

Fearnside & Associates

Claims, Contract Consultants and Delay Analysts
for the Construction and Engineering
Industries

Tel: Dubai: +971 (0)50 4945873, Hong Kong: +852 5331 9853
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CV - JEREMY FEARNSIDES

MBA, MCIQB, MCIARB, Post Grad Diploma in Construction Law and Arbitration

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Tel: (Mobile) - +971 (0)50 4945873 (Dubai) and/or +852 5331 9853 (Hong Kong)

PROFILE

Delay Analyst, Quantum, Claims & Contract Consultant for Claims, Project Controls, Arbitrations & ADR

My background is that of construction and structural engineering and this led to more specialist involvement in claims work and its associated forensic analysis for delay and costs.

I have over thirty years of experience in the construction and engineering industry working for contractors, consulting engineers, architects and claims consultants on a diverse range of projects. The last twenty-five years of which have been spent working internationally in China, Malaysia, Singapore, Hong Kong and Dubai. Over the last eighteen years I have specialised in the forensic analysis of delay, contract administration, claims writing and quantum providing specialised assistance and strategic support to international contractors/developers and managing claims teams.

I have extensive expertise in delay analysis techniques for retrospective, contemporaneous and prospective approaches to delay demonstration, and likewise in determining costs for quantum in the preparation and analysis and negotiation of contractual claims. I have provided expert reports for delay and quantum and I have also been cross examined by Counsel in Arbitration for both.

My personal specialties are: Contract Review (FIDIC, NEC3, JCT etc...), Contract Administration, Claim Strategies, Claims Writing, Report Writing, Negotiated Settlement, ADR, Project Controls, Programme, Delay Analysis, Quantum, Graphics, Database Interrogation, Data Management (BIM).

I also provide advanced data analysis investigation via writing and applying programming code (Visual Basic Applications - VBA, C#) and SQL query language to database interrogation. Similar applications developed from programming code are used to develop Excel and Power Point graphical presentations via the visual basic (VBA) editor built into Microsoft products. I write applications (via programme code) for claims investigation and presentation as when the need arises.

KEY STRENGTHS

- Assessing Clients' initial requirements and to prepare definitive strategy reports.
- Management of teams engaged in the claim preparation and dispute resolution processes involving negotiation, mediation and arbitration.
- Extensive experience evaluating and managing claims on international projects in both the engineering and construction sectors.

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- Ability to function in an international environment and apply various different forensic techniques to best position clients in differing forms of contracts for major projects.
- Terminations - Negotiation of amicable exits securing balance of payments and return of performance guarantees by strict application of the contract termination conditions.
- Ensuring release of taking over certificates and final payments.
- Pre-contract negotiations and agreeing contractual terms.
- Procurement strategy and identification of risk allocation
- Project reviews "Health Checks" identifying key contractual, cost & time risks, agreeing action plans with project teams for the proper close out of same.
- Restructuring underperforming business units and assets.
- Variation accounts and their valuations.
- Expert Witness for both Delay and Quantum.

COMPUTER SKILLS

I have extensive computer applications experience and I am an advanced user of Primavera and all Microsoft products and construction industry applications such as Aconex, Coins. I use Autocad and Revit for investigative and graphical purposes and likewise have backend database interrogation and management skills from using Microsoft SQL and Oracle database applications. I am conversant with the Structured Query Language and use the language to query and get information from databases. I am also able to write programming code to provide automated applications using VBA and C# programming languages. I also have used structural software packages for structural design – such as Wall Up, STAAD Pro.

CAREER AND EXPERIENCE

Owner/Principal - Fearnside and Associates - September 2011 – Present

Jeremy Fearnside - Fearnside and Associates - Delay Analysis, Claims, Contract, Quantum and Data Analysis Consultants for the Construction and Engineering Industries

The principal services offered by Fearnside and Associates are:-

Claims, Contractual & Dispute Management

- Arbitration, Adjudication, Mediation and Litigation Support
- Claim Management, Identification, Preparation, Defence, Negotiation and Settlement
- Delay Analysis and Programming

Dispute Management, Avoidance and Resolution

- Expert Reports
- Forensic Investigations and Contractual Analysis

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- Quantum Analysis & Quantity Surveying Issues
- Independent Assessment

Contract Management

- Contract Management
- Tender Documentation Preparation, Review and Guidance
- Contract Administration

Risk Management

- Project Control Services
- Project Monitoring

Data Management and Computer Data Analysis and Management Software Application

- VBA and C# Computer Software code programming applications
- Automation of Excel, Access, MSSQL, Word, Power Point
- Database development for data management and analysis – SQL
- P6, ASTA Power Projects, Microsoft Applications
- Revit and BIM modelling
- BIM database management.

Construction and Engineering Project Experience

Fearnside & Associates have extensive experience associated with the following Construction, Engineering and Oil & Gas projects:

- Railway Stations; Highways; Power Stations- Nuclear; Hydro-electric; CHP, Coal Fired- Waste Heat Recovery Boilers, Steam Turbines etc. High Rise; Foundations (Deep Bored Piles); Commercial and Business Centres; Hotels, Industrial Factories, Stadiums; Housing; Marine-Jetties, Rock Armouring, Caissons, Re-claim, Dredging etc. Refineries, Hydro and Oil Platforms.

Recent Work

In recent times Fearnside and Associates have provided:

- Claims (for EOT, Prolongation Costs, Acceleration Costs and Disruption Costs);
- Contract Administration;
- Project Management and Controls;
- Expert Services - Oral Cross Examination & Expert Reports for both Delay and Quantum;
- Managed variation accounts;

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- We have provided arbitration/dispute support services on several projects;
- Delay Analysis for Rail Projects in Hong Kong;
- Delay Analysis for Hospital projects in the UAE;
- MEP Delay Analysis Services for a large UAE MEP Contractor in the GCC;
- Provided VBA and C# and SQL data base interrogation software for claim data interrogation
- Arbitration support for both Statement of Claim and Statement of Response.

The recent projects we have worked on include:

- Hydro Electric Schemes (Dams, Tunnelling, Power Caverns) - Malaysia;
- Airport Supply Contracts for Tooling – Qatar;
- Hotel, Office, Serviced Apartment and Un-serviced Apartment mixed use developments – UAE
- Airport Civil Infrastructure contracts;
- Hospital projects in the UAE;
- Rail Projects in Hong Kong;
- Sludge Treatment Plant – Hong Kong
- Piling foundation removal arbitration – Hong Kong
- Railway Station Claims – Qatar.
- MEP Claims – Saudi Arabia
- Aluminium Coating Plant - Oman

The locations of where we have provided our services have been in:

- UAE;
- Oman;
- Qatar;
- Jordan;
- Saudi Arabia;
- Malaysia, and
- Hong Kong

The forms of contract have been varied and these have comprised:

- NEC3 Supply Contracts;
- FIDIC 99 Red Book (with standing DAB)
- FIDIC 87 (modified contract)
- MTRC Contracts – Hong Kong
- HK Government Construction Contracts – Hong Kong

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PAST WORK EXPERIENCE**Senior Consultant – Systech International – June 2007 to September 2011**

- Claims, Writing Claims, Arbitration Support, Contract Review, Delay Analysis, Claim Strategies for Contractors and Developers.

Managing Consultant - Hill International, Dubai, UAE – June 2006 to June 2007

- Claims, Writing Claims, Arbitration Support, Contract Review, Delay Analysis, Claim Strategies for Contractors and Developers.

Senior Consultant - Brian E Rawling & Associates, Dubai, UAE – March 2005 to June 2006

- Claims, Writing Claims, Arbitration Support, Contract Review, Delay Analysis, Claim Strategies for Contractors and Developers.

Principal/Owner - Matthew Oliver & Associates, Hong Kong – November 2003 to March 2005

- Claims, Writing Claims, Arbitration Support, Contract Review, Delay Analysis, Claim Strategies for Contractors and Developers.

Senior Consultant - Brian E Rawling & Associates, Dubai, UAE – July 2001 to November 2003

- Claims, Writing Claims, Arbitration Support, Contract Review, Delay Analysis, Claim Strategies for Contractors and Developers.

Senior Consultant – High Point Rendel - Hong Kong & Manila – June 2000 to July 2001

- Claims, Writing Claims, Arbitration Support, Contract Review, Delay Analysis, Claim Strategies for Contractors and Developers.

Programming/Planning Engineer (Claims) – Nishimatsu Construction - Hong Kong – January 2000 to June 2000

- Providing delay analysis and narratives for claims associated with an MTRC Station and Tunnel (TBM)

Resident Engineer/ & Senior Engineer for Temporary/Permanent Design - Maunsell Consulting Engineers, Hong Kong and Malaysia – July 1995 to January 2000

- Providing contract administration services for the Employer relating to the Structural aspect of the projects I was involved in. Providing permanent design and reviewing Contractor's submissions (Temporary Works, Material Submissions), responding to queries (RFI's), review of programmes submissions, attending progress meetings and advising EOT and delay.

Engineering Manager - Temporary Works Design and Permanent Works Design - Slipform Engineering, China and Hong Kong – November 1993 to July 1995

- I was an Engineering Manager on a large 3x360 Coal fired power station the turbines of which were cooled from the Pearl River 60 kilometres North of Hong Kong. I provided temporary works design for - shutters, cofferdams,

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slipform jacking forms, lifting beams, earthwork support schemes and dewatering. I also liaised with the permanent design sub-consultants to procure the projects design. The project was a BOT contract.

Section Engineer - Sir Robert McAlpine & Sons, United Kingdom – October 1987 to September 1992

- I joined Sir Robert McApline as a Graduate Engineer straight from Polytechnic. Over the five years I was there I was involved in: Site Management, Programming, Temporary Works Design, Material Requisition, Sub-contract Supervision, Sub-contract Contract Awards, Plant Hire, Project Controls, Surveying, Issuing and receiving variations and pricing the same and Managing Sections of works on large projects such as Power Stations (Sellafield) and Car Factory Plants (Nissan), plus I ran my own small jobs as and when required.

EDUCATION

- Graduate Diploma in Construction Law and Arbitration 2014 – RGU
- MBA – Plymouth University 1991 to 1992
- Polytechnic Associateship in Construction Management and Economics – Sheffield Polytechnic 86/87
- HND Building - Sheffield Polytechnic 83/86
- BTEC Civil Engineering – York College of Arts and Technology – 81/83
- Eight 'O' levels grade C or above (including Physics, Math, English etc...)

MEMBERSHIP

- Member of the Chartered Institute of Building accepted in 1999
- Member of the Chartered Institute of Arbitrators accepted in 2011
- Member of Society of Construction Law

SPORT/PASTIMES

- Cycling, Rugby (watching these days), Running, Swimming, Music, Current Events, Larrikins RFC and Pot Bellied Pigs RFC, Dubai Sharks RFC (Social and Charitable Rugby Clubs), Socialising, Family and Friends.