

Curriculum Vitae

David Gibson

BSc Quantity Surveying, FRICS, FCICES, FCI Arb,

Accredited CEDR Mediator

CEO DGA Group

Quantum Expert / Advisor

Professional Profile

David founded DGA in 1993 to provide contractual commercial and programme support services to Clients in the construction industry. He has more than 35 years' experience working on major international infrastructure and building projects. David is a Fellow of the Royal Institution of Chartered Surveyors, the Chartered Institute of Civil Engineering Surveyors and the Chartered Institute of Arbitrators. He has also trained as an Adjudicator with the Chartered Institute of Arbitrators and has completed the Bond Solon series of Expert Witness training courses in conjunction with the RICS and has qualified as a CEDR accredited mediator. David's principal background is heavy civil engineering having worked on major metro / tunneling, highways and rail projects both in the UK and internationally. He also has experience from building projects more recently in Asia and the Middle East. He has substantial experience of adjudication, litigation and arbitration acting as adviser in preparing or defending claims on major infrastructure and building projects. He has also acted as expert witness on quantum issues in both the UK and internationally and has been cross examined.

Core Skills

Quantum Expert Witness
Strategic Advice
Dispute Board Advisor
Claims Management
Commercial Management
Contract Administration
Contractual Advice
Final Account Settlement
Procurement Strategies

Sector Experience

Metro Railways / Tunnels
Roads & Bridges
Commercial Developments
Hotels & Leisure Facilities
Residential
Water Treatment

SPECIFIC SECTOR EXPERIENCE

Commercial / Residential Cladding & Other Defects

- Quantum expert in the Supreme Court of NSW for a cladding replacement contract where the existing ACP cladding was not fire resistant on educational facility buildings in Sydney. Instructed

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by Norton Rose Fulbright.

- Quantum expert in the Supreme Court of NSW for a cladding replacement contract where the existing ACP cladding was not fire resistant on a medical facility building in Sydney. Instructed by Clyde & Co.
- Quantum expert in VCAT proceedings for structural defects and defective ACP cladding which was not fire resistant on a private resident block of apartments. Instructed by HFW.
- Quantum expert in county court proceedings for defective ACP cladding which was not fire resistant on a private resident block of apartments in Melbourne. Instructed by HFW.
- Quantum expert in the Supreme Court of NSW for glazing replacement to a residential tower block in Sydney. Instructed by MinterEllisons.
- Quantum expert for rectification works to fire damaged residential property in Sydney for insurance claim. Instructed by Swaab.
- Quantum expert for insurers for the replacement cost of basement slab to a residential tower in Melbourne. Instructed by Carter Newell Lawyers.
- Quantum expert for insurance claim for water ingress in basement car park for hotel and resorts complex in Sydney. Instructed by Ashurst.
- Quantum expert for rectification works to 3 residential towers between 33 and 60 storeys for replacement of non compliant fire resistant ACP cladding and corrosion defects in the Supreme Court of New South Wales. Instructed by Clyde & Co.

Hotels & Leisure Facilities

- Quantum expert on dispute in arbitration between Main Contractor (Respondent) and MEP Subcontractor (Claimant) on 5 star hotel in Abu Dhabi. Instructed by Kennedys Solicitors. Providing expert opinion on variations, claims and counterclaims including design and design development issues.
- Provide strategic advice and lead quantum and delay team to produce extension of time and additional costs claims for Main Contractor of 5 star hotel and retail complex in Abu Dhabi. Manage ad hoc dispute resolution process through the appointment of a third party independent expert to resolve final account with the Employer (Claim values circa AED 625m).
- Provide strategic advice for pre-cast concrete pods contractor to finalise contract terms and supply agreement with Main Contract in Riyadh, Saudi Arabia (Project value circa SAR 45m) .
- Casino in Macau - Managing the strategy and claims production for additional cost and delay on

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this project for the design and construction of a Casino in Macau – HK\$20.6bn.

- Center Parcs – Wiltshire. Bespoke form of contract developed by Center Parcs Group. Value £30m. Providing contractual and quantum advice for various heads of claim and variations with a combined value of £8m. These issues mainly concerned the installation of the below ground drainage system to the new Park built at Longleat, Wiltshire.

Commercial, Residential & Healthcare Developments

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- Quantum expert in adjudication for advanced cofferdam piling works in Sydney. Instructed by Allens.
- Quantum expert in the Supreme Court of NSW for the replacement of hot and cold water pipework and associated fittings and equipment for a hospital in Sydney. Instructed by Thompson Geer.
- Independent cost assessment for bank financing the construction of a prestigious residential property in Sydney. Instructed by Swaab and Bank of Queensland.
- Quantum expert for an arbitration concerning the construction of a new hospital in Australia – value A\$3.2 billion (PPP). Instructing solicitors King & Wood Mallesons.
- Project management and QS services on behalf of the Contractor to build an outpatient clinic and administration building for an existing hospital in Dubai.
- Quantum expert for new build residential and commercial towers and residential villas in Dubai where the Main Contractor was terminated – Value circa AED 250m. DIAC Arbitration instructed by Pinsent Masons.
- Quantum expert for a fit-out contract to an existing building being renovated and extended. Main Contractor v Subcontractor dispute concerning termination of the Main Contractor under the Main Contract - Value circa HK\$50m. HKIAC Arbitration - Instructed by MinterEllison.
- Independent third party determiner on project disputes for 3 No. residential towers in Qatar with a value of circa QAR 300m. Appointed jointly by the Employer and Main Contractor to provide an independent opinion on a number of disputes dealing with technical, quantum and delay matters.
- Quantum expert in QICCA arbitration in regards to a large commercial, retail and hotel complex in Qatar. Instructed by Clyde & Co. Representing the Respondent in a Main Contractor (Respondent) v Subcontractor (Claimant) façade dispute. Providing expert opinion on statement

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of claim and counterclaim valuation of measured work, variations and claims / counterclaims (Combined value circa QAR 100m).

- Provide strategic advice and lead quantum and delay team to produce extension of time and additional costs claims for Main Contract on commercial and residential towers in Dubai. (Claim values circa AED650m)
- Residential and Commercial Development advance earthworks Contract. Quantum Expert on HK\$300m earthworks claim in arbitration in the HKIAC. Instructed by Pinsent Masons.
- Central London Prestigious Office Refurbishment. Acting as expert witness on quantum issues associated with extension of time and delay and disruption claims. Instructed by Taylor Wessing for adjudication – Value £2 million.

Wind Farm

- Quantum expert on wind farm development in the Supreme Court of Victoria. Project value circa A\$12.5m. Instructed by HFW.
- Quantum expert on wind farm development in the Supreme Court of WA. Project value circa A\$125m. Instructed by Clyde & Co.
- Quantum expert on wind farm development in the Supreme Court of Victoria. Project value circa A\$35m Instructed by HFW.

Metro / Railways / Tunnels

- Quantum expert on Rail Project in New South Wales between Joint Venture Partners in arbitration. Instructed by Norton Rose Fulbright.
- Quantum expert for motorway tunnelling dispute for additional works dealing with contaminated water ingress initially through Expert Determination and potentially followed by arbitration, to be conducted in accordance with the rules of the Australian Centre for International Commercial Arbitration (2016 edition). Instructed by Norton Rose Fulbright.
- Quantum expert on design, construct, finance, operate and maintain urban metro system. Matters concerning additional cost incurred from design changes on this A\$3.7bn project in the Supreme Court of NSW. Instructed by King & Wood Mallesons.
- Quantum expert on Rail Project in New South Wales between Joint Venture Partners before expert determiner. Instructed by Norton Rose Fulbright.

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- Quantum expert on rail infrastructure project in Hong Kong. Matters concerning additional cost incurred on this HK\$6bn project. Instructed by HFW.
- Quantum expert on approach works to rail station terminus building in Hong Kong. Matters concerning additional cost incurred on this HK\$3bn project. Instructed by HFW.
- Quantum expert on MEP works undertaken on rail infrastructure projects. MEP works value was circa HK\$1.2bn. Instructed by King & Wood Mallesons.
- Quantum expert on hydro power project in NSW providing independent quantum valuation of various claims. Instructed by Malino Cahill.
- Independent third-party determiner on project disputes for the construction of barging facilities in Hong Kong with a value of circa HK\$300m. Appointed jointly by the Employer and Main Contractor to provide an independent opinion on a number of disputes dealing with technical, quantum and delay matters.
- Twin bore tunnelling contract (drill and blast) for Hong Kong rail project. Providing strategic advice and leading a claims team to produce the claim submissions for extension time and additional cost of circa HK\$1.5bn.
- New Underground Rail Station – Hong Kong. Providing strategic advice in managing this target cost contract and renegotiating the Target Cost as part of a Supplementary Agreement on behalf of the contractor (JV) – circa HKD 2.2 billion.
- Twin bore and single enlarged bore tunnel (drill and blast and TBM) for Hong Kong rail project. Strategic advice to the parties to manage a third party intervention process to reach a settlement for all matters in dispute. Value of dispute in excess of HK\$2bn.
- Cut and cover in situ reinforced concrete box culverts to construct the approach tunnels to the new terminus building in Hong Kong. Strategic advice and managing the claims for extension of time and additional cost in excess of \$2.5bn.
- East London Line. Managing the Contractor's submission of compensation events including all financial and time adjustments. This involved various Star Chamber presentations and a 6 month mediation to assist the parties to negotiate a final account settlement on this £1bn rail infrastructure project. NEC Option C form of Contract. The Parties reach a settlement 3 months after the conclusion of the mediation.
- Train Depots Refurbishment. Acting as team leader in providing defence to claim submissions for extension of time, additional works and delay and disruption. Value of claims circa £40 million. Heading up team of both commercial and programming staff to provide defence for the

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Employer

- Jubilee Line Extension. Bespoke client contract based on the Honk Kong FIDIC form of contract. Value £350m +. Providing contractual and quantum advice for various heads of claim, extensions of time and variations. This contract comprised the construction of tunnels (TBM) and two new underground stations in central London. Tunnel claims based on changed geological ground conditions and ground stabilisation using grout injection. On completion of the Contract works the final account was the subject of conciliation which brought about a settlement between the parties.
- Channel Tunnel Rail Link – Section 2. NEC form of Contract – Option C [Target Cost]. Contract Value £175 million +. Providing expert report on the quantum associated with events that have caused delay to the works. The works comprised the construction of the tunnels (TBM) under the Thames for CTRL. Instructed by Masons solicitors.

Roads & Bridges

- Quantum expert on several major highway projects in New South Wales and Queensland combined, the subject of a securities class action, with proceedings in the Supreme Court of New South Wales. Instructed by Herbert Smith Freehills.
- Expert Determiner on matters in dispute on motorway project in New Zealand between main contractor and subcontractor.
- Quantum expert on delay and disruption to highway interchange construction in Melbourne in arbitration. Instructed by Corrs Chambers Westgarth.
- Quantum expert on highways / tunnel project in Australia. Project value A\$6bn+ in arbitration. Instructed by Corrs Chambers Westgarth.
- Quantum expert in the Supreme Court of NSW for highway tunnel dispute in Sydney, Australia. Appointed by HFW. Contract value circa A\$1.16bn.
- Quantum expert on pipeline dispute in adjudication in NSW instructed by Minter Ellison.
- Viaduct Construction Contract – Hong Kong. Managing the strategy and claims production for additional cost and delay on this project for the design and construction of a 9.4km-long viaduct (pre-cast segmental bridge) supporting dual three-lane carriageways. Value – HK\$12.9bn.
- Managing the claims and variations on 3 projects constructing sections of the A1 motorway in Poland under FIDIC and Polish law - circa EUR730m.
- Beniyas Interchange. Acting as expert witness on quantum issues with a combined value of

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AED60 million. Major roads interchange in central Dubai. Instructed by Clifford Chance solicitors in arbitration between Main Contractor and the Dubai Municipality. Acting for the Contractor. FIDIC form of contract with bills of quantities produced in accordance with CESMM 3.

Water Treatment

- Quantum expert on defective work to recycled water plant in Victoria. Proceedings in Supreme Court of Victoria including referral to Special Referee. Instructed by Corrs Chambers Westgarth.
- Quantum expert on sewage treatment plant in Australia in arbitration. Project value circa A\$60m. Instructed by Clyde & Co.
- Water Treatment Works. IChemE Red Book form of Contract with Employer Amendments. Value £30 million +. Investigate and review the additional costs and delay incurred by the Contractor on this design and construct project. Analyse the design changes with regards to design development, betterment and revised specifications and resolve matters of quantum and time with the Employer and Designer. Appointed directly by the Contractor. Manage the referral of certain claims through adjudication.

RECENT EMPLOYMENT HISTORY

1993 – Present

DGA Group

CEO & Quantum Expert

1991 – 1993

Balfour Beatty Civil Engineering Limited

Commercial Manager

1989 – 1991

Rider Hunt Pty, Melbourne, Australia

Senior Commercial Consultant

1985 - 1989

Balfour Beatty Civil Engineering Limited

Project Quantity Surveyor