



## Felipe A. Isore Gutierrez

Founder and Managing Partner

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## PROFILE

Felipe has 20 years of experience in providing risk, management and expert services. He was responsible for the successful launch of consulting practices for leading consulting firms in Latin America and the United States. Felipe has extensive experience in dispute resolution, project management risk, compliance, forensic accounting, fraud, and audit-related services. Felipe has focused her activities on risk management, commercial and acquisition services related to capital projects and programs, including concessions and PPPs, working in more than 16 countries, including America, Europe, Africa and Oceania.

Felipe directed several consulting projects for both owners and contractors on relevant issues in their infrastructure and construction projects and processes at any point in their life cycles: from conception, modeling, to operation. Felipe's experience includes working for clients in a wide variety of industries, but most often his experience related to government and infrastructure, energy / power and utilities, oil and gas, mining, metals, and real estate.

Felipe carried out and directed several reports related to consultancies and expert opinions, including matters related to risks, fraud investigations, management and dispute resolution services. Felipe advised clients on their claims / counterclaims and acted as an expert in Quantum, Damages and Fraud issuing expert opinions and testifying in arbitration courts. Felipe has worked as an expert witness in fraud and quantum, in international arbitrations under the rules of ICC, CAM-CCBC, CAM Santiago and CA-CCI Arequipa. He has been questioned in Portuguese and Spanish by lawyers and arbitrators, including Hot Tubbing.

Recognized globally, Felipe serves as a regularly speaking leader at international events focused on infrastructure, engineering, construction, and legal communities. In addition, Felipe has been recognized annually since 2015 by the global community of construction attorneys and colleagues as one of the best consulting professionals and expert witnesses in the construction industry ("Who's Who Legal" publication).



## EDUCATION

LLM in Construction and Arbitration Law (United Kingdom, Scotland)	2015-2019
Postgraduate in Construction and Infrastructure Law (Brazil)	2014-2015
Bachelor of Accounting (Brazil)	2012-2014
Master of Economics (Netherlands / France)	2001-2003
Bachelor courses in Economics (Brazil)	1996-2000

## CERTIFICATIONS, REGISTRATIONS, LICENSES

CRC: CPA licensed in Brazil, National Accounting Board (CRC-SP: 1SP299650)  
CCA: Certified Construction Auditor, National Association of Construction Auditors (A15051)  
PMP: Project Management Professional Certified, Project Management Institute (1292889)  
NKR: Certificate of Cost Engineering, Brazilian Institute of Cost Engineers, IBEC-ICEC (2015 00171-3)  
CIA: Certified Internal Auditor, Institute of Internal Auditors (70631)  
CRMA: Certification of Risk Management Assurance, Institute of Internal Auditors (1700)  
MCI Arb: Approved Member, CI Arb (Chartered Institute of Arbitrators) (36727)  
MRICS: Approved Member, UK Royal Institution of Chartered Surveyors (RICS) (6502904)  
Approved member, National Registry of Accounting Experts, Brazilian Accounting Council (6437)

## PROFESSIONAL MEMBERSHIPS

Member, ACFE (Association of Certified Fraud Examiners)  
Member, PMI (Project Management Institute)  
Member, IIA (Institute of Internal Auditors)  
Member, CMAA (Construction Management Association of America)  
Member, NACA (National Association of Construction Auditors)

## SPEAKING ENGAGEMENTS

Key presenter on panel: "S29 Thinking Ahead: How You Can Use The Science Of "Risk Management" To Improve Your Dispute Resolution Processes And Outcomes", Construction SuperConference, California, USA, 2019.

"The use of Power BI and Data Mining in the resolution of disputes in construction projects", 7<sup>th</sup> AACEi Peru Congress, Peru, 2019.



“RP25R-03 Estimating Lost Labor Productivity in Construction Claims”, 7<sup>th</sup> AACEi Peru Congress, Peru, 2019.

Panelist on “How to select the best dispute resolution method for construction projects?”, II International Congress from the Construction Law Society, Chilean branch, Chile, 2019.

“El Rol de los Especialistas en Costos de Construcción sobre Reclamos de Construcción Resueltos en el Arbitraje Internacional”, AACE 2do Congreso Latinoamericano de Ingeniería de Costos, Bolivia, 2019.

“Resolución de disputas de construcción: aspectos legales, técnicos y económicos”, CAM-AMCHAM Quito, Quito - Ecuador, 2018.

“Perspectivas de la infraestructura pública en México en comparación con infraestructura pública en Latinoamérica”, Mexican Society of Construction Law, Mexico City - Mexico, 2018.

“Disputes and Claims under FIDIC, Delay Analysis and Latin America Construction Market Conditions”, HKA Madrid office launching event, Madrid - Spain, 2018.

“Congreso Internacional de Derecho de La Construcción: Infraestructura, Conocimiento, Colaboración”, Chilean Society of Construction Law and the Universidad de Los Andes, Santiago - Chile, 2017.

“Risk allocation in construction projects – II Congreso Nacional de Derecho de La Construcción”, CONDEC 2017 and the Society of Construction Law, Lima - Perú, 2017.

“Expert Panel on Hot Tubbing at the Sixth Society of Construction Law”, International Biennial Conference (SCL 2016) in Sao Paulo - Brazil, 2016.

“Anticipating issues in Compliance and Dispute Resolution”, Backer & McKenzie: The Way Forward event, Miami - USA, 2016.

“IV Seminario Internacional de Arbitraje de Inversión (Panel: Expropiación y medida equivalentes a la expropiación en los arbitrajes de inversión)”, Instituto Peruano de Arbitraje, Lima - Peru, 2016.

“XVIII COBREAP Prevenção e Solução de Controvérsias, Are Construction Claim Inevitable?”, Centro de Convenções do Hotel Mercure, Belo Horizonte - Brazil, 2015.

“Hydroelectric Power Plants Risk Management”, IBC (International Business Communications), Energy Summit, Sao Paulo - Brazil, 2011.

“Portfolio Risk Management and Project Risk Management”, InterNews, São Paulo - Brazil, 2011.

“Program Analysis and Management of Project Risks”, PDVSA, Caracas - Venezuela, 2010.

“Capital Projects Construction Risk Management, Assurance on the Information by Construction Owners Making Decisions”, IBEF (Brazilian Institute of Finance Executives), Fortaleza - Brazil, 2010.

## PUBLICATIONS

“Lessons Learned from Brazil on Anti-Corruption Matters: The Construction Industry Leading the Need for Change and the Way to Go, The Construction Lawyer”, Co-authored, (ABA journal) - Vol 36, Nr 4, 2016.

“Administração Contratual e Claim: Coexistência Pacífica dos Aspectos Jurídicos e de Engenharia em Obras”, Co-authored, PINI (ISBN: 978-85-7266-456-1), 2015.

“The Role of Construction Costs Specialists on Construction Claims Resolved in International Arbitration”, International Cost Engineering Council (ICEC), IX World Congress, Re-Engineering Total Cost Management, 2014.

“Construction Claims Resolved in International Arbitration”, Construction Advisory Report, Edition No. 20, 2014.

"A Construction Expert's Role in the Substantiation of Costs in Arbitration", co-authored, Lex Arbitri, 2014.

“Cultural Awareness Minimizes Chance of Disputes/Delays”, ENR Magazine, Construction Law, Claims and Dispute Resolution Section, 2013

## DETAILED EXPERIENCE

### INFRASTRUCTURE

#### **Water treatment: Dispute resolution services, Brazil, 2019.**

Felipe led the quantum evaluation of the damages claimed by a P3 operator in Brazil in relation to his supposed right to review the rates charged in his 35-year contract. The government (owner) did not accept the operators' claims and hired an independent expert to comment on the quantification and technical justification of the claims.

#### **Metro: Advisory services and contract management, Brazil, 2014-15.**

The Move São Paulo consortium was selected to build and operate line 6 of the São Paulo metro. The consortium was responsible for the construction, equipment purchase and operation of the line as part of the largest public and private transport association (PPP) in the state of São Paulo. MHI was subcontracted to deliver the EPC of the electrical and mechanical system including signaling systems, telephone communication, power distribution, ventilation, platform screen door, overhead catenary and commissioned HKA to handle contractual correspondence and discussions with third parties relevant in Portuguese language. Felipe led the team of professionals and the relationship with MHI for the duration of this commitment.



**Shipyard: Consulting in dispute resolution, Brazil, 2013.**

Felipe led the conduct of quantum evaluations of the costs associated with overtime and the loss of productivity of direct labor, as well as the excess costs of importing long lead elements that were implemented in the construction of 10 FPSOs. (5 were selected for detailed work: SUEZMAX EAS-C-001 to EAS-C-005). In this work, EAS hired Felipe to lead the Quantum evaluations, whose scope included the SUEZMAX ships EAS-C-001 to EAS-C-005 with associated costs recorded between December 2007 and September 2012 (the EAS client was Transpetro). This evaluation included the analysis of more than 10,000 transactions.

**Metro and water and sewerage: risks, fraud investigations and consulting services, Panama, 2010.**

He led the performance of operational, financial and contract management audits on behalf of a large contractor in the construction of a subway line and a water and sewage treatment plant. Both were multi-million-dollar CAPEX projects.

**Metro and bridge: Risk, fraud and management investigations, Venezuela, 2011.**

He led the performance of operational, financial and contract management audits on behalf of a large contractor in the construction of a subway line and an 11 km bridge. Both were multi-million dollar CAPEX projects.

**Interurban bus station: management services, Brazil, 2011.**

Felipe directed the coordination of a technical and economic study of a PPP concession for the demolition, design, construction, operation and maintenance of a new inter-municipal bus station in Belo Horizonte - MG, Brazil. This was achieved through the establishment of a PMO that guaranteed the alignment of the deliverables, dates and objectives of the project, consolidating the parties involved, such as the municipality, the authority, engineers, architects, accountants, economists, lawyers and the final client. , an external funder.

**Airport: Advisory services, Brazil, 2012.**

In February 2012, the Viracopos Brasil Airports (PPP) concession was signed between the state airport operator Infraero (49%) and the concessionary consortium Aeroportos Brasil (51%), formed by UTC Participações SA (45%), TPI - Triunfo Participações e Investimentos SA (45%) and Egis Airport Operation (10%), which obtained the right to manage the airport for a period of 30 years through an auction (bid of \$ 2.2 billion). Felipe has helped the concession owner in Brazil to better understand projected construction and maintenance (CAPEX), as well as the operating costs (OPEX) associated with the project (one of the largest in the country). This study involved evaluating the reasonableness of their cost and revenue projections (rate and risk structure), the concession management plan and risks, and the cash flow projections. This project also involved the issuance of a cost review report for the construction of the airport, analyzing international references in the



sector, such as the international airports of Berlin, Dubai, London, New Delhi, Shanghai, Los Angeles and others (the focus was in the budget prepared for the first phase of the expansion of the Viracopos international airport).

### **POWER/ENERGY**

#### **Wind energy: risk management and supply contracts, Brazil (2014-2015)**

Felipe led a team of professionals specialized in risk mapping and evaluation of Renova's contract and supply chain with Alstom for the supply of 127 wind turbines for the Umburanas wind complex (355.5 MW). This was one of the largest onshore deals in the wind industry worldwide. The 320 million euro contract involved the delivery, assembly and commissioning of the wind turbines. It also included operation and maintenance services for more than € 1 billion. This was part of an agreement signed in 2013 for the supply of more than 440 wind turbines for a minimum installed capacity of 1.5 GW. One of the key objectives of this service was to help Renova mitigate the risks that could put the financing of the contract at risk (BNDES).

#### **Wind energy: consulting in contract and risk management, Brazil, (2012-2013)**

Felipe led the planning and execution of internal audits, risk management services and contracts for CPFL Renovaveis when he hired ACCIONA Windpower to build, operate and maintain a 120 MW wind power plant (forty 3 megawatt AW116 / 3000 wind turbines). The wind farm was located in the state of Rio Grande do Sul, where most of the work was done while the reports were issued and presented to CPFL Renovaveis Board meetings in Sao Paulo, quarterly. Key aspects of these quarterly reports included evaluating the risks surrounding the project and the contract schedule, cost, environment, social media, licenses, taxes, and reports from BNDES (the financial institution).

#### **Wind energy: dispute resolution and consulting services, Brazil, (2015-2017)**

Felipe provided quality control consulting services to a group of experts (HKA team) who worked on a wind power plant dispute resolved through CAM-CCBC arbitration in Brazil. The disputed issues involved resolving the contractor's default issues that were alleged to have resulted in delays and additional costs. The HKA customer was the owner who defended himself against the construction contractor's claims (\$ 35 million total construction contract and the claim was an additional \$ 25 million).

#### **Biofuel project plants: post-construction, risk, fraud investigations and consulting services, Brazil, 2012.**

3 biofuel plants in Brazil. The services included contractual audits in which aspects of project compliance, claims and risks were identified and measured.

#### **Wind energy: risks, fraud and management, Brazil and the Dominican Republic, 2010.**



Two wind power plants, Brazil Construction projects consisting of contractual audits in which compliance issues, claims and risks of the project were identified and measured. (capital expenditures: \$ 1 billion).

**Transmission line: Services related to dispute resolution, Peru, 2013.**

This evaluation was for the independent review of an extension of time and related additional costs claimed by the contractor. This transmission line was attached to a large new ethanol plant.

**Transmission line: Services related to dispute resolution, Uruguay, 2014.**

This was an independent evaluation of a time extension and related additional costs claimed by the contractor. The claim was successfully negotiated and resolved by our client, the contractor, based on our expert report.

**Hydroelectric: Consulting services, Maranhão, Brazil, 2010.**

Felipe led the quantum evaluation of the costs associated with the direct cost of labor, as well as the allocation of general office costs and other costs assigned to the project by the national contractor in the joint venture created to build the plant. The other company that joined the joint venture was an international contractor who abandoned the job. The project consisted of the construction of a hydroelectric power station dam with a total CAPEX of approximately BRL 1 billion. CESTE project.

**Small Hydroelectric: Risk, fraud investigations and management consulting services, Brazil, 2011.**

3 small (between 1 MW and 30 MW) Hydroelectric Project Plants Construction projects, Brazil. The services included contractual audits in which aspects of project compliance and risk were identified and evaluated.

**Hydroelectric power station: Services for the resolution of disputes, Peru, 2013-2014.**

He was part of a team of experts that evaluated a claim of USD100 million for the owner in the construction of a new plant. As a result of our report, the contractor resolved the case.

**OIL AND GAS**

**Gas Station: services related to dispute resolution, USA, 2019-2019.**

He was the Quantum expert appointed by one of the parties on the costs that exceeded the disputes / claims resolved through the Texas court. The amounts in dispute exceeded \$ 20 million. The parties involved Danos (general contractor), Transcontinental Gas Pipeline Company (operator), and Williams (owner). The project involved the rehabilitation of a compressor station that had an explosion accident and the extension of the plant. Started in 2018, the case was settled after some mediation meetings.



**Oil extraction and refining: dispute resolution, USA, 2019-2019.**

Felipe was the accounting and finance party designated expert in these \$ 1.5 billion disputes / claims related to the alleged damages suffered by a Canadian operator. The assets were several oil and gas refining and pumping stations in Libya that had been attacked by ISIS.

**FPSO: Quantum Services on Additional Cost Claims, 2012.**

Felipe was hired by the Estaleiro Atlantico Sul (EAS) shipyard in 2012 to direct the quantum evaluation of the costs associated with overtime and the loss of productivity of direct labor, as well as the excess costs of importing articles. Lead lengths that were implemented in the assembly and construction of the lower hull of FPSO P55 (EAS 'client was PNBV). These costs were incurred between January 2008 and January 2012.

**MTOPS: Contract Management Services, Brazil, 2014-2016.**

MTOPS - FPSO Cidade de Mangaratiba MV24, MV26 FPSO Cidade de Itaguaí, MV 27 FSO Cidade Caraguatatuba. Felipe led a team that carried out contract management services for 3 vessels built by MODEC in Brazil for approximately 2 years. Services included takeoff / check-out of quantities for re-measurable manufacturing items from construction contracts to construction plans (as per contract), monitoring and reporting on contract cost, monthly assessments of interim payments to subcontractors , updating on-site work measurements, monitoring expenses, exact claims / valuation costs (updating costs) and preparing variations to the contract (actual versus budget), monthly financial reports, and project cash flow diagrams accordingly; and others.

**Refinery: Services related to dispute resolution, Brazil, 2016-2018.**

He was a Quantum expert appointed by one of the parties in many EOT impacts and excessive cost disputes or claims resolved through local arbitration. The amounts in dispute are, on average per procedure, higher than BRL 250 million. RNEST Refinery: Felipe has been the Quantum expert appointed by Petrobras in a case against Fidens (a Brazilian contractor) in the coke plant contract, within the RNEST refinery. The disputed matters were presented in an expert report and in an arbitral tribunal. Interrogations were made of the other party's lawyer and of the court itself. The experts had the opportunity to discuss their technical points of view through a hot tubbing section. The testimony was made in Sao Paulo (Brazil), in Portuguese, under the CAM-CCBC rules. Under the same refinery project, Felipe is a party-appointed Quantum expert in many other disputes resolved under the same rules, for Petrobras, against other contractors.

**Gas distribution plants: Services related to dispute resolution, Peru, 2014.**

Led a party-appointed team of experts in delivering EOT and evaluating excessive costs in an arbitration court for claims worth \$ 20 million in the construction of 2 gas distribution plants: the Arbitration Center of the Lima Chamber of Commerce.



**Refinery: Services related to dispute resolution, Peru, 2014.**

He led a team that delivered as an expert team designated by the party an EOT review of a USD 4 million claim resolved through arbitration at the Lima Chamber of Commerce Arbitration Center.

**Pipeline: Services related to dispute resolution, Chile, 2018.**

He was a leader designated by Quantum Expert and Team, who worked for the owner, in a claim related to a water pipe resolved through arbitration at CAM Santiago. Total claims exceed USD 50 million (Chile). The hearings were held in Spanish.

**RELEVANT TESTIMONIES****Party A vs. Party B, Arequipa, Peru. 2018**

Seat / Rules: Arequipa, Peru / CA-CCI Arequipa

Client: Party A (Lawyers: CMS Grau)

Project: textile industry operations and management

Activity: Felipe served as a fraud expert, designated by Party A, on many fraud-related matters. The conclusions of Felipe's investigation were presented in an expert report and in a hearing in an arbitral tribunal. The lawyer for the other party and the court were questioned. The testimony was provided in Spanish.

**Consortium Party A vs. Party B, Sao Paulo, Brazil. 2017. 42/2014 / SEC4**

Seat / Rules: Sao Paulo, Brazil / CAM-CCBC

Client: Party A

Project: Refinery project (230,000 bpd facility)

Activity: Felipe served as a quantum expert, designated by Party A, on many EOT impacts and costs of disputes / claims on the coke package contract. The controversial issues were presented in an expert report and in an arbitral tribunal. The lawyer for the other party and the court itself were questioned. There was a concurrent evidence session (hot tub). The testimony was provided in Portuguese.

**Party A vs. Party B, Monte Video, Uruguay. 2017. ICC N ° 21517 / ASM**

Seat / Rules: Monte Video, Uruguay / ICC

Client: ICC Tribunal



Project: Green field project

Activity: Felipe served as the quantum expert appointed by the Court (3 arbitrators) in many impacts and costs of EOT in disputes / claims on the 3 packages of EPC contracts for the construction of 3 water treatment plants (Plant treatment of raw water, sewage treatment plant and boiler feed water treatment plant). The conclusions and observations were presented in an expert report and in an arbitration hearing. The questioning was carried out by the lawyer for both parties and the court. The testimony was provided in Spanish.

**Construtora Party A vs. Mining Party B, Santiago, Chile. 2017. ROL CAM 2536-15**

Seat / Rules: Santiago, Chile / CAM Santiago

Client: Party B (Lawyers: PPU Legal)

Project: Water Pipeline (EWP) project (166km 26 "steal pipeline)

Activity: Felipe served as a Quantum Expert, designated by Party A, in disputes or claims for excessive costs that resulted in an early termination of the contract. The controversial issues were presented in an expert report and in an arbitral tribunal (sole arbitrator). The questioning was conducted by the attorney for the other party and the arbitrator. Evidence in Spanish.

## LANGUAGES

Portuguese (native)

English (fluid)

Spanish (fluid)

French (advanced).

