

Damian strengthens ADA's expert witness team

Senior Consultant Damian Wilkinson has become a member of the ADA Expert Witness team following his successful completion of the Cardiff University Business School Expert Witness Certificate. All of the senior members of ADA's UK based expert witness team have now gained the certificate run by the leading training company, Bond Solon.

Damian, who is based at the Leeds office achieved the certificate as part of ADA's ongoing commitment to continued professional development in order to provide the highest possible standard of service to customers.

"Demand for expert witnesses has grown significantly over recent years and we are delighted that Damian is able to support us in the provision of this service to clients," said Bob Davis.

"It further strengthens our ability to offer a comprehensive range of complementary capabilities to those seeking expert advice and support in areas such as commercial project management, arbitration and mediation."

Damian has a first class honours degree in Quantity Surveying, a Masters degree in Construction Law and Arbitration (with merit), he is a Member of the Royal Institution of Chartered Surveyors and a Fellow of the Chartered Institute of Arbitrators.



He is a highly effective manager and consultant specialising in procurement, contract advice and risk management for major projects, bringing with him a wealth of experienced gained from his involvement in the Construction, Engineering and Technology sectors both here in the UK and overseas. On a practical front, Damian is well versed in the use of most major project forms including JCT, ICE, NEC, MF/1 and IChemE.

ADA's Malta team grows in strength and capability

ADA's Malta team has recently been strengthened with the appointment of two highly experienced Senior Consultants.



Ian Robertson, who joined the team back in September, is undertaking the responsibilities of Contracts Manager on the Fairmount Fjell project where Malta Shipyards are converting an existing semi-submersible barge into a self-propelled vessel suitable for transporting heavy off-shore installations around the globe.

Ian, who has an MSc in Management in Construction, brings over 30 years of experience to the ADA team having previously worked for clients, contractors and consultants in different industries and locations across the globe.

ADA is a global consultancy providing excellence in dispute avoidance and resolution



Dispute Avoidance

In our experience many of the causes of disputes can be identified, quantified and managed to either avoid them entirely or to minimise them. With our extensive knowledge and experience in contract, commercial and dispute management ADA is ideally suited and qualified in effective risk and contract management to minimise the occurrence and impact of disputes.



John Robinson, who joined the team in January of this year, is a highly experienced Commercial Manager and Quantity Surveyor.

He has previously worked in various branches of engineering, including oil and gas, petrochemical, building and civil.

John is now responsible for overseeing all change and variation control and management on the Fairmount Fjell project.



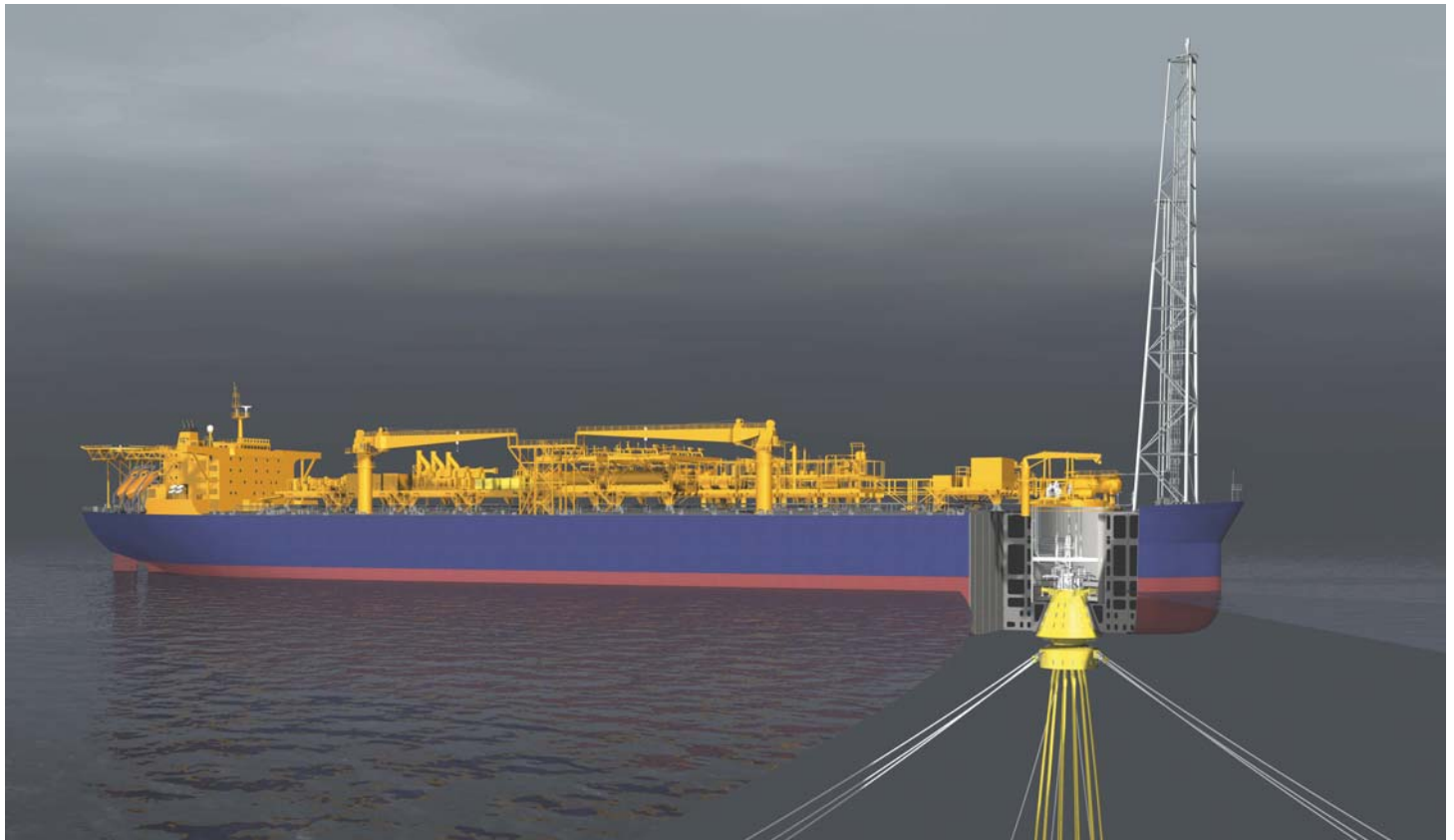
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On the recommendation of Aker Kvaerner Subsea, Armstrong Davis Associates has been recruited to provide its commercial expertise in support of a major contract recently won by Aker Floating Production (AFP), which is based in Norway.

AFP have been contracted to undertake full field development, including the supply, operation and maintenance of a floating production, storage and offloading (FPSO) vessel together with a sub-sea production system.

These assets are to be deployed on the Reliance MA oil and gas field located in the Bay of Bengal off the coast of India.

"This is a highly complex project from all standpoints," said Aker Floating Production's Project Director, Heine Haktorson. "The complex structure of the contract requires close cross-contract co-ordination and we are delighted to have the collaboration of an organisation like ADA to support us in this particular area."

Aker Floating Production tap into ADA's commercial expertise on complex FPSO project

ADA's Richard Senior, who is Commercial Support Manager on the Reliance contract, said: "Our brief is two-fold. Firstly, we are tasked with maximising AFP's financial returns by ensuring that all potential contract changes are captured cross-contract.

"Our second key objective is to minimise risks by ensuring that no gaps are created within the contract structure or overall tie-up agreement that may expose one of the contractor group companies to commercial risks."

This is the first project that ADA has undertaken on behalf of Aker Floating Production following on from projects with sister company Aker Kvaerner Subsea, but as ADA Director Dave Armstrong explains, the hope is that this is the first of many collaborations between ADA and AFP.

"ADA has considerable commercial management expertise within the oil and gas sector and we look forward to forging a close working relationship with the operational management of yet another Aker subsidiary," said Dave.

Demonstrating why Jaw-Jaw is so much better than Law-Law

The Adjudication Society, the not-for-profit organisation that promotes resolution of construction disputes by means of adjudication, marked this year's festive season with a mock adjudication which was held in the Great Hall at King's College London on Friday 14th of December.

ADA Director Bob Davis (pictured right), who is currently Chairman of the Society, played a key role for the Responding Party in an action entitled *Flodden Field –v- Bannockburn – the Decider*.

"Each year, the Society puts on some form of event to provide its members with an opportunity to meet and enjoy some light-hearted banter," said Bob. "This year, we decided to widen the audience by staging the event at one of the small number of UK universities that offer a Masters degree in Dispute Resolution, namely Kings College London.

"I'm delighted to report that an audience of over 200 attended the event in which they were treated to some light-hearted verbal jousting between members of the Society, including Mr Philip Boulding QC, who acted as Master of the Lists.

"The dispute that was being adjudicated related to the construction of a mythical bridge across the River Tweed in Berwick, with one part of the bridge sited in Scotland and the other in England. What complicated matters was that both countries have different legal systems.

"The process enabled the audience to witness an Adjudication at first hand, hearing how issues are worked through and how tricky matters are dealt with," added Bob.

"Since the introduction of Adjudication as we now know it via the Housing Grants Construction & Regeneration Act of 1996, the size and complexity of cases being referred to Adjudication has grown dramatically.

"Before the Act came into force, parties to construction contract disputes could resort to either litigation or arbitration to resolve these disputes, unless they could negotiate a settlement.

"Litigation and arbitration suffer from the same problems in that they are both expensive and time consuming and that it is still difficult for parties to handle litigation or arbitration processes without legal representation.

"Adjudication, however, is less expensive and, whilst there is disruption to a business while the adjudication is live, this is short lived relative to the disruption caused by the litigation or arbitration processes.



"The whole process of adjudication can be completed in as little as 28 days. The informality of adjudication (for example, the absence of strict

rules of evidence and the fact that a hearing is often not required) has meant that parties to a construction contract can and increasingly do handle adjudications on their own.

"Adjudication also allows disputes to be resolved whilst works are in progress. Provided a dispute exists, either party can adjudicate at any time. A speedy dispute resolution process like adjudication can help to prevent relationships on site from deteriorating to the detriment of the project.

"Adjudication has the full backing of the courts. The courts have endorsed the binding nature of adjudicator's decisions pending a final determination of the dispute in litigation or arbitration and, except in exceptional circumstances, they will enforce an adjudicator's decision. The evidence so far suggests that disputes which have been adjudicated are not routinely being referred to the courts or to arbitration for final determination.

"One of Parliament's aims for introducing adjudication was to reduce the number of construction and engineering disputes that end up in litigation or arbitration. On that point alone adjudication appears to be a success."

As well as being a Founding Director of ADA, Bob is also a practicing Adjudicator, Arbitrator and Mediator, and an expert witness.

Talking the Walk

ADA is broadening its service base with the launch of ADA Professional Training (ADAPT), a division offering a range of commercial awareness training programmes designed specifically for engineers.

"ADAPT provides practical training in subject areas that engineers are often required to deal with but for which they have usually never received any kind of formal education," said ADA Director Dave Armstrong.

"These bespoke training programmes are designed specifically for the needs of individual clients and are delivered by experienced professionals with extensive hands-on experience of the subject," said Dave.

ADAPT training modules can be delivered on the clients premises or at an external location,

whichever is most suitable and can cover the following topics:

- Leadership
- Communications
- Negotiation Skills
- Project Programming
- Design Responsibilities and Management
- Contract Law
- Performance Monitoring and Management
- Risk Management
- Health and Safety
- Completions and Warranties

"Many of our clients are looking to improve the skills and knowledge of their engineers from a commercial perspective. We have responded accordingly by developing ADAPT as a modular approach, giving clients the flexibility to build a training programme for their particular requirements," said Dave.

For further information or to discuss how ADAPT can be of benefit to your company, call Dave at the Stokesley office on 01642 714555.

K Home International stays on Teesside for commercial management support on £500 million Dubai development

ADA has been awarded a contract to provide a range of commercial management services by Middlesbrough's K Home International, which has been appointed as Project Manager for a £500 million premium hotel and business park development in Dubai.

The Dubai Multi Commodities Centre Business Park project, which is being undertaken on behalf of the Dubai Multi Commodities Centre Authority, is expected to take four years to complete. It will cover an area of 13.8 hectares and will feature a total of 13 towers, housing offices, hotels and other commercial buildings, including a 34-storey office tower and an innovative 29-storey business hotel, which will be divided vertically to create separate 5 star and 4 star hotel accommodation.

"We will be responsible for providing contracts management support as well as overseeing the process of contract awards," said ADA

Director Dave Armstrong. "In particular, ADA is playing a key specialist role in K Home's selection and procurement processes which will lead to the appointment of Lead Designers, the Architectural and Specialist Engineering Design teams, the Cost Consultants team and the Construction team.

"As well as being a highly prestigious project, this contract will enable us to raise our profile in this key international arena."

Leading the ADA team is Robert Brimacombe, a Chartered Builder and Quantity Surveyor with over 20 years experience in building, engineering and construction in the United Kingdom and overseas. Robert is already based in Dubai undertaking the initial preparatory work.

"We appointed ADA because we have worked together in the past and they have always been thoroughly professional and competent," said K Home Director Trevor Arnold. "They complement the services of K Home International. Bob Brimacombe is a class act and his integration into the team has been seamless. We look forward to having a long association with ADA."

This contract is the latest in a series of international projects on which ADA has provided its commercial and contract management expertise.

"ADA already has a presence in a number of countries but we have plans to develop an international network of offices enabling us to further provide world-class support to clients, wherever they may be operating," added Dave.

