

Harold A. Massa, P.E. (retired)
2735 Teton Stone Run
Orlando, FL 32828
407-482-2002, Cell 407-761-4445, halmassa@aol.com

Overview: Over 34 years of experience in the fields of engineering, construction and project/construction management. Has served as an expert witness, owner's representative, project manager, operations manager, estimator, surveyor, and field office manager on a wide range of domestic and overseas design and construction projects.

Project Experience

2007 – Present Retired. Engaged by FDOT as member of the RDRB for Districts 5 and Turnpike, Indian River County North for the period January 1, 2011 through December 31, 2011. Have not been called for a Board hearing as of this date, August 15, 2011.

2005 – 2007 Independent Construction Consultant.
Subconsultant to Haynes Massa & Associates on three litigations involving Smith Construction Company.

- Smith Construction, Inc. v. FDOT on SR 530 (US 192) in Osceola County;
- Smith Construction, Inc. v. FDOT on Suncoast Parkway Sect 6, Hernando County;
- Smith Construction, Inc. v. FDOT on SR 50 in Hernando County;

2000 - 2005 Principal and Owner of Haynes Massa & Associates, Inc. (HM&A). The firm provides construction consulting and litigation support services to owners, contractors and sureties. Current and recent assignments include:

- Katina McKay v. FDOT, Flagler Road Bridge Collapse, Miami, FL
- Cone Constructors/St Paul v. FDOT on Suncoast Parkway Sect 1 & 2, Hillsborough and Pasco Counties;
- Mitchell Brothers, Inc. v. FDOT on SR 267, Wakulla County;
- White v. FDOT, US 90 in Wakulla County;
- Orange County v. Smith Construction, Inc, Conway Road, Orange County;
- Kimmins v. FDOT, SR 584 in Pinellas County;
- Consultant on OCIP to the \$748 million Expansion of the Orange County Convention Center;
- Polote Corp. v. Corps of Engineers v. Pages on Ft Stewart Barracks;
- Williams v. Underground Construction in VA and TN;
- Bovis v. Silver Sands arbitration in Walton County.

1997 - 1999 Vice President of O'Brien Kreitzberg, Inc. (now URS), and Manager of the

Orlando, FL, office. Assignments included:

- Program Management for the design and construction of the \$748 million Expansion of the Orange County (FL) Convention Center.
- Program Management for the design and construction for 18 new schools for Orange County over a 5-year period amounting to \$323 million.
- Numerous construction litigation support assignments for Federal, state and local government and several private clients. This includes detailed claims analyses, reports and expert witness testimony for over a dozen assignments on behalf of FDOT.

1996 -1997

Vice President of Day & Zimmermann, Inc., a leading U.S. Design and Construction Management Firm.

Directed project/construction management, litigation support and consulting services for federal, state, municipal governments and private owners, banks, insurance companies, manufacturers, developers, and contractors.

The project management assignments included:

- \$160 million Federal Courthouse and Office Building in Brooklyn, NY;
- \$123 million Federal Courthouse and Office Building in Santa Ana, CA;
- \$83 million Federal Courthouse and Office Building in Charleston WV;
- \$65 million of GSA renovation projects consisting of several smaller individual projects in the New York City metropolitan area;

Among the clients for a number of multi-million construction dispute cases were the US Department of Justice; Navy, Army, Coast Guard; several State agencies and authorities; contractors and sureties.

1993 - 1996

Vice President of Day & Zimmermann, Inc.

- Construction Manager for the \$450 million NJ Transit Secaucus Transfer Station. Directed a 27-person on-site construction management staff and dealt extensively with NJ Transit, AMTRAK, Conrail, the design team, permit agencies, local officials and the contractors. Managed partnering and administration of the Wrap-Up Insurance Program. The project was on time and under budget when Massa was promoted and transferred.

1982 - 1993

Vice President of Day & Zimmermann, Inc.

Managed the construction of:

- \$100 million Electrification of the New Jersey Coastline Project. Completed on time and under budget;

- 30+ building renovation and consulting assignments in New York City amounting to over \$600 million in construction volume, including three historically significant U.S. Courthouses;
- \$ 80 million, 768 bed County Correctional Facility for Hudson County, N.J (oversight only);
- \$ 50 million new Federal courthouse in Newark, N.J.

Directed claims analyses and served as expert witness on a number of heavy construction projects that included:

- Dale Mabry Highway, Tampa, FL.
- I-94, Southfield, MI.
- I-75, North of Tampa, FL.
- I-275, South of Tampa, FL.
- I-85/I-75/I-285/I-20 in and around Atlanta, GA.
- Kearny Maintenance Facility, Kearny, NJ.
- Lock and Dam #26, Mississippi River
- Industrial Waste Facility, Milan Army Ammunition Plant, TN
- Richard B Russel Dam, Savannah River, GA

1961 -1982 U.S. ARMY (Private to Lieutenant Colonel, various positions). Entered the Army as Private and retired as Lieutenant Colonel from the U.S. Army Corps of Engineers after twenty years of active duty.

1957 - 1961 C. F. Replogle Company

Worked for a general contractor in Central Ohio as surveyor, draftsman, estimator, inspector, and field office manager on interstate highway projects in Kentucky, West Virginia, Ohio, Michigan and Indiana. Work included construction layout, quantity take-off and bid preparation, cost estimating, shop drawing preparation and field cost accounting.

Education Tri-State University, B.S., Civil Engineering, 1972
Graduate, U.S. Army Command and General Staff College, 1978

Registrations Professional Engineer, FL (retired), NJ and PA, both inactive.
Certified as Dispute Resolution Board member

Presentations Presentation, *Time Impact Analysis*, Associated General Contractors, Orlando FL, March 20, 2002.

Harold A. Massa, P.E., (retired)

August 16, 2011

Guest Lecture, *Time Impact Analysis*, University of Florida, Gainesville, FL,
October 11, 2000.

The National Construction Law Center Seminar, *Recordkeeping in Construction,
Design Review, Evaluating Project Delay*; April 5-6, 1990 Orlando, FL.

Presentation & Conference Paper, Harold A Massa and Byron M Cody, 1990,
Constructability, CMMA National Conference September 1990.

The National Construction Law Center Seminar, *Recordkeeping in Construction,
Design Review, Evaluating Project Delay*; October 11, 1989, New York, NY.

EXPERT’S PRIOR TESTIMONY EXPERIENCE.

1982	Trial in US Claims Court	White Plains v. USPS	\$1.2 mil Total Cost claim on installation of platforms and catwalks over mail sorting machines. Massa was engaged as “friend of the court,” found entitlement but discredited the total cost approach. The court agreed and ruled no damages.
1984	Trial in NJ Superior Court	Brewster v. NJDOT	\$1.4 mil Modified Total Cost claim on SR 18. Massa presented Time Impact Analysis, discredited Total Cost approach and offered actual damages of \$298k. The court ruled \$298k for plaintiff.
1985	Trial in NJ Superior Court	Rouse v. NJDOT	\$6.9 mil claim on differing site, design errors and changes on SR 55. Massa found entitlement for design errors. The court ruled \$448k for plaintiff and apportioned \$224k each to designer and NJDOT.
1987	Trial in FL Circuit Court	Phoenix v. FDOT	Total Cost Claim on resurfacing of I-4 north of Orlando. Claim was for delay, disruption, lost productivity and design errors. Massa discredited Total Cost approach and the court found 20% for plaintiff.
1988	Trial in FL Circuit Court	Couch v. FDOT	\$1.5 mil delay claim on Dale Mabry Blvd on interference and delay because numerous utilities were not timely relocated. Massa was engaged 2 days before trial. Court found 50% for plaintiff.
1988	Deposition in FL Circuit Court	Couch v. FDOT	Claim for delay and design errors on I-275 plate girder bridge. Massa testified on delay and design errors and claim settled before trial.
1991	Deposition in NJ Superior Court	Ebasco v. NJTRANST	\$31 mil claim for delay, late shop drawing approval, disruption and trade stacking on train maintenance facility. Massa testified in several depositions. Case settled for \$8.5 mil, \$6.0 mil was for unpaid changes and designer paid \$2.5 mil to NJTRANSIT.
1998	Deposition in FL Circuit Court	Couch v. FDOT	\$1.0 mil claim for delay, design errors and superior knowledge. Massa testified and claim settled without damages for FDOT and claim was assigned to plaintiff for action against designer.
1999	Deposition in Federal Court, Tulsa, OK	Williams v Underground Constructors	Williams defaulted Underground for cause on a 350-mile long fiber optics cable installation through VA and TN. Case settled before trial.
1999	Deposition in FL Circuit Court	White v. FDOT	White filed 3 claims on 3 adjacent projects to widen I-75 near Ocala. The claims involved delay, design errors, differing site, lost productivity, interference and amounted to \$31 mil. Massa testified in several depositions and FDOT settled for \$6.9 mil. Massa testified in a follow-on arbitration by White concerning unpaid quantities. Criminal indictments were later issued against White’s expert, White upon which the expert and White and the owners plead guilty, which involved substantial penalties and bars for further FDOT work.
2000	Deposition in FDOT Admin Hearing	Mitchell v. FDOT	Mitchell was previously disqualified as a FL highway contractor. Mitchell appealed this disqualification. Massa testified that the facts leading to the disqualifications were true and that disqualification was proper. Mitchell cancelled its appeal after the deposition.
2002	Deposition in FL Circuit Court	Kimmins v. FDOT	\$4.6 mil claim by Kimmins alleging deficient design, delays and inefficiencies caused by the City of Oldsmar JPA. FDOT claimed against Oldsmar under the “hold harmless” clause of the JPA. Massa testified in deposition and participated in two mediations. The claim settled for \$2.5 mil, which was shared equally between Oldsmar and FDOT.
2003	Deposition in Federal Court, Tampa	Porta Holdings v. Helmut Radke	3 office Buildings in Tampa, FL. Massa was charged to opine whether settlements negotiated among the surety, principal and obligee were accomplished in accord with standard business practices and whether the dismissal of two senior managers by the contractor prejudiced damage recovery by the principal.

EXPERT’S PRIOR TESTIMONY EXPERIENCE (continued).

2006	Trial in FL Circuit Court of Hillsborough County	SCI v FDOT	SR50 in Brooksville, FL. \$7.7 mil Modified Total Cost/Delay claim by SCI alleging differing site conditions resulting in increased cost. Massa testified in two different depositions and trial in Nov 2006. Court dismissed \$4.4 million in pre-trial motion because of lack of notice and failure to meet total cost pre-requisites. Jury awarded \$1.7 million in damages to SCI. Case is pending appeal on the motions.
2007	Trial in FL Circuit Court of Hernando County	SCI v FDOT	Suncoast 6 in Hernando County. \$33 mil Measured Mile/Delay claim by SCI alleging different site conditions (sinkholes and chert) and superior knowledge concerning those conditions by FDOT. Contractor claimed \$10 million in additional costs and \$23 million in lost profit damages because of alleged loss of bonding capacity because of FDOT. Case was tried in March 2007 in Hernando County. The Jury recommended \$1.4 mil in damages (some of which had been admitted by FDOT prior to the trial. FDOT may be able to obtain some court fees because the jury award was substantially less than a prior Offer of Judgment.
2005-2007	Depositions in FL Circuit Court	SCI v. FDOT	US192 in Osceola County. \$7.5 Modified Total Cost Claim by SCI against FDOT alleging loss of productivity and delays caused by the failure of utility companies to relocate their facilities in timely fashion. Trial is scheduled for August 2007.