

Michael M. Gennaro
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SUMMARY

Licensed engineer (NJ) and attorney at law (NJ retired status) with over 40 years' experience in the private practice of engineering. Uniquely qualified in matters related to dispute resolution as both a professional engineer (NJ) and retired member of the New Jersey Bar, possessing exceptional skills in engineering design, construction phase engineering services, claims negotiation, construction litigation and alternative dispute resolution. Member of Dispute Resolution Board Foundation.

Achieved steady progression through positions of increased responsibility in the engineering profession including engineering assistant, design engineer, resident observer, project manager, department manager, legal counsel, corporate officer and President and Chief Operating Officer. Participated in the resolution of claims ranging from several million to one-hundred sixty million USD with a deep understanding of the interests of designers; public and private owners; contractors; insurers; and funding agencies.

PROFESSIONAL EXPERIENCE

Hatch Mott MacDonald, Inc. (formerly E.T. Killam Associates, Inc.) 1978 - 1987
Millburn, New Jersey

Associate

Achieved continuous promotions through the ranks from engineering assistant to project engineer, project manager and to the firm's first rung of management as an Associate. Worked full time for four years while attending law school at night. Served clients on water and wastewater projects while also managing the firm's litigation and serving as an assistant to the President on contractual and risk management issues as well as claims resolution.

Engineering assignments during this tenure at Hatch Mott included permitting, design and construction phase services for well stations, potable water treatment plants, wastewater treatment plants, pump stations, transmission and distribution piping, water storage facilities and sanitary sewage facilities for public and private entities. Claims experience included review and negotiation of contractor claims against owners and designers in connection with the above project types.

Paulus, Sokolowski, and Sartor, LLC
Warren, NJ

1987 - 2012

President and Chief Operating Officer

President and Chief Operating Officer of Paulus, Sokolowski and Sartor, LLC (PS&S), an award-winning engineering design firm with offices in New Jersey, New York, Massachusetts and California. PS&S employed engineers, architects and scientists in all design and environmental engineering disciplines engaged in infrastructure,

pharmaceutical, hospitality, health care; industrial, commercial and residential real estate development, energy and education projects.

Accomplishments

Management

- President and Chief Operating Officer of a professional services firm ranging in size at various times from two hundred people with two offices in New Jersey to five hundred people with nine offices in the Northeast and California.
 - Ultimate responsibility for all claims and construction disputes involving PS&S projects. These included roadways, bridges, vertical construction ranging from municipal administration buildings to Atlantic City Hotels/Casinos. Claims successfully resolved related to structural, MEP, Architectural, environmental permitting and licensing, and Geotechnical issues on private, municipal and State of NJ projects.
 - Annually negotiated Professional Liability, Property, and other liability insurance coverage for PS&S.
 - Supervised creation of a project management manual that established practices and procedures relative to quality control; project financial management; proposal and contract guidelines; go, no-go decision making on new opportunities and guidelines for management review of scope and price proposals.
 - Facilitated acquisition and use of BIM technology and software in the design process.
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Legal

- Successful management of professional liability claims and litigation across all architectural and all engineering disciplines, ranging in value from thousands to tens of millions of dollars. Among the more notable matters:
 - Successful settlement of litigation against a Joint Venture in which PS&S was a partner involving construction delay claims and counterclaims between large municipal sewerage authority and contractor in excess of \$100 million, with no resulting liability to PS&S.
 - Successful resolution of mediation between homeowner's association, large developer and various contractors on a large Hudson River waterfront development involving, among other matters, allegations of excessive building settlement due to improper design of ground surcharge to avoid use of deep foundations. Total Claims were in excess of \$100 million. Settlement through mediation included minimal contribution by PS&S.
 - Successful defense of contractor claims involving geotechnical design of Camden Aquarium site.
 - Successful defense of contractor claims involving design of laboratory for Ivy League University in the northeast U.S.

- Assisted New Jersey County in the successful claim against soil and wastewater contamination caused by neighboring waterfront property owner.
- Created standard forms of client contracts, proposals and subcontracts for use throughout the firm.
- Implemented sub-contractor controls such as minimum insurance requirements; indemnity and pay-when-paid provisions.
- Annually negotiated premium and policy language on liability insurance policies.

Technical

- Principal in Charge during PS&S's 20-year representation of the Hudson County Improvement Authority.
- Prepared solid waste management plans and bid documents for transport and disposal of municipal solid waste for several of New Jersey's largest counties.
- Prepared the first Wastewater Industrial Pretreatment Plan issued by a sewage authority in New Jersey in response to passage of the Clean Water Enforcement Act.
- Client manager for first private-public partnership project by a state university in New Jersey involving the design and construction of housing for 2000 students.

Mott MacDonald Group, Inc.

2012-2022 (retired)

Executive Vice President and North American General Counsel for Mott MacDonald Group, Inc. (MMGI), a \$500 million dollar consulting engineering firm with over 2300 people serving as the North American business unit within a 16,000 person, \$2.2 billion (revenue) global engineering firm.

- Member of Board of Directors and Corporate Secretary, Executive Vice President and General Counsel for MMGI and in various similar capacities within its twenty-one different affiliates and subsidiaries.
- Group Risk Principal for Mott MacDonald's global operations.
- Shareholder within Mott MacDonald's global parent.
- Member of Mott MacDonald Global Shareholder Committee consisting of twenty-two key officers out of 16,000 total employees.
- Negotiated major engineering design contracts with project owners and design-builders on public projects with construction values as high as \$2.5 billion in the United States and Canada.
- Successfully negotiated resolutions of construction/design liability and fee claims, arbitrations, alternative dispute resolution proceedings and litigation on small, medium and large projects in the United States and Canada, including complex tunnel, natural gas transmission pipelines and other infrastructure projects with amounts in dispute ranging from \$1 million to well over \$100 million. Notable matters included:

- Tunnel project dispute resolved through mediation involving public agency in British Columbia, Canada, international contractor and MM Canada with amounts in dispute of over \$100 million (CAD).
- Disputes involving a high-speed rail project in California.
- Disputes involving a large design-build project by the Chesapeake Bay Bridge Tunnel Authority with construction values in excess of \$700 million.
- Participated in mediation and litigation with design-builder on a large VDOT design-build project in Virginia with construction values in excess of 2.5 billion USD.
- Successful resolution of claim brought by contractor on an FDOT project for extra compensation resulting from allegations of changed conditions affecting temporary access bridges in a wetland area needed for construction of replacement bridging.
- Successful settlement of various claims brought by design-build contractor on large Sea-to-Sky Highway project in Canada.
- Successful defense of contractor claims involving moveable railroad bridge for State Agency in Mass.
- Successful mediation/arbitration of dispute brought by contractor alleging changed subsurface conditions for project undertaken by Los Angeles World Airport.
- Participated in defense of action alleging property damage by local residents against natural gas pipeline owner, contractor and MMGI on interstate gas transmission project in West Virginia.
- Successful mediation of claims brought by contractor against natural gas pipeline owner and MMGI for large gas transmission project in Texas.
- Prepared engineering contracts for many engineering projects including design-bid-build; design-build and progressive design-build projects.
- Advised project managers on techniques for claims avoidance and assisted in development of solutions to complex design issues.
- Negotiated leases for over seventy office locations in the United States and Canada.
- Served on multiple MMGI management Committees including strategic planning, Risk and Ethics Committees
- Assisted North American President and CEO on management issues.

EDUCATION

- Bachelor of Engineering (with Honor), Stevens Institute of Technology, 1978
- Juris Doctor (with Honor), Seton Hall University School of Law, 1982

DRB TRAINING

- Dispute Resolution Board Administration and Practice Workshop (Dispute Resolution Board Foundation, Feb. 2023)

PROFESSIONAL LICENSES

- Professional Engineer – State of New Jersey
- Attorney at Law – State of New Jersey (retired status as of January 2023)

PROFESSIONAL ASSOCIATIONS

Michael M. Gennaro

Dispute Resolution Board Foundation – Member
New Jersey State Bar Association
American Water Works Association
American Society of Civil Engineers (Life Member)
Former MMGI Alternate Member to Design Professionals Coalition (group represented by management leads of most major North American engineering companies affiliated with the American Counsel of Engineering Companies)

COMMUNITY ACTIVITIES

Elected official in the Borough of New Providence, New Jersey from 2007 through 2021. Served as Borough Council President and Chair of the Council's Finance, Administration and Engineering Committees for most of those years.

Former Trustee, Summit Speech School (2012-2014).