

CURRICULUM VITAE

DR FRANCO MASTRANDREA

PARTNER, HEAD OF EXPERT SERVICES, INTERNATIONAL



QUALIFICATIONS

LLB (with Honours) law degree from the University of London;

MSc (with Distinction) in Project Management from the University of Reading - graduated top of the class;

PhD from the University of Reading.

MEMBERSHIPS

Fellow of the Royal Institution of Chartered Surveyors (Quantity Surveying Division);

Fellow of the Chartered Institute of Arbitrators;

Barrister-at-Law (non-practising);

Chartered Arbitrator;

CEDR Accredited Mediator.

SUMMARY

Acted as Expert on numerous construction disputes (building, civil engineering, infrastructure, process, conventional power projects such as hydroelectric, solid fuel, oil and gas and renewable power projects such as wind farms).

Acted as Advocate on a number of construction disputes at adjudication and arbitration.

Acted as Mediator on a number of construction disputes.

Acted as Adjudicator on numerous construction disputes.

Acted as Arbitrator on many construction disputes (building, civil engineering, process engineering and oil and gas related matters) including appointment by agreement between the parties or by nominating bodies.

Past Vice Chairman, then Chairman of the RICS Disputes Resolution Policy Committee.

Member of and Past Committee Member of Arbrix, the RICS arbitration club (Construction Group).

Member of the Arbitration Club, Law Courts Branch.

Member of the Society of Construction Arbitrators.

Member of the Editorial Advisory Board of the International Construction Law Review.

MEDIATION

Trained with and accredited by CEDR.

Appears on the list of mediators maintained by Clerksroom and the RICS.

Acted as Mediator on a number of construction disputes.

Franco advised on mediators' conduct in the reported case of Glencot Development & Design Ltd v. Ben Barrett & Son (Contractors) Ltd [2001] EWHC Technology 15.

ADJUDICATION

'In a careful and detailed decision provided by the well-known construction adjudicator, Dr Franco Mastrandrea, the adjudicator found in favour of Fenice on all these points... I note and take some comfort from the fact that (my) conclusions as to delay, and responsibility for delay, are entirely in accordance with those of Dr Mastrandrea in his detailed decision... our conclusions are exactly the same': Coulson J (now Coulson LJ) in Fenice Investments Inc. v. Jerram Falkus Construction Ltd. (No. 4) [2011] EWHC 1935 (TCC).

Trained with and accredited by the Chartered Institute of Arbitrators. Appears on the list of adjudicators maintained by the CI Arb, RICS, CloB, CEDR, and Clerksroom. Appears on the Register of Dispute Board Members maintained by the RICS. Appears on the FIDIC President's list of approved dispute adjudicators.

Acted as assessor for those wishing to be accredited as adjudicators.

Acted as Adjudicator on numerous occasions and on a variety of disputes, whether contractual adjudications or under the Scheme for Construction Contracts, including professional negligence complaints. Franco was adjudicator in the following reported cases: William Verry Ltd. v. London Borough of Camden [2006] EWHC 761 (TCC); Cantillon Ltd. v. Urvasco [2008] EWHC 282 (TCC); Fenice Investments Inc. v. Jerram Falkus Construction Ltd [2009] EWHC 3272 (TCC); Fenice Investments Inc. v. Jerram Falkus Construction Ltd. [2011] EWHC 1678 (TCC); Fenice Investments Inc. v. Jerram Falkus Construction Ltd. (No. 4) [2011] EWHC 1935 (TCC); Balfour Beatty Regional Construction Ltd v Grove Developments Ltd [2016] EWCA Civ 990; Victory House General Partner Ltd. v. RGB P&C Ltd. [2018] EWHC 102 (TCC); RGB P&C Ltd. v. Victory House General Partner Ltd. [2019] EWHC 1188 (TCC).

Franco delivered the first adjudication Decision arising out of the construction works for the London Olympics 2012.

Acted as Vice Chairman then Chairman of a Disputes Resolution Board on a gas-fired power project and delivered a Decision on a time and money claim in relation to this project.

ARBITRATION

'... Dr Mastrandrea... is well-known in the arbitration and adjudication 'business'. Apart from being a Chartered Surveyor and a Fellow of the Chartered Institute of Arbitrators, he also is a qualified Barrister': Akenhead J in Cantillon Ltd. v. Urvasco [2008] EWHC 282 (TCC).

Chartered Arbitrator.

Appears on the panel of arbitrators maintained by the CI Arb, RICS, DIAC, HKIAC and SIAC.

Acted as arbitrator in a large number of domestic construction arbitrations both before and after the 1996 Arbitration Act and published many reasoned awards.

Acted as arbitrator on a number of international construction disputes subject to various rules and in particular ICC, UNCITRAL, LCIA, DIAC, and the Netherlands Arbitration Institute involving disputes in Holland, Nigeria, the Middle East, Singapore, Malaysia, India and Thailand.

Franco was the arbitrator in the following cases reported in the UK: Piper Double Glazing Limited v. DC Contracts (1992) Ltd. [1994] 1 W.L.R. 777; Skanska Construction (Regions) Ltd. (formerly Kvaerner Construction (Regions) Ltd) v. Anglo Amsterdam Corporation Ltd. (2002) 84 Con. L.R. 100; Colliers International Property Consultants and another v. Colliers Jordan Lee Jafaar Sdn Bhd [2008] EWHC 1524 (Comm).

EXPERT

'Dr Franco Mastrandrea, Multiplex's quantity surveying expert (is a man) of experience in (his)... field... qualified to give expert opinion evidence for the assistance of the court': Jackson J (as he then was) in Multiplex Constructions (UK) Ltd. v. Cleveland Bridge UK Ltd. and another (No. 6) [2008] EWHC 2220 (TCC).

Franco has acted as an expert witness in numerous national and international arbitrations, and the following UK litigation: National Exhibition Centre v. Francis C Graves and Partners in the late 1980s - early 1990s (unreported, the litigation settled shortly after Franco gave expert evidence in court on project management and quantum), involving the management and construction of national exhibition halls at Birmingham; London & Amsterdam Properties Ltd v Waterman Partnership Ltd [2003] EWHC 3059 (TCC); Multiplex Constructions (UK) Ltd. v. Cleveland Bridge UK Ltd. and another (various, 2007-2008) involving the construction of Wembley stadium in London; Fluor v Shanghai Zhenhua Heavy Industry Co, Ltd [2018] EWHC 1 (TCC), involving the procurement and construction of a windfarm in the North Sea. Franco also acted as lead/coordinating expert in a case in the Nova Scotia Supreme Court (unreported, the litigation settled shortly after service of experts' reports in the case) involving the construction of an Oil/Gas Offshore Production Field Centre.

PROFILE

Dr Franco Mastrandrea has over 35 years of experience in the construction industry. He has acted as dispute resolver, as mediator, adjudicator, expert determiner and arbitrator.

Franco has acted as Expert and given evidence in Court and at Arbitration in relation to a large number of substantial construction disputes on quantity surveying matters (measurement, cost planning, pricing), time, and project management duties and practice.

Doctorate in the evaluation of construction contractors' claims, addressing the law, practice and quantification of claims for construction work.

Acted as party-appointed expert on a whole range of disputes both domestically and internationally, such as project management and quantum expert on a national exhibitions hall project, quantum expert for progress and damages claims under a terminated contract in relation to the construction of a national sports stadium, and quantum expert on a large offshore wind-farm project.

Acted as Court-appointed quantum expert in relation to a substantial dilapidations dispute.

Acted as Tribunal-appointed expert over a number of years on the evaluation of Contractor's time and money claims against the Employer in relation to an offshore oil and gas project in the Arabian Gulf, including the conduct of local hearings with witnesses of fact and party-appointed experts, the making of recommendations, the production of a report and cross-examination by the parties and the Tribunal locally.

Acted as co-ordinating expert on the technical and commercial performance of a Production Sharing Agreement for a large oil and gas condensate project and on EPCIC contract for the construction and exploitation of an offshore gas platform.

EXPERIENCE

AEROSPACE

Expansion and Rehabilitation of Terminal facilities to the International Airport, Barbados (2005-2008)

Delay/quantum expert for the Employer in evaluating over 200 Contractor claims and Employer counterclaims. Having considered all these matters, the issues were eventually resolved amicably and settled based on that expert advice.

BUILDINGS

Hotel and Commercial Development, Central Asia (2013-2015)

Quantum expert for Employer defending a termination claim from the Contractor. This involved the provision of evidence at an ICC hearing in London.

Office headquarters refurbishment, London (2009-2012)

Quantum expert for the Employer on a cost-plus/quantum meruit claim from a Contractor, in which the issues ranged over the nature of the work and the applicability of a first stage tender schedule of rates and if not, the proper approach to evaluation.

Wembley Stadium, England (2007-2008)

Quantum expert for Multiplex against its steelwork subcontractor Cleveland Bridge. This involved considering the appropriate evaluation of claims (by way of final account) and counterclaims (by way of prolongation, termination and delay and disruption on a contract that was terminated by way of mutual consent) of the steelwork structure. Franco gave evidence in the Court proceedings. The judgment is reported at Multiplex Constructions (UK) Ltd v. Cleveland Bridge UK Ltd and another (No. 6) [2008] E.W.H.C. 2220 (TCC).

Mixed Commercial redevelopment central London (2006-2008)

Quantum expert for the Employer evaluating claims from the Contractor.

5-star design and build Hotel redevelopment, Africa (2005-2008)

Advocate for the Contractor claiming against the Employer. This involved FIDIC ad hoc DAB hearings in Africa and Europe.

Office redevelopment, Central London (2003-2005)

Quantum expert for the Employer defending a final account claim from the Contractor.

Parent company guarantees on a series of electrical sub-contracts for the bondsman, England (2004-2006)

Quantum expert for the purchaser of an electrical contracting business under extant guarantees on 17 disparate projects. This involved appraising actual and potential remedial works, life cycle, and associated costs, of electrical services installations.

Office redevelopment, Central London (2002-2004)

Quantum expert for Claimant contractor. Court action, which eventually settled.

INFRASTRUCTURE

Infrastructure Project, Singapore (2011-date)

Quantum expert for Employer defending a claim from the Contractor.

High Speed Rail Link, South Africa (2011-2012)

Quantum expert for the JV Contractor.

Interconnector Project, UK (2010-2012)

Quantum expert for the Employer.

London Underground station (2008-2009)

Delay/quantum expert evaluating claims from a developer, having regard to progress on the balance of the developer's work and the nature and recoverability of the costs claimed.

London Underground (2003-2005)

Quantum expert for the Employer in respect of the design and installation of new communications system on the London underground system.

OIL & GAS

Development of a Gas Field, offshore Western Australia (2018)

Co-ordinating Expert on behalf of the Contractor appointed to provide the Subsea Production System in connection with the development of a gas field considering delay, disruption, quantum and technical issues.

42" Gas Pipeline Project (2015-2017)

Australia Quantum expert for Employer defending a quantum meruit/variations/damages claim from the design, engineer, procure, and construct Contractor. This involved the provision of traditional and hot tub evidence at ICC hearings in Australia.

Oil/Gas Offshore Production Field Centre, Canada (2012-2014)

Co-ordinating Expert for the Employer defending a claim from the Contractor appointed to provide an offshore Production Field Centre considering delay, disruption, quantum and technical issues. This was set down for court hearings in Nova Scotia, but the matter settled shortly after the production of expert reports.

Oil/Gas Field Development project, Kazakhstan (2009-2012)

Co-ordinating Expert on the appraisal of an FPSA and its potential re-negotiation, considering management delay and cost control functions.

Design/construct of two topsides for offshore gas platforms, Asia (2006-2008)

Project management/delay/quantum expert for the Contractor claiming against a subcontractor terminated for cause, involving the pricing structure for the original and replacement contractor, and actual costs. This involved the provision of 'hot tub' evidence at an ICC hearing in Lausanne.

POWER & UTILITIES

Gas extraction and electricity generation project on Lake Kivu (2017-2018)

Expert Determiner under a bespoke Power Purchase Agreement for the design, engineering, finance, supply, transport to the Site, construction, installation, testing, commissioning, operation, maintenance, repair and management on a build-own-operate basis of a methane fuel gas extraction facility built on a barge anchored on Lake Kivu, and an onshore power plant to generate electricity.

Offshore Windfarm, UK (2014-2018)

Quantum expert for supplier defending claims by the Contractor. This involved the provision of traditional and 'hot tub' evidence at TCC hearings in London, reported as Fluor v Shanghai Zhenhua Heavy Industry Co, Ltd [2018] EWHC 1 (TCC).

Offshore Windfarm, UK (2013-2014)

Quantum expert for Employer pursuing a claim against the Contractor. This involved the provision of traditional and 'hot tub' evidence at ICC hearings in London.

Offshore Windfarm, UK (2011-2013)

Quantum expert for Employer defending a claim from the Contractor and, separately and subsequently, on the counterclaim against the Contractor. This involved the provision of traditional and 'hot tub' evidence at ICC hearings in London.

Nuclear Power Station, Finland (2009-2011)

Mentor/peer reviewer for delay and quantum experts in connection with a nuclear power station dispute.

Water utilities distribution network, Northern England (2009-2014)

Quantum expert for the Contractor on a number of projects in which the evaluation depended upon the nature of the work and the applicability of an agreed schedule of rates.

EMPLOYMENT RECORD

2017-present

HKA

London, UK

Partner, Head of Expert Services, International

2009-2017

Hill International

London, UK

Senior Vice President, Head of Expert Services, International

PUBLICATIONS

Regular contributor of articles on construction contracts to 'QS Weekly' (Late 1970s to early 1980s)

'The liability of the construction project manager' [1986] Construction Management and Economics 105.

'The quantification of construction contractors' claims', PhD thesis for the University of Reading, 1991.

'Valuation, Contractual Compensation and Damages for Breach of Contract', Division III, Chapter 2, Emden's Construction Law, 1997.

Joint author (together with Ian Wright) of Chapter 4.4 on Adjudication and Chapter 4.5 on Alternative Dispute Resolution in 'Construction Law Handbook', Institution of Civil Engineers, 2007 Edition.

'What makes a sound quantum analyst?' [2008] The International Construction Law Review 28.

'The quantification of termination claims in construction' [2008] The International Construction Law Review 299.

'Concurrent causation in construction claims' [2009] The International Construction Law Review 75.

'The evaluation of preliminaries (or site overheads) in construction prolongation claims' [2009] The International Construction Law Review 428.

'The evaluation of overheads claims in construction' [2010] The International Construction Law Review 299.

- 'Apportionment in the evaluation of construction delays'** [2011] The International Construction Law Review 172.
- 'The evaluation of plant claims in construction'** [2011] The International Construction Law Review 294.
- 'The impact of currency exchange fluctuations on construction claims'** [2012] The International Construction Law Review 293.
- 'Concurrent delay in construction - principles and challenges'** [2014] The International Construction Law Review 83.
- 'Concurrent Delay: an alternative proposal for attributing responsibility'** [2014] 30 Const LJ 173.
- 'Termination for convenience: recovering the expectancy'** [2015] The International Construction Law Review 286.

SEMINARS AND PRESENTATIONS

- 'The SCL Protocol on Extensions of Time and Financial Compensation'**, The International Law Conference, London, 2002.
- 'Apportionment in the evaluation of construction delays'**, The Society of Construction Law, Hong Kong, International Law Conference, 2010.
- 'Delay evidence in construction disputes'**, The Society of Construction Law, London, International Law Conference, 2012.
- 'The Mason and the Carpenter - a tale of concurrency'**, The Society of Construction Law, London (with Stephen Briggs), June 2015

LANGUAGES

- English (fluent)
Italian (native)