



LOEWKE BRILL

CONSULTING GROUP, INC

**CONSTRUCTION
CONSULTING**

Est. 1992

Meet Our Executive Team



R. Michael Loewke
Chairman

- Former MEP / Site Contractor
- Licensed Plumber (Cities of Rochester and Batavia)
- Former Monroe County Legislator
- Owned / Operated FBO Reliever Airport (Monroe County)
- Monroe County Civil Service Board Member
- AAA Panel Member / Arbitrator / Mediator
- Former MCWA Board Member



James Loewke
CEO

- Former Mechanical Contractor
- Licensed Plumber (City of Rochester)
- DEC Certified Underground Storage Tank Installer
- Certified Aboveground Storage Tank Installer
- NYS Department of Labor registered Steamfitter
- AAA Panel Member / Arbitrator / Mediator
- Quickpen Certified Mechanical Estimator
- Primavera P6 Professional Client Fundamentals
- Insurance Broker License #BR-1378549



Mike Vogt
Executive VP

- B.S. Business Management St. John Fisher College (Rochester, NY)
- Former Utility Contractor
- New York State Licensed Insurance Property Casualty Broker
- New York State Licensed Life-Health Broker New York
- Licensed Insurance Counselor
- USACE QCM Certified
- FAA Private Pilot License

Mission Statement

The Loewke Brill Consulting Group professionals are general Mechanical / Electrical construction specialists with three generations of experience and service in the industry. Our Company's commitment to its core values of integrity, trust, and reliability has resulted in exceptional client satisfaction for many years. We are extremely proud of the high level of personal service and attention that we consistently provide for each and every one of our clients.

How can we best serve your needs?

Our Surety services include: [\[page 4\]](#)

Loewke Brill will respond to your surety default or claim situation with immediate action. We can handle projects of any size as some of our claims have been as small as \$50,000 and as large as \$200M. We can perform On-Site Monitoring, Risk Assessment Status, Inventory / Tool / Equipment Appraisals, Establish Completion Cost Budget (Reserve), perform Bond / Vendor Claim Investigation and Funds Control / Trust Accounts services to name a few.

Our Construction Expert services include: [\[pages 5-6\]](#)

Loewke Brill has a vast knowledge of construction and the claims process. We have performed claim and expert services for many clients including schedule analysis, cost analysis, backcharges, loss of revenue, stacking of trades, acceleration and others.

Our Economical Development services include: [\[page 7\]](#)

Loewke Brill provides turn-key services to help with Economic Development Agency Local Labor Policies. From input on drafting policies, project labor monitoring and reporting, insurance and risk assessment, clawback negotiations, 1099 monitoring and construction progress reporting.



What are our **Surety** Services?



Loewke Brill's surety services include all forms of support for the surety industry. From the beginning we perform bid reviews through the end of project closeout documentation and everything in between. We offer the following services to our surety customers:

Surety Service

- Bid Reviews
- On-Site Monitoring
- Inventory / Tool / Equipment Appraisal
- Collection of Contract Funds
- Contractor Replacement
- Change Order Review / Negotiation
- Claim Investigation
- Bond / Vendor Claim Investigation
- Establish Completion Cost Budget (Reserve)

"Loewke Brill took a lead role in meetings and negotiations with obligees, subcontractors and suppliers. They coordinated the completion of outstanding contract, punch list and warranty work as well as preparation of the required close-out documentation ... You and your team possessed the necessary skills and expertise to handle any task that we requested ... I could not have selected a better consulting group to assist Liberty Mutual Insurance Company with this loss."

- Stephen M. Rae, Chief Counsel Liberty Mutual Surety

Why use an Expert Witness?

What are Loewke Brill's qualifications?



An expert witness is a witness who by virtue of education, profession, publication or experience, is believed to have special knowledge of his subject beyond that of the average person, sufficient that others may officially (and legally) rely upon his opinion.

"I am pleased to recommend you as an expert witness and consultant to other legal, contracting, and bonding firms in need of technical construction assistance with their litigation and problem project needs."

-Paul L. Leclair Wolford & Leclair

R. Michael Loewke

Qualified to testify in construction issues regarding Plumbing systems, HVAC systems, Medical Gas Systems, Sewage Treatment Plants, Potable Water Plants, Boiler Installation, Site Plumbing and Industrial and Process Piping systems.

James Loewke

Qualified to testify in construction issues regarding Plumbing systems, Mechanical Systems including Steam, Hot and Chilled Water, Chiller Installations, HVAC Control system functions, Medical Gas Installations, Site Plumbing, Mechanical Estimating and Insurance Losses.

Michael Vogt

Qualified to testify in construction issues regarding site Utility work including but not limited to, Civil work, Directional Drilling, Sewage Treatment, Boiler Maintenance and Contractor Finances also qualified in Insurance and Bonds.

Ron Samsel, P.E.

Licensed PE, qualified to testify in engineering issues regarding Structural issues, including but not limited to, Structural steel, Structural Concrete, Facade Structures, Wind Loads, and other Structural Engineering requirements.

Claims Services

Loewke Brill is uniquely qualified through our training, schooling and practical construction knowledge to develop and pursue construction claims for many issues.

Some examples would be:

- Delays and impacts / schedule analysis
- Stacking of trades
- Project acceleration
- Change orders claim and negotiations
- Defective Specifications and Designs

Construction Defect Services

Loewke Brill also does a significant amount of Construction Defect investigation work. Construction Defect by definition means a deficiency in the design or construction of a building or structure resulting from a failure to design or construct in a reasonably workmanlike manner.

Loewke Brill has the expertise to examine defective construction work and provide a report detailing the reason for failure. We perform this service for many clients, including just some of the following:

- Insurance companies who need to find the proximate cause of a paid out loss.
- Building owners who need to determine if faulty construction is the result of design errors or poor construction.
- Property Owners who are experiencing damage (water infiltration, mold growth, etc.) but do not know the cause or the best way to stop and correct the problem.

Once Loewke Brill has determined the cause of the problems, we provide a detailed report or claim for the use in the recovery of damages.

"We retained Loewke Brill Consulting Group to serve as an expert in a litigation concerning a significant delay claim brought against American Home Assurance Company as a payment bond surety. In particular, we asked you to analyze the accuracy of the plaintiffs bid and to be prepared to testify as to your finding that the project was substantially underbid by the plaintiff. Your work in this regard was a positive contribution to a litigation that was decided by the courts in favor of the surety. We thank you for your help.

- Bruce Kahn, Chartis Surety Bond Claims

Our Industrial Development Agency

Industrial Development Agency's were developed to promote economical growth through a program of incentives based on allocations that assist in construction, equipping, and maintenance of specific types of projects and facilities. The IDA works to advance the health, prosperity and economic welfare of a county's citizens by retaining and creating jobs and attracting new businesses.

Although these programs offer incentives, many counties fall short of tracking the local labor compliance requirement part of these programs, and that's where *Loewke Brill can help ...*

Our Industrial Development Agency (IDA) services include:

- *Local Labor Compliance Monitoring*
- *1099 Violation Monitoring*
- *Sales Tax Verification*
- *Weekly, Monthly or Quarterly on Site Monitoring*
- *Weekly, Monthly and Annual Compliance Reporting*
- *Obtaining Construction Completion Reports*
- *Attend IDA meetings for Compliance Reports*
- *Documentation Verification for:*
 - *Insurances*
 - *Permits*
 - *W-9*
 - *OSHA*

"Survival in the 21st Century"

"I have never had a seminar or training program that had such an immediate positive impact on my company. the knowledge we gained from your seminar has saved us thousands of dollars in legal fees, helped to increase our efficiency and improved our cash flow."

- Kevin Reilley, CEO / Chairman John W. Danforth Company

We have all noticed the changes in recent years of added paperwork and more people in the day to day operations of a construction site. There is no doubt anyone in the industry has had the feeling they have been treated unfairly on a job or had their rights taken away by someone else, or possibly have been a victim of someone else's misfortune and had no way to recover.

This workshop will teach you how to protect yourself against these types of things happening again. We provide you with the most comprehensive explanation of your rights under contract. After this seminar you will feel as though no contract is too complicated.

We will provide and explain during the course of the seminar the actual laws of the industry (included in the handouts for you to keep). These will give you an upper hand in defending your rights. We also provide and explain to you our copyrighted paperwork which helps to defend your position all the way through the project with no added costs to you. We also offer alternative ways to save your company money, increase your cash flow, and shorten your collection time.

Today's construction is about documentation and paperwork more than concrete and lumber. It is important to understand why the paperwork must be done and also why it needs to relay certain information. All of these tactics will be taught in this seminar.

Training Schedule

Contracts • *Forms C-1, Contract terms A-Z*

Administration of the Contract • *Duties of the Architect and Construction Manager (CM)*

Subcontractors • *How to manage subcontractors and what to do when you are a subcontractor.*

Lunch

Change Orders Form • *CO-1, What you need to get ALL your money*

Time-Delays / Extensions • *Delay Damages and how they affect your job*

Safety-Insurance • *What does it mean?*

Termination • *What to do?*

Recap / General Discussions • *Any questions?*



Training materials provided

Partial Client List

Project Owners

- Imagine Monroe, Powered by COMIDA
- Monroe County Industrial Development Corporation
- Rochester City School District
- OCIDA
(Orange County Industrial Development Agency)
- Monroe County
- Greece CSD
- Jericho School District
- Garyco Kendall CSD
- Town of Hempstead
- Crosswinds Development LLC

Insurance Companies

- Liberty Mutual Insurance
- Westfield Insurance
- The Hanover Insurance Group
- Travelers
- Zurich NA
- AIG
- The Hartford
- Cincinatti Insurance
- Hareysville Insurance
- Chubb Insurance
- Trisura (Toronto, ON, Canada)

Law Firms

- McElroy, Deutsch, Mulvaney & Carpenter LLP
(New Jersey)
- Etcheverry Harrison, LLP (Florida)
- Ernstrom & Dreeste, LLP (Rochester, NY)
- Dinsmore (Chicago)
- Chiesa Shahinian & Giantomasi PC
(New Jersey)
- Hermes, Netburn, O'Connor & Spearing, P.C.
(Boston, MA)
- McDonald Hopkins (Cleveland, OH)
- Borden Ladner & Gervais LLP
(Toronto, ON, Canada)

Contractors

- John W. Danforth (Western, NY)
- The Pike Company (Rochester, NY)
- W.G Tomko (Pittsburgh, PA)
- Hewitt-Young Electric (Rochester, NY)
- Bear Construction (Chicago, IL)
- LMC Industrial Contractors Inc.
(Dansville, NY)
- T. Lemme Mechanical, Inc. (Albany, NY)
- Thieneman Construction (Indianapolis, IN)
- Noresco Construction (Boston, MA)
- Rapid ACT (Fort Lauderdale, FL)

Synopsis of Recent Projects

The Hartford Insurance Job

consisted of several large mechanical and electrical projects in the Baltimore area. The jobs ranged from military bases to hospitals. The total contract values were over \$100 million dollars worth of work. Loewke Brill provided initial project assessments of each job and worked with the Hartford to negotiate completion contracts with new contractors. Loewke Brill completed their portion of the work in 2011.

The Hanover Insurance Job

was a defaulted mechanical contractor on a \$650 million dollar hospital project in Chicago, IL. Loewke Brill was brought in to assist with the technical issues related to the mechanical work being performed and to assist in the monitoring of the contractor being financed to complete. The project completed in 2012.

The Colonial Surety Project

was a default of a bridge contractor in Rhode Island with five open projects in various stages of completion, totaling approx. \$11 million dollars worth of work to complete. Our role was to hire replacement contractors to complete work, manage completion of all projects, and manage all payment bond claims. The owner on all five projects was Rhode Island DOT. All projects were completed in 2014.

\$1.5 Million Dollar Affirmative Claim

against a natural gas supplier for construction of natural gas compressor station in Pennsylvania. We developed and put together the contractors claim for damages as a result of delays and design errors. We negotiated with the general contractor, sub contractors, and owner to a final mediated positive settlement for the contractor. Mediation was concluded in 2014.

\$1.8 Million Dollar Affirmative Claim

against a private hospital ownership group, by a contractor for sheet metal work installed in a new addition of a hospital. We developed a claim and damages incurred by contractor as result of delays, interference and productivity losses on project. Positive settlement for contractor during mediation in 2014.

Defense of \$2.5 Million Dollar Claim

made by public utilities owner in Ossian, IN against a contractor for alleged faulty workmanship during construction of a new sewage treatment plant. We developed defense strategies and a defensive report that damages were the result of design errors and not defective construction. We negotiated against the owner to minimal settlement with contractor. After the settlement with the contractor, we provided owner technical data to pursue design engineer errors in a separate claim. Contractor portion settled in 2015.

LOEWKE BRILL

CONSULTING GROUP, INC

Your **BEST** Defense in the Construction Industry

Surety

Economic Development

Construction Defect

Expert Services to Attorneys

Construction Claims

Construction Seminars



Rochester Office (headquarters)

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Office: (585) 647-3950

Orange County Office

4 Crotty Lane
New Windsor, NY 12553
Office: (866) 657-9350

Southeast Regional Office

6000 Fairview Rd, Suite 1200
Charlotte, NC 28210
Office: (866) 647-9350

Florida Regional Office

1000 S Ocean Drive, Unit 105
Jensen Beach, FL 34957
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