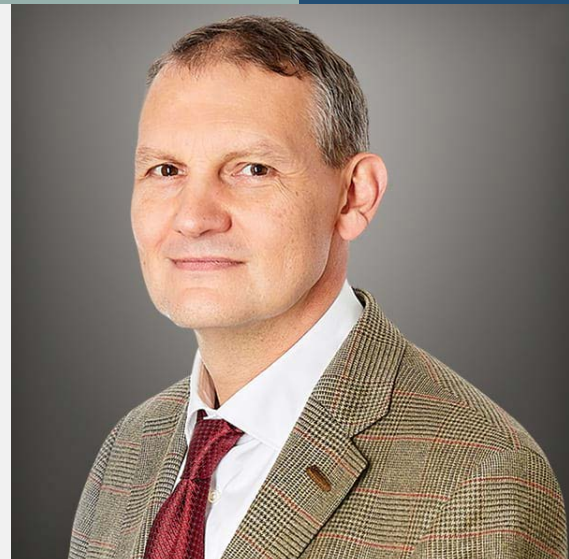


# Iain Aitchison

## Managing Director

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### Education

MBA Essentials  
 LL.M (Merit), Construction Law, Arbitration and Adjudication  
 DipICarb, CIARB Diploma in International Commercial Arbitration  
 Dip Arb, Arbitration Law, Arbitration Practice and Procedure  
 Dip Law (Distinction), Construction Law and Contract Administration  
 M Arch, Architectural Design  
 Dip Arch, Architectural Design  
 B Arch (Hons), First Class, Architectural Design and Architectural History

### Certifications, Memberships and Awards

Fellow of the Chartered Institute of Arbitrators (FCIARB in International Arbitration)  
 Fellow of the Dispute Board Federation (FDBF)  
 Professional Member, Dispute Resolution Board Foundation (DRBF)  
 CIARB Dispute Board Panel  
 AIAC Panel of Arbitrators and Mediators.  
 UK Adjudicators, Adjudicator panel member  
 UK Adjudicators, Dispute Board panel member  
 CEDR Accredited Mediator  
 Registered Architect, in Germany and UK

Iain Aitchison is a Managing Director and a Delay Expert in the Global Construction Practice in based in London, formerly a Director with Navigant, acquired by Ankura in 2018.

Iain has given expert evidence under cross examination as a Delay Expert in ICC Arbitration. He has experience with online joint expert meetings, mediations, and hearings. As a FIDIC contracts specialist he has given expert evidence on FIDIC contract administration issues in ICC Arbitration. He is a DBF accredited Dispute Board Member and FIDIC specialist with experience of major international DAB/DRB. Iain has authored papers published in the peer reviewed academic journals and has been a panelist and speaker at international conferences. He is a practicing arbitrator. He has been involved in the Vis Moot since 2012, sitting as arbitrator and chair, and was invited to sit in the elimination stage of the inaugural online final in Vienna, and to chair elimination rounds in Vienna and Hong Kong.

Iain is bilingual in German and English, with certified language skills at level B1.

He trained as an Architect in the UK before registering as an Architect in Germany. He has international experience of lead design and management of major projects in the public sector, international private sector, and in multi-disciplinary practice.

Until 2010, Iain worked on project lead architect on industrial, research and development projects in Germany on industrial and industry led projects with exceptional technical demands achieving firsts in planning, building and environment permissions for multinational clients in automotive, chemical and space infrastructure. He has extensive experience in leading/coordinating design.

From 2010, Iain focused on dispute analysis and resolution of international construction claims and disputes. He has acted as lead strategist on construction disputes. His expert insight, team leadership, and dispute resolution skills have facilitated the structured settlement of major and highly complex underlying disputes on a World Bank funded distressed infrastructure project in South Africa.

He has acted as construction expert on financial audits of major new tunneling and track realignment and regrading works, and railway station upgrades and refurbishments for a state regulator of national rail infrastructure in Europe.

## Dispute Resolver

- Published a Final Award as sole Arbitrator in 10 no. cases under the Arbitration Act 1996 in the UK.
- Member of three-person expert DRB tribunal to assess claims on a major urban redevelopment in Qatar.

## Expert Witness and Expert Advisory

- Appointed Delay Expert for a TV related data infrastructure and data migration project in the Middle East.
- Appointed Delay Expert for nuclear power plant in Slovakia for Expert Determination of delays.
- Appointed Delay Expert for a refurbishment and conversion of a listed German power station.
- Appointed Delay Expert in an Adjudication under NEC for an urban regeneration project in Wales.
- Appointed Delay Expert giving evidence an ICC Arbitration in Qatar under FIDIC Red Book, 4<sup>th</sup> edition.
- Appointed Delay Expert on an inner-city retail refurbishment project in the UK using JCT.
- Appointed Delay Expert on packages of a coal to biomass power plant conversion in the UK using NEC.
- Assistant Delay Expert in adjudication for a major road upgrade project in Northern Ireland under NEC.
- Appointed Technical Expert for the insurer on fire protection for a tunnel refurbishment project in the UK.
- Assistant Quantum Expert in an arbitration on disruption causation on a Metro system in the Middle East.
- Assistant Quantum Expert in an arbitration of a disputed final account for a major retail project in Sweden.
- Assistant Quantum Expert for pre-litigation Mediation on a lift vessel variation on an offshore wind farm.
- Assistant Quantum Expert in an arbitration on a terminated turbine contract on a hydropower project in India.
- Prepared Delay Expert preliminary report for Covid-19 related claims on a major refinery project in Oman.
- Expert Adviser for an international developer on new build hospitals in Oman on design claims and disputes, contract management practice, programme, and commercial issues, with mediation of services disputes.
- Prepared Delay and Quantum Expert report for a petrochemical plant in the Czech Republic for an Italian contractor in anticipation of ICC Arbitration but through the delay report achieving settlement before referral.
- Prepared Delay Expert preliminary report on plausibility and merits of delay and variation claims and counterclaims on a FIDIC Pink civil works contract for a hydropower project in Georgia.
- Expert Adviser to an Italian contractor on the potential merits and arbitration risks of complex delay and quantum claims in anticipation of ICC Arbitration for a long-distance pipeline landfall site in Russia.
- Expert Adviser to a South Korean contractor on merits and methodology of extension of time claims in anticipation of an arbitration on a major high-rise mixed-use development in Kuala Lumpur.
- Expert Adviser to a state-owned utility in South Africa to strategically manage FIDIC claims under actual and imminent referral to DAB, achieving redirection of delay, disruption, and cost claims into negotiation and settlement of the claims, and a way forward. Contributed to the commercial stabilization of two leading

packages of a distressed dry-cooled coal-fired power station. In conjunction with the assignment, tutored a major skill transfer programme on FIDIC contract administration, DAB mechanisms and procedures, and presented in a series of CPD events.

- Prepared claims and negotiated for a multinational contractor for a long-distance oil pipeline in Kuwait, securing significant recovery of time extension, and payment of disruption, delay, and variation costs, resulting in the settlement of the claimed entitlements of time and cost, avoiding an arbitration.
- Prepared claims on behalf of a multinational contractor for gas pipelines and gas compressor plant in the Republic of Congo, securing significant recovery of time extension, and payment of disruption, delay and variation costs and the settlement of the claimed entitlements, avoiding an arbitration.
- Provided an assessment on behalf of a multinational contractor on the potential and risks in recovery of major delay and cost entitlements for gas pipelines and compressor plant in Algeria, avoiding an arbitration.
- Prepared delay claims on behalf of a multinational contractor acting as a specialist package subcontractor for ULV installations for a major multi-specialty hospital in Abu Dhabi. Work included analysis of contractor's and subcontractor's design programmes and their disruption.
- Acted for the German subsidiary of a multinational under threat of adverse termination of cable design and installation projects on two wind farm projects in German waters involving the same cable design and production facilities and interrelated offshore spreads and technologies.
- Prepared a delay claim under FIDIC Yellow for DAB using rate-of-progress analysis on behalf of a German subsidiary of a multinational for cabling of an offshore wind farm in Danish waters.
- Acted for a multinational contractor on a perimeter security package for an international airport in the Middle East, involving mediation between the JV partners, and the preparation of the joint claim against the employer for time extension, and disruption, delay, and variation costs. A significant number of the claims related to effects of design changes and design development.
- Acted for a multinational contractor on airport terminal operation centers for an international airport in the Middle East, involving mediation between the JV partners, and the preparation of the joint claim against the employer for time extension, disruption, delay, and variation costs. A significant number of the claims related to effects of design changes and design development.
- Prepared a claim on behalf of an international contractor against a multinational contractor for heavy civil works for strategic electrical power infrastructure in Qatar under FIDIC Red. The FIDIC adjudicator awarded the entitlements for extension of time, delay and disruption as claimed.
- Prepared claims on behalf of a regional contractor for a railway station upgrade in Germany.
- Prepared claims on behalf of a multinational consortium for parallel upgrades of two nuclear power stations in Sweden, securing recovery of time extension, and payment of disruption, delay, and variation costs. Prepared technical claims in anticipation of expert determination, and delay and cost claims in anticipation of international arbitration but achieving commercial settlement.
- Revised and translated (German to English) the analysis of a delay and cost claim for a German contractor on a Biomass power plant in the Netherlands, resulting in successful defense to counterclaims.
- Expert Adviser to counter Delay and Quantum expert reports on a mixed-use urban quarter redevelopment with new and protected buildings in the Czech Republic involving FIDIC Red.

- Prepared delay and quantum claims, for a distressed fabricator of steel foundation tripods for use in offshore wind farms in Germany, involving delay analysis of parallel production streams.
- Prepared a preliminary review of claim risks and opportunities for a Chinese multinational contractor involved in build of combined power and desalination infrastructure in Saudi Arabia.
- Prepared an assessment of claims and notification of termination for force majeure events for a German designer and supplier of heavy screw compressors for major power projects in China.

### **Project Audits**

- Conducted project audits on major new tunneling and realignment works, and railway station upgrades and refurbishments, for a state regulator of national rail infrastructure in Europe.
- Conducted project and enterprise audits on the contract administration of an international contractor on the design and construction of a Waste to Energy plant in Denmark. For the same client, tutored workshops on skill development in contract and claim management.
- Conducted project audits and workshops on contract administration, claim management, and dispute avoidance with FIDIC Yellow/Silver, DB, and EPC contracts for a German contractor.

### **Design Projects**

- Project Architect for a corporate office interior for a subsidiary of a multinational in Romania.
- Project Architect for a major residential development with new residential and hotel high-rise, renovations, and reuse of existing and listed buildings on a former military barracks in Ireland.
- Project Architect for a commercial development with retail warehousing and offices in Ireland.
- Project Architect for various residential and mixed-use developments through planning and appeal in Ireland.
- Project Architect for a mixed-use development with shopping mall, food court, and apartments in Ireland.
- Project Architect and Senior Resident Architect for a German multinational achieving pathfinding permissions for a high-rise production plant for essentially automated liquid crystal production, achieving a new benchmark for this in Germany. Design process involved study of existing plants and support laboratories to identify underlying ratios for derivation of design and spatial metrics, design verification, and design progress controls.
- Project Architect for the German subsidiary of a multinational for simultaneous design and development facilities of jet turbines used in the European Space Programme delivery vehicles of space infrastructure.
- Project Architect for a German vehicle manufacturer of simultaneous research and design facilities for vehicle prototype development, virtual and physical modelling, and presentation. Included a 700-seat auditorium at the high-rise threshold within an overhanging elliptical form set within covered atrium internal courtyard.
- Project Architect for an engine test-bed facility for a German vehicle manufacturer involving in parallel: pathfinding environmental approvals to complete the project masterplan, phased realization, production of prefabricated test-bed cells, and design of the receiving building. Work included coordination of design for alternative fuels, fire engineering, and approvals. Realized a pathfinding multistorey test bed facility.
- Project Architect for a production facility for a German vehicle manufacturer providing the transparent presentation of the actual production of a premium vehicle to the visiting public. Project was extensively glazed, highly serviced, and designed as a laboratory to develop and showcase production technology.

- Project Architect for workshop and technical laboratories for a German technical university. Spaces included laboratories, workshops, and support spaces for aeronautics, robotics, agriculture, biosciences, automation.

#### **Publications (as sole author)**

- “Contracted Mediation in Multiple and Parallel Construction Contracts” published in Construction Law Journal Vol 29 issue 6/2013 (Sweet and Maxwell)
- “Recent Developments Towards Mandatory Construction Adjudication in Germany” published in Construction Law Journal Vol 30 issue 1/2014 (Sweet and Maxwell)
- “Cross Examination: Weapons made from Words” published in Construction Law Journal Vol 37 issue 2/2021 (Thomson Reuters and Contributors)
- “Theatre on Television – Act One: A Parole inspired by a Pandemic” published in UK Adjudicators newsletter July 2021 (UK Adjudicators).
- Publications on LinkedIn, including:
  - “Remote Hearings in Arbitration – something old, something new?” Published on 24.04.2020.
  - “Eine Zukunftsvision - Streitbeilegung vor 100 Jahren in Deutschland.” Published on 11.06.2021.

#### **Awards and Honors**

- Invited as a guest on the first official state visit of the Republic of Ireland to Bulgaria.

#### **Pro Bono - Willem C. Vis International Commercial Arbitration Moot**

- Since 2012, arbitrator/chair in various international pre-moots including LCIA, CIArb, AIAC, PCA, TRAC, CRCICA, Fordham University, Edinburgh University, Asia Pacific, Munich, Moscow, Dublin, and Warsaw.
- Arbitrator in R64 of Vis Moot 2020, presiding arbitrator in R16 of Vis East Moot 2021, presiding arbitrator in R32 of Vis Moot 2021, presiding arbitrator in R16 of Vis East Moot 2022, arbitrator in R64 of Vis Moot 2022.

#### **Professional History**

- Navigant Consulting (Europe) Ltd, Director
- KPMG AG, Senior Manager/Prokurist
- KPMG UK LLP, KPMG-hpr, Principal Adviser
- High-Point Rendel Limited, Case Manager
- GibConsult, Lead Strategist Claims and Disputes
- HKR Architects, Director
- HENN Architekten Ingenieure, Project Leader
- ARUP (Ove Arup partnership, Arup Associates)