

ROGER J. PETERS, ESQ., FCI Arb
Construction Neutral: Mediator, Arbitrator & DRB Member
Florida Certified Circuit Court Mediator



ADR EXPERIENCE:

Roger Peters is an experienced Construction Neutral having served as a mediator and arbitrator of large and complex construction and construction insurance disputes, including serving as an arbitrator on a \$550M design/build cable stay bridge and highway project which involved claims and counterclaims in excess of \$75M. It should be noted that the award in this matter was vastly in favor of the engineer and against the contractor, demonstrating that Roger is truly a neutral and is impartial, despite his general contractor experience. In fact, throughout his more than 40 years in the construction industry, he has served owners and design professionals and protected their interests as construction manager on several large CM projects.

MEDIATIONS:

In regard to his mediation experience, Roger informally mediated major disputes throughout the first 30 years of his career and then started 16 years ago to formally mediate various disputes, many with multiple parties, between owners, sureties, design/builders, contractors, subcontractors and design professionals and their insurers. He has recently or is currently mediating:

- a \$190M dispute on a high-rise modular building in the northeast between the Developer and the GC;
- a \$230M dispute on a \$1.5B fertilizer plant between the EPC Contractor and mechanical subcontractor in the mid-west;
- a \$2.3B dispute on a P3 highway project in the southwest between the concessionaire and the Design/Builder;
- a \$70M dispute on a \$13B ethanol cracker plant in the southeast between the EPC Contractor and a subcontractor;

- a \$45M dispute on a \$450M pipeline project in the middle Atlantic region between the Contractor and the Owner;
- a \$35M dispute on a nuclear storage facility in the southwest between the base operator and its general contractor;
- a \$5M dispute on a Federal property involving the removal of hazardous materials between the general contractor, subcontractor and its sub-subcontractor;
- a \$7M dispute between the Owner/CM and the surety for a defaulted subcontractor on a project in NYC;
- a \$9M dispute between the EPC Contractor and the surety for a defaulted subcontractor on a power plant project in the mid-west;
- a multi-million dollar dispute between the design/builder, its subcontractor and its sub-subcontractor on a \$1.5B highway project in the Southeast;
- a \$75M dispute between the Design/Builder and its Engineering consultant on a \$1.5B P3 project in the South Florida;
- a \$55M dispute between the EPC Contractor and its mechanical subcontractor on a fertilizer plant in South America;
- a \$43M dispute between the Developer of student apartments in Nevada and its GC;
- a \$8M dispute between the Owner of a museum in South Florida and its GC;
- a \$10M dispute between the GC and its mechanical subcontractor on a hospital in Florida;
- a \$5M dispute between a steel subcontractor and its erector on the Kennedy Space Center in Florida;
- a \$10M dispute between the developer and its GC on a condo hotel project in Florida;
- a \$5M dispute between the developer of a dormitory in South Florida and its GC and its surety;
- a \$10M dispute between a medical institute and its GC and its insurer over construction defects in northern Virginia;
- A \$10M dispute between a highway contractor and a municipality in Virginia;
- a construction defect dispute related to a curtain wall system for a \$300M corporate headquarters project between the owner, its A/E, the GC and its subcontractors and insurers (\$40M) in the northeast;
- a construction defect dispute for a \$250M corporate headquarters with similar issues and parties and insurers (\$20M) also located in the northeast;
- a \$25M construction defect dispute between a cruise ship line and its GC and Engineer and its insurer in Central America over the design and construction of a pier.
- A \$15M dispute between the GC and its subcontractors with the Owner of a high-end apartment complex in the Mid-Atlantic over delays, disruptions, additional and defective work.
- A \$16M dispute between the GC and its subcontractors with the Developer of a high-end apartment complex also in the Mid-Atlantic over delays, disruptions, additional and defective work;
- A \$10M dispute between a Zoo Authority and its CM at Risk involving delays and disruptions and claims for extra work on a zoo complex in California;
- A \$7M dispute between the GC and its subcontractors and insurers for construction defects on a condominium project in Miami

- A \$6M dispute between the GC and its façade fabrication and erection subcontractor on a residential high-rise project in the Northeast;
- A \$3M dispute between a subcontractor and the GC over an airport baggage system in the Northeast;
- A \$10M and a \$5M dispute over Subguard claims by GC's and their electrical subcontractors in NYC;
- A \$15M dispute between the Owner and an engineer over design defects in the construction of a \$300M port facility in Alaska.
- A \$20M dispute between the Owner, Contractor and its subcontractor over construction defects in the \$300M port facility in Alaska mentioned above.
- A \$9M dispute between the GC and its concrete subcontractor on an airport project in Florida;
- A \$4M dispute between the EPC Contractor for a windfarm project in the Mid-West and its cable supplier;
- A \$3M dispute between an electrical subcontractor and the GC on an educational facility in Wyoming.
- A \$1M dispute between a developer of an apartment complex in Nevada and its civil engineering consultant.

EARLY NEUTRAL EVALUATIONS:

Roger has served as an early neutral evaluator on three matters, the first, a \$100M+ dispute between a developer of a high-rise residential facility in the Northeast and its CM/GC and the second, a \$25M dispute between the design/builder and its electrical subcontractor on a light rail project in the southwest and lastly, \$122M dispute on a stadium project in the southeast.

ARBITRATIONS:

Of significant note, Roger was recently selected by the AAA to become a member of its Mega Project Construction Arbitration Panel which is comprised of the top US construction arbitrators as rated by counsel on mega construction projects. In addition, he recently served as the Chairperson on a \$100M AAA/ICDR Arbitration on a mega project in Taiwan between the EPC contractor and its' design/builder; was the owner's party appointed arbitrator on a \$35M dispute between the owner and the contractor on a biomass powered electric generating facility in Hawaii; was the contractor appointed arbitrator on a \$20M dispute between the EPC contractor and its subcontractor on a coal fired power plant in the Mid-West; was the contractor appointed arbitrator for an ICC arbitration over a \$7M dispute arising from the construction of a solar power plant in the Southwest; and was the contractor appointed arbitrator for a \$30+M dispute between the EPC contractor and a consortium of insurance carriers over hurricane damage to a LNG facility in Louisiana. He is currently serving or has recently served as an arbitrator on the following matters:

- a \$31M AAA dispute between the EPC contractor and its mechanical/electrical subcontractor on a \$300M natural gas gathering and process plant in the Southwest;
- a \$65M AAA dispute between an Indian Tribal Owner of a casino and its GC on the West Coast;

- a \$65M dispute on a biomass power plant in Kauai administered by the AAA/ICDR;
- a \$100M+ AAA dispute between a ship builder and an operator of off-shore supply vessels;
- a \$50M ICC dispute between the developer/owner and its mechanical and equipment erection trade contractor on a large steel mill project in the Southwest;
- a \$100M AAA dispute between the owner and its mechanical prime contractor on a pipe mill project in the Southwest;
- a \$50M AAA dispute on a power plant in California involving claims and counterclaims for delay and extra work;
- a \$40M AAA dispute between the Owner of an acid plant in the southeast and its Civil/Structural/Mechanical Contractor;
- a \$40M AAA dispute between the Developer of a windfarm project in the Mid-West and its GC (Chair);
- a \$29M AAA dispute between the Design/Builder and its Engineer on a \$450M P3 highway project in the Mid-West (Chair);
- a \$23M AAA dispute between the EPC Contractor and a subcontractor on a power plant project in Puerto Rico (Chair);
- a \$20M AAA dispute between a County Municipality and its GC and a subcontractor on a dam project in Georgia;
- a \$24M AAA dispute between the Design/Builder of a solar plant in the South and its engineer (Chair);
- a \$17M AAA dispute between the Design/Builder and its engineer on a solar plant in Virginia (Chair);
- a \$16M ad hoc arbitration dispute between the Owner of a pipeline project and its contractor in the Northeast;
- a \$12M construction defect AAA arbitration between home owners and the contractor and its subcontractors for a housing development in the Southwest;
- a \$8M AAA arbitration between the CM/GC and its drywall subcontractor on a stadium project in the Western U.S.
- a \$7M ICDR dispute over a lease agreement between a contractor and the vehicle lessor for vehicles supplied to assist in the war in Iraq.
- a \$5M AAA dispute in the Mid-West between a public owner and its engineer on a waste-water treatment plant;
- a \$5M AAA dispute between the Developer and its EPC Contractor in the Southeast on a solar power plant (Chair).
- as the sole arbitrator on a \$15M AAA dispute between the steel fabricator and the GC on a \$1.2B cable stay bridge project in the Mid-West;
- as the sole arbitrator on a \$10M dispute between the GC and its subcontractor on a FBI facility in the South;
- as the sole arbitrator on a \$13M ICDR dispute between the Design/Builder and its A/E on a barracks project in the Middle East;
- as the sole arbitrator on a \$6M AAA dispute between the Design/Builder and its subcontractors involving 7 micro tunnels in the Southeast;
- as the sole arbitrator on a \$5M dispute on the island of Maui between the Developer and its GC for a school project;
- as the sole arbitrator for an ad hoc dispute between the design/builder and its subcontractor valued at \$2M on an electrical distribution system in Miami;
- as the sole arbitrator for a AAA dispute in West Virginia between a developer and a pipeline contractor valued at \$3M.

- a \$5.5M AAA dispute over construction defects at a cancer center in New Mexico.
- a \$1.5M dispute between the contractor and its design/engineering subcontractor on a bridge project in Ohio.
- selected to participate on an arbitration panel for the \$1B P3 Rapid Replacement of Bridge Projects in Pennsylvania.
- **DISPUTE REVIEW BOARDS:**
 - In 2008, he was selected to serve as a member of a Dispute Review Board on the \$1B New York Giants/Jets Meadowlands Stadium project in New Jersey and recently served on the DRB for the Vogtle and Sumner Nuclear Power Plants (\$7B each project).
 - Over the past 10 years, Roger has served on more than 20 DRB's for Florida DOT projects as well as the regional boards for the Orlando and Hillsborough districts (Districts 5 & 7 respectively); and he has served as Chair on 7 FDOT DRB's. He is currently serving on 8 FDOT DRB's and he is Chair on 4.
 - He was the sole Dispute Review Advisor to hear all of the remaining disputes for the \$4.5B Transbay Transit Center Building and Related Structures Project in San Francisco.
 - He was the sole Dispute Adjudicator for a \$1B+ hotel renovation and two new condo towers in California.
 - He was on the DRB for the \$4B renovation of LaGuardia Airport.
 - He served on a DRB for the \$1B Salem Power Plant in Massachusetts.
 - He was appointed to a DRB for Texas Department of Transportation for the nearly \$1B SH 183 Managed Lanes Project.
 - He was appointed to 2 DRBs for Texas Department of Transportation for two segments of the Grand Parkway Project, each valued at \$1B.
 - He has recently been appointed to a DRB for a design/build \$50M Operations and Maintenance Facility in NYC.
 - Authored an article entitled, "*The Effective Use of Dispute Boards on Major Construction Projects*" for The American Journal of Construction Arbitration & ADR 2017/ Vol.1 No.1.

OPERATIONS EXPERIENCE:

Roger has more than forty years of experience in resolving complex construction disputes on major projects throughout the continental United States, the Caribbean and the Pacific Rim. For most of those years, Roger was an officer and General Counsel to one of ENR's top fifty contractors and construction managers. Moreover, Roger was chosen in 2005 to manage and lead the companies' operations in Puerto Rico over a five year period which,

in addition to the completion of the construction work, involved the resolution of multiple millions of dollars of construction claims on water and waste water treatment projects, hotel and condominiums, hospitals, university buildings and dormitories and low income housing projects, all with an aggregate construction value in excess of \$600M. He also helped establish an office in the U.A.E for his employer in 2007. He was promoted in 2008 to Executive Vice President and General Manager to head up and manage the construction operations of the company in Hawaii and Guam which had annual revenues in excess of \$400M and more than 700 office and field personnel. While in Hawaii, Roger was invited and became a member of Hawaii's largest and most distinguished ADR provider, Dispute Prevention and Resolution, LLC. Roger retired from the company in late 2011 to dedicate himself full time to the resolution of complex construction disputes.

LEGAL EXPERIENCE:

Throughout his career, Roger has supervised outside counsel on several very large cases both in court and in arbitration. He has also negotiated hundreds of contracts with both public and private owners relating to a wide variety of projects, including a major league baseball stadium (\$200M design/build contract), an International Airport (\$850M construction management contract), a water treatment and aqueduct project (\$350M EPC contract, including operations and maintenance), a large hotel and casino in Las Vegas (\$125M GMP contract) and an 1100 megawatt power plant (\$450M EPC contract). In the power generation industry, Roger has been involved in the resolution of disputes on more than 15 major power plant projects from coal fired, cogeneration/combined cycle to nuclear. In addition, he has more than 30 years of experience in the heavy/highway construction industry, having been involved with various claims on major road, bridge, tunnel and airport runway projects. Roger was instrumental in resolving millions of dollars of claims on all of these projects with the owners, architects and engineers, prime and trade contractors, subcontractors, major insurance carriers and sureties.

INSURANCE AND RISK MANAGEMENT EXPERIENCE:

Roger is also an expert on construction insurance and surety matters (including Subguard claims), having served as the companies' Risk Manager for more than 5 years and is intimately familiar with Owner and Contractor Controlled Insurance Programs as well as coverage issues involving construction defect claims affecting commercial general liability, professional liability, and builder's risk policies. In addition, he has testified on coverage matters relating to the largest construction defect case in the history of Puerto Rico.

SPEAKING ENGAGEMENTS:

Roger has spoken at several conferences on mediation and arbitration and other ADR topics, including topics such as, "To Mediate or not to Mediate (How to answer the question)" at the conferences of the American Arbitration Association's ("AAA") held in Miami and Los Angeles in March and November of 2007. He was a featured speaker at the Corporate Counsel Construction Forum in October of 2007, "Navigating Alternative Dispute Resolution and Mediation" and spoke at the AAA's Neutrals Conference in San Diego in February of 2009 on "Managing Expectations of the Parties: Best Practices in Construction Arbitration." In November of 2009, the AAA featured Roger as co-presenter on the subject of "Right Process/Wrong Arbitrator" which the AAA also featured in a Webinar on October 19, 2010. In March of 2011, Roger was a featured speaker at the Marcus Evans Conference on "Government Construction Contracts and

Compliance.” In addition, Roger authored with others an article published in the Dispute Resolution Journal, May-July 2007 issue entitled: “Managing Dispute Resolution Options in the Construction Industry.” Roger also spoke at the Brazilian Institute of Law’s first International Construction Conference in Sao Paulo on August 20, 2012 on the use of Dispute Boards on major construction projects and presented 4 speeches, including the keynote address on the use of Dispute Boards, at Peru’s Catholic Universities’ Center for the Analysis and Resolution of Conflicts First International Conference on Solutions for Construction Controversies on May 22-23, 2013 in Lima, Peru. Roger spoke on March 5, 2014 on “How to effectively use Mediation to resolve Construction Disputes” at the Georgia Construction Law Conference in Atlanta and at the ABA Construction Forum’s Annual Meeting in New Orleans on April 11, 2014 on “The delicate balance in Completing the Project while still Managing the Claim.” He was a member of a panel at the AGC’s Risk Management conference in Naples in February of 2015 that spoke on “Reducing Costs and Increasing Early Settlements Through More Effective Utilization of Mediation.” Most recently, he participated on panel discussion on the role of in-house counsel in DRBs at the DRBF conference in Madrid, Spain and on the effective use of DRB’s with Partnering at the 2018 Construction Superconference in Las Vegas.

EDUCATION AND TRAINING:

Roger is a graduate of Duquesne University School of Law and the Pennsylvania State University. He has also received training at the Straus Institute for Dispute Resolution, Pepperdine University School of Law: Mediating the Litigated Case and The Advanced Course: Mediating the Large/Complex Claim and Construction Defect Case. Roger is also a member of the ABA’s Construction Forum and Dispute Resolution Committees and is a member of the AAA and has been appointed to its’ National Panel of Construction Arbitrators for Large Complex Cases and to its’ Mega Project Construction Arbitration Panel. He is also a member of the Dispute Resolution Board Foundation and has obtained his certification and training to serve as a DRB member and Chair and has also been certified and trained to serve on FIDIC Dispute Adjudication Boards for international projects. On May 13, 2013, Roger became a Fellow with the Chartered Institute of Arbitrators which qualifies him to serve as an arbitrator for international disputes and is well versed in the use of FIDIC form of agreements. He is also a member of the International Centre for Dispute Resolution.

EMPLOYMENT HISTORY:

- Martin & Nettrour Contracting Company, Inc. (1972 to 1976)
- Dick Corporation (1976 to 2009)
- dck worldwide, LLC f/k/a Dick Corporation (2009 to 2011)
- Roger J. Peters, Esq., FCI Arb, Construction Neutral (2011 to the present)

RATES: \$500/hour for study time and \$7,000 for the day of mediation. For mediations within the continental United States, Roger does not charge for travel related expense.

CONTACT INFORMATION:

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