

CURRICULUM VITAE



Name John Robert Papworth

Qualifications Chartered Arbitrator, FCI Arb, FRICS, FACostE, FCInstCES, Companion of the ICE, AFIChemE, FFAVE (Master)

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SUMMARY

Experience and Specialist Areas

- On FIDIC President's and ICE's Lists of Adjudicators and International DB Members; on Dispute Resolution Board Foundation (DRBF) President's List
- Registered as Senior Adjudicator by The Engineering Professions Association of Namibia
- UK Country Representative for DRBF
- On Clerksroom (www.clerksroom.com) and Dubai International Arbitration Centre lists of Arbitrators, and on database of London Court of International Arbitration (LCIA)
- On Resolex and Mediator Directory Lists of Mediators
- Practising Dispute Board Chairman and Member, Adjudicator, Mediator and Conciliator and in Expert Determination
- Over 50 years' experience with international contractors, sub-contractors and consultants
- Experience of contracts and disputes in UK, Mainland Europe (East and West), South, East and West Africa, Middle East, Far East, India and Caribbean, and therefore of differing jurisdictions
- Oil and gas projects, building, civil, mechanical, electrical, instrumentation, controls systems, nuclear and power engineering
- Preparation of, and defence to, claims and notices for referral to adjudication, international dispute boards and international arbitration
- Drafting agreements and other documents
- Insurance Claims – professional indemnity and design liability
- Write journal articles; review books; give seminars on dispute boards and FIDIC, NEC, IChemE and ICC Contracts, contracts and claims
- Can speak working French and German; up to Intermediate Spanish

Memberships

- Fellow (Master) of the Association of Forensic & Advanced Valuation Executives
- Member of the Dispute Resolution Board Foundation
- Member of the ICC Institute of World Business Law
- Member of the London Court of International Arbitration (LCIA)
- Member of the Society of Construction Law
- Member of the Adjudication Society
- Member of the Oil & Gas Branch of the Arbitration Club
- Member of Resolex Mediators Group
- Liveryman of the Worshipful Company of Arbitrators
- Chairman of Contracts and Dispute Resolution Panel of Chartered Institution of Civil Engineering Surveyors 2007-2010
- General Secretary and Treasurer of the European Council for Construction Economists (CEEC) 2005-2010
- RICS QS President and Construction Faculty Chairman 1999-2000
- Member of editorial panel for ICE's 'Management, Procurement and Law' – Chairman of Procurement Sub-Committee 2006-2010

- Associate Fellow Member of IChemE and Member of IChemE's Dispute Resolution Committee

Articles, Guides and References

- Articles for ICES journal and DB MENA newsletters on Dispute Boards
- Have produced comparative guides to:
 - The different FIDIC Conditions
 - The Dispute Board Rules and Procedures published by FIDIC, the ICC, the World Bank and the ICE
 - International Arbitration Rules

Training and Education

- Give training to professional groups and companies on various forms of contract, claims and contracts generally
- Trainer on Dispute Board Federation's Dispute Board and FIDIC Intensive Training Programme 2010 to 2013
- Trainer on DRBF Advanced Workshops in Istanbul and in UK 2010 and 2011, in Sao Paulo and UK in 2011, in Singapore 2014, in Genoa in May 2015, in Sofia in November 2016 and in Berlin in March 2019
- Member of Chartered ICES Training Team
- Chartered ICES Regional Review Examiner

Recent speaking engagements

- DRBF Regional Conference, Stockholm, October 2019
- DRBF Romania and UK Conference, Bucharest, March 2019
- RICS/DRBF Conference in Edinburgh, March 2019
- Worshipful Company of Arbitrators Annual Symposium, London, December 2016 and 2017
- DRBF Bulgaria Workshop, Kyustendil, Bulgaria, November 2017
- ESCL Conference, King's College, London, October 2015
- ICC/FIDIC Conference, Johannesburg, June 2014
- DRBF International Conference, Singapore, May 2014
- Mauritius Engineers, February 2014
- Conference on Advanced Contract and Risk Management for the Utility and Power Generation Industry, London, for BIS Group, January 2014
- Evening talk on ADR for CIArb Branch, Taunton, November 2013
- Led seminar on Dispute Boards for CIArb Branch, Bristol, September 2013
- FIDIC Conference, Barcelona, September 2013
- ICC/FIDIC Conference, Paris, June 2013

PROFESSIONAL EXPERIENCE

| Dates | Details |
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| Since January 1992 | Engaged solely in international dispute resolution in engineering and construction Managing Director of John Papworth Limited, Consultancy in International Dispute Resolution – Engineering and Construction |
| May 2018 to date | Appointed Co-Arbitrator in ICC Arbitration in Qatar – exchanges of voluminous submissions nearly complete – hearing due to be held March 2020 |
| November 2017 to date | Sole DAB Member for three highway projects in Kenya – disputes referred on each project – four decisions given on first project – two decisions given on second project - one decision given on third project – one more decision due November 2019 on third project |
| September 2014 to date | Sole DAB Member for highway project in Albania – FIDIC Red Book – informal opinions given on claims in November 2014 – Contract terminated – now awaiting direction from court to proceed with decision on termination |
| April 2019 to date | Appointed to advise swimming pool subcontractor on three more projects on which he has not been paid properly – advice given on all three projects – solicitors now engaged |
| March 2019 | Appointed as replacement Member of Dispute Review Board for tunnelling package on Copenhagen Metro – recommendation due November 2019 |
| August 2018 | Appointed DB Member of three-Member Board on a second highway project in Serbia on FIDIC Pink Book – MBD Harmonised – one dispute referred – decision given December 2018 |
| June 2018 | Appointed DB Member of three-Member Board on highway project in Serbia on FIDIC Pink Book – MDB Harmonised – one dispute referred in two parts – decision given October 2018 |
| February 2017 | Appointed Adjudicator in UK dispute over cable-laying – decision given April 2018 |
| October 2017 | Appointed as consultant to UK subcontractor on swimming pool project – advised subcontractor and he achieved an acceptable settlement of his account |

- October 2016** Sole DB Member for highway contract in Ukraine on MDB Pink Book – one dispute referred - decision given June 2017
- June 2016** Sole DB Member for highway project in Moldova on MDB Pink Book one dispute referred, decision given August 2017
- October 2014 to date** Sole DAB Member for Danube Bank protection construction, Romania – FIDIC Red Book – 17 claims to be resolved – six disputes referred, six decisions given
- May 2015 to date** Member of three-Member DAB on Kampala-Entebbe Expressway highway project in Uganda – one dispute referred – nothing more heard from Parties
- June 2016** Appointed Adjudicator on UK Water Framework Agreement Project in the UK – complex dispute so extended period – decision given October 2016
- October 2011 to date** Sole DAB Member on motorway project in Romania under FIDIC Yellow Book – completed first decision ready for issue in July 2012, but with my assistance the Parties reached an amicable settlement so decision not issued – have given informal opinions on thirteen more issues – second dispute referred in October 2014 and decision given – third dispute issued but Parties settled – fourth dispute referred, decision given January 2018
- October 2011 to date** Sole DAB Member on motorway project in Romania under FIDIC Red Book – first decision issued August 2012; second dispute referred June 2014 – second decision issued September 2014 – third dispute issued in 2017 – decision given December 2017
- July 2014 to December 2016** Sole DAB Member for highway project in Kenya – FIDIC Red Book – no disputes referred
- April 2013 to December 2015** Appointed Chairman of DAB for highway and drainage project in Botswana – MDB Harmonised version of FIDIC Red Book - one informal opinion given during first visit – first dispute referred and decision given December 2013 – second dispute referred in July 2014 – decision given September 2014 – third decision given in November 2014 - fourth decision given in February 2015
- July 2013** Appointed Member of three-Member DAB for hotel building project in Abu Dhabi – FIDIC Red Book – no action taken by Parties

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| September 2015 | | Appointed Adjudicator in UK building dispute – decision given |
| August 2014 | | Appointed Adjudicator for dispute on power plant in UK – Parties settled in mediation |
| August 2013 November 2014 | to | Appointed Member of three-Member DAB for industrial building project in Albania – FIDIC Silver Book – complex dispute referred in April 2014 - decision given in November 2014 |
| April to May 2014 | | Mediator in dispute between Consultant and Client in geotechnical and mining dispute in West Africa – parties took their dispute back to court |
| March to December 2014 | | Appointed Sole DAB Member for port project in Albania – dispute referred and one decision produced May 2014 – second decision given in December 2014 |
| March 2013 December 2013 | to | Sole DB Member on highway dispute in Azerbaijan – MDB Harmonised version of FIDIC Red Book – no disputes referred |
| March 2009 December 2014 | to | Sole DAB Member for three 30km highway projects in Albania – all on FIDIC Red Book - seven decisions and one informal opinion given – one project completed in September 2012 and two terminated in 2014 |
| January 2014 August 2016 | to | Contractual advice to party on academic building project in UK with adjudication in mind over termination of contract – adjudication avoided and settlement reached |
| February 2013 | | Appointed Adjudicator in UK roads and drainage dispute – decision given |
| October 2011 September 2013 | to | Chairman of three-Member DAB on highway project in Mozambique on FIDIC Red Book – three disputes referred – unanimous decisions given in all three |
| July 2010 to August 2013 | | Sole DAB Member for water supply project in Sri Lanka on FIDIC Yellow Book – five decisions given |
| 2010-2012 | | Chairman of three-Member DAB on 60km highway project in Tanzania on FIDIC Red Book – project completed without disputes |
| 2010-2011 | | Part of Engineer's team of claims advisors on £multi-billion coal-fired power station in South Africa on largest coal-fired station ever built and largest project in Africa – preparation of responses to claims, Clause 3.5 determinations and |

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| | Clause 2.5 Employer's claims – contracts on FIDIC Red and Yellow Books |
| November 2010 | Appointed to carry out Expert Determination on power station in Qatar - determination given in 28 days |
| September – October 2010 | Mediator on construction dispute in UK – agreement reached within half a day |
| 2008-2010 | Sole Dispute Board Member on several projects in Middle East, Eastern Europe and UK – large infrastructure and civil engineering projects, including disputes between consultant and client and contractor and client – appointed to two DABs in Eastern Europe in Romania and Bulgaria – both contracts based on FIDIC Red Book - experience of Laws of all those countries – have produced three decisions – avoided disputes in other cases. One decision in Romania appealed to ICC Arbitration, where it was upheld and has now been enforced as first DAB decision to be enforced in Romania |
| 2000-2009 | Adjudicator and Party Representative in disputes in UK – civil engineering, pipelines, railway work, consultancy agreements, M&E work and building – included pipeline for aircraft fuel in UK |
| 2004-2008 | Compiling notices of dispute and presenting Contractors' cases at DRB hearings and obtained favourable results on two power station projects in Kenya over period of four years – FIDIC 4 th edition |
| 2007 | International arbitration and preparation of claims and statements of case on infrastructure and pipeline projects in East Africa and Middle East |
| 2006-2007 | Preparation of claims and statement of case in arbitration for major Indian international oil and gas contractor on gas extraction projects off Qatar |
| 2005 | Advising Indian oil and gas contractor on dispute on power plant off Tanzania – settled without starting arbitration |
| 2005 | Advising Qatar based contractor in arbitrations on unforeseen ground conditions on micro-tunnelling project in Mumbai, India – taken to arbitration by Indian law firm |
| 2004 | Advising civil engineering contractors on disputes on various projects in UK in nuclear power plants and other engineering projects – prepared claims which enabled clients to obtain favourable settlements |

- 2000-2003** Preparation of claims for Japanese, French, Indian and Kenyan contractors on projects in Kenya, Uganda and Tanzania: sewerage and water supply schemes, power station and distribution lines, prisons
- 1997-2000** Preparation of claims for international contractors (French, German, Greek, Caribbean) and subcontractors on building and civil engineering projects in Arabian Gulf states, Caribbean, Europe and Far East.
- 1997-1998** Acting in arbitrations for Claimant party in three arbitrations in UK and East Africa, obtaining favourable results
- 1997** Advised international contractor in preparation of bid for waste-water scheme in Bucharest, Romania
- 1994-1997** Preparation and negotiation of claims, and defences to counterclaims for one of the world's largest power station constructors on gas turbine, steam turbine, combined cycle and coal-fired power plant projects in UK and Indonesia. Several projects valued from £25m to £660m
- 1991-1993** Preparation of claims and case for submission to arbitration of disputes on nuclear power station for international piping contractor
- May 1988 - Dec 1991** **Contracts/Legal Executive/Associate with International Consultancy**
- Legal and contractual advice to directors, senior staff and clients on contentious and non-contentious matters.
- Contentious matters:** Prepared claims for contractor and subcontractor in Saudi Arabia on transcontinental pipeline and new holiday resort.
- Acted as Arbitrator on one dispute, and produced interim and final awards. Prepared submissions to arbitration for contractors and clients. Litigation support in contractual and professional indemnity claims, by way of technical reports. Preparation and negotiation of claims. Defence to claims.
- Non-contentious matters:** Drafting contracts and subcontracts, often for novel contracting strategies on high-profile projects; drafting warranties, novations, consultancy agreements and other contract documents for clients including oil and pharmaceutical companies, the PSA and utility companies

Mar 1986 - Apr 1988 Project Leader with Major QS Consultancy

Led team of eleven Qs and Cost Engineers on M&E Phase of MoD Project for PSA. Value £70m.

The project was badly affected by disputes between the Contractor and the Superintending Officer. I attended numerous negotiation meetings at PSA Headquarters with Senior Officials and the Contractor's representatives, as well as carrying out the regular duties of cost reporting, valuations and supervising the team. I also had personal responsibility for the building and civil work.

Project QS for £5m underground main replacement at same MoD establishment.

Feb 1981 – Feb 1986 Senior QS in Central Contracts Department of Costain Group

This was a department specialising in contractual matters for all operations from the UK down to North Africa undertaken by the Group's subsidiaries in building, civil and marine engineering. Embraced all standard forms used in UK, as well as some bespoke forms, and a number of FIDIC and other overseas contracts.

Jan 1979 – Jan 1981 Kyle Stewart Limited (now part of Royal BAM Group)**1. Senior QS with Major Works
2. Head of QS Department of Special Works Division**

1. Senior QS reporting to Group Surveying Director on several Design and Build projects for pharmaceutical company and brewery. Values £0.5m - £4m. Some estimating as well as post contract work.

2. Division reformed 1980. Profit and turnover targets exceeded. We undertook special projects in jacking of building, underground services and repairs, as well as new, prestigious fitting out work. Again, some estimating and post contract work.

Oct - Dec 1978 Claims Advisor with International Civil Engineering Consultancy

Advising Deutsche Babcock on claims from subcontractor on power station in Saudi Arabia and based in Oberhausen.

Advising Engineers on several power stations in different parts of the world.

Mid 1977 - Oct 1978 QS and Construction Manager with Regional Contractors

Final account measurement. Leader of the technical team on industrial and domestic building and light civil projects. Responsible for progress, organising resources, meeting consultants and attending site meetings.

Sep 1975 - July 1977 Senior then Chief QS for A. Lang Limited (Swiss), Accra, Ghana

Reporting to Technical Director of premier construction company in Ghana. Projects ranged from minor domestic works to multi-million building and civil projects. Responsible for all commercial matters, including preparation, submission and negotiation of claims.

July 1971 - July 1975 QS with Kyle Stewart Limited (now part of Royal BAM Group)

Assistant QS on civil engineering work on Freightliner Terminal. Responsible for re-measurement and providing information for claims, which were compiled by external advisor.

Promoted to QS. Worked on office and industrial buildings up to around £0.75m.

Sep 1969- June 1971 Trainee/Assistant QS with International Contractor

After working with different surveyors on residential and industrial projects, I worked entirely on £2m local authority housing project. There was a major dispute on the civil engineering phase, which went to Arbitration.