

PROFESSIONAL CV



Name: Thomas Joseph Kelly BSc MRICS FCI Arb

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I have over 35 years experience in the construction industry working for, contractors, major cost and project management practices, multi disciplinary engineers and blue chip companies with the latter 24 years being spent working in the Middle East in Saudi Arabia, Bahrain, Qatar, UAE, Kuwait and Oman.

I have worked in the field of construction costs, contract claims, contract administration, arbitration, mediation, expert determination and quantum expert witness reporting on international projects from minor fit out projects to large hotels and tourism projects, multi storey towers, major infrastructure projects, utilities provision projects, oil and gas projects, land reclamation and marine projects, offshore facilities and the like.

I am a qualified Arbitrator, Accredited Mediator and Expert Determiner.

Qualifications:

<u>Organisation/Insttution</u>	<u>Year</u>	<u>Qualification</u>	<u>Qualification</u>
CI Arb	2021	Fellowship	FCI Arb
SCCA	2021	Arbitrator	
IBA	2021	Member	
DIFC	2021	Certiicate in English Common Law and Advanced Advocacy	
Academy/University of Middlesex			
Adjudication Society	2021	Member	
LCIA	2021	Member	
RICS	2020/2021	Registered Expert Witness	
RICS	2020	Registered Expert Determiner	
DIAC	2020	Member	
CEDR	2020	Member	
CI Arb	2019	Accredited Commercial Mediator	
CI Arb	2000	Membership	MCI Arb
RICS	1991	ARICS upgraded to MRICS in 2000	MRICS
University of Ulster	1989	BSc Quantity Surveying and Diploma in Industrial Studies	BSc

Employment History

<u>Company</u>	<u>Years</u>	<u>Position</u>
Thomas Joseph Kelly	2022	Principal
Dalriada Construction Consultants; Abu Dhabi, UAE	2007 - 2021	Director
Blair Anderson; Dubai and Abu Dhabi, UAE	2005 - 2007	Division Manager
Hill International; Dubai, UAE	2004 - 2005	Contracts and Claims Manager: Palm Jebel Ali
Dar Al Handasah; Dubai, UAE	2003 - 2004	Contracts and Claims Manager: Burjuman Centre Expansion
Arkitektnik; Dubai, UAE	2001 - 2003	Manager of Quantity Surveying/Contracts Section
Davis Langdon Arabian Gulf; Bahrain, Saudi Arabia, Qatar	1998 - 2001	Senior Quantity Surveyor
AHCO; Al Khobar, Saudi Arabia	1997 - 1998	Senior Quantity Surveyor
T J Kelly; Ireland	1992 - 1997	Freelance/Proprietor
Boots PLC; Nottingham, UK	1989 - 1991	Assistant Quantity Surveyor
Hood Magowan Kirk; Belfast, UK	1987 - 1988	Sandwich Year Placement

My experience in the field of Expert Witness, Dispute Management and Resolution, Claims Consultancy and Contract Advice includes the following:

- Acted as party representative in an adjudication between contractor and subcontractor. Drafting detailed notice in accordance with Construction Contracts Order (Northern Ireland) 1997. Dispute separate amicably.
- Acted as Wing Arbitrator on Fox Williams/CI Arb viz online Pre Moot, listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.
- Acted as Chairman of the Arbitral Panel on LSE-LCIA viz online Pre Moot, listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.
- Acted as Chairman of the Arbitral Panel on three sessions of Dublin viz Pre Moot, Two sessions in person, One session hybrid, Acted as Wing Arbitrator on semi final. Listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.
- Acted as Wing Arbitrator on AIAC viz online Pre Moot, listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.
- Acted as Wing Arbitrator and Chairman on six sessions on Alexandria University CRIICA viz online Pre Moot, listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.
- Acted as Wing Arbitrator and Chairman on two sessions of Breakfast Rounds viz online Pre Moot, Hamburg, listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their

pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.

- Acted as Chairman on two sessions of Hanseatic viz online Pre Moot, listened to pleadings from counsel for claimant and respondent, rebuttal, asking questions to counsel on their pleadings, analysing the performance, providing feedback to the participants of what they did well, what they need to improve upon.
- Nominated as party arbitrator on Ad hoc panel in UAE.
- Acted as Quantum Expert Witness in an LCIA Arbitration Dispute between major European dredging contractor and undersea pipelaying contractor on a dispute in UAE in relation to variations, prolongation, disruption, weather damage, provided joint quantum expert report for tribunal in consultation with other appointed quantum and delay experts. Prepared Joint Expert Report with other quantum expert: Value Confidential.
- Acted as Quantum Expert Witness in a DIAC Arbitration between Contractor and Specialist Sub Contractor in UAE over the matter of \$US 22 million. Advising Contractor in the Arbitration Proceedings, preparing expert witness report on quantum matters, rebuttal of claimant's expert witness report on quantum, meeting with claimant's expert witness in connection with the preparation of joint expert witness report on quantum for arbitration panel, attendance at meetings with legal representatives, attendance at hearing, giving evidence under cross examination, assistance in preparing opening and closing submissions.
- Acted as Quantum Expert Witness in Arbitration proceedings between Contractor and Local Authority in Northern Ireland over the matter of £125 000.00. Preparing expert witness report on quantum matters, review and report on Calderbank offer issued by the claimants, advising legal counsel on value of claim v value of Calderbank offer, attendance at meetings with legal representatives, attendance at hearing, giving evidence under cross examination, providing assistance in draft of the consent award.
- Acted as Expert in the Determination in several disputes of minor nature between purchasers of property with vendors and developers in Northern Ireland in respect of evaluation of quantum in respect of defects, variations to original design, etc. in purchased properties. Preparing Determination on Quantum.
- Provided Expert Determination Advice to an Employer on the contractual position on the construction of an industrial and headquarters facility in UAE in respect of the delays, COVID 19 and financial compensation.
- Provided Expert Determination Advice on quantum regarding a termination of a Curtain Walling Sub Contract for an International Curtain Walling Sub Contractor on the Design and Build Sub Contract in respect of progress of works in relation to the design, expenditure in terms of overheads at site and in the manufacturing production facility in relation to the project. The dispute was settled amicably.
- Provided Expert Determination Advice on quantum for a sub contractor on a dispute for a terminated Main Contract for a major retail development in UAE including partially completed works, abortive works, prolongation claims, claims for suspension of the works, under recovery of overheads and the like.
- Provided Expert Advice on quantum in a dispute in Dubai between a major earthworks contractor against a major developer.
- Provided Expert Advice on quantum in a dispute in UAE between a major International contractor against a major developer on a Hotel Resort Project.
- Advised on quantum on specialist repairs to the structure of a marine facility in Kuwait involving specialist uniquely specified contractors, demurrage of marine plant, etc.
- Advised on a dispute between the Consultant and the EPC contractor on a power generation facility in UAE in respect of Quantum for additional fees for prolongation due to EPC Contractor's delays and the Factory Approval Test reimbursement.
- Acted as a Mediator in a dispute between two parties over an entertainment venue in UAE.
- Acted as a Mediator in a dispute between a joinery contractor and client in UAE.
- Advised on contract and quantum for a drilling contractor in UAE sub – sub contract on a major oil storage facility in UAE.

- Advised a major earthworks contractor in Oman on a dispute involving man made obstructions in the ground, suspension resulting from COVID 19.
- Advised a major earthworks contractor in UAE on a dispute in connection with suspension resulting from COVID 19 on major processing facility in UAE.
- Advised on quantum for a Major Drilling contractor in a dispute on drilling in rock on a major Oil and Gas Facility in Saudi Arabia.
- Advised a drilling contractor on contract and quantum issues on a drilling sub – sub contract for a major solar power generation plant in Dubai.
- Advised on the defence of a \$US 11 million Claim for Extension of Time and Associated Costs on Major Hotel Development in Bahrain and the preparation of a Counterclaim for the Main International Contractor against an International Specialist Sub Contractor.
- Advised on quantum in a claim for Extension of Time, Entitlement for Variations on a Design and Construct Contract of Major Sports Facility in UAE.
- Advised major piling, diaphragm wall and utilities sub contractor's on claims for delay, disruption, variations and contractual entitlement in relation to Expolink in UAE.
- Advised major piling, diaphragm wall, structural steel sub contractors on extension of time, financial claims, disruption claims in connection with Doha Metro Red Line.
- Advised major piling contractor on Contract Novation and Sub Contract Conditions on two major Enabling Works Packages on prestigious leisure developments in UAE.
- Advised major piling contractor on action on non payment for works in UAE, prepared structured payment plan by the respondent for the parties.
- Advised on quantum on a dispute in Qatar for a major drilling contractor drilling throughout oilfields in Qatar in relation to drilling associated with the replacement of cathodic protection and earthing.
- Advised on an Extension of Time Claim and Quantum on a claim by a major piling contractor in Dubai.
- Advised on Quantum on a dispute between a main contractor and employer in Dubai on a major food and beverage processing facility in Dubai.
- Was a retained contract advisor by a drilling contractor on a major project in Qatar, advising on delays, notices, claims for costs due to abortive works, unavailability of materials and equipment supply by Employer.
- Was an advisor by a piling and earthworks contractor on a major project in Qatar in the specialist earthworks methodology involved with the repair and remedial works in relation to the defective design and installation of the piles.
- Was an advisor on several projects for a piling and earthworks contractor on the Doha Metro, Red, Yellow, Green and Blue Lines in relation to delay, disruption, extensions of time, acceleration, changes to scope of works, contract addenda and the like.
- Advised on Quantum on a major railway project in Moscow, Russia.
- Advised on Quantum in a dispute between MEP Contractors and the JV on the Dubai Tram Project in respect of variations, validity, issues in relation to scope, entitlement, rates etc. Amount in dispute AED 40 million.
- Produced claims in respect of delay for the piling contractor in respect of late handover of work fronts for areas on the Education City Qatar: People Mover System.
- Engaged as commercial adviser for one of the consortia tendering for Etihad Rail Phases 1, 2, 3 and 4: Value Confidential.

- Engaged as commercial adviser for one of the consortia tendering for Riyadh Metro System Package 2: – Value Confidential.
- Engaged as commercial adviser for one of the consortia tendering for Riyadh Metro System Package 3: - Value Confidential.
- Engaged as commercial adviser for one of the consortia tendering for Haram Metro System Iconic Stations: Value Confidential.
- Engaged as commercial adviser for one of the consortia tendering for Oman Railway: - Value Confidential.
- Advised on procurement method and Quantum for a LNG facility in Pakistan including construction of offshore facilities including construction of Access Trestles, Mooring and Berthing Dolphins, Walkways, Loading Arms, Dredging, and pipelines,.
- Advised on procurement method and Quantum for a Repair of LNG facility in Kuwait including construction of offshore Access Trestles, Mooring and Berthing Dolphins, Walkways, Loading Arms, Dredging, and pipelines.
- Advised on procurement method and Quantum for a LNG facility in UAE including construction of offshore sour gas flares, construction of Access Trestles, Mooring and Berthing Dolphins, Walkways, Loading Arms, Dredging, and pipelines.
- Advised on procurement method and Quantum for a LNG facility in Libya including construction of offshore Access Trestles, Mooring and Berthing Dolphins, Walkways, Loading Arms, Dredging, and pipelines.
- Was a retained advisor on quantum, delay and contract on a \$US 2.0 million claim by a piling and earthworks contractor on a major project in Doha Qatar claim settled at \$US 1.5 million.
- Advised on quantum on a \$US 3 million claim for prolongation costs by infrastructure contractor in Dubai UAE.
- Was quantum advisor on a claim for prolongation, variations to EPC contract for a desalination plant at Ghalilah Ras Al Khaimah which included onshore facilities and offshore pipelines in respect of the Sea Water Intake variation, change in orientation, length, depth, additional dredging, dredging method employed.
- Advised on a \$US 10 million claim by a contractor on a major food processing and warehousing project in UAE.
- Advised on a claim for Extension of Time and Costs on a major mixed use development in Abu Dhabi for an MEP contractor value \$ 30 million
- Advised on quantum in a claim for Extension of Time and Costs on a major mixed use development in Dubai for an MEP contractor value \$25 million
- Advised on quantum in a claim for Extension of Time and Costs on a major infrastructure development in Dubai for an infrastructure contractor. Value \$15 million.
- Advised on Contract and Quantum on a dispute in Doha Qatar for a specialist diaphragm wall contractor with the Employer.
- Advised on the Quantum of a Tank Farm in Egypt including, Fuel Storage Facilities, Loading Jetties, Bunkering Facilities, Offshore Loading Jetties, Sour Gas Flares.
- Was advisor on the Quantum of a \$US 28 million claim by a main contractor on an Airport project in Dubai UAE. Claim amicably settled.
- Was advisor on contract and quantum on a contractual claim between a main contractor and developer in Ramallah, Palestine
- Was advisor on a dispute between major contractor and specialist sub contractor on a heavy industrial manufacturing facility in Bahrain.
- Was an advisor on a dispute between a major contractor and property developer on a large mixed use developer in Dubai UAE.

- Was advisor on contractual matters in relation to delays by contractor and employer and preparing claims for loss and expense, substantial quantum variations, on commercial development in UAE, reviewing correspondence, analysing financial and contractual liabilities, analysing claims in their present state and advising on their likelihood of success at arbitration advising on strengths, weaknesses, positive and negative points of the claim, meeting with parties to obtain a resolution and a view to amicable settlement/arbitration.
- Was advisor to a contractor on contractual matters in relation to the delays of a commercial facility in UAE, reviewing correspondence, analysing financial and contractual liabilities, meeting with parties with a view to amicable settlement/arbitration. Prepared a report for the parties as a basis for settlement of the claim.
- Was advisor to a design and build contractor on contractual matters in relation to the suspension of a specialist maritime repair facility in UAE, reviewing correspondence, analysing financial and contractual liabilities, preparing financial report on liability and balance sheet of project at date of suspension along with the current present status, meeting with parties with a view to amicable settlement/arbitration.
- Was advisor on contractual matters in relation to delays by contractor on commercial development at sports club in Abu Dhabi UAE, reviewing correspondence, analysing financial and contractual liabilities, meeting with parties with a view to amicable settlement.
- Was advisor on quantum matters in relation to defective works by contractor on a turnkey residential development at Abu Dhabi, reviewing correspondence, analysing financial and contractual liabilities, meeting with parties with a view to arbitration.
- Was entrusted with the preparation of Documents in respect of proceedings between Contractor and Local Authority in Northern Ireland in the matter of £25 000.00. Preparing Quantum Claim, Preparing Papers for appointment of Arbitrator, preparing successful challenge to Arbitrator's appointment and position on grounds of acceptance of prejudicial correspondence from respondent's legal team, withdrawal of Arbitrator, challenge in courts for appointment of new Arbitrator. Successful in obtaining Offer of Settlement for Claimant, assisted legal representatives in drafting consent award for signature between parties.
- Assisted legal representatives in the preparation of a defence and counterclaim Court Action between Sub Contractor and Main Contractor Duration 1992-96 against the specialist Named Window Supply and Fix Sub Contractor, collating documentation, review of case, preparing counterclaim against Sub Contractor for £75 000.00, review of Claim for works executed, variations, Loss and expense Claims totalling £69 000.00. Providing evidence for defence and rebuttal of Summary Judgement in the High Courts of Justice which was successful, Preparing for defense of Judgement Dismissal Appeal Case which was successful, Preparing for trial, examination of Documents in support of quantum, preparing documents for exchange, involved in negotiations for Final Out of Court Settlement, assisting in Drafting Acceptance Terms and Conditions, Assisting Legal Representatives in successfully Challenging Appellants Costs Matter.
- Assisted legal representatives in respect of Legal proceedings between Contractor and Local Authority in Northern Ireland over the matter of £113 000.00. Preparing Quantum Claim, Preparing Statements of Claim, Statements of Defence of counterclaims in respect of damages, contractual advice on improper and uncontractual procedures by Client. Successful in obtaining Offer of Settlement for Claimant, assisting legal representatives drafting consent award for signature between parties.
- Assisted legal representatives in respect of legal proceedings between Contractor and Local Authority in Northern Ireland over the matter of £65 000.00. Preparing Quantum Claim, Assisted in preparing, Statements of Claim, Statements of Defence of counterclaims in respect of damages, providing contractual advice on improper deduction of liquidated damages and uncontractual procedures by Architect in respect of unfair promotion of Client interest in unfair/biased awards of extension of time in respect of his design deficiencies which would have resulted in the failure of a fenestration system resulting in the delay in completion of the steel structure, fenestration system and the project. Successful in obtaining Offer of Settlement for Claimant, assisting legal representatives in drafting consent award for signature between parties.
- Was associated with the preparation of various items in relation to a terminated Design and Build Contract in Bahrain and was responsible for the preparation of Schedules of Outstanding Works and quantum of such, preparing Notional Final Account. Preparing Inventory lists of Plant, Equipment and Materials for evaluation in conjunction with the engineers. Preparing Completion Contract Packages. Post Contract Duties with the Completion Packages. Attending Meetings with Legal Representatives in relation to the contractual issues on

termination, preparing and agreeing all quantum issues with the main contractor and making report to Court appointed expert, statement of evidence to Court Appointed Expert, preparing the rebuttal on quantum of the Court Appointed Expert's Report.

- Provided claims and quantum advice to Employer on terminated contract for major land reclamation project in UAE.
- Provided commercial and contractual service to the contractor on major infrastructure contract in UAE of 25 km road, 20 bridges, crossings, underpasses, utilities including preparation, collation of information, formulating and preparing for submission Extension of Time claims for delay and costs associated with such delays due to additional works, disruption to programme contractual correspondence activities and was involved in the negotiation of claims with Consultants and Employer.
- Provided commercial and contractual service to the contractor on major marine contract in UAE of 5.5 km quay walls, 2.0 km diaphragm wall, dredging, mass excavation, dewatering, 1.5 km breakwaters, cofferdams, temporary structures, utilities, including preparation, collation of information, formulating and preparing for submission Extension of Time claims for delay and costs associated with such delays due to additional works in connection with relocation of onsite precasting facility for quay wall blocks, removal of unsuitable material, disruption activities, suspension of works and was involved in the negotiation of claims with Consultants and Employer.
- Provided Claims advice to Client on a major luxury hotel development in UAE on Contractor's claim for the additional cost of provision of temporary utilities due to delay in main utilities connection as to entitlement, quantum figures, substantiation and advising client on validity of elements of the claim and quantum value.
- Provided commercial and contractual advice to the JV contractor on major utilities project in UAE including preparation, collation of information, writing delay claims and preparing prolongation costs associated with such delays. Negotiation of claims with Consultants and Employer, advising on Arbitration procedures, possible Arbitrators, Counsel, liaison with legal team
- Advised an MEP Contractor in UAE on a regular basis on Contractual Issues, drafting contractual correspondence, notices, variations, extensions of time claims for prolongation.
- Reviewed and advised Contract Documentation for contractor in relation to various projects where contractual problems exist and advising on action, writing reports, meetings with Clients, Consultants, Legal representatives on many projects in UAE.
- Provided Contractual Advice on projects in various locations throughout the world, drafting contract documents, contract agreements, etc. for a major JV developer.
- Acted as adviser on the Assets for Proposed JV Partner and advised on contracts on major development in Oman and advised on contractual and financial liabilities..

References

Mr David Houston Managing Director – Houston and Partners – Telephone 0097150 – 6253726; e mail – d.houston@houstonandpartners.com.

Mr Lawrence Baker – Director and Delay Expert – Dalriada Construction Consultants – Telephone 0097156 – 7941918; e mail – Lawrencebaker79@gmail.com.

Mr Gordon Ross Clark – Chartered Arbitrator, Adjudicator, Accredited Mediator – Scone, Scotland, UK. – Telephone +44 7536 118 529; e mail – gordonrossclark@gmail.com.