EXPERT WITNESSES IN CONSTRUCTION DISPUTES
EUROPE, THE MIDDLE EAST & AFRICA

EXPERTS WITH IMPACT™
Issues of quantum and delay often arise in construction disputes. The parties, their counsel, courts and tribunals seek clear and reliable advice on these issues.

Our Construction Solutions practice provides a leading team of experienced expert witnesses. We help to resolve disputes in litigation, arbitration and expert determination throughout the world. In the following pages, we introduce our practitioners based in the United Kingdom, Europe and throughout the Middle East.

Each of these practitioners knows from direct experience what is required to meet the duties of an expert witness. They know what it takes to help the court or tribunal through the presentation of oral evidence and under cross-examination. All of our practitioners have considerable experience in preparing written evidence for use by courts and tribunals.
## Industry expertise

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<td>Alastair Farr</td>
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<td>Thomas Hofbauer</td>
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<td>Brandon Chaney</td>
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<td>Thierry Linares</td>
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<td>Oliver Schneehain</td>
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<td>Dr Nicole Mörchen</td>
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Introducing our experts:

Alastair Farr
Delay and Quantum Expert, London

+44 (0)20 3727 1192
alastair.farr@fticonsulting.com

Alastair Farr has over 30 years of experience in the engineering and construction industry. Working internationally, he is versed in the preparation of claims involving loss and/or expense and for delay. Alastair has acted as an expert witness and delivered reports on matters of both quantum and delay. He has experience of most forms of dispute resolution procedure including arbitration, litigation, adjudication and ADR (mediation and expert determination). He has testified on several occasions, including in ICC arbitration and has been ‘hot-tubbed’ (concurrent evidence).

RECENT APPOINTMENTS INCLUDE:

- Appointed as CPA/delay analysis expert in arbitration under KLRCA (now AICA) rules, concerning the construction of a semi-FPS. Overall dispute value US $750m.
- Appointed as quantum expert in an ICC arbitration concerning a 400km water pipeline, dispute value circa US$500m, including disruption, additional works and termination costs and counterclaims. Testified three times, including a ‘hot tubbing’.
- Appointed as quantum expert in litigation proceedings (UK) concerning the construction of a mechanical biological treatment facility, dispute value circa £50m.
- Appointed expert for a steelwork contractor in arbitration regarding entitlements to loss and/or expense, extensions of time, and variations to two sludge incineration plants.
- Appointed expert to report on delay and entitlement to extension of time concerning two sections of work on a £50m refurbishment of a 17-storey tower block (ground floor retail and offices above).
- Appointed as quantum and delay expert in an LCIA arbitration concerning the pipework refit of an FPSO, dispute value circa 30m euros.

Alastair is “widely respected among peers as a first-rate construction expert, well known for his excellent testifying work in both litigation and arbitration proceedings” and is “great to do business with.”

Identified as one of the world’s leading construction expert witnesses by Who’s Who Legal: Construction 2019
Thomas Hofbauer is a civil engineer with over 20 years’ experience in the construction and engineering industries and acts as both a delay and quantum expert in English and German language disputes. He specialises in contract and risk analysis, as well as in delivering project audits to assess delay, disruption, damages and cost for projects up to €2 billion with disputed values in excess of €500 million. He has given evidence in arbitral proceedings at the ICC in Paris, the VIAC in Vienna and the SCAI in Zurich and has acted as an expert for disputes in Austria, China, France, Germany, Russia, South Africa, Switzerland, Turkey, Saudi Arabia and the UK.

**RECENT APPOINTMENTS INCLUDE:**

- Offshore wind energy project, Germany - appointed single joint expert for delay and quantum.
- Power plant project, Finland - expert advisor for delay for the financing banks.
- Onshore wind energy project, France - appointed expert witness for quantum at an ICC arbitration held in Paris, France. Evaluation of the down payments and damages.
- Lignite-fired power plant, Bulgaria - Tribunal appointed delay and quantum expert at VIAC arbitration held in Austria for steel works for a conveyor system. Evaluation of delay, cost and damages.
- Cooling tower for lignite-fired power plant, Poland - expert advisor in relation to forensic analysis, evaluation of delay and prolongation claims, and evaluation of claims for compensations.
- New sawmill, Russia - appointed expert witness for percentage of completion of the construction and commissioning works.
- Software development for insurance products, Canada/USA/Switzerland - appointed forensic expert on causation and damages for litigation held in Switzerland. Evaluation of causality and damages.
- New highway bridge, Serbia - appointed expert witness at an ICC arbitration held in France for quantum and delay. Evaluation of disruption and delay and evaluation of claims for compensation and damages.

>“Thomas Hofbauer draws widespread praise from international sources for his top-tier construction and engineering practice, and is considered as a leading name in both quantum and delay disputes.”

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**INdUSTRy eXPERTIsE**

- commercial & buildings
- industrial
- infrastructure
- mining & metals
- oil & gas
- power generation
- railway & metro

**THE aCAdeMy of eXPerts**

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**Who’s Who Legal Construction 2019**
**Who’s Who Legal Germany 2019**
**Who’s Who Legal Arbitration 2019**
John McGill has worked in the construction industry for over 40 years. His experience is built upon the assessment, preparation and negotiation of all types of construction claims for pursuing and defending parties. John provides expert support in all dispute forums and has acted in numerous arbitration, adjudication and litigation proceedings. He has been instructed as an expert witness on quantum and quantity surveying matters and frequently provides expert assistance in arbitration and litigation matters.

RECENT APPOINTMENTS INCLUDE:

• Appointed quantum expert in litigation proceedings between a claimant building contractor and a defendant employer where time, loss and expense and variation issues were in dispute in regard to a mixed-use development in central London.

• Provided quantum expert witness assistance in arbitration proceedings between an international contractor against an employer concerning a significant commercial development in Russia.

• Provided quantum expert witness assistance in a high profile litigation action by a client employer against a national contractor concerning the construction of a new hotel in the UK.

• Advised on the ascertainment of loss and expense and provided expert witness reports in arbitration relating to a motorway signalling contract. Undertook formal analysis of the available evidence to support the case and determined a successful alternative strategy for the claimant’s action.

• Expert quantum evidence assistance concerning a multi-million pound offshore pipeline dispute supplying four countries on the African continent in an international arbitration.

• Expert quantum assistance relating to a luxury leisure and hotel development in Algeria.

• Provided expert quantum support in arbitration regarding an incomplete national pipe laying project in Libya.
Brandon Chaney has over 12 years of engineering and construction management experience within the mining, liquefied gas, infrastructure and defence industries. He has strong exposure in cost control, quantity surveying, pricing of variations, cost savings, cost estimating, client relations, project management and project/resource planning. He is experienced in worldwide projects having worked and lived in Spain, Chile, Peru, Brazil, Angola, UAE, Afghanistan, USA and Mozambique.

**RECENT APPOINTMENTS INCLUDE:**

- Broad experience performing cost overrun claims, damages analyses, contract audits, cost analyses, fraud investigations, project monitoring, and providing dispute resolution assistance to construction industry clients.
- Appointed as quantum expert on litigation and commercial dispute matters related to the pricing of variation work on numerous complex construction projects.
- Provided expert quantum reports for variation work on large ICC arbitration involving a large airport in the Middle East.
Stephen Jones has nearly 30 years’ experience in the building construction and engineering industries. He has extensive experience of construction and engineering projects. For the past 19 years, Stephen has specialised in construction disputes. He regularly applies his skills as a programme analyst to demonstrate delay events and their subsequent effects. Stephen has given both expert evidence on planning and delay analysis for international arbitrations and adjudication proceedings in the UK and the Middle East.

**RECENT APPOINTMENTS INCLUDE:**

- Appointed as the delay expert for arbitration proceedings on a cooling distribution system in Saudi Arabia.
- Appointed by solicitors to act as an expert in relation to time issues on a residential development in central Manchester, UK.
- Preparation of an expert report and presentation of opinion during mediation proceedings, where the mediator was a leading QC. The dispute settled following the mediation.
- Appointed by solicitors to provide an expert report on the contractor’s entitlement to an extension of time relating to a prestigious hotel in Abu Dhabi.
- Appointed by a major bank in the UAE to provide an independent assessment of a contractors entitlement to an extension of time.
- Appointed by the engineer to provide an expert report on the delays in relation to a prestigious office and hotel development forming part of an exhibition complex in Abu Dhabi.
- Appointed by the owner to provide an independent report on an EPC contractor’s entitlement to an extension of time on a major power and desalination plant in the Middle East.
- Appointed by the contractor to provide an expert report on the delays in relation to a biomass power plant in the UK.
- Appointed by the loss adjustor to assess delays on a solar power plant in the Middle East.
- Appointed by the owner/solicitor to provide an expert report on delays to a combined heat and power plant in the UK.
Where help is needed
our experts are ready

In litigation the expert’s overriding duty is to help the court on matters within his or her expertise. In arbitration, commentators refer to a similar duty of loyalty to the tribunal. Our experts are there to help clients, courts and tribunals with clear and reliable advice.

We believe the qualities of an expert witness to be:
David Ellis is a quantity surveyor and fellow of the Chartered Institute of Building with over 30 years' experience in the construction industry. He has been involved in numerous quantum expert matters, both as the appointed expert and in support of the named expert. David specialises in quantum analysis and commercial management services and has given evidence in both tribunal arbitration proceedings and litigation in the Technology & Construction Court, London (TCC) including expert witness conferencing.

RECENT APPOINTMENTS INCLUDE:

- Appointed as quantum expert in TCC litigation, providing reports and oral evidence on the detailed cost analysis of remedial works as a result of defective basement construction on a private residential project.
- Appointed as quantum expert in ICC arbitration on behalf of the main contractor in respect of delay costs and counterclaims due to defective works at three regional airports in East Africa.
- Appointed quantum expert in UK arbitration to provide expert reports into the cost evaluation of defective fire protection works on three PFI schools in the UK.
- Expert assistance in UK arbitration regarding quantum, cost to compete and termination issues on a major waste to energy plant in Scotland.
- Preparation of reports assisting the appointed quantum expert in litigation; assessing the role and performance of the project monitoring surveyor on a residential tower block development.
- Expert assistance on an ICC arbitration regarding the durations and costs of completion delays and related acceleration issues on an international airport in Kazakhstan.
- Preparation of reports for the lead expert in an ICC arbitration on a new road construction in Oman, concerning delay and disruption costs and the associated quantum claims.
- Assisting the lead expert in the preparation and provision of quantum expert services for an international JV contractor on a major water pipeline in the Middle East.
- Expert quantum advice for a major international offshore wind farm developer in respect of insurance claims for operational repairs to a major offshore wind farm.
- Appointed to provide expert quantum support and advice for expert determinations on a combined cycle regeneration plant.
- Preparation of quantum reports for main contractors and/or clients on various, multi-site wastewater treatment plants in the UK and Northern Ireland.
John McSorley is a chartered quantity surveyor with over 20 years’ experience, who specialises in the field of quantum in relation to construction and engineering disputes. Having worked in senior positions with a number of major national contractors, John has experience in procuring and undertaking measurement, valuation and final account duties for all sub-contract disciplines traditionally involved in building and civil engineering projects. He is also practised in providing expert opinion in the forums of conciliation, mediation, arbitration and adjudication.

RECENT APPOINTMENTS INCLUDE:

- Converter station, FIDIC contract, adjudication - appointed as quantum expert to provide a report in relation to a series of variations.
- Home care facility, JCT contract, adjudication, London - appointed as quantum expert to provide a report in relation to a payment claim.
- Defence facility, bespoke supply contract, litigation - appointed as quantum expert to provide a report in relation to the value of remediating defective works.
- Road project, bespoke supply contract, arbitration, Ireland - appointed as quantum expert to provide a report in relation to a payment claim from a quarry owner.
- Assisting the appointed expert to produce a quantum report for a contractor in an ICC arbitration in connection with the valuation of variations associated with the construction of a LNG, oil and gas refinery plant in North Africa.
- Assisting the appointed expert to produce a quantum report for a contractor in a mediation in connection with the valuation of variations associated with the construction of an airport in Scotland.
- Assisting a number of main contractors in conciliation.
- Preparation of claims on $1.4bn road project in Canada.
Roy Andrew is a chartered quantity surveyor with over 25 years’ experience in the construction and engineering industries. With expertise in both international and domestic markets, he specialises in the fields of quantum and delay, having acted for employers, contractors and subcontractors to produce and defend claims. Roy has been involved in a number of high-profile construction disputes, and is often involved in the preparation of expert reports and the giving of expert advice to the tribunal. Roy has also provided general contractual and procurement advice, and has undertaken audit work as well as project reviews.

RECENT APPOINTMENTS INCLUDE:

- Appointed quantum expert for the employer in court proceedings. The subject matter of the dispute was the valuation of additional costs claimed by the contractor to have arisen as a result of alleged breaches of contract on a PPP wastewater/sludge treatment and energy-from-waste facility.
- Acting in a team of experts for the employer in FIDIC DAB proceedings. Opining on the quantum of claims and variations associated with ground conditions and associated prolongation in connection with the expansion of an iconic infrastructure project in Central America.
- Appointed to act as a quantum expert on behalf of a contractor JV in the Arbitration Court of the Estonian Chamber of Commerce to produce reports opining on the value of damages pursued by the employer following the termination of the contractor on a road construction project in the Baltic states.
- Appointed as the expert in TCC court proceedings and on behalf of the contractor in connection with an intertidal mudflat to produce a quantum report in respect of a damages claim arising as a result of alleged breaches of contract/professional negligence. The matter settled at mediation.
- Appointed by a contractor as quantum expert to give evidence in a series of adjudications concerning the valuation of variations and the ascertainment of prolongation costs incurred in connection with a road and viaduct construction project.
- Appointed as an expert on behalf of the contractor to provide preliminary verification of the contractor’s termination claim for submission in LCIA arbitration proceedings in connection with a road construction project in the Caribbean.
- Assisting the appointed expert to produce a quantum report for a contractor in an ICC arbitration in connection with the valuation of variations associated with the construction of a LNG, oil and gas refinery plant in North Africa.
- Appointed as quantum expert by the employer to provide a quantum report for adjudication in relation to a prolongation claim in connection with the construction of a hotel in the UK.
Mehmet Karakoc is a member of the Chartered Institute of Arbitrators Society for Computers and Law. He has over 13 years’ experience resolving a wide range of complex disputes at all stages of construction, infrastructure, power, IT and energy projects. He is an expert in forensic investigations, project advisory and dispute resolution, and has been appointed to act as an expert on a number of large international projects. In addition to his capacity to act as an expert, he has regularly managed the preparation of extension of time and money claims, has advised upon entitlement to the change orders in the fields of planning and programming and delivered in-house training courses.

**RECENT APPOINTMENTS INCLUDE:**

- Acting as the lead delay expert to provide an independent assessment of the delays caused to a multi-billion dollar pipeline project in South East Europe.
- Appointed as an expert on quantum and delay in connection with ICC arbitration between a façade contractor and a main contractor, arising from the additional works instructed during the installation of a 37-storey tower in Kazakhstan.
- Supporting the quantum expert at an ICC arbitration on a US$1.8 billion airport project on assessing prolongation, mitigation and maladministration claims of US$300 million in respect of an airport project in Oman.
- Co-authored an expert report on the matters of programming and delay in connection with an arbitration arising from installation of a district cooling plant for a landmark building project in the UAE.
- Drafted a disruption assessment report in an ICC arbitration associated with an engineering project involving the construction of large pipelines and roads in North Africa. The amount in dispute was circa $220 million.
- Prepared a delay and programming report with regard to a dispute in Trinidad which was submitted to ICC arbitration in connection with a heavy naphtha hydrotreater and a catalytic regeneration platform unit. Amounts claimed are circa US$25 million.
- Provided a high-level independent review of the delays arising from a data centre construction and development of the software for its building management systems in Eastern Europe.
- Assisted the delay expert report in connection with a dispute submitted to ICC arbitration which related to a process plant in the Netherlands.
- Led a large team of consultants to prepare a series of extension of time claims for a contractor and defending claims from the subcontractors with regard to a circa US$2.2 billion multi-functional high-rise complex in Eastern Europe.
Experienced in all dispute resolution forums

Disputes are resolved by the courts, arbitration tribunals or by alternative dispute resolution (ADR). We have considerable experience acting in each of these forums, across many jurisdictions and in arbitral seats worldwide.

**LITIGATION**
We appear before the courts in England and in other jurisdictions under the respective civil and codified systems of law.

**ARBITRATION**
We are instructed in ICC and LCIA arbitrations among others, throughout the world.

**EXPERT DETERMINATION**
We work with all forms of ADR, including mediation, adjudication, expert determination and dispute adjudication boards.
Manoj Bahl is both a chartered civil and building engineer. He has 20 years’ experience in the construction industry, having worked with some of the largest and most renowned, global contractor and consultancy organisations. Manoj acts as an expert witness in programming and delay matters with experience in adjudication, arbitration and litigation proceedings. He is experienced in conducting critical path analyses, the preparation of expert reports, joint meetings and cross-examination.

RECENT APPOINTMENTS INCLUDE:

• Appointed as delay expert for an ICC arbitration in relation to an infrastructure scheme in Doha.
• Preparation of an expert delay report for the claimant party in relation to a hotel and residential dispute in London being heard at the TCC.
• Appointed by the developer to prepare an expert delay report in relation to a residential development in London.
• Prepared an expert delay report for an international petrochemical company assessing the contractor’s claim for delay/disruption and identifying the causes of delay in relation to a North Sea deep pipeline.
• Acted as a delay expert for a $250m new build commercial development in London, assessing a contractor’s claim for delay/disruption, identifying the causes of delay.
• Appointed by solicitors to prepare an expert report for delays in connection with a building refurbishment scheme in Central London.

• Prepared an expert delay report for an insurance dispute relating to a proposed remedial scheme on a motorway widening scheme in England.
• Appointed by solicitors as a delay expert on a residential dispute in London to assess the causes of delay.
• Advisor to a leading national contractor, identifying entitlement arising from delays/disruption on a number of projects and preparing extension of time submissions on its behalf.
Michael Arch is a chartered civil engineer with 15 years’ experience in the construction industry, working on a variety of high-profile building and infrastructure projects within the UK and internationally. He has been appointed as the named expert on a number of disputes, relating to both delay and quantum. Michael holds a MEng in Engineering from the University of Oxford and an MSc in Construction Law and Dispute Resolution from Kings College London.

RECENT APPOINTMENTS INCLUDE:

• Preparation of an expert delay report as part of legal proceedings in relation to the impact of MEP system failures on the completion date of a large scale £450m laboratory development.

• Appointed by insurers to prepare expert delay reports to assess the liability under the policy of delays to a major road infrastructure project resulting from severe weather incidents.

• Preparation of an expert delay report for international arbitration proceedings as part of a $750m dispute arising from delays in construction and commencement of operation of an offshore oil and gas facility.

• Appointed delay expert on behalf of the developer to assess the MEP contractor’s entitlement to an extension of time on a £340m office development.

• Preparation of delay expert reports for adjudication on behalf of the main contractor to assess the cause of delay at a high-profile London residential development, including advice relating to subcontractor claims and entitlement.

• Appointed by project funders to provide various expert determinations on claims submitted on the EPC contract for the construction of a biomass energy facility.

• Appointed by insurers on multiple energy-from-waste schemes to provide independent expert assessments of the impact of project delays on the commencement of commercial operation.

• Appointed delay expert by the claimant to assess the critical delays to the completion of a power generation facility including the calculation of circa £24m liquidated damages.

• Appointed quantum expert in legal proceedings in a £5m construction dispute linked to procurement, valuation of works and termination of the main contractor.

• Appointed quantum expert to assess the additional prolongation and remedial work costs associated with a planning appeal process on a £5m residential development on behalf of insurers.

• Appointed quantum expert in a circa £1.5m dispute regarding defective basement construction, including detailed analysis of remedial work costs and assessment of prolongation and disruption costs.
Mohamad Kabbara has advised on delay issues in relation to large-scale projects on numerous occasions during his 25-year career in the construction industry. Mohamad has extensive experience in planning, delay analysis, contract administration and project management. He has acted as an expert in several disputes in both arbitration and litigation and he has prepared claims and delay analysis reports both in English and Arabic for disputes in Dubai, Jordan, Yemen and Lebanon.

RECENT APPOINTMENTS INCLUDE:

• Claims expert in a dispute referred to litigation between a major Middle East developer based in Dubai and the consultant on a residential project. Prepared an independent expert report in Arabic related to the claimant (consultant) claims of unpaid design and supervision fees and the respondent claims related to damages due to errors in the design and contract documents.

• Planning expert in a dispute referred to litigation between a major Middle East developer based in Dubai and the main contractor on a residential project comprised of two buildings: one 9 floors and the other 34 floors high. The dispute was related to delays on the project for which the main contractor submitted extension of time claims with associated costs and the employer claimed liquidated damages.

• Claims and planning expert in a dispute referred to litigation between a major Middle East developer based in Dubai and the main contractor on a residential project. The dispute was related to the final account after the contract of the main contractor was amicably terminated due to significant delays on the project given that the main contractor claimed prolongation costs.

• Claims expert in a dispute referred to litigation between a major Middle East developer based in Dubai and the main contractor on a commercial offices project. The dispute was related to the final account given that the main contractor claimed prolongation costs and the employer claimed compensation for defective works and liquidated damages.

• Assistant expert in a dispute referred to arbitration between the main contractor and the precast concrete subcontractor in the Dubai Mall project. The dispute was related to the assessment of liability for the delays on the project and included technical issues that contributed to the delay.

• Delay analyst for the main contractor on a dispute referred to arbitration between the main contractor and the civil works subcontractor on the construction of a district cooling plant in Dubai.
Thierry Linares has 15 years’ experience in project control, with a strong track record of managing major oil and gas and infrastructure projects. His expertise spans a variety of industries and he is well-versed in engineering, technical and industrial problematics causing delay, disruption and over costs. Thierry often acts as an expert witness in arbitrations and dispute avoidance. He has testified in ICC arbitrations in both English and French languages as a technical, forensic delay and quantum expert relating to conventional disputes between contractor and client and complex disputes between partners of a JV or consortium.

**RECENT APPOINTMENTS INCLUDE:**

- Technical and commercial analysis of unresolved changes of scope (both positive and negative), worth $100m, as part of a large quantum expert report CC proceedings for a large North African LNG project.
- Appointed delay and quantum testifying expert on a port dispute in North Africa as part of ICC arbitration proceedings.
- Appointed as testifying delay and quantum expert in a dispute related to delays responsibility, prolongation costs and gross negligence allegations on a civil infrastructure project in West Africa.
- Appointed as co-expert on a quantum valuation of alleged loss of opportunity on a cancelled wastewater construction project in the Middle East.
- Appointed as a testifying delay and quantum expert in a dispute related to delays responsibility, prolongation costs and technical cost claims on a mining project in North Africa.
- Appointed as co-expert on a quantum valuation of the alleged overpricing of a power plant construction project in Eastern Europe.
- Advisory appointment on an automation aeronautical plant for the technical and commercial analysis of large-scale claims.
- Advisory appointment on a petrochemical project in the Middle East for the valuation of end of project claims.
- Advisory appointments on two separate oil & gas offshore modules fabrication projects, analysing delays and associated costs in pre-arbitration proceedings related to an alleged unlawful contract termination and gross negligence presumption.
Ralph Zucconi has over 35 years’ experience in the construction and engineering industry. For the past 17 years, he has specialised in dispute resolution, acting for employers and contractors on matters of programme management, project controls and planning, as well as the analysis of delays, time risk and potential recovery strategies. He has been involved in the preparation of expert reports on programme management and delay analysis on disputes in adjudication, arbitration, mediation and litigation. Since 2011 he has provided planning advice and delay analyses on a number of projects under construction in the UK and overseas.

RECENT APPOINTMENTS INCLUDE:

• Provided independent expert opinion on the processes involved in developing a tender programme.
• Appointed as planning and delay expert on a 132/33kV collector substation.
• Prepared an expert delay report on a mains power supply cabling and substation upgrade project.
• Appointed as delay expert on a new build commercial office project.
• Assisted appointed delay expert in the preparation of a delay report on an energy-from-waste project.
• Assisted independent delay expert in the analysis of project delays on an oil & gas collection and processing facility.
• Assisted appointed delay expert with the assessment of the effect of various delay matters on a major scheme to improve the existing power transmission infrastructure.
Ivan Jerram is a chartered quantity surveyor specialising in construction dispute resolution. He is highly accomplished in preparing expert reports for use in international arbitration and the courts and in providing expert advice for mediations. He has extensive experience in undertaking forensic investigations, compiling advisory reports and preparing or defending contractual claims.

RECENT APPOINTMENTS INCLUDE:

• Assisting with the preparation of three expert quantum reports for a claimant contractor in international arbitration in contractual and bilateral investment treaty disputes regarding a US$200m claim and US$320m counterclaim relating to a major infrastructure project in North Africa.

• Assisting with the preparation of two expert quantum reports for a claimant contractor in international arbitration under a bilateral investment treaty regarding multiple heads of claim circa €165m, relating to six road and infrastructure contracts in North Africa.

• Assisting with the preparation of an expert quantum report for the client respondent in a €125m dispute referred by the contractor to international arbitration, regarding multiple heads of claim relating to the construction of a hotel and conference centre in North Africa.

• Assisting with the preparation of two expert quantum reports for a power generation company, the client respondent in a €41m dispute referred by the contractor to international arbitration, regarding multiple heads of claim relating to the construction of a power plant in Russia and a €55m counterclaim.

• Preparing an expert quantum report for a financial services company, the pursuer in four actions (Court of Session) concerning recovery of £15m defects remediation costs relating to a new headquarters building.

• Assisting with the preparation of an expert quantum report for a defendant contractor in a £6.6m dispute (TCC) regarding remediation costs in respect of a defective road cutting.

• Assisting with the preparation of an expert quantum report for respondent insurers in a US$67m dispute (international arbitration) regarding remediation costs for hurricane damage to a Caribbean hotel complex under construction.

• Preparing an expert quantum report for a subcontractor, defendant in a £15m dispute (TCC) under 30 heads of claim resulting from a collapsed tower crane employed on a new office building in London.

• Assisting with the management and preparation of an expert quantum report for a contracting joint venture, claimants in a US$80m dispute (international arbitration) under 50 heads of claim in relation to the construction of an international airport.
Richard Begbey is a fellow of both the Royal Institution of Chartered Surveyors and Chartered Institute of Arbitrators and provides dispute resolution services across a wide variety of construction sectors. In addition to his UK experience, Richard has spent ten years overseas working on major international projects around the globe including the UAE, Qatar, Oman, India, Australia and the Dominican Republic. Richard has been assistant to the named delay expert in international arbitration, provided his own quantum expert and independent expert reports on adjudications in Australia and the UK, and has assisted the named expert in UK adjudications. He has also provided impartial expert reports, claim preparation and assessment on delay and quantum matters in the lead up to arbitration and mediation.

RECENT APPOINTMENTS INCLUDE:

- Offshore oil platform, Malaysia – assistant delay expert on an international arbitration regarding the construction and remedial works of an offshore semi-floating production system in Malaysia.
- Luxury residential scheme, London, UK – provided the quantum assessment reports for adjudication proceedings on disputed variations and counterclaims.
- Rail/metro, Middle East – provided the independent third-party report on quantum assessment of residual defects in plant performance on a major rail project.
- Leisure/plant, Middle East – provided the independent third-party report on delay and quantum assessment of skydive facility dispute in preparation for arbitration.
- Infrastructure, Middle East – provided the independent third-party assessment of termination valuation for a major roads project.
- Plant, Australia – assisted named expert on recovery of late payment adjudications.
- Plant, Australia – assisted experts on preparation of delay and quantum assessments for mediation proceeding.
Callum Coutts has over 25 years of experience in the construction industry. Callum specialises in project planning and programming, primarily providing forensic analysis on construction programmes to demonstrate the effects of delay, analysing both cause and effect. Callum has prepared expert reports for litigation, arbitration and for use in adjudication proceedings. He has been appointed in the UK and internationally on disputes in the role of expert witness on complex planning matters for a wide range of projects.

RECENT APPOINTMENTS INCLUDE:

- Appointed by solicitors for a major process plant supplier to prepare an expert report on delay in arbitration proceedings in connection with a biomass process plant in Russia.
- Appointed by solicitors for a major process plant supplier to prepare an expert report on delay in arbitration proceedings in connection with a wastewater treatment plant in the UK.
- Appointed by solicitors for a main contractor to prepare an expert report on disruption for litigation in relation to a high-rise residential development in the UK.
- Appointed by solicitors for a major insurer to prepare an expert report to validate an insurance claim relating to the commissioning of a combined heat and power plant in the UK.
- Appointed by solicitors for a main contractor to prepare an expert report on delay in arbitration proceedings in connection with a hotel development in Barbados.
- Appointed by solicitors for a major subcontractor to prepare an expert report on delay in connection with a district heating development in the UK.
- Appointed by solicitors for a major international consultancy to prepare an expert report on delay in connection with a large office headquarters building in the UK.
Ross Towler is a chartered civil engineer with over 10 years’ experience working for a leading UK contractor and leading global multi-disciplinary design consultancy. He has worked on some of the most high-profile, large-scale commercial building and civil engineering projects, both domestically and internationally. Ross has prepared expert reports on both quantum and delay matters in arbitration and adjudication proceedings. Ross is dual-qualified with a Master’s degree in Civil Engineering and a Bachelor’s degree in Law.

RECENT APPOINTMENTS INCLUDE:

• Assisted the quantum expert for an ICC arbitration regarding defective mechanical works installed within a low-density polyethylene (LDPE) plant. Ross drafted the counterclaim (circa EUR 4m) on behalf of the respondent contractor, calculating the loss and expense associated with multiple plant operation shutdowns.

• Assisted the delay expert in assessing the extension of time due to a UK main contractor following alleged concurrent delays on a new build residential development. Undertook a critique of the contract administrator’s delay analysis and provided an alternative view on the entitlement due to the main contractor in light of delays in supply of permanent power by the employer.

• Assisted the delay expert in assessing the extension of time due to a steelwork frame subcontractor and its resultant liability to the main contractor for delays to the overall project completion of a new build residential development in the South West of England.

• Provided expert services for the main contractor in relation to a large scale, high-end residential development in central London. Responded to the concrete frame subcontractors extension of time claim (and adjudication referral) and provided assessment of the extension of time due to the subcontractor.

• Assisted the delay expert in assessing the contractor’s entitlement to an extension of time following delays during the renovation of a large private residential property in central London.

• Prepared an expert report for loss adjusters on the impact of an insured flood event on the completion date of a high-rise residential development in London and the developer’s ability to generate revenue from lettings.

• Prepared an expert report regarding the delay to completion of a student accommodation scheme in Edinburgh following water damage to electrical risers during construction.

• Undertook an independent review of a contract administrator’s award of an extension of time in relation to a mixed-use development.
Oliver Schneehain is a civil engineer with more than 24 years of experience in the design, construction and engineering industry. He has more than 18 years of activity in the subject of contract and claims management and specialises in quantum. He has been involved in the preparation of expert reports on delay analysis and quantum and has provided expertise on design processes related to the performance of designers, design delays and disruptions. He has also acted as a party-appointed expert in a German arbitration on matters relating to quantum (DIS procedure).

RECENT APPOINTMENTS INCLUDE:

- Arbitration, fertiliser plant, Turkey - assisting the party-appointed expert regarding determination of damage and detailed analysis of cause and effect pertaining to operational shortfalls of the plant and cost analysis.
- Arbitration, material processing plant for a conventional power plant, Bulgaria - assisting the expert of the arbitral tribunal to assess mutual claims and cost analysis.

- Arbitration, refurbishment of commuter trains, Germany – party-appointed expert witness for quantum and evaluation of damages.
- Arbitration, offshore wind farm, Germany - assisting the expert of the arbitral tribunal regarding the valuation of variation orders.
Dieter Iglhaut is a civil engineer with over 20 years of construction industry experience. He has acted as both expert witness and assistant to the named expert in matters of delay and quantum. Dieter advises on all aspects of time-related contractual risks, both preparing and defending claims; his experience encompasses design and claims management of large railway tunnels, highways and related infrastructure projects across Germany and the rest of Europe. He has been appointed as expert witness on two occasions and has been cross-examined in arbitral proceedings.

**RECENT APPOINTMENTS INCLUDE:**

- Appointed expert at an ICC arbitration in Paris to provide a report regarding extension of time for a motorway bridge in Serbia.
- Appointed expert to evaluate damages for a refurbishment of commuter trains.
- Evaluated claim potentials, extension of time and developed claim strategy for various rail transportation technology projects in Germany and Switzerland. Prepared the position papers for claim-negotiations with the client.
- Advised on delay issues related to the engineering and approval process of nine emergency diesel generator sets for a nuclear power plant in Finland. Elaborated on the respective delay analysis and extension of time claim.
- Assisted the appointed expert and prepared the claim documents for a number of power plant projects in Poland, Finland and Bulgaria. Evaluated the delay issues, and conducted an investigation of time and financial consequences of the occurred delays.
- Assisting the party-appointed quantum expert at an arbitration in Switzerland. The arbitration was about trade agreements for metal raw materials in Russia and compensation arising from terminated trade contracts.
- Evaluation of claim potentials and advising the client for a rail control system project in The Netherlands.
- Assessment of project schedule, evaluation of time-related claim potential and advising on claim strategy for an underground airport shuttle train (“automatic-people-mover”) in Germany.
- Assessment of project schedule and evaluation of time-related claim potential for metro train-sets in Sweden.
Dr Nicole Mörchen has 19 years’ experience in contractual matters relating to engineering and construction and is experienced in tunnelling, infrastructure, urban development measures, renewable energy, rolling stock and IT. Based on her experience linked with the use of forensic engineering investigative techniques, she has provided reports on design processes relating to the performance of designers, design delays and disruptions and has been involved in the preparation of expert reports on delay analysis and quantum.

**RECENT APPOINTMENTS INCLUDE:**

- **Arbitration, fertiliser plant, Turkey** - assisting the party appointed expert regarding determination of damages, detailed analysis of cause and effect pertaining to operational shortfalls of the plant, and cost analysis.

- **Rail transportation technology, Germany, Switzerland, Sweden, Poland** - evaluation of claim potentials based on the current project execution, especially in the field of engineering. Development of claim strategy; cost investigation; and preparation of position papers for claim-negotiations with the client.

- **Power plant, Spain, Germany, Malaysia** - evaluation of delay issues; investigation of time and financial consequences of the occurred delays; and preparation of claim documents and position papers.

- **Arbitration, offshore wind farm, Germany** - assisting the tribunal appointed expert regarding the delay analysis of several variation orders and quantification of related costs and conducted further valuation of variation orders.
Simon Chandler is a certified quantum expert with over 30 years’ experience in the construction sector. He holds dual qualifications in quantity surveying and construction law and specialises in dispute resolution, claims preparation, assessment and rebuttal, with particular expertise in adjudication, arbitration, mediation, and dispute adjudication boards (DABs). Simon is also a chartered surveyor and associate member of the Chartered Institute of Arbitrators.

RECENT APPOINTMENTS INCLUDE:

- Appointed quantum expert witness on behalf of the employer for the warranty defects on a ship building project in Abu Dhabi (DIAC matter).
- Appointed quantum expert witness on behalf of the developer on a high-end villa and hotel project on Palm Jumeirah, Dubai (DIFC-LCIA matter).
- Appointed quantum expert witness on behalf of a contractor on a mix-use development in Abu Dhabi (ICC matter).
- Appointed quantum expert witness on behalf of the employer and testified at the hearing on a USD 50m ship building project in Abu Dhabi (DIAC matter).
- Appointed quantum expert witness, and testified at the hearing, on behalf of the main contractor on a QAR 142m civils project in Doha, Qatar (ICC matter).
- Appointed quantum expert witness, instructed by the client’s counsel and testified at the hearing, in defence of a claim from a consultant on a chemical plant in Abu Dhabi (ICC matter).
- Produced a quantum report for a mediation hearing under ICC rules in the Hong Kong jurisdiction for the main contractor on a dispute with a subcontractor for a project in Djibouti, East Africa.
Lance Crane has more than 16 years’ experience in project management, planning, delay analysis and claim preparation, both in the UK and internationally. He has acted as an independent expert witness on a number of major projects, has given expert testimony on delay matters, and has prepared independent forensic analysis for use in mediation, adjudication and arbitration. He is a chartered project manager; a chartered construction professional; and an associate member of the Chartered Institute of Arbitrators.

RECENT APPOINTMENTS INCLUDE:

• Appointed as lead delay expert for the matter of arbitration assessing critical delays incurred on a 4-tower mixed-use development valued at approx. AED 1 billion (ICC matter).

• Appointed as the delay expert in the matter of dispute adjudication board dispute between a main contractor and subcontractor in relation to an adjudication on an international airport in Oman.

• Appointed lead delay expert by the respondent in the matter of dispute adjudication board referral relating to the demolition, alteration and refurbishment of existing farm buildings for a wedding facility. The dispute concerned an extension of time request of 171 days. Adjudicator agreed with Mr Crane’s alternative assessment of 4 days.

• Assisted the delay expert with a dispute between a Korean fabrication yard and Norwegian client in connection with the topsides of the largest ship in the world, an FLNG vessel. Mr Crane was asked to assist the tribunal in the matter of an LCIA arbitration hearing; however, the matter was settled.

• Assisted the delay expert in an arbitration concerning a new airport in Oman. Provided delay analysis, engineering opinion and quantum analysis.

• Assisted the delay expert with the preparation of the analysis for an ultra-low sulphur diesel refinery in Trinidad and Tobago. Matter was determined in mediation and dispute related to claims of $100 million and 517 days extension of time.
Emre Bayrak has over 20 years’ experience in the construction industry, with particular expertise in delay analysis, scheduling and cost control. He has acted as an independent expert witness and is often involved in the preparation and rebuttal of claims for extension of time. Emre has acted as planning manager and delay analyst for a number of major airport projects in the GCC, and has also worked on various projects in Turkey, the UAE and Qatar. He is a qualified architect and holds a master’s degree in construction law and dispute resolution, as well as building construction management.

RECENT APPOINTMENTS INCLUDE:

• Appointed as the delay expert witness on behalf of a contractor on a mix-use development in Abu Dhabi (ICC matter).
• Appointed as the delay expert witness on a social and affordable housing project in Bahrain on behalf of the developer (ICC matter).
• Assisted the appointed delay expert on programming and delay matters in relation to a DIAC arbitration on a ship construction in the United Arab Emirates.
• Assisted the appointed delay expert on programming and delay matters in relation to a DIAC arbitration on a major international airport terminal in the United Arab Emirates.
• Assisted the appointed expert with the development of programming/delay analysis on a major skyscraper in Dubai, United Arab Emirates.
• Assisted the appointed expert with the development of programming/delay analysis on a major international airport development in the GCC region.
Dr Stuart Carmichael has more than 30 years’ experience in the construction industry, specialising in delay expert witness assignments, project controls and claims management. He has produced and presented delay, disruption, concurrency and prolongation analysis and reports to prosecute and/or re-butt claims on a diverse range of major projects. He has successfully implemented recovery programmes and strategies on many delayed projects and has worked internationally in the UAE, Europe, India, the Americas and the UK.

RECENT APPOINTMENTS INCLUDE:

• Appointed as expert witness on delay in relation to a steel plant in India.
• Appointed as expert witness on delay in relation to an air separation plant in India. Assessment of delay which led to contract termination.
• Appointed as expert witness on delay in relation to a large-scale sewage network and pumping stations in the Middle East. Production of expert, reply and joint reports, attendance at hearing in Oman and cross-examination.
• Appointed as expert witness on delay in relation to an oil and gas processing facility in India. Production of expert, reply and joint reports, attendance at hearing in India and cross-examination.
• Appointed as expert witness on delay in relation to a large-scale apartment building in the UAE. Production of expert, reply and joint reports, attendance at hearing and cross-examination.
• Appointed as a delay expert for ICC arbitration regarding an oil refinery in Russia. Review and opinion of effects of events alleged by subcontractor (referring party) such as late issue/approval of drawings, reduction in manpower, late deliveries, late handover of site areas and winter working. Production of expert report and expert opinion provided at the arbitration hearing in Geneva.
• Appointed as delay expert for an ICC arbitration regarding a thermal power plant in Serbia. Case settled prior to hearing.
• Appointed as delay expert in relation to a large port re-development project in Peru. Production of expert reports on prolongation and concurrency for DAB. Written and oral testimony at hearing.
• Appointed as a delay expert for the employer in an arbitration regarding an apartment building in Manchester, UK.
• Appointed as delay expert for the contractor in an adjudication regarding a coal fire power station FGD in the UK. Produced main expert and reply reports.
• Appointed as delay expert by the employer to rebut contractor claims for delay and disruption on a large hydropower project in Pakistan.
• Appointed by the contractor for managing the development of a delay analysis for a contractor arbitration submission on a UAE hospital project.
• Support for appointed delay expert in producing a delay report for an arbitration regarding a large oil pipeline in Argentina.
Our services

FTI Consulting Construction Solutions offers a leading range of multi-disciplinary services to the global construction community. With a unique breadth of experience and skills, we provide construction expertise and advice to contractors, subcontractors, lenders, developers, funders and lawyers.

Our solutions focus on effectively allocating risk, minimising costs and delays, managing resources, and encouraging best practice that helps ensure the smooth running of a construction project.

From project planning, procurement, construction and commissioning through to completion, we provide support at every stage of the project. With a dedicated point of contact and ready access to our team, we work closely with you to deliver the insight and assistance you need.
Case studies

EXPERT OPINION

On behalf of an international joint-venture power generation company, we were engaged to provide expert opinion on delay and quantum issues regarding a construction dispute on a new 400-megawatt combined-cycle power plant in Russia. The dispute was referred to international arbitration by the contractor.

We carried out forensic analyses of critical delays to defend a claim for extensions of time and addressed a €41m primary dispute and a €55m counterclaim, both comprising of multiple contentious issues. Our input assisted the parties’ eventual settlement.

The client’s instructing lawyers said:

“Thanks for the super-human effort that all of you have put into the preparation and finalisation of the reports. We have just received confirmation that the parties expect to sign and exchange the settlement agreement tomorrow, so it appears the case will not go forward. It’s a bit disappointing after all the effort and the very convincing reports that you have produced but, in the end, it’s probably the best result for the client.”

EXPERT EVIDENCE

We were instructed by an international law firm to provide expert quantum evidence in an international arbitration under the ICC Rules in relation to both the contractor’s claims and the employer’s counterclaim for loss of profits and prolongation costs due to project delays regarding the construction of a new €600m hospitality complex on the Mediterranean coast.

We provided two expert reports for the arbitral tribunal and for exchange with the quantum expert appointed by the contractor. Our expert provided persuasive written expert evidence and gave oral expert evidence under examination in chief and cross-examination in the arbitration hearing held in Paris.

Our expert was congratulated by a partner at our client’s instructing law firm for an “excellent performance” and for being “well prepared” in providing evidence in the hearing. The parties were subsequently able to negotiate an amicable settlement to bring this dispute to a close, before the arbitral tribunal issued its award.
EXPERT REPORTS

Our client, a UK main contractor, received two Referrals to adjudication on the same day from one of its key subcontractors. These two adjudications reflected the fact that the subcontractor was engaged on two separate packages of work under two separate subcontracts, the total amount claimed amounted to almost £2m.

The challenge facing the quantum expert was to interrogate the very unclear information in the two Referrals and present to the adjudicator two expert reports that both gave a clear picture of the dispute - which wasn’t available from the Referrals - and also what the expert’s opinion was as to its value. All of this had to take place against the accelerated timescales of adjudication.

The parties agreed to try and mediate the dispute, and the expert’s reports formed both the basis of the client’s position and the mediator’s working document as they presented the clear summaries and explanations that he required to understand the issues. After several attempts, a favourable settlement was agreed.

EXPERT REVIEW

Our client, an international contractor, was engaged on a major civils project in the Middle East. Following civil unrest in 2011, our client was required to leave the region and has not, to date, been allowed to return to the site. As a consequence all of the plant machinery that could not be recovered at the time of the civil unrest has been lost or destroyed.

FTI Consulting was engaged to assess the value of the lost and destroyed machinery and to provide expert testimony on the quantum of the loss.

This role necessitated a comprehensive review of plant and equipment records to assess the value of the loss. To facilitate this, the client provided support services during the early stages of the review process.
Our multi-skilled team has worked on corporate, non-profit and government construction projects around the world. We draw on a wealth of experts across FTI Consulting, advising on projects within the following industries:
Global presence

FTI Consulting has recognised expert witnesses in major dispute centres throughout the world.

- £2.8BLN Market capitalisation*
- FCN NYSE
- 4,600+ employees worldwide
- 53 of Fortune Global 100 corporations are clients
- Advisors to 96 of the world’s top 100 law firms

*Number of total shares outstanding as of October 18, 2018, times the closing share price as of October 25, 2018.