

Experience Summary

Wayne is a Chartered Quantity Surveyor, Arbitrator and Mediator with over 40 years of international experience, having worked in the capacity of consultant to the client, contractor and sub-contractor on major building and infrastructure projects in twelve countries across three continents; Africa, Europe and Asia.

For the past 25 years Wayne has focused on dispute and risk management - primarily dispute avoidance - in parallel with day-to-day contract administration and management. Wayne's role in dispute management has been mainly case-managing arbitration and court cases and he has been appointed as arbitrator, mediator and expert on various international construction disputes.



Wayne has been appointed as co-arbitrator and sole arbitrator on several arbitration cases in Doha under the Qatar International Centre for Conciliation and Arbitration (QICCA) Rules of Arbitration. Wayne sits on the QICCA Panel of Arbitrators, Adjudicators, Mediators and is a registered arbitrator with the European Arbitration Association. Wayne is also a prolific industry lecturer and author.

Highlights

- Over 40 years of experience in the construction industry.
- Appointed as arbitrator, mediator and expert witness on construction disputes.
- Listed in Who's Who Legal (WWL) 2019.

Qualifications and Associations

- Diploma in Quantity Surveying (Dip.QS).
- Member of the Royal Institution of Chartered Surveyors (MRICS).
- Member of the Chartered Institute of Arbitrators (MCI Arb).
- Centre for Effective Dispute Resolution (CEDR) - Accredited Mediator.
- Committee Member, Chartered Institute of Arbitrators (Qatar Branch) – 2017/2018.
- Practising Associate, The Academy of Experts.
- Registered Arbitrator, European Arbitration Association.
- Dispute Resolution Board Foundation - Country Representative for State of Qatar 2009-2016.
- Registered Arbitrator and Mediator, Qatar International Centre for Conciliation and Arbitration (QICCA).
- Member of the Swiss Arbitration Association (ASA).
- Member of the Society of Construction Law (SCL).



Sectoral Experience

- Airports.
- Hospitals.
- Commercial and industrial developments.
- Residential - high rise and housing.
- Education facilities.
- Oil refineries.
- Highways, bridges and tunnels.
- Underground railways including deep stations and immersed tunnels.

Geographical Experience

- Middle East.
- Africa.
- South East Asia.
- Europe.
- United Kingdom.

Expert Works

Arbitration - Appointed Arbitrator

2019 - Nominated by a party as arbitrator under International Chamber of Commerce (ICC) Arbitration Rules for a commercial project dispute in Doha, Qatar. Tribunal to be confirmed.

2018 - Co-arbitrator on a dispute between main contractor and sub-contractor relating to façade works to a commercial development in Doha, Qatar. The arbitration is governed by the QICCA Arbitration Rules. The tribunal was established in June 2018 and the final award was rendered in March 2019.

2018 - Co-arbitrator on a dispute between main contractor and sub-contractor relating to the upgrading of control systems to several electric power stations and the termination of the sub-contract by the main contractor in Doha, Qatar. The arbitration is governed by the QICCA arbitration rules. The tribunal was established in April 2018 and the final award was rendered in November 2018.

2017 - Co-arbitrator for a dispute between a design consultant and sub-consultant on a dispute relating to design works for a construction project in Doha, Qatar. The arbitration was governed by the QICCA arbitration rules. The consent award was rendered in August 2017.

2016 - Co-arbitrator on a fast-track ad-hoc arbitration between employer and contractor on a dispute relating to enabling works for a commercial development in Doha, Qatar. The ad-hoc arbitration was governed by the QICCA arbitration rules by agreement of the parties. Responsible for drafting the final award, which was rendered in February 2017.

2013 – Sole arbitrator on a dispute between contractor and sub-contractor relating to the valuation of foundation substructure and superstructure works in Doha, Qatar under the QICCA arbitration rules. The final award was rendered in May 2014.

2012 - Co-arbitrator on a dispute between contractor and sub-contractor relating to excavation works in Doha, Qatar under the QICCA arbitration rules. Responsible for drafting the final award, which was rendered in March 2013.

Case Managed Arbitrations

2008 – 2010 - Responsible for managing arbitration brought by a sub-contractor under the ICC Rules of Arbitration for a highway project in Doha, Qatar. Worked closely with legal counsel in developing strategy, structuring and drafting pleadings, preparing for and participating in hearing. Together with legal counsel drafted post-hearing briefs and rebuttals.

2006 – 2007 - Managed arbitration proceedings on behalf of claimant under the Hong Kong Domestic Arbitration Rules on a bridges, coffer dam and channel project in Hong Kong. Devised and implemented strategies and managed preparation for hearing in close liaison with legal counsel.

2006 - Evaluated disputes on a sewage treatment facility in Hong Kong. Referred to arbitration, recommended settlement strategy and successfully negotiated amicable settlement with claimant on behalf of respondent within two months of the case being referred to arbitration.

2004 - Together with legal counsel prepared defence and counterclaim in response to sub-contractor's statement of claim filed under the Thai Arbitration Institute Rules for a steel structure sub-contract, airport project in Thailand. Structured settlement strategy and range for respondent and directed settlement negotiations. Dispute settled early and amicably.

2001 - Prepared delay and disruption claim for claimant and drafted request for arbitration under the ICC Rules on an oil refinery project in Greece. Dispute settled prior to filing for arbitration.

1999 – 2000 - Prepared several financial claims against the employer for inclusion in arbitration proceedings under the LCIA Arbitration Rules for an airport project in Athens, Greece. Responsible for drafting statements of claim for each issue, coordinating with and assisting legal counsel in preparing the request for arbitration. All claims were settled prior to filing for arbitration.

1999 – 2000 - Assisted legal counsel in preparing defence and counterclaim for arbitration filed by a sub-contractor (claimant) under the ICC Rules for an airport project in Athens, Greece. The case progressed to hearing and award in favour of respondent.

1993 – 1994 - Acted for claimant in compiling claim and together with legal counsel prepared case for arbitration proceedings under LCIA Rules for a commercial development in London, UK. Dispute settled prior to hearing.

1992 – 1994 - Drafted claim and prepared case for arbitration on behalf of claimant on a prison complex in Birmingham, UK. Dispute settled soon after commencing arbitration proceedings.

1991 – 1992 - Worked closely with legal counsel in preparing defence against claim by factoring bank for a commercial development in Manchester, UK. Negotiated amicable settlement soon after arbitration proceedings commenced.

1986 – 1987 - Drafted claim and together with legal counsel prepared case for arbitration on behalf of claimant for a residential development, London, UK. Claimant's 'official receivers' abandoned the arbitration.



Expert Role

2018 - Independent evaluation of client's position relating to a dispute over the value of earthworks undertaken by the client, provided expert opinion and recommendation on strategy for resolution on a housing project in Kuwait.

2017 - Appointed as Expert Witness on an arbitration case relating to a dispute over unit rates and prices for transporting excavation and fill material for an infrastructure project in Qatar. Testified at arbitration hearing.

2017 - Independent expert evaluation of client's contractual and commercial position relating to disputes over delays, delay penalties and variation values on a military base in Qatar.

2016 - Independent expert evaluation of client's contractual and commercial position relating to delay, extension of time and recovery of delay costs, recommending resolution for settlement on a helium project in Qatar.

2015 - Appointed as expert witness on an earthworks project arbitration case in Qatar relating to an earthwork measurement dispute. Testified at arbitration hearing.

2015 - Expert evaluation of claims by client's sub-contractor for extension of time and delay/disruption costs for an offshore gas project in Qatar. Identifying the client's potential financial exposure and recommending a strategy for settlement negotiations.

2015 - Independent expert evaluation of client's position relating to a sports facility delays, extension of time and recovery of delay-related costs in Qatar. Recommending a settlement strategy.

2014 - Independent expert evaluation of the merits of client's case relating to airport project disputes in Qatar over delays, extension of time, exposure to delay penalties and delay-related costs and recommending a strategy for settlement negotiations.

2010 - Expert report on contractor-client's position on termination of a sub-contractor on an airport project in Qatar and recommending a strategy for resolution and settlement.

Mediation

2017 - Appointed as mediator to assist parties resolve their disputes over final account issues on a construction project in Qatar.

2012 - Mediated over dispute between consultant and contractor on design/construction responsibilities on a construction project in Qatar. Parties resolved their differences amicably.

2004 - Mediated over a construction project in the UAE dispute between UAE contractor and Greek sub-contractor regarding the termination of the sub-contract for convenience by the contractor and the level of compensation claimed by the sub-contractor. Dispute settled amicably soon after initial mediation hearing.



2003 - Mediated over dispute between Japanese contractor and Thai sub-contractor on the issue of sub-contract terms and conditions on a construction project in Thailand that was preventing the parties' entering into the sub-contract. Within a few days of the mediation meeting with the parties, the sub-contract was signed.

Litigation

1993 – 1994 - Hotel Group - High Court of Justice, Queen's Bench Division: Official Referees Business. Preliminary issue – dispute over applicable form of contract for hotel refurbishment project. Provided report and gave evidence as expert.

1985 - Employee v Contractor, Industrial Tribunal, London - Together with legal counsel prepared successful defence against unfair dismissal case brought by a long-term employee against the employer. Testified as 'witness-in-chief' for the employer.

Dispute Boards

2009 – 2016 - Dispute Resolution Board Foundation (DRBF) - Member and Country Representative for the State of Qatar.

1998 – 1999 - Represented the main contractor (consortium) on four separate Dispute Resolution Board (DRB) cases for an international airport project in Greece. Liaised with dispute board members during regular site visits, assisted internal legal staff in the structuring and drafting written statements, advised on strategy and participated in the DRB hearings.

Career History

September 2018 – Present

Executive Consultant – Quantum Global Solutions, Qatar – Plus 3 Partner

January 2011 – August 2018

Principal - HKA Global Limited (formerly Hill International), Qatar

March 2005 - December 2010

Bilfinger Berger, International Civil Engineering Contractors

November 2002 - March 2005

Tengson Associates - Senior Contract Manager, Thailand

January - November 2002

Senior Contract Specialist - Pacific Consultants International (PCI), Turkey

Mid-2000 - December 2001

Senior Contract Manager - Joannou & Paraskevaides Hellas (J&P), Greece



1998 - mid-2000

**Head of Arbitration-Mediation Department - Hochtief AG - Lead contractor in consortium:
Athens International Airport, Greece**

1987 - 1998

**Wayne Clark Associates (Chartered Quantity Surveyors and Construction Management
Consultants) - London, England**

1982 - 1987

Joint Managing Director - AKW Contractors Limited, London, England

1979 - 1982

Freelance Quantity Surveyor, London, England

1966 - 1979

Walters and Simpson, Quantity Surveyors, Durban, South Africa

1976 - 1978

University of Natal (KwaZulu-Natal), Durban, South Africa

Conference Papers, Lectures, Publications, Workshops and In-House Training

In addition to Wayne's experience in the field of construction risk and dispute management, he has lectured at the Universities of Hong Kong and Natal (South Africa), presented conference/seminar papers in Greece, Thailand and Qatar and has run in-house workshops and training programmes for organisations based in Great Britain, Thailand, Bulgaria and Qatar.

Wayne has also had articles published in construction journals in Qatar and the United Arab Emirates. Topics covered by Wayne in his lectures, conferences, workshops and articles include dispute avoidance, dispute management, arbitration, mediation, dispute adjudication boards, contract awareness, risk and construction management.