

ERIC GOULD

Co-Founder and Partner



Eric Gould is a founding member and partner of Modus Strategic Solutions, Inc. From the construction trailer to the board room, Gould utilizes his 28+ years of experience in the construction industry to provide project oversight and strategic consulting advice to clients engaged in complex, multi-year power generation and industrial construction mega-projects. Relying on this wealth of experience with

complex construction projects, Gould consults with clients in the energy and industrial sectors to enhance company management's ability to prudently manage major capital improvement projects. His services are focused on project oversight, risk management, strategic planning, commercial disputes and regulatory strategy for complex construction projects.

Over the course of his career, Gould has worked with and represented many of the largest utilities in North America, and his work has encompassed all phases of construction, from conceptual planning to project execution. He has been engaged in the planning, development, procurement, construction and/or rehabilitation of more than 18,000 MW of electric power in North America. His experience includes multi-year, complex refurbishment and new builds of nuclear and fossil power plants, alternative energy facilities, wind and solar generation and innovative co-generation facilities. Gould's breadth of experience makes him uniquely qualified to assess and characterize project risks and advise construction managers, project teams, auditors, risk managers, project controls managers and professionals, and all others engaged in complex construction projects.

CONSTRUCTION OVERSIGHT AND PROJECT MANAGEMENT CONSULTING

Gould regularly reports to clients' senior executives, boards of directors, as well as governmental and quasi-governmental officials. He has testified in rate commission hearings and provided strategic advice and development of expert and fact testimony for regulatory proceedings, arbitrations, mediations and trials. He has extensive experience in reporting the status of ongoing generation projects to senior executives, regulators and other interested parties. Such reports document the status of the project, highlight risks and concerns and provide suggested mitigation strategies. Gould works daily with technical consultants, contractors, construction managers and engineers to evaluate and report on mitigation and avoidance of critical problems and report on such problems in a cogent manner. Gould also works closely with the client's project management teams to provide transparency to issues and projects' progress. Such reports provide senior management with the necessary tools to understand and internally and externally communicate the status of multi-year, complex construction projects in a clear and straightforward manner.

Gould has reported on multiple complex mega-projects. Examples of these services include:

- ▶ **Nuclear Refurbishment:** Provided board oversight to the Nuclear Oversight Committee (NOC) of Ontario Power Generation (OPG) for the planning and definition phase of OPG's Darlington Nuclear Refurbishment Project, a \$12.9 Billion refurbishment of Darlington's four CANDU reactors. During this 3-year engagement, Gould led a team of subject matter experts to review all aspects of OPG's planning and development of the Project's Release Quality Estimate. On a quarterly basis, Gould managed the preparation of reports to OPG's board committees (NOC and the Darlington Review Committee, or DRC) and delivered oral reports to the NOC/DRC. Gould also directed and participated in the development of focused assessments concerning the Darlington Project's most notable risks. Gould testified as part of an OPG panel at the Ontario Energy Board in July 2014 regarding his and the team's observations to that time of the development of the Darlington Project.

EXPERTISE

- ▶ Project Oversight
- ▶ Project Reporting
- ▶ Project Controls
- ▶ Risk & Readiness Assessments
- ▶ Contract/Owner Disputes & Dispute Resolution
- ▶ Regulatory/Governmental Reporting

28+ YEARS OF EXPERIENCE

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- ▶ **Nuclear New Build Construction:** Provided project management and project controls consulting for the execution of a \$20 billion (US) nuclear new build project. Gould assisted in the analysis of the scheduling process used during execution of the project. This analysis was reported to the site team leadership and company senior management.
- ▶ **Coal-Fired Plant Construction:** Provided oversight for the planning, engineering, procurement and construction of a new build 850 MW super-critical, coal fired power plant. The project also included refurbishment and retrofitting of the site's existing 700 MW coal fired plant with environmental upgrades. Together these two projects cost \$2.5 billion (US). Gould's 6-year involvement included reporting to the client's senior executive team, including the CEO and Chairman of the Board of Directors regarding commercial and execution risks, ongoing monitoring of schedule, budget and performance progress, and assisting in the strategic approach and testimony before the public utilities commission for the client's recovery of project costs in rates. Gould's work extended from initial development of major procurement packages through full execution and multiple rate cases in two separate jurisdictions, which resulted in a near-full recovery of the company's investment.
- ▶ **Nuclear Return-to-Service:** Over the course of 3 years, Gould was integrally involved with characterizing the issues that caused a \$1.45B (CAD) cost and 2+year schedule overrun of OPG's Pickering A Unit 4, followed by developing an analysis of applicable lessons learned for use by OPG in completing Pickering A Unit 1's return to service on time and on budget. Gould was instrumental in leading the team of experts and developing an independent root cause analysis of the sources of cost and schedule overruns on the restart of Pickering A Unit 4. In association with developing this report, Gould delivered the analysis to an independent panel appointed by the Premier of Ontario tasked with investigating the causes of these overruns. Gould also led the team that identified lessons learned applicable to OPG's establishing confidence that Pickering A Unit 1 could be performed; that analysis included in-depth review of the project planning, budget, schedule and project management. That report was provided to the OPG Review Committee chaired by Hon. John Manley. After approval, Gould tracked the performance of the Unit 1 RTS through execution, providing written and oral reports to OPG Board of Directors and senior management.
- ▶ **Nuclear Steam Generator Replacements:** Investigated and reported to senior management the root causes of cost and schedule overruns in the replacement of a US nuclear station's steam generators. The company replaced steam generators in both of its two units, and the first such replacement was beset by construction performance issues, resulting in the outage doubling in duration and significant commercial issues. Gould led the team in field to review the sources of those delays and developed reports to a senior executive challenge process aimed at correcting all performance issues before the start of the second unit. This effort led the project's EPC contractor to significantly replan and restaff for the second unit. Gould continued to monitor execution, which was completed in a new record timeframe and with minimal commercial issues.
- ▶ **Fossil Plant Upgrades/Execution:** Monitored the execution of multiple environmental upgrades to existing coal-fired power plants in the US and new gas-fired generation, including review of project risks to budget and schedule, and reporting of same to company management. Gould performed assessments of project controls, ability to forecast risks and potential areas of improvement. Such reports were utilized by management for improvements of processes, and outage and project planning.

COMMERCIAL STRATEGY AND PROJECT DUE DILIGENCE

Through his career, Gould has performed multiple due diligence reviews of risks surrounding proposed capital expenditures, including assessing robustness of project planning and execution models and methods, and potential risks and claims. Such reviews leveraged his experience in all phases of construction planning and execution. The following is a sample of Gould's engagements in assisting clients with commercial strategy:



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- ▶ Due diligence review of project claims and disputes on a multi-billion dollar nuclear new build project. During this review, Gould and the Modus team provided the client with an independent review of cost, schedule and claim entitlement.
- ▶ Review and assessment of potential commercial issues for a steam generator replacement project. Gould led an independent assessment of potential commercial and performance risks that assisted the utility in resolving potential disputes prior to an extended outage. The project was completed ahead of schedule and within budget.
- ▶ Review and assessment of client's proposal for new-build CANDU nuclear units. This assessment included in-depth review of lessons learned from prior CANDU projects, as well as an assessment of cost, schedule and performance risk identification.
- ▶ Collaborated with his clients' representatives to develop external reporting regimes for regulatory and governmental bodies, boards of directors and other interested parties. Such reports include assessments of the sufficiency of a project's planning and execution, known risks, budget and schedule status and commercial risks.

CLAIMS AVOIDANCE/ALTERNATIVE DISPUTE RESOLUTION/LITIGATION

Gould has nearly three decades of experience in evaluating delay, disruption, loss of efficiency and acceleration claims, negotiating change orders and back charges, and analyzing errors and omissions claims against architects/engineers. Gould has provided expertise in analyzing claims and construction disputes on complex, multi-year construction projects in the utility and other commercial sectors. He has been an integral part of the analysis of claims for the mediation, arbitration and litigation of dozens of construction disputes involving utility construction projects, including: nuclear power plant refurbishments and new builds, construction of heat recovery steam generators, co-generation plants, electrostatic precipitators, coal-to-gas conversions, and alternative energy facilities. Often he has been retained to provide this expertise during ongoing construction projects in an attempt to avoid/recover from failed performance.

Examples include:

- ▶ Review of disputes from construction of \$2B (US) concentrated solar project in the Southwest of the US; developed claims regarding extended schedule and associated costs for completion. Claims successfully resolved in arbitration.
- ▶ Review and assessment of multiple claims for delays and extended costs of construction from client's building of three multiple gas-fired combined cycle plants in Northeast US. All disputes were mediated and resolved, allowing construction to complete.
- ▶ Assessment of disputes during performance of two-unit coal-to-gas conversion.
- ▶ Assessment of claims and performance issues resulting from contractor's work on multiple coal-fired power plants in the US Midwest, resulting in multi-stage mediation to resolve issues.

Mr. Gould's experience extends beyond utility construction. He has provided many of these same services on such diverse, multi-million/billion dollar projects as industrial facilities, manufacturing plants, commercial facilities, sewage treatment plants, road construction, sporting facilities, ship construction and hospitals.

REGULATORY AND GOVERNMENTAL CONSULTING

Each of the services described above makes Gould uniquely qualified to assist clients in aspects of regulatory proceedings. Gould's services in this regard have included providing up-to-date reports and developing progress metrics used for tracking the progress of large projects for governmental and quasi-governmental agencies. Gould has collaborated with governmental



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officials tasked with performing fact-finding audits, and provided input to sections of published reports produced by government appointed panels concerning the viability of ongoing construction projects. Examples of past involvement in regulatory matters include:

- ▶ Participation in the factual/expert strategy and development of a client's multiple rate cases that led to record-setting recoveries of nearly \$3B (US) construction costs into rate base. Gould assisted in the ongoing documentation and reporting of issues related to prudence and industry best practices while the project was in progress. Once the rate cases were filed, Gould developed expert and factual witness testimony based on his and his team's work on that project over the prior five years.
- ▶ Review of client's regulatory strategy and ongoing reporting of construction progress of multi-unit environmental retrofits to its public service commission.
- ▶ Testimony to Ontario Energy Board regarding OPG's Darlington Refurbishment Project.

