

**CHARLES V. CHOYCE, JR.**  
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## SUMMARY

Charles V. Choyce, Jr. has over 20 years of experience providing expert witness and consulting services to the construction industry. Mr. Choyce specializes in the preparation of critical path method (CPM) schedules and establishment of proper project controls on major construction projects, CPM schedule and delay analysis, lost productivity claims and the use of 4D scheduling as a project management tool. He is a certified Project Scheduling Professional (PSP) and has prepared baseline schedules and updates as well as expert reports regarding claims for schedule delays, acceleration and associated costs. Additionally, he is a certified Project Management Professional (PMP), a certified LEAN Construction professional (CM-LEAN) and has been intimately involved in the proper application of project management principles in the areas of change order analyses, risk management, including terminations for default, cost impacts, and losses of productivity.

Mr. Choyce has serviced clients including owners, general contractors, specialty subcontractors and other entities involved in the construction industry on all types of projects, including power plants, airports, medical facilities, bridges, tunnels, waste water treatment facilities, environmental remediation, office towers, subways, and schools. Mr. Choyce has prepared numerous expert reports for attorneys and clients on all aspects of construction litigation, and has been qualified as a testifying expert witness on several occasions. He has also given seminars to various groups on various topics involving construction scheduling and project management.

Prior to joining BRG, Mr. Choyce was a Managing Director at FTI Consulting where he was the Office Coordinator responsible for the Construction Solutions Practice in the office in Rockville, Maryland. Prior to FTI, Mr. Choyce was a Vice President at Brower, Kriz & Stynchcomb, LLC which he joined in 2000. Prior to that Mr. Choyce was a partner in several law firms specializing in construction and labor law.

In addition to his PSP and PMP certifications, Mr. Choyce has been certified as a Certified Forensics Claim Consultant (CFCC) by the Association for Advancement of Cost Engineering and was elected to membership in the Royal Institution of Chartered Surveyors as a Chartered Project Management Surveyor (MRICS).

## EDUCATION

J.D.	University of Virginia, 1979
B.A.	University of Virginia, 1976

## **PREVIOUS EMPLOYMENT**

FTI Consulting, Inc.  
Managing Director  
2006 - 2012

Brower, Kriz & Stynchcomb, LLC  
Vice President  
2000 – 2006

## **AREAS OF EXPERTISE**

- CPM Scheduling and Delay Analysis, including damages
- 4D Scheduling and its interaction with BIM
- Project Risk Management Controls
- Lost Productivity Claims
- Government Contracts
- Domestic and International Arbitration

## **PROFESSIONAL EXPERIENCE**

### Roads, Bridges and Tunnels

- Prepared schedule and delay analysis expert report in defense of claims of delay and lost productivity brought by electrical subcontractor on the Intercounty Connector, Contract A, Montgomery County, MD.
- Prepared schedule delay and damage analysis for supplier of specially engineered forming system required for the construction of the Confederation Bridge, linking the Canadian Provinces of Prince Edward Island and New Brunswick,
- Prepared delay analysis and made mediation presentation that resulted in settlement of claim on Interstate 95 expansion in Jacksonville, Florida
- Preparation of damage analysis for contractor's claim and made mediation presentation involving the recoating of the Peace Bridge in Buffalo, New York
- Performed the schedule and delay analysis and provided expert testimony in an arbitration proceeding involving the construction of the Wolf Creek Pass Tunnel in Colorado. Client obtained arbitration award for full amount of delay claim.

### Power Plants

- Prepared schedule delay analysis and lost productivity claim expert report for contractor arising out of the construction of the Biomass Steam Plant at Oak Ridge National Laboratory, Oak Ridge, Tennessee.
- Performed schedule delay analysis and provided deposition and expert testimony in arbitration surrounding the Gainesville (Florida) Renewable Energy Center
- Performed schedule delay analysis for insulation subcontractor regarding the electrostatic precipitator modifications at the Labadie Ameren Fossil Fuel Plant, Labadie, MO
- Preparation of damage analysis in opposition to mechanical subcontractor's claim for delay costs and losses of productivity on the construction of the Maine Independence Co-Generation Power Plant located in Veazey, Maine
- Assist in delay analysis as non-testifying expert and assistance to counsel in the defense of a termination for default claim involving power plant in California
- Performed schedule and delay analysis of the construction of the Elsta Co-Generation Plant located in Terneuzen, Netherlands
- Assist in preparation of expert reports for claims involving the construction of the AES-Puerto Rico Total Energy Project located in Guayama, Puerto Rico

### Entertainment Events and Parks

- Prepared claim for additional costs by the temporary bleacher and scaffolding contractor for the 2002 Salt Lake City Winter Olympics
- Assisted subcontractor in the negotiation of change order for delays and acceleration in the construction of the Detroit Red Wings Arena
- Assist in preparation of expert report and schedule delay analysis for the construction of the Seuss Landing Park at the Universal Studios Florida Islands of Adventure, assisted counsel in the cross-examination of opposing expert at deposition
- Preparation of loss of productivity analysis on the Walt Disney World Animal Kingdom theme park

### Industrial Facilities

- Preparation of damage analysis and performed the schedule analysis for a mechanical contractor's claim on the Tosco Polypropylene plant in New Jersey. Also developed questions and assisted counsel in the deposition of the opposing expert
- Preparation of expert analysis regarding delays and additional costs for a prime contractor for the construction of the Canadian Valley NGL Processing Plant, Calumet, Oklahoma, provided deposition and arbitration testimony
- Assisted subcontractor in the negotiation of costs for acceleration for the construction of the Cove Point LNG Plant, Lusby, Maryland
- Assist in preparation of analysis and expert report for claim for delays in the construction of the In Amenas Liquefied Natural Gas facility located in Algeria

### Water and Sewage Facilities

- Prepared Scott Schedule claim analysis and assisted counsel in the cross-examination of opposing expert witnesses in an International Chamber of Commerce arbitration involving the construction of a sanitary sewer system for three cities in Upper Egypt.
- Performed schedule and delay analysis of expansion of City of North Miami Beach Water Treatment Plant
- Prepared schedule delay and lost productivity expert report and mediation presentation for contractor regarding the construction of Arlington County's Water Pollution Control Plant expansion. Client obtained settlement following mediation.

### Government and Military Facilities

- Performed schedule and delay analysis and assistance in expert report preparation on developer's claim on the John Wilson District of Columbia Building which was pending before the General Services Administration Board of Contract Appeals,
- Performed schedule and delay analysis and prepared expert report on contractor's claim for delays in the renovations of Marine Barracks at Camp Lejeune, North Carolina which was pending before the Armed Services Board of Contract Appeals
- Performed schedule and delay analysis and prepared expert report for contractor in the construction of a new expansion to the E. Barrett Prettyman Courthouse in the District of Columbia,
- Performed schedule and delay analysis, prepared expert report and provided deposition testimony for contractor involving delays and related claims in the construction of the GSA Federal Building ATF Headquarters project in the District of Columbia, , which was pending before the Civilian Board of Contract Appeals,
- Performed schedule and delay analysis, as well as damage analysis for subcontractors on the construction of the U.S. Capitol Visitor's Center.
- Prepared schedule and delay analysis regarding claims by contractor for the construction of the U.S. Consulate Compound, Mumbai, India, including expert report and testimony before the U.S. Civilian Board of Contract Appeals
- Prepared schedule and delay analysis regarding claims for delays and additional costs on the Lubbock County Jail, Lubbock, Texas
- Prepared schedule, delay and lost production expert report for mechanical subcontractor for the National Oceanographic and Atmospheric Administration Satellite Operations Facility, Suitland, Maryland which was pending before the Civilian Board of Contract Appeals; .
- Prepared schedule delay analysis and expert report in termination for default proceeding pending in the Civilian Board of Contract Appeals regarding the repointing of the brick façade on the Sidney Yates Building in Washington, DC. Client obtained settlement rescinding the default termination and an affirmative recovery on its claims for additional cost.

### Airports and Port Terminals

- Prepared schedule and delay analysis of contractor's performance in the Terminal B and C Utility upgrades project at the George Bush Houston Intercontinental Airport, made presentation to City of Houston that resulted in rescission of contractor's termination for default.
- Performed preliminary schedule analysis involving the construction of the Peplemover system at Miami International Airport
- Prepared expert report and schedule and delay analysis along with cost support for contractor's claim in the construction of Terminal 21 cruise ship facility, Port Everglades, Broward County, Florida,

### Educational Facilities

- Performed analysis of claims and change orders, as well as schedule impacts of the construction of Rockville High School,
- Performed schedule and delay analysis for the construction of the South Donahoe Residence Hall, Auburn University,
- Performed schedule and delay analysis of the Auburn University Recreation and Wellness Center, provided expert report and testimony before the Alabama Building Commission,
- Performed schedule and delay analysis and issuance of expert report for the construction of the Bryce Mental Hospital, University of Alabama, Tuscaloosa
- Performed schedule and delay analysis and prepared expert report on the construction of the University of Maine Student Center,
- Performed schedule and delay analysis and prepared expert report on the construction of the Morgan State University Student Center
- Performed schedule and delay analysis and prepared expert report on the construction of the Lane Kirkland Student Center at the George Meany Labor College, Silver Spring, Maryland,
- Prepared schedule and lost productivity analysis for electrical subcontractor regarding construction of Battlefield High School, Haymarket, Virginia, provided expert testimony in court proceeding which favorably settled during trial in Prince William County, Virginia Circuit Court.
- Prepared expert report on schedule delays and damages incurred by the prime contractor in the construction of the new Oxford High School, Oxford, Mississippi

### **PROFESSIONAL AFFILIATIONS**

- Royal Institution of Chartered Surveyors Chartered Project Management Surveyor (MRICS)
- Project Management Institute  
Certified Project Management Professional (PMP)
- Association for Advancement of Cost Engineering|  
Certified Project Scheduling Professional (PSP)

- Association for Advancement of Cost Engineering  
Certified Forensic Claims Consultant (CFCC)
- Associated General Contractors of America  
Certified LEAN Professional (CM-LEAN)
- American Bar Association  
Forum Committee on the Construction Industry
- American Arbitration Association  
Panel of Construction Industry Arbitrators

## **SEMINARS**

- “Construction Claims – Proof of Delays,” presented to Fru-Con Construction Corporation, 2004
- “Protecting Yourself in Contract Negotiation,” presented to Aluma Systems Corp., 1999
- Recent Developments in Georgia Construction Law,” presented to the American Subcontractor’s Association, Georgia Branch, 1989
- “How to Defend Against Time Impact Analyses Claims,” presented to the U.S. Army Corps of Engineers, Baltimore District, November 2007
- “Understanding the Federal Acquisition Regulations,” presented to Kinetics, Inc., November 2009
- “How to Address Frequently Arising Schedule Problems,” presented to the Associated Builders and Contractors, Metro Washington Chapter, December 2009
- “Scheduling for Project Managers and Superintendents,” presented to the Associated Builders and Contractors, Metro Washington Chapter, March 2010
- “Staying on Top of Schedule and Productivity Issues,” Advanced Institute of Project Management, Mechanical Contractors Association of America, January 2011, January 2012, January 2013, January 2014, January 2015, January 2016
- “Construction Solutions & Government Contracts Schedule and Delay Analysis Training,” FTI Consulting, February 2011
- “Introduction to CPM Scheduling,” presented to the DC Chapter of the American Subcontractors Association, November 2011
- “What Every Project Manager Should Know About Planning and Scheduling,” presented at the Project Manager Academy, W.G. Yates & Sons Construction Company, May 2012, November 2012, April 2013, November 2013, April 2014, September 2014, May 2015, October 2015, May 2016, November 2016, September 2017
- “Legacy Uses of Primavera 3.1”, presented at the Construction CPM Conference, January 2013
- “Schedule and Delay Analysis Training”, Berkeley Research Group, March 2013
- “4D Scheduling”, presented to the Associated Builders and Contractors, Metro Washington Chapter, March 2013
- “The Application of 4D Scheduling in Different Project Delivery Systems”, presented at the Construction Management Association of America National Convention, October 2013
- “Principles of Lean Construction”, presented to the Walsh Construction Group, December 2013

- “Recovery Schedules on Construction Projects,” presented to the Construction CPM Conference, January 2014
- “Making 4D Scheduling Work for You,” presented at the Texas A&M-Commerce BIM/4D Conference, March 2014
- “Delivering Capital Projects,” presented at the Royal Institution of Chartered Surveyors Summit of the Americas conference, May 2014
- “Integrated Project Delivery”, presented to the Design Build Institute of America, September 2015
- “Proper Presentation of Graphics Using BIM and 4D Scheduling”, CPM Construction Conference, February 2016
- “Developing and Managing the Construction Schedule,” Ironworkers Management Progressive Action Trust, Ann Arbor, Michigan, July 2016
- “What Every Lawyer Should Know About Planning and Scheduling”, Georgia State University College of Law, November 2016
- “Cyber Security in the Construction Industry”, seminar presented at the Construction Superconference, December 2016
- “Proper Integration of Critical Path Method Scheduling and LEAN Construction”, presented at the CPM Construction Conference, January 2017
- “BIM Presentations in Delay and Impact Claims – How to Defend Against High Tech Tools”, presented at the 10<sup>th</sup> Annual Construction Law Institute of the Florida Bar, March 2017
- “LEAN Construction Overview”, presented to management of Veolia Water, July 2017
- “Capital Projects Internal Audit Training”, presented to Brookfield Asset Management, Toronto, Ontario, September 2017
- “Construction Scheduling for Project Managers”, presented at the Associated Builders and Contractors Project Manager & Superintendent Academy, October, 2017
- “Use of Graphics to Present Delay Claims in Construction Litigation and Arbitration – How to Build it Up and How to Tear it Down”, presented at the Construction Superconference, December 2017
- “Why I Should Do That and Why I Shouldn’t Do That: Pros and Cons of Various Scheduling Practices”, presented at the 2018 Construction CPM Conference, February 2018

## **PUBLICATIONS**

- “Updated Schedules Aid in Construction Management” (with Barry A. Brower), Osler, Hoskin & Harcourt “Construction Briefing,” Fall, 2001
- “Delay Analysis in the USA and the UK Compared” (with Steve Briggs, Rob Palles-Clark, Joe Castellano), Construction Law Review 2008
- “How to Organize and Submit a Claim: Change Orders, Productivity and Overtime,” Mechanical Contractors Association of America publication, 2011

“Recent Developments in Establishing Claims for Delays and Lost Productivity,” American Bar Association Forum on the Construction Industry, Under Construction, Vol. 14, No. 1 (February 2012)

“Strategies for Avoiding and Managing Construction Disputes,” chapter in **Construction Disputes**, Aspatore Publications, 2013.