

CURRICULUM VITAE
DAMIAN WATERS
PARTNER



QUALIFICATIONS

LLM (Distinction) Construction Law and Arbitration, Robert Gordon University, UK
LLB (Hons), Bachelor of Laws, Nottingham Trent University, UK
BTEC HND in Building Studies (Quantity Surveying), Nottingham Trent University, UK

MEMBERSHIPS

Fellow, The Chartered Institute of Arbitrators
Member, The Chartered Institute of Building

PERSONAL DEVELOPMENT

Arbitration Award Writing (Distinction), Robert Gordon University, UK, 2007
The Academy of Experts Foundation Course, London, UK, 2007
Oil and Gas Law, Robert Gordon University, UK, 2006
FIDIC Certified Adjudicator

PROFILE

Damian Waters is a Legally Qualified Quantity Surveyor with over 35 years of construction industry experience as a Commercial Director, Commercial Manager, Quantity Surveyor, Contracts Consultant and Legal Representative.

Damian has worked on a broad range of projects for a varied UK and international client base in the building, civil engineering, infrastructure, oil and gas, power and utilities, marine and offshore renewable sectors. Damian has provided commercial and contractual advice to contractors and employers on a number of major international projects and has significant experience in managing large multi-disciplinary teams both in pursuing and defending construction claims. He has strong commercial and contractual knowledge and has worked with a range of standard forms of contract, including JCT, NEC3, FIDIC, GC Works, IChemE, ICE, PW/CF, RIAI and various bespoke forms of contract.

Damian has acted as an Expert Witness and Expert Advisor on quantum matters on a number of occasions and has extensive experience of dispute resolution acting as client representative in adjudication, Dispute Adjudication Boards, arbitration and mediation hearings, including preparation of statements of claim and

responses for arbitration (domestic and international), referral notices and responses in DAB and adjudication proceedings, mediation position papers and negotiation of commercial settlements.

Damian is an experienced lecturer having presented at workshops, in-house training and public seminars to employers, main contractors, subcontractors, suppliers, professional bodies and trade associations.

EXPERIENCE

TRANSPORTATION INFRASTRUCTURE

Rail - Istanbul, Turkey (2018-2021)

Preparation of claims for additional cost and acting as the client representative in respect to Dispute Adjudication Board hearings on signalling and SCADA disputes in respect to a new / improved railway system connecting the Asian side of Istanbul with the European side.

Rail – UK (2019 – 2021)

Provision of contractual and claims advice on Crossrail and Network Rail projects to framework contractors.

Ports & Maritime - New Container Terminal, Moin, Costa Rica (2017-2019)

Client representative managing a team acting on behalf of and representing the employer in a number of disputes raised with the DAB by the joint venture contractor on a new container terminal, including extensive dredging and marine works.

Airports - Gatwick Terminal 2, UK (2016-2018)

Management of a commission to provide commercial and contractual advice and expert reports to electrical package contractor on an air-side and baggage handling project, including the provision of contractual and claims advice and preparation of claims for extensions of time, loss and expense and variations.

Ports & Maritime - Callao Port Extension, Lima, Peru (2016-2017)

Client representative managing a team acting on behalf of and representing the employer in a number of disputes raised with the DAB by the joint venture contractor on a major port extension in Lima, Peru. The role included drafting and presenting written submissions to the DAB and providing representation at DAB hearings in Paris, France.

Highways & Structures - Various Projects, UK (2009-2017)

Preparation and negotiation of claims for extension of time and additional cost and the provision of strategic advice.

Ports & Maritime - Ras Laffan Port Expansion Project, Qatar (2007-2010)

The preparation and submission of a multi-million USD claim on a two billion USD civil, marine and dredging EPIC port expansion project in Qatar. Damian was initially responsible for establishing and evaluating the causes of action and drafting the claim narrative as part of a multi-disciplinary project and consultant team, followed by commercial settlement negotiations and settlement with the end client.

BUILDINGS

Residential - Housing Development (2020)

Quantum expert witness in respect to professional negligence case brought by the Employer against his Chartered Quantity Surveyor.

Residential - New Apartments, Mayfair, London, UK (2016-present)

Management of a commission to provide commercial and contractual advice and expert reports to electrical package contractor on two new high rise residential developments, including the provision of contractual and claims advice and preparation of claims for extensions of time, loss and expense and variations.

Residential - Housing Development, UK (2014)

Quantum expert witness in the matter of outstanding Consultant Fees and alleged professional negligence in the Manchester TCC.

Commercial - Office Development, Grand Cayman (2009-2010)

Client Representative in Mediation to resolve \$20M alleged construction defects issue.

Residential- Condominium Development, Grand Cayman (2008-2009)

The appointed quantum expert in litigation proceedings in respect to an alleged insurance fraud for cost of repairs and refurbishment, following extensive damage caused by hurricane Ivan.

Education - Student Accommodation, Various Projects, UK (2006-2020)

Provision of commercial and contractual advice on numerous private student accommodation and mixed-use developments and acting as party representative in several adjudications.

Education - PFI Schools Project, Northampton, UK (2006-2007)

Preparation of a £5M professional indemnity claim, on a £30M PFI schools project.

INDUSTRIAL & MANUFACTURING**Manufacturing - Microprocessor Manufacturing Facility, Republic of Ireland (2015)**

Provision of contractual and claims advice in respect to extensions of time, loss and expense and variations.

Manufacturing - SITA Waste Processing Facility, Isle of Man (2011-2012)

Quantum expert witness in respect to cost of metal waste disposal at new waste processing facility, Isle of Man.

RESOURCES**Onshore and Offshore Gas - Various Projects Worldwide (2020)**

Leading a HKA team advising a major international Oil and Gas Contractor on contractual entitlements related to COVID-19 and the preparation of claims for extension of time and additional cost.

Liquefied Natural Gas (LNG) - New LNG Terminal, Poland (2015-2018)

Managing a HKA team reviewing claims for extension of time and additional cost and the provision of expert reports prepared in contemplation of arbitration proceedings. Drafting causation narratives and collation of supporting documentation for use by lawyers in the Statement of Claim.

Onshore Oil and Gas - Compression Station Project, Pakistan (2009)

Providing contractual and quantum advice on \$130M Gas Compression Station Project in Pakistan.

Onshore Oil and Gas - New GTL plant, Qatar (2007-2008)

Seconded to project legal department to draft and negotiate package contracts on behalf of the Project Manager and employer.

Offshore and Onshore Oil & Gas, Various Projects, UK (2011-2017)

Provision of contractual advisory services including the review of proposed and existing forms of contract, terms and conditions, and recommending amendments to same.

POWER & UTILITIES**Nuclear - Hinckley Point C, UK (2016-2017)**

Providing contractual and commercial advice to electrical package contractors.

Nuclear - Decommissioning, Dounreay Nuclear Site, Scotland (2016)

Providing strategic commercial advice to the contractor consortium responsible for decommissioning the plant in respect to the calculation of losses in productivity due to disrupted working.

Renewables - On Shore Wind Farms, Scotland and Ireland (2013-present)

Providing contractual and commercial advice to the M&E contractor on various wind farm projects.

Renewables - HVDC Platform SylWin Alpha, North Sea (2013-2014)

Providing contractual and commercial services to the T&I contractor of the jacket and topside. Services included the preparation, negotiation and settlement of numerous claims and the final account.

Combined Cycle Gas Turbine - New Build Power Station, UK (2012)

Providing contractual and commercial advice to package contractor on £800M new build CCGT power station.

Fossil - Medupi Coal Fired Power Station, Limpopo, South Africa (2011-2015)

Overall management of various commissions providing commercial advisory and claims support services to Eskom, the South African electricity public utility company on the Medupi new build 4800MW dry cooled coal fired power station. Services include commercial and legal reviews of contracts and procedures, financial reporting, assessment of project probable out turn costs and commercial and claims management functions supporting and advising the Site Senior Commercial Manager, the FIDIC Engineer and the Site Senior Management.

Fossil - Kusile Coal Fired Power Station, Mpumalanga, South Africa (2011-2013)

Overall management of various commissions providing commercial advisory and claims support services to Eskom, the South African electricity public utility company on the Kusile new build 4800MW dry cooled coal fired power station. Services include commercial and legal reviews of contracts and procedures, financial reporting, assessment of project probable out turn costs and commercial and claims management.

Hydroelectric - Ingula Pumped Storage Hydro-Electric Plant, Drakensberg, South Africa (2011-2013)

Overall management of various commissions providing commercial advisory and claims support services to Eskom, the South African electricity public utility company on the Ingula new build 1330 MW pumped storage scheme. Services include commercial and legal reviews of contracts and procedures, financial reporting, assessment of project probable out turn costs and commercial and claims management.

GENERAL

Various Civil Engineering & Building Projects, UK (2005-2017)

Preparation of contractual claims for loss and expense and extension of time, interfacing closely with the client. Provision of contractual advisory services to numerous contractors, sub-contractors, suppliers, including the review of proposed and existing forms of contract and recommending amendments to same. Client representative in numerous adjudications representing the referring and the responding parties.

EMPLOYMENT RECORD

2017-present

HKA

Daresbury, UK

Partner

2012-2017

Knowles Limited

Daresbury, UK

Executive Director

2007-2012

Knowles Limited

Daresbury, UK

Director

2005-2007

Knowles Limited

Daresbury, UK

Senior Consultant

1995-2005

Multibuild Limited
Stockport, UK
Commercial Director

PRESENTATIONS & SPEAKER ENGAGEMENTS

“Settling International Claims”, Milan, Rome and Madrid, *May 2016*

“Effective Resolution of Defect Issues on Construction Projects” 2020

“LOGIC CONTRACTS - Claims for Damages” 2020

LANGUAGES

English (native)

Spanish (limited working proficiency)