David W. Hall — PRE-2015 WORK ACTIVITIES

HIGH-LEVEL ACTIVITY	FROM	TO
1. DESIGN AND CREATE CONTRACT TEMPLATES AND FORMS	1998	2015

ACTIVITY DETAIL	EXAMPLES
1.1 Perform **independent contract template drafting**, working with minimum of legal department guidance to create templates that would be senior attorney level work in most other contexts INCLUDES: Building templates from ground up, as opposed to simply editing INCLUDES: Independently doing general legal homework required for drafting	EXAMPLE: Design, draft and maintain **company-wide library of construction and facilities contract templates and related forms**, with specific adaptations for the various US states or countries needed EXAMPLE: **Blend incongruent source documents** if business needs or expectations demand it EXAMPLE: **Pull coherent business problem statements**, even when clients come with a "solution first" approach
1.2 **Marry industry form baselines with the company's legacy forms**, then create the company-required procedural and administrative content not found in any of the available industry baselines	EXAMPLE: **11 forms adapted from ConsensusDOCS** and **5 bespoke forms based on FIDIC** documents EXAMPLE: **Proprietary framework agreement derived from ConsensusDOCS forms 300/415**, plus the AIA form C-191 and foundational work by Howard Ashcraft, et. al., at Hanson Bridgett that, in a single form, spans scope from design to fit-out, spans delivery models from prime-with-collaboration to fully integrated, and spans compensation from "multiple-release" lump sum to cost-reimbursable-with-GMP to fully-reimbursable-with-target-cost (at-risk profit)
1.3 Deconstruct the company's legacy forms to understand perceived business or organizational needs they were intended to address at that time, then create the new template that marries what is appropriate to preserve from legacies with the current company-required content INCLUDES: Reverse-engineering and deriving problems statements from business group specific demands to ensure a coherent whole	EXAMPLE: **Multiple-prime owner trade contract** for manufacturing tool installation work and a companion **multi-party integrated form of trade contract** for that same work (borrowing heavily from the referenced Howard Ashcraft work) EXAMPLE: **Integrated facility management** service provider agreement EXAMPLE: **Short-forms** for services, minor construction, and equipment rentals world-wide EXAMPLE: **Management consulting**, **staffing services** and **quantity surveyor services** agreements EXAMPLE: **Specialty forms** like concessionaires, personal services, equipment loan-out, etc.
1.4 Compare and digest variety of industry and local forms to identify appropriate points of departure and viable norms for the company INCLUDES: Investigating local norms (risk apportionment, compensation, administrative rigor, etc.) to protect the company on entering into a new location or market	EXAMPLE: Expert with **ConsensusDOCS** and **FIDIC** forms EXAMPLE: Familiar with **JCT, EJCDC, and NEC** standard forms EXAMPLE: Experienced with **AIA, DBIA,** and the superseded **AGC** and **CMAA** standard forms, as well as FARs as relate to construction EXAMPLE: Familiar with several non-US governmental forms

High-Level Activity	From	To
2. DRAFT CONTRACTS FOR SPECIFIC DEALS AND TRANSACTIONS	1987	2015

Activity Detail	Examples
2.1 Perform independent transactional drafting at senior attorney level, working with minimum of legal department oversight, handling transactions that would be senior attorney work in other contexts	*Example:* Do **primary legal homework** required for drafting *Example:* **Extract transactional business problem statements** from clients, especially when they come in with a "solution first" approach *Example:* **Hybridize one template with a new idea for compensation or risk apportionment from another** - sometimes incongruous, but even so based on management demand/ perceived need
2.2 **Produce, negotiate, and support negotiation of new contracts** or transactional template adaptations for projects, master agreements, and other deals that were complex or sensitive *Includes:* Managing outside legal counsel and project legal budget *Includes:* Independently doing general legal homework required to do drafting *Includes:* Drafting and reviewing back-to-back risk apportionments, etc., when serving as the owner *Includes:* Drafting flow-down language for subcontracts when acting as the prime contractor	*Example:* **Design-build contract based on FIDIC silver book** created onsite in China in support of negotiation *Example:* **Lump-sum general contract that hybridized company legacy forms with FIDIC red book** created onsite for project negotiation in Vietnam, using contractors that were new to the company *Example:* **Specialty vendor contracts** for theme park rides, material handling systems, trains and busses, film production, theatrical and show systems, special events, food service, satellite bandwidth, advertising, and other things outside of the typical construction and facilities realm *Example:* **Parent company guarantees, bank guarantees**, and **bonds** for a wide variety of deals and locations *Example:* **Teaming agreements, memoranda of understanding, letters of intent**, and other alternative or contractual supporting documents *Example:* Long-term **equipment purchase or pricing agreements** with leading manufacturers (such as chillers, air handlers, air compressors, pumps, waste treatment skids, etc.) *Example:* Air-separation and specialty gas equipment *Example:* **Country-specific modifications to templates**, especially for Latin America, Israel, and China. *Example:* On-site employee amenity provider agreements (health center, cafeteria, vending, massage, etc.)

High-Level Activity	From	To
3. MANAGE CONTRACT TEMPLATE CONTENT	1998	2015

Activity Detail	Examples
3.1 Create template user guides for global staff – since each template might be used for many deals, each template and guide package created needed to be user-friendly, even for non-native English speakers	*Example:* **Technical application guideline** (contracting strategy and compensation instructions for each scope and business condition) *Example:* **Basic contractual guidance** (risk management/ mitigation considerations in administration)

3.2 **Establish and maintain central library** and archives of electronic templates and supporting documents	*Example:* Create and maintain **SharePoint sites**, libraries, workflows, and documents *Example:* Create and administer **EMC Documentum** cabinets, folders, and files *Example:* Create and administer **Ariba clause libraries,** templates, and workflows

High-Level Activity	From	To
4. CREATE AND DELIVER INSTRUCTIONAL TRAINING	2003	2015

Activity Detail	Examples
4.1 **Design and deliver subject training** for contracting and project management	*Example:* Training on **writing scope of work** documents *Example:* Training on **contractual notices** and responses *Example:* Training on **claims** avoidance and handling *Example:* Training on **warranty and latent defects** *Example:* Training on **basic legal principles** of contracts
4.2 Design and deliver **business process and procedure instruction**	*Example:* Provide **functional and cross-functional training to project teams**, both remotely and onsite (and often onsite for extended periods) *Example:* Provide **on-demand advice and assistance to project staff** on resolving performance issues and disputes; serve as contracts help desk for front-line contract managers, project managers, etc. *Example:* Design and deploy **web-based user guides** for templates, etc.

High-Level Activity	From	To
5. DESIGN AND DEPLOY BUSINESS PROCESSES	2006	2015

Activity Detail	Examples
5.1 Design, develop and deploy a **contract template change control** and transaction-level **variance governance process**	*Example:* **Standardized forms** and **variance classifications** *Example:* **Variance tracking** and **change control boards** *Example:* Variance-to-template-update **feedback process**
5.2 Design, develop, and deploy **company standards and procedures**	*Example:* **Corporate-level business governance** *Example:* **Corporate-level technical procedures** *Example:* **Project-level business governance** *Example:* **Project-level technical procedures**
5.3 Develop and document **project and transactional-level procedures**	*Example:* **Division 00** Contracting Requirements (CSI MasterFormat) *Example:* **Division 01** General Requirements (CSI MasterFormat)

5.4 Assess and define **as-is and to-be business process states** *Includes:* Supporting, guiding, and implementing continuous improvement of general business systems, processes, procedures *Includes:* Designing business processes for the areas of subject expertise	*Example:* **Investigate**, going past what policy book says, what the managers say, and what the workers say to get to what is actually being done by asking the right probing questions in a structured manner *Example:* **Reconcile** dichotomy when management wants a change but the workers don't, without getting lost in the middle *Example:* Use onsite **direct observation** to catalog multiple ways same activities are being handled *Example:* Develop **standard job descriptions**, skills requirements, certification process, and career development models for each department role
5.5 Ensure **compliance with company policy, procedure, and controls**	*Example:* Perform onsite and remote **compliance auditing**. *Example:* Conduct onsite and remote **project assessments** *Example:* Conduct onsite and remote **peer assessments** *Example:* Provide **guidance and training to project and transactional staff on compliance** with policies, procedures, and regulatory requirements *Example:* **Monitor project and transactional staff** for compliance with policies, procedures, requirements

High-Level Activity	From	To
6. MANAGE CONTRACTS AND PURCHASING STAFF	1997	2015

Activity Detail	Examples
6.1 Recruit, train and mentor contracts staff	*Example:* **Assess staff resource needs** and develop and manage budgets *Example:* Prepare **job descriptions**, vet **recruitment plan** with corporate stakeholders, conduct interviews, prepare formal assessments, and negotiate offers *Example:* **Manage staff** performance and professional development *Example:* Prepare and implement formal **integration and development plans** (on-boarding)
6.2 Manage project-based or central-located contracts staff	*Example:* Manage **contracts and purchasing staffs of between 5 and 20 people** *Example:* Manage **project engineers, estimators, and superintendents** *Example:* Conduct and manage **performance reviews** *Example:* Assign contract packages to best-suited staff; delegate and **assign responsibilities**

High-Level Activity	From	To
7. PROCURE CONSTRUCTION AND FACILITIES GOODS/SERVICES	1987	2015

Activity Detail	Examples
7.1 Provide support to project and transactional procurement teams	*Example:* Provide **extended onsite support in set-up phase** to as assist in contract-related negotiations *Example:* Prepare and conduct **contract orientation sessions** at project inception for extended team *Example:* Provide **in-depth, on-demand assistance to front-line contract managers on major projects** across the life of the project for negotiations, settlements, and interpretations *Example:* Create or consult on **scope, technical or administrative documentation** for procurements being managed by others
7.2 Perform procurement directly and/or manage a project procurement staff for a **wide variety of project delivery models**	*Example:* **Design-bid-build** *Example:* **Design-build/EPC** *Example:* **Design-build bridging** *Example:* **Integrated project delivery** *Example:* **Multiple-prime owner trade contracts**
7.3 Perform procurement directly and/or manage a project procurement staff for a **wide variety of compensation methods**	*Example:* **Fixed-price/lump sum**, including unusual "multiple-phase" applications *Example:* **Cost-plus-fee**, with and without GMP *Example:* **Unit prices**, project-specific and master agreement *Example:* **Time & materials** (daywork) *Example:* **Job-order contracting**
7.4 Perform procurement directly and/or manage a project procurement staff for a **wide variety of services, goods, and specialty items**	*Example:* **Architect/engineer** and discipline consultants *Example:* Owner's agent **construction manager**, CM-at-risk and CM pass-through *Example:* **General contractor** prime or sub-general *Example:* **Design-builder** turnkey or pass-through *Example:* **Multiple-prime owner trade contracts** *Example:* **CM trade packages** and **GC subcontracts** *Example:* **Facility equipment** to spec and custom (packaged waste treatment skids per performance spec, etc.) *Example:* **Theme park rides**, ride systems and ride vehicles built-to-spec and customized "off-the-shelf" *Example:* **Software** licenses and development deals *Example:* **Facilities and maintenance** by trade or as integrated services provider *Example:* **Staffing and recruiting** services and **management consulting** services agreements *Example:* **Theatrical and entertainment** equipment, construction, and services agreements *Example:* **Catering**, food service, vending, and events agreements *Example:* **Hotel FF&E** management and supply agreements

7.5 Perform procurement directly and/or manage a project procurement staff for a **wide variety of project and transaction sizes**	*Example:* Single lump-sum GC contract $1.4B award value *Example:* ~100 lump-sum GC contracts $10K to $500M *Example:* ~10 lump-sum DB/EPC contracts $20M to $300M *Example:* ~30 cost-of-work CM contracts $10M to $750M *Example:* ~100 unit price trade contracts $1M to $200M *Example:* ~100 lump-sum trade packages $10K to $50M
7.6 Perform procurement directly and/or manage a project procurement staff for **wide variety of locations**	*Example:* **US design and construction** in Florida, Puerto Rico, Southern California, Silicon Valley, Portland, New Mexico. and Massachusetts *Example:* **Latin America design and construction** in Costa Rica, Mexico, and Argentina *Example:* **Europe design and construction** in Ireland and UK *Example:* **Middle East design and construction** in Israel *Example:* **Asia design and construction** in India, Malaysia, Hong Kong, Vietnam. and several regions of China (Shanghai, Dalian, Chengdu) *Example:* Japanese, Australian, Taiwanese, and Chinese contractors *Example:* British, French, and German contractors *Example:* Italian, Danish, and Dutch ride vendors *Example:* German, Japanese, Korean, Taiwanese, and British industrial gasses suppliers/ process manufacturers
7.7 Perform procurement directly and/or manage a project procurement staff for **wide variety of project, facility, and equipment types**	*Example:* **Semiconductor manufacturing** fabs, support facilities, laboratories and integrated warehouses *Example:* **Office buildings** and **tenant improvements** *Example:* **Tier 3 & 4 data centers** *Example:* **Hotels and convention centers** *Example:* Multi-tenant and dedicated **retail and dining** *Example:* **Theme parks** and water parks *Example:* **Theaters** and stages *Example:* **Apartments** and single-family housing *Example:* **Civil work:** roads and bridges, mass excavation, site and street utilities, artificial lakes and water features, wetlands creation, site development, themed landscapes, etc. *Example:* **Water and wastewater treatment** *Example:* **Parking structures** *Example:* **Temporary structures** *Example:* Controlled, mass and selective **demolition**
7.8 Manage owner competitive bidding and qualitative selections	*Example:* Identify **contracting risks** and develop risk management strategies *Example:* Stay informed about contractors and market conditions; **pre-qualify contractor or subcontractors**; monitor compliance to governance *Example:* Develop project **contracting strategies and procurement plans** *continued on next page*

	continued from previous page **Example:** Bundle scope into prime contracts and/or **segregate scope into trade packages** to meet project objectives and needs **Example:** Lead the entire **owner RFP-to-contract process** – Lead internal RFP development meetings – Prepare and review RFP documentation – Develop plans for technical and commercial bid evaluation – Lead pre-bid and post-bid meetings – Bonding and guarantees criteria for projects – Perform bid evaluations and make award recommendations or review and approve award recommendations by others – Lead negotiations and finalization of contract **Example:** Buy-out trade packages when drawings aren't fully complete but the schedule demands work must start
7.9 Review project set-up after awards to assess readiness	**Example:** **Monitor procurement** to schedule and cost targets **Example:** Develop solutions to **take advantage of purchasing volume** to increase quality and reduce cost **Example:** Comply with **special requirements for any publicly-funded scope** **Example:** **Lead construction supply base into new ways of thinking** about cost, pricing and performance to meet company's strategic demands
7.10 Manage seller bidding/RFP responses or marketing proposals	**Example:** Organize and lead internal **proposal development** **Example:** Prepare and review **proposal documentation** **Example:** Prepare or coordinate **bids and cost proposals** **Example:** Prepare or coordinate **schedule proposals** **Example:** Represent company at **pre- and post-bid meetings** **Example:** Obtain **bonds and guarantees** for projects **Example:** **Lead client negotiations** and finalize contract **Example:** **Review project set-up** after awards for readiness

High-Level Activity	From	To
8. ADMINISTER CONSTRUCTION AND FACILITIES CONTRACTS	1986	2015

Activity Detail	Examples
8.1 Administer directly or manage others administering contracts from small and simple to large, complex, and multi-year/ multi-commodity agreements	**Example:** Perform **contract risk assessments** and develop contract risk reports – Develop and implement contract risk mitigation plans – Develop and implement claim prevention programs and plans

	continued on next page *continued from previous page* EXAMPLE: **Conduct detailed team instructional sessions** for alignment, common understanding, and group agreement as to rules, etc. EXAMPLE: **Manage owner-to-contractor change order process** (scope changes and claims), including valuation and schedule impact assessment EXAMPLE: **Manage contractor-to-client change order process** (time and costs claims), including the valuation and schedule impact assessment EXAMPLE: Write or ghost-write and edit for others all of the necessary **notices, responses and other contractual correspondence** EXAMPLE: **Close-out contracts** – Finalize contract issues and make contract document modifications – Follow-through on final invoices – Do performance evaluations and produce after-action reports – Warranty and latent defects administration
8.2 Proactively monitor, assess, report on and **manage performance by contractors, subcontractors, vendors and consultants**	EXAMPLE: Review contract documents to **identify performance obligations** to monitor and assess. EXAMPLE: **Contractual compliance** for scope and deliverables EXAMPLE: **Productivity and schedule** compliance EXAMPLE: **Change management** and claims compliance EXAMPLE: **Invoicing** metrics and correlation to progress EXAMPLE: Ensure **recovery or corrective action plans** are developed and followed; monitor implementation and redirect as required EXAMPLE: Establish and implement **follow-up processes** EXAMPLE: **Contract-related documentation** and content EXAMPLE: **Report up to senior management** on technical or commercial issues

HIGH-LEVEL ACTIVITY	FROM	TO
9. RESOLVE CONTRACTUAL DISPUTES	1994	2015

ACTIVITY DETAIL	EXAMPLES
9.1 Research, assess, quantify, negotiate, settle and document **disputes and disagreements** INCLUDES: As owner vs contractor INCLUDES: As contractor vs owner INCLUDES: As contractor vs subcontractor	EXAMPLE: Perform **detailed dispute-related analyses** for both affirmative and defensive claims – Delay and impact – Changed or differing conditions – Damages and loss-of-productivity EXAMPLE: [redacted particulars can be provided on request]

9.2 Provide dispute resolution support to both in-house and outside counsel *Includes:* Assist counsel in arbitration and litigation proceedings, both as plaintiff and defendant *Includes:* Participating directly in or supporting counsel for mediations	*Example:* [redacted particulars can be provided on request]

High-Level Activity	From	To
10. MANAGE CONSTRUCTION AND FACILITIES PROJECTS	1998	2015

Activity Detail	Examples
10.1 **Perform project management** for capital improvement and expense projects *Includes:* Implementing and advocating for Lean Construction and Integrated Project Delivery techniques and practices *Includes:* Delivering project management and advisory services to clients as a consultant	*Example:* Managing **permitting, planning and other regulatory and entitlement matters** for capital improvement projects in a wide variety of jurisdictions, both across the US and internationally *Example:* Manage or support projects across **US and international locations** in Latin America, Europe, Middle East, and Asia *Example:* Manage or support projects across variety of project delivery models, contracting strategies and compensation methods *Example:* Manage or support **projects in different size organizations**, ranging from one-person division doing all sales, estimating and negotiating to being a functional area manager in a segregated, cross-functional matrix construction enterprise of over 700 people world-wide *Example:* Identify, assess, monitor and mitigate **project risks** *Example:* Prepare, edit and review **project execution plans** *Example:* Assign and document **scope of authority** and delegated responsibility *Example:* Establish and maintain **communications with project and home office staff** through a flexible combination of in-person meetings, telephone and web conferences, as well as web-based reporting
10.2 Provide scheduling controls for capital improvement and expense projects	*Example:* Develop and maintain Primavera Project Planner and Microsoft Project **resource-loaded schedules** *Example:* Define and **measure field and office work progress** (performance indicators) against plan and forecast using **earned value** – Plan and monitor productivity – Forecast labor and other resources – Develop, implement and monitor schedule recovery plans *Example:* Estimate and track labor-driven **general conditions** *Example:* Prepare and document **extension of time** claims *Example:* **Assess and defend** extension of time claims being made by others

10.3 Manage design for capital improvement and expense projects	*Example:* Perform **pre-construction design reviews** for constructability, construction sequencing, work packaging, etc. *Example:* **Interpret drawings and specs**, communicate between designers and the field, and be able to see what's missing *Example:* Lead and facilitate **value engineering** sessions *Example:* Accommodate **frequent scope changes** driven by manufacturing, technology, show business factors
10.4 Provide cost controls for capital improvement and expense projects	*Example:* Educate stakeholders on **commercial best practices** *Example:* Perform and **manage capital budgeting, funding, and cost estimating** – Apply cost benchmarks and industry norms – Develop and maintain project cost reports – Prepare and manage project cash flow forecasts *Example:* Oversee/manage **project financial reporting** *Example:* Oversee/manage **supplier billing** and payables *Example:* Oversee/manage **client billing** and receivables
10.5 Create scope documentation for capital improvement and expense projects	*Example:* **Write statements of work** (works briefs), procurement scope of work documents, and project or design programs *Example:* **Edit and review statements of work**, scope of work documents, project or design programs, drawings, and specifications, etc., by others
10.6 Perform client/customer and stakeholder management	*Example:* **Manage stakeholder expectations** and translate the expectations into actionable instructions for contractors/ subcontractors *Example:* **Build relationships with client representatives**, using my experience as to what matters to and motivates owners.

High-Level Activity	From	To
11. GENERAL (ALL AREAS)	1987	2015

11.1 ROLES:
- Act as owner or owner-developer
- Act as developer, construction manager, and equity partner jointly
- Act as owner's agent CM, at-risk CM, or general contractor

11.2 STYLE:
- Work independently, exercise good judgment, and be resourceful
- Work well under pressure; Manage multiple tasks and prioritize changing work loads
- Be an enabler who works equally well at both strategic (high-level) and tactical (hands-on) level; Influence people by being solution-oriented
- Maintain strict attention to detail and excellent organization
- Focus on necessary compromises; be realistic about what's good enough for each situation

11.3 ORGANIZATIONAL:

- Align work to the company/ client vision and values; Align work to the goals and objectives
- Act as direct-report to either the legal, finance, procurement, or operations/ project management department as required; Work comfortably with multiple key stakeholders, both internal and external to the company and the project or department
- Deal with ambiguous responsibilities and relationships; collaborate across departments to achieve results
- Effectively report up on details and vet decisions through necessary layers of management; be team player in a large organization
- Support highly ambitious directors and executives; Interact effectively with senior executives from other lines of business or ones who don't have construction experience
- Encourage teams to develop their knowledge and skills
- Work fully-integrated into a client team in either a staff extension or consultant role

11.4 COMMUNICATIONS:

- Write exceptionally well; listen effectively and speak articulately
- Interact and communicate effectively with all levels of the business unit, department or project team, taking consideration of each one's knowledge, interest, needs and comprehension
- Translate visions into measurable goals; Defend positions with rational, data-backed arguments
- Manage complex, multifaceted communications well; Facilitate and lead teams and meetings skillfully and effectively; Participate effectively in team/ client/ stakeholder meetings
- Deliver internal and external communications; Represent the company and the project in public forums
- Manage client when bad news has to be delivered, offering prompt alternatives/ suggestions
- Design and deliver instruction and presentations on business processes, governance and contracting
- Review and analyze documents and provide expert commentary; Deliver strong research and analysis

11.5 CULTURE:

- Successfully manage outreach to and engagement of culturally diverse vendors
- Work outside of the US for extended periods and short-term; Regular domestic and international travel

11.6 TECHNICAL:

- Expert with Microsoft Office expertly (Word, Excel, Access, Visio, Project, OneNote, etc.)
- Familiar with project management information systems like Prolog, e-Builder, Unifier, Delcon PMCS, CMiC, and Viewpoint
- Experienced with Primavera scheduling software
- Super-user for Ariba, Hummingbird, Documentum, and SharePoint
- Very skilled with Adobe Photoshop, Flash CS, Premiere, and Acrobat Pro
- Familiar with Autodesk (for reading content, but not as a designer)