

Curriculum Vitae

John Foster

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Director

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Professional Profile

John has over 45 years of experience in construction and commercial management, much of this in senior appointments with prominent international contractors, and he has a proven track record of solving major construction problems and disputes on a wide range of project types, both in the United Kingdom and overseas.

He works closely with major contractors, developers, operators, specialist sub-contractors and various client companies on a wide spectrum of project types; delivering advice to clients in connection with the development and implementation of appropriate and effective procurement and risk management strategies and the prudent and economic allocation and dissipation of risk - in order to limit the prospects of project delays and budgetary overspend and the scope for contentious issues and claims to arise.

John has extensive experience in the development, defence and settlement of major construction claims, and has prepared and delivered expert evidence in a number of major international litigations and in arbitration and other dispute resolution proceedings.

He has also served as an officer and otherwise sat on regional committees of professional bodies and has acted as industry representative on several working committees responsible for the development of contract forms and other standard documents and procedures.

Core Skills

Claims Management
Commercial Management
Contract Administration
Contractual Advice
Dispute Resolution
Expert Witness
Final Account Settlement
Procurement Strategies
Risk Management
Time and Monetary Claims
Troubleshooting

Sector Experience

Airports
Commercial Developments
Dams & Reservoirs
Energy
Hotels & Leisure Facilities
Hospitals & Healthcare
Port & Marine Works
Process Engineering
Railways
Residential
Roads & Bridges
Water Treatment

Specific Sector Experience

Airports

- Development of time and monetary claims in connection with the construction of a 395,000 m² multi-level air cargo handling facility at Hong Kong International Airport; and
- Development of time and monetary claims in connection with concourse construction at Hong Kong International Airport.

Commercial Developments

- Acting as expert witness on quantum issues in litigation related to the construction of a luxury hotel and shopping complex in Manila, Philippines; and
- Preparation of strategic advice on defence of time and monetary claims arising out of the construction of a 14-storey Class A office building in Moscow, Russia.

Dams & Reservoirs

- Provision of commercial and contractual advice on the settlement of disputes and amended arrangements for continuation of work in regard to a 500 MW hydropower scheme in Anatolia, Turkey; and
- Development for a leading renewable energy company of tailor-made documentation, including specifications, bidding documents, method of measurement and *pro forma* bills of quantities for intended use on its projects internationally.

Energy

- Acting as Expert witness on time issues in adjudication proceedings, relating to disputes arising out of the construction of a USD 500 million Energy-from-Waste Power Plant in Merseyside, UK; and
- Acting as Expert witness on time and quantum issues in arbitration proceedings relating to disputes arising out of construction of a 4 x 360 MW combined-cycle Power Station in Singapore.

Hotels & Leisure Facilities

- Preparation of an expert report relating to final account evaluation as part of arbitration proceedings in connection with the conversion of a heritage building in Singapore into a luxury hotel;
- Risk assessment and drafting bespoke contract documentation for future developments by an international luxury hotel chain; and
- Drafting bespoke contract documentation, in conjunction with an international law firm, for the construction of a new luxury hotel in London.

Hospitals & Healthcare

- Preparation of risk assessment reports and development of preliminary risk registers in connection with the construction of Proton Beam Therapy Units at major hospitals in London and Manchester, England; and
- Review of the contractor's claims to further time and money and strategic advice to the Trust as to the relative merits and defences available to it, in connection with construction of the Royal Alexandra Children's Hospital in Brighton, England.

Port & Marine Works

- Preparation of procurement strategy recommendations, contract, pricing and other bespoke documentation for the design and construction of a USD 2.4 billion network of container ports in Eastern Indonesia;
- Preparation of a procurement strategy paper for the construction and bringing into operation of major container and oil product terminals and related infrastructure works in Jakarta, Indonesia;
- Forensic analysis of delay and related quantum issues in connection with arbitration proceedings in regard to the fabrication and erection of an innovative USD 140 million jack-up rig in Indonesia; and
- Acting as expert witness on time and quantum issues in arbitration proceedings in connection with the design, manufacture and installation of 44 overhead bridge-crane units in Singapore.

Process Engineering

- Acting as expert witness on matters of quantum in arbitration proceedings in connection with construction of a new styrene monomer/propylene oxide plant at Jurong Island, Singapore;
- Drafting bespoke contract documentation for the construction and subsequent leasing of oil supply pipelines at Daya Bay Refinery, China;
- Acting as expert witness on matters of time and quantum in arbitration proceedings in connection with construction of new facilities for the manufacturing of oil and lubricant additives at Jurong Island, Singapore; and
- Risk analysis and preparation of preliminary Risk Assessment for construction of new oil storage installations, Batam, Indonesia.

Railways

- Review of contractor claims and forensic analysis of delay and quantum issues and strategic advice to the Operator in relation to the construction of 11.4 km of elevated and at-grade railway and 9 stations in the New Territories, Hong Kong; and
- Delay impact analysis and illustration for the Contractor in his claims related to the construction of Section 2 of the Channel Tunnel Rail Link, England.

Residential

- Review of contractor claims and acting as expert witness in matters of time and quantum in adjudication related to an GBP 18 million fitting-out contract for a luxury penthouse in London, England.

Roads & Bridges

- Expert witness on time and quantum issues in arbitration proceedings related to construction to a major highway construction project in Equatorial Guinea;
- Provision of strategic advice to the Contractor in relation to the management and development of its claims to additional time and money arising out of the construction of a major expressway project in Durgapur, India.

Water Treatment

- Preparation of claims for time and monetary relief in connection with the construction of a QAR 2.5 billion sewage treatment plant in Doha, Qatar;
- Commercial and contractual advice and acting as Contractor's Representative in mediation proceedings related to the construction of sewage treatment facilities in Shatin, Hong Kong; and
- Development of claims to additional time and money related to the construction of strategic deep sewers in Kowloon, Hong Kong.

Other Engagements

- Member of a panel of three arbitrators appointed in connection with disputes between the main contractor and various package contractors arising out of the construction of an acrylics complex in Malaysia;
- Appointed as adjudicator to deal with matters of time (matters of law and time being dealt with by other appointed adjudicators) arising out of disputes related to construction of the Hong Kong Exhibition Centre;
- Responsible for devising, compilation and pricing from their inception in 1981 until 2006 of the 'Schedules for Plant Used in Daywork Carried Out Incidental to Contract Work' published by the Hong Kong Construction Association; and
- Conducting seminars, in conjunction with leading international law firms, on topics including claims under the FIDIC Conditions of Contract, payment management in construction, evaluation of the time and monetary implications of adverse ground conditions and claims defence management.

RECENT EMPLOYMENT HISTORY

June 2016 - Present

DGA Construction Consultants Ltd

Hambleton Risk Management (Canada) Ltd

Director

Provision of commercial consultancy services to major international client companies, with emphasis on claims management and expert witness services, working closely with DGA teams in the United Kingdom, and the Far East and with responsibility for the management and development of DGA's business in North America.

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January 1989 - May 2016

Hambleton Risk Management Ltd

Director (& Owner)

Founding Director; provision of commercial consultancy services to major international client companies, with emphasis on claims development and management, risk management and expert witness services.

July 1973 – December 1998

Gammon Construction Ltd

Director, Commercial Services

Particular responsibility for the development, negotiation and settlement of claims for additional time and money, and for all involvements in arbitration, mediation and other dispute resolution procedures; management of some 150 members of staff providing quantity surveying, insurance and procurement services to Group companies in all operating territories.