Project. Kiewit, Stacy & Witbeck, Reyes, Parsons a Joint Venture is the design-builder. I have been chosen by DART to stay on as a DRB for the adjacent \$150 million project into DFW Airport. Both project involve bridges, roads, drainage, terminals, and control systems. All disputes have been resolved. I also am serving as a DRB on a \$21 million, 6.3 mile, 8' diameter sewer outfall line for San Antonio Water Systems. I am an Arbitrator for the American Arbitration Association. I am not an attorney.

Before I went into dispute/claims consulting full time back in 1989, I spent 15 years working in the heavy construction industry. From 1984 to 1989 I worked for a heavy construction subsidiary of Hensel Phelps. I was in project management, and oversaw 7 bridge projects, and a 45 million dollar reformation of the roads and infrastructure on 72 blocks of downtown San Antonio TX.

From 1982 to 1984 I worked for Michael Construction Co. Out of Biloxi MS as the senior estimator over the special projects divisions. We bid, as a joint venture the \$102 million dollar Sunshine Skyway Bridge in Tampa FL. We bid and landed the Hydroelectric Powerhouse at the Amastad Dam, Del Rio TX. We bid locks & dams and large bridges along the gulf coast.

From 1980 to 1982, I was senior estimator for Farrell Construction Co. in Memphis TN. We bid exclusive heavy civil Corps of Engineer's work.

From 1978 to 1980, I worked in the engineering department for the City of Fort Smith Arkansas. I was in charge of pre engineering surveys, and construction inspection on roads, and treatment plants.

From 1973 to 1974 I worked in an Engineering soils/concrete and asphalt testing laboratory testing materials.

F. General Experience Summary

Please provide a brief description of your experience in 25 words or less. If you are approved to be a DRB candidate, this information will be included next to your name on the Dispute Review Board Candidates List posted on MDOT's website.

Description:

35 years heavy construction. 22 years claims consultant on \$1 billion in work. Senior estimator, project manager, scheduling expert. DRB over \$600 million in Work.

**Michigan Department of Transportation (MDOT)
Candidate Application for Dispute Review Board (DRB)**

G. DRB Experience (include past and current experience if applicable)

Experience	MDOT	Other Public Agencies	Private Construction	Total
# of Jobs as DRB Member	0	3	0	3
# of Jobs as DRB Chair	0	0	0	0

H. Conflict of Interest and Ethics Statement

I will provide a conflict of interest statement and a disclosure statement describing past, present, anticipated, and planned relationships, including indirect relationships through my present employer, to other parties involved in a construction project, including but not limited to, relevant construction engineering and inspection (CEI) firms, contractors, or suppliers to the parties, parties' principals, or parties' counsel. Furthermore, I will disclose any close professional or personal relationships with all key members in the project. This will be completed prior to accepting a nomination to serve on a DRB panel for any construction project.

<input checked="" type="checkbox"/> I agree	<input type="checkbox"/> I do not agree
---	---

I. Compensation

I agree that I will be fully compensated in accordance with the terms and conditions of the contract and Dispute Review Board Agreement. This will be full compensation for on site time, review time, travel expenses, transportation, lodging, time for travel and incidentals for each day, or portion thereof that I am at an authorized DRB hearing. In addition, I will be paid the appropriate rate specified in the Dispute Review Board Agreement for additional days necessary to conduct a hearing that has been authorized.

<input checked="" type="checkbox"/> I agree	<input type="checkbox"/> I do not agree
---	---

J. Professional References

Provide the following information for at least two references to attest to your professional experience as depicted in this application. In addition, these references should be able to attest to your suitability to perform as a DRB member and provide additional information about you.

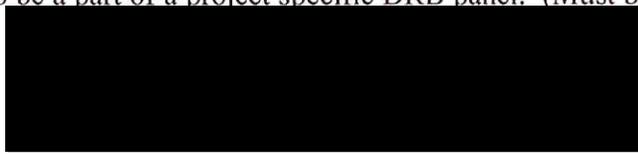
Name:	Phone:
Robert Strephans	817-223-8654
Philip Meaders	972-372-4901
Don Pool	214-801-2036

**Michigan Department of Transportation (MDOT)
Candidate Application for Dispute Review Board (DRB)**

Certification and Acknowledgement

The information in this application is true and accurate to the best of my knowledge, information, and belief. Moreover, I acknowledge that submittal of this application is not a guarantee of work as a DRB panel member. I further acknowledge that there is a selection and approval process that must occur in order to be a part of a project specific DRB panel. (Must be checked to submit form).

Signature of Applicant:



Send Completed Form to: R. Jason Clark, P.E.
Construction Contracts Engineer
8885 Ricks Rd
PO Box 30049
Lansing, MI 48909
ClarkJ25@michigan.gov



CONSULTANT PROFILE

Andrew A. Goldsmith, CSI CCCA, CFCC

HISTORY AND EXPERIENCE: Andrew Goldsmith is founder and president of Construction Management Specialties, Inc. He has been a resident of San Antonio since 1988. Since the conception of the company, he has handled over 100 million dollars worth of construction claims in over 200 separate cases in the last twenty-two years. He has extensive experience in Dispute Resolution. He also has experience as an expert witness in construction cases, and has given extensive litigation support. His experience includes the following aspects. He is a construction consultant with thirty-five years of construction experience. His construction experience is in management, estimating, engineering, construction methods, planning and scheduling, heavy equipment use, and general administration. He has been involved with the building of bridges, roads, drainage channels, dams, airport terminals, a powerhouse, and municipal infrastructures, utilities installation, hospitals, commercial construction. He is a successful Construction Manager. Also, Andrew has had extensive experience in taking on projects that have gone bad and has demonstrated the ability to put them back on track.



He has dealt with the U.S. Corps of Engineers, the U.S. Bureau of Reclamation, and the U.S. State Department of Transportation in Texas, Arkansas, Oklahoma, Tennessee, Mississippi, Louisiana, Florida and Georgia. He has represented the Texas Attorney General in construction cases. He has dealt with various municipalities, county governments, engineering firms, and private owners. He has a strong estimating background in civil and commercial projects. He has helped and represented clients in every trade of the construction industry.

He has negotiated millions of dollars in change orders, and prepared and negotiated millions of dollars in contract claims. He has a performance knowledge of the laws, codes, regulations, and standards in the construction industry and he knows what is considered acceptable construction standard of performance. He is an arbitrator, mediator and serves on Dispute Resolution Boards.

Mr. Goldsmith has a BAAS with Professional Development in Interdisciplinary Management from Texas State University. Undergraduate studies were in civil engineering.

He is a certified Construction Documents Technologist (CDT) and is a Certified Construction Contract Administrator (CCCA) both accredited from the Construction Specifications Institute.

Mr. Goldsmith is also a Certified Forensic Claims Consultant (CFCC) issued from the Association for the Advancement of Cost Engineering (AACE) and this certification is accredited by the Council of Engineering Scientific & Specialty Boards (CESB) and the International Cost Engineering Council (ICEC).



Curriculum Vitae

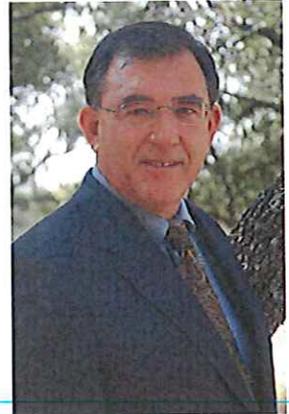
July, 2011

Andrew A. Goldsmith CSI, CCCA, CFCC

[REDACTED]

Hackett, Arkansas 72937

Telephone: (479) 689-4602 Fax: (210) 568-7464



● **Occupation:** Provide Construction Claims and Dispute Consulting, Professional Dispute Resolution Board Neutral, Contract Administration, Design-Build Contract Development, Mediation, and Arbitrator Services

● **Education & Training:**

- BAAS with Professional Development in Interdisciplinary Management from Texas State University 17 December 1994
- Pursued Civil Engineering at University of Arkansas at Fayetteville & Westark Jr. College, Fort Smith Arkansas 8/71-5/74
- 40 hour Mediation Training through ADR Services International which meets the Texas Statutory Guidelines
- AAA Department of Education & Training in Construction Arbitration - 1990
- AAA Advanced Mediator Training - June 2012
- AAAU Arbitration Fundamentals & Best Practices - October 2012
- Dispute Resolution Board Training: 2009 Administration and Practice Workshop, 2009; Advanced Chairing Workshop, 2009; CalTrans DRB Workshop, 2009; CalTrans DRA Workshop Colorado DOT Training Workshop, 2011.
- The Cambridge Institute Seminar on Construction Claims Under Texas Law 1996
- University of Texas' Construction Law Conference in 1992, 1993, 1997, 1999, 2000, 2001, 2002, 2003, 2004, & 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012
- OSHA 500-Occupational Safety & Health Standards for the construction industry trained
- SSPC Tutorial on Removing Hazardous Lead Paint from Industrial Structures
- RS Means Construction Costs Estimating-RSMeans Cost Data
- Texas Construction Law for Engineers 12/15/2006
- Boy Scouts of America Woodbadge Trained SC418 & COPE Facilitator Trained.

● **Professional Certifications:**

- Construction Documents Technologist (CDT) from the Construction Specifications Institute (obtained 1997)
- Certified Construction Contract Administrator (CCCA) from the Construction Specifications Institute (obtained 1997)
- Certified Forensic Claims Consultant (CFCC) from the Association for the Advancement of Cost Engineering. Program and accredited by the Council of Engineering and Scientific Specialty Boards of the International Cost Engineering Council.(obtained September 2007)

● **Experience:**

- President/Owner of *Construction Management Specialties*, since 1989
- Assembled over 200 major claims
- Over 40 construction disputes settlement negotiations



- DRB member on DART Orange Line Light Rail Expansion \$430 Million I-1&2 Project & \$150 Million I-3 Project and San Antonio Water System \$21 Million 8' Dia. Sewer Out Fall
- Arbitrator in construction related cases
- Participated in numerous mediations and mediated cases.
- Taken cases before the Armed Services Board of Contract Appeals
- Appointed "Special Master" expert by a Magistrate Judge to determine damages
- Testified as claims expert on over 7 arbitration cases,
- Testified as an construction claims expert in federal and civil trial court on over 8 cases,
- Deposed over 18 times as expert
- 5 years in management with a Top 200 construction company
- 4 years as senior estimator for two large construction companies
- In addition to the above, Mr. Goldsmith has the following Construction related experience
 - 3 years - materials testing and soils investigation
 - 3 years - concrete design and quality analysis
 - 9 years - construction methods, planning
 - 25 years - scheduling and production analysis
 - 3 years - surveying and project layout,
 - 9 years - general construction administration
 - 6 years - construction cost accounting
 - 6 years - project safety supervisor
 - 22 years - assembled over 200 claims
- An elder of his church for 25 years. Has taught Seminary for one year.
- CPR for the Professional Rescuer and Lifeguard Training from American Red Cross

● **Honors, Awards, and Citations:**

- Graduated from Texas State University Magna Cum Laude
- President of San Antonio Chapter of Construction Specifications Institute 1998-2000
- Key note speaker at the CSI South Central Region Conference for the Educational Program "Construction Contract Administration" October 1994
- Awarded the District Award of Merit by the Boy Scouts of America 1995
- Awarded the Silver Beaver by the Alamo Area Council of the Boy Scouts of America 2000.

● **Professional and Other Associations:**

- The Construction Specifications Institute
- The Association for the Advancement of Cost Engineering
- The Dispute Resolution Board Foundation
- The Dispute Board Federation
- Design-Build Institute of America
- State Bar of Texas Construction Law Section Associate Member
- Past member of The American Subcontractors Association
- The American Arbitration Association
- Past member of the Structural Steel Painting Council
- Architectural Woodwork Institute



Andrew Goldsmith has assembled, analyzed and/or evaluated the following types of claims:

Acceleration Claims	Geotechnical Report Evaluations
Alternate Source Claims	Hindrances Claims
Arbitrary and Capricious Inspection Claims	Impossibility of Performance Claims
As-built Schedule Assembly and/or Evaluation	Impractical Performance Claims
Cardinal Changes	Inefficiencies Claims
Compression of Work Claims	Latent Deficiencies Claims
Concrete Design Problem Evaluations	Liquidated Damage Claims
Constructability Claims	Manpower Analysis/Claims
Construction Materials Evaluations	Manpower Shortage Claims
Construction Costs Estimating Evaluations	Materials On Hand Dispute Claims
Construction Fraud Claims	Mean and Methods Control Dispute Claims
Construction Survey Errors Claims	Means and Methods Evaluation
Construction Death Evaluations (Responsible Parties)	Out of Sequence Work Claims
Construction Law Application Analysis	Over Inspection Claims
Contract Administration Evaluations	Performance Design Claims
Contract Breach Issues	Production Analysis and Consulting
Contract Proposal Evaluations/Negotiations	Project Management Training
Contract/Subcontract Document Evaluation	Project Recovery Evaluations
Contract Change Evaluations/Negotiations	Project Management Evaluations
Contractual Responsibility Assessment	Project Site Safety Evaluations
Cost Control Management and Consulting	Prompt Pay Claims
Cost Analysis	Quantity Changes Claims
Davis Bacon Act Claims	Quantum Merit Evaluations
Defective Workmanship Claims	Recovery Schedules Development/Evaluations
Defective Materials Claims	Resource Evaluations/Claims
Defective Plans and/or Specifications Claims	Schedule Impact Analysis and Theory
Defective Design Dispute Claims	Schedule Evaluations
Defective Bid Claims	Schedule Training
Deficient Management Claims	Short Interval Production Analysis
Delay Claim Analysis	Single Source Claims
Differing Site Conditions Claims	Soil Problem Evaluations
Discrimination Claims	Stacking of Trades Claims
Disputed Bid Claims	Suspended Work Claims
Disputed Additional Work Claims	Termination for Convenience/Cause Evaluation
Disruption Claims	Unforeseen Conditions Claims
Errors & Omissions Claims	Unilateral Changes Claims
Expert Witness Report Evaluations	Weather Impact Claims
Extended/Unabsorbed Home Office Overhead	Wrongful Withhold of Payment Claims
Extended Project Overhead Evaluations/Claims	Wrongful Terminations Claims
Extra Work Claims	Wrongful Rejection Claims