

John G. Balch, CEO, CPCM



John G. Balch, a Certified Professional Contract Manager, has over 40 years of business operational experience in contract administration, contract disputes, arbitration proceedings and settlements, Alternative Disputes Resolution (ADR), mini trials, expert witness testimony, negotiations, and business development and strategy. In addition to Contract Administration experience, Mr. Balch started and successfully ran a construction company for one of the largest Danish conglomerates in the world i.e. Monberg-Thorsen. Mr. Balch has been involved in the strategy and Risk Management for a number of companies involved in

disputes, Federal government contracts, and contract consulting in construction. Mr. Balch is a unique, multifaceted individual and has diverse experience with contracts. Mr. Balch also served as a Warranted Contracting Officer for the United States Air Force and was responsible for the preparation, solicitation, negotiation, contract award and administration of hundreds of millions of dollars worth of major projects and critical system acquisitions, involving both domestic and international contracts.

Graduated from Virginia Military Institute in 1968. Via the Air Force, functioned as an “Unlimited Warranted Contracting Officer”/PCO on one of the largest Air Force O&M contracts i.e. Distant Early Warning System and as the alternate PCO on the Ballistic Missile Early Warning System and responsible for implementing the computer upgrade of the Computer Systems in Cheyenne Mountain, Colorado i.e. North American Air Defense Command / 427M Program. Conducted extensive high-end negotiations and held the title of “Systems Contracts Negotiator.”

Founder and CEO of Excell Consulting International, Inc. Excell was a leading Contract Management / Disputes company in the U.S.A. Excell specialized in REA’s and has been involved in that capacity in one form or another since 1983. Excell’s clients included: Bechtel, Fluor Daniels, Turner, CBI, Granite, Arctic Slope Regional Corporation, ITT, RCA, Big-D Construction, as well as Small Business Contractors.

Responsible for Developing Program Management Documents/Contract Administration Procedures and taught negotiation theory to some of the largest companies in the country to include: ICF Kaiser (Fairfax, VA) and Bechtel (San Francisco, CA). Guest speaker at the American Bar Association conventions, as well as the Certified Public Accountants National Convention in San Diego, CA.

Education:

B.S., Biology, Virginia Military Institute, 1968
M.A., Procurement / Management, Webster University, 1978

Registrations:

Certified Professional Contract Manager, CPCM #3117

Professional Memberships:

National Contract Management Association
American Bar Association, Associate Member

Professional Publications:

“Project Problems and Early Detection - Early Cure,” The Excell Report, (1996)

NOTE: [The Excell Report](#) was a monthly publication with 10,000 plus monthly readers with tremendous specific Construction Claims and Quantification Analysis information e.g. Changes Management, guest speaker at the International Association of Cold Storage Contractors Annual Conference, Cabo San Lucas, Mexico. Practical Lessons in Project Management, Contract

Lectured and/or presented at 95 seminars for the Association of General Contractors and Associated Builders and Contractors concerning various topics of Contract Administration and Claims for the construction industry.

Assembled a “cradle to grave” construction package regarding the largest “lease back” construction program undertaken by the U.S. Navy i.e. 525 houses constructed under “lease back” in Sigonella, Sicily. Drafted and developed the proforma for Cogefar-Impresit, and negotiated all contractual arrangements between the U.S. Navy and Cogefar-Impresit. The effort was undertaken, project built, completed, and this housing is being utilized per the terms and conditions of that agreement i.e. 40 year payoff. The negotiation instruments amounted to an approximate \$440 million dollar contract with a 2.9 CPI Index over 40 years.

Since May 2008, involved in a Contract Dispute matter which was a multi-million dollar issue i.e. UTOPIA (Utah Telecommunication Open Infrastructure Agency) in Salt Lake City, Utah vs. U.S. Department of Agriculture and in September 2008. This matter recently settled in excess of \$10 million.

Historically functioned as an Expert Witness on numerous occasions regarding contractual disputes in CG Williams vs. Air Force; Tempo Construction vs. Air Force, C&K vs. Colorado, R&O Construction vs. California, Linpro vs. GSA Foley Square, T. Frederick Jackson, vs. Marriott Hotel, S&E Contractors vs. Dade County Florida; West Electronics vs. U.S. Navy.

Experience:

Various Projects, Excell Consulting International, Inc., Colorado Springs, Colorado, Chairman of the Board/Chief Executive Officer. Mr. Balch was responsible for the overall management and fiscal profit and loss of this disputes oriented organization.

Projects included a \$140+ million construction effort in Sicily, Italy; and a major contract dispute between the United States Navy/United States Air Force and Contel, Inc. The organization was comprised of 80 full-time individuals with an additional cadre of professionals on an on-call basis. The company specialized in disputes management efforts associated with complex problem solving and complex negotiations. The firm was versed extensively in claims preparation, negotiations, arbitration, and/or litigation, which included pre-trial investigative services, as well as discovery, presentation, expert witness efforts, and other activities necessary to protect the client’s rights in any forum. Excell’s clients included the Aleut Corporation, AMEC Engineering, American Water Works, Arctic Slope Regional Corporation, Ball, Ball & Brosamer, Bechtel, Bill Strong Enterprises, C-G Construction, California Department of Corrections, CBI Nacon, Cogefar Impresit USA, Contel/GTRE, Fluor Daniel, ICF Kaiser Engineers, ITT Industries, Koll Construction, Marathon Steel Company, Monberg-Thorson (Denmark), Pettit & Martin, Smith, Currie & Hancock, The Triax Company, The Weitz Company, Willis Corroon, Swinerton/Walberg, Wackenhut and many others.

Administration, and Claims Avoidance, and International Association of Certified Public Accountants of America, San Diego, CA.

Seminars:

Participated or conducted seminars within the United States to include Alaska and Hawaii.

Seminars were conducted for major contractors and at the request of the AGC, ABC and AICPA and in joint venture scenarios with Willis Corroon. Topics included: Claims Management, Change Order Management, Executive Level Claims Avoidance, Executive Level Contract Administration, Negotiation Techniques, Contract Administration Techniques, Risk Analysis, Cost Analysis and Scheduling.

Excell Sponsored Seminars (EX), Willis Corroon (WC), Assoc. General Contractors (AGC), Associated Builders and Contractors (ABC).

Alabama: (WC)
Alaska: (EX), (AGC), (WC)
Arizona: (AGC), (WC)

Construction Background:

Various Projects, Danac, Inc., Western Division, Vice President. Mr. Balch started this domestic construction division with three people in 1980. Responsible for overall management including the profit and loss profile of the Western Division of this international firm dealing directly with Federal government contracts in Bermuda, Cuba, Azores, The Virgin Islands, and the United States. The company grew and operations averaged \$30 million annually with a staff of 300+ personnel. Projects located in: Newport, RI; Cherry Point, NC; Brooks AFB, TX; Randolph AFB, TX; AFA Colorado Springs, CO; Loring AFB, Maine; Ft. Bragg, NC; Pope AFB, NC; Kelly AFB, Lackland AFB; the Virgin Islands and Alaska.

Claims Related Activity:

Renovation of Army Barracks, Fort Wainwright, Alaska. For the US Army Corps of Engineers, and governed by the Federal Acquisition Regulation (FAR), Mr. Balch (Excell, Inc.) assisted with development of a comprehensive Request for Equitable Adjustment. Excell directed the actual costs reconstruction and reclassification effort and subsequent identification/ quantification of the damages incurred. Also assisted with the research and development of individual entitlement issues; the matter was successfully concluded.

Foley Square – Solely responsible on behalf of Linpro & Associates, New York City for the re-negotiation of the largest high-rise built in Manhattan in the last 20 years. This immense structure started as a design build effort until an Indian Burial Ground was encountered. This differing site condition matter caused the project to approach \$400 million in cost with a substantial overrun. Mr. Balch along with CPA Norman Lorch in concert with Linpro-Turner Construction, successfully negotiated a 100% recovery of costs and all profits on behalf of the client, with all consulting and Excell fees reimbursed by GSA.

Consolidated Space Operational Center – On behalf of Bechtel, responsible for the resubmission and re-negotiation of a \$10 million cost overrun associated with a defective design problem and the attenuate costs associated with same. This single REA resulted in the first “mini-trial” conducted by the U.S. Corps of Engineers. Bechtel recovered all costs and profits, as well as Excell fees in the matter and the world of mini-trials was born.

Value Engineering Change Proposals – Designed, structured, implemented and conducted a VECP program for ITT Federal Services. The program was the first of its kind and 100% under the control and direction of Mr. Balch. The program was hugely successful and responsible for millions of dollars worth of unanticipated profits dropping to the bottom line of ITT.

Termination for Convenience vs. Deductive Change Order – On behalf of a Corpus Christi construction firm, challenged the United States government on a matter where a partial termination was the correct methodology to make the contract change, but the government had elected to make a unilateral deductive change. The matter was reversed and all efforts to include the formulation of

California: Los Angeles (WC), Irvine (EX), Fresno (WC), Newport Beach (WC), San Francisco (WC), Colorado: (AGC), Connecticut: (WC)

Florida: Gainesville (WC), Orlando (WC), Tampa (ABC)

Georgia: (AGC with Smith, Currie, Hancock and later with WC) Overton Currie & John Balch

Hawaii: (AGC)
Indiana: (WC)
Kansas: (WC)
Kentucky: (WC)
Massachusetts: (WC)
Michigan: (WC)
Minnesota: (WC)
Missouri: (WC)
Nebraska: (WC)
Nevada: (EX), (WC)
New Mexico: (WC)
New York: (WC)
North Carolina: (WC)
Ohio: (WC)
Oklahoma: (WC)
Oregon: (WC)
South Carolina: (WC)
Tennessee: (WC)
Texas: (WC), (ABC)
Utah: (WC)
Virginia: (EX)
Washington: (WC)
Washington D.C.: (AGC)
Wisconsin: (WC)
Wyoming: (AGC)

Edmonton, Alberta, Canada: (Excell / PCL Construction Enterprises) Calgary, Alberta Canada: (EX)

the REA, its contents, cost analysis, impact and areas of recoverable costs were asserted and recovered.

San Juan, Puerto Rico:
(EX)

Heilig-Meyers Furniture Company Corporate Headquarters Building, Richmond, Virginia, Owner's Representative. Acting as Owner's Representative on a dispute with the contractor concerning over-billing on a cost-plus contract, Mr. Balch performed comprehensive analysis of budgeted and actual costs, and provided expert testimony during formal arbitration conducted by AAA which resulted in cost recovery.

Other Claim Related Matters:

Excell had complete responsibility for, and participation in, the following types of efforts relative to numerous agencies of the Federal Government:

- Implementation of complex program management/contract administration procedures.
- Preparation, negotiation, and evaluation of Request for Equitable Adjustment proposals.
- Preparation, negotiation, and evaluation of Claims.
- Termination for Convenience Settlement Proposal development and negotiations.
- Change order/modification development and negotiations.

Development and negotiation of entitlement/recovery positions for issues related to differing site conditions, delays, directed and constructive changes, directed and constructive acceleration, defective/deficient contract design documents, owner interference, site access denial, unusually severe weather, overzealous inspection, impossibility and impracticality of performance, liquidated damages, variations in estimated quantity issues, support during audits accomplished by the Defense Contract Audit Agency (DCAA), support of litigation team(s) in various government litigation and alternative dispute resolution forums. As the CEO of Excell, involved in all ranges of negotiated disputes from as small as \$10,000 to as large as \$100M i.e. Contel vs. U.S. Air Force.

Other Accomplishments:

Excell received ENR's award for business development when Excell joined forces in a formal venture to proffer Contract Negotiations and Alternate Dispute Resolution scenarios to the construction industry by coupling Excell with Willis Corroon (out of London England), with its U.S. headquarters in Nashville, TN. This arrangement placed Claims Avoidance and Contract Management at the executive level within the construction arena. Taught negotiation techniques, contract administration techniques, risk analysis, risk avoidance and the like to enhance management's understanding of contract awareness issues designed to keep contractors out of the courts. The program was so successful that a quarterly outstanding meritorious award was received for the development of the concept and the placement of it in the construction industry.

Involved in numerous mock negotiation scenarios and red team reviews for some of the largest corporations in the United States which include: RCA and ITT.

The matters were both domestic and international and were in the millions of dollar range.

One successful ADR method included the Contel claim by assisting three different sets of attorneys on what came to be known as the “Omnibus” claim that involved 39 separate, but linked REA’s impacting a \$69M Firm Fixed Price contract that escalated with changes to \$370M. The effort resulted in an award to Contel that was just short of \$100M.

Other Personal Victories:

During May of 1997, as the CEO and Owner of a related company (Injection Research Specialists, Inc.), at the time, received the largest jury verdict in the 100 year history of the State of Colorado for theft of Trade Secrets, to include: software programs, electronic control unit, misappropriation and outright theft of a proprietary product conceived, designed, built and sold, both domestically and internationally. This Electronic Fuel Injection system was the first of its kind related to two stroke engine technology. The jury verdict came in at \$57 million dollars against Polaris Industries and FUJI Heavy Industries and on appeal, nearly doubled that figure and ultimately, the settlement approached \$80 million. The verdict took 9 years and efforts included all aspects associated with the start up of the business through Research and Development and production.

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Here today for Your Tomorrow

Excell has been saving projects, companies and careers since 1983. From its beginning, Excell rapidly evolved into a leader in the Contract Disputes / Claim Avoidance arena with few equals.

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Get in Touch

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Meet John Balch, CEO & Founder



John G. Balch, a Certified Professional Contract Manager, has over 40 years of business operational experience.

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