

Paul Winfield LL. B (Hons), BVC



Professional Profile Overview

Arbitrator, Mediator, Adjudicator, Expert Witness, Claims, ADR and Commercial Contracts specialist with over 30 years career in construction in a broad field of infrastructure industries including commercial and residential buildings, oil & gas pipelines, process plants, airports, rail, civil engineering and nuclear. Represented a variety of Owners and Contractors and assisted legal counsel in contract negotiations and a variety of ADR forums worldwide.

Successfully worked on a variety of projects and files with responsibility for the commercial management of major infrastructure projects with a value of in excess of \$1BN. Operating and managing at the executive level of a project structure in a PPP/PFI environment, representing companies in preliminary and delivery of live projects. Extensive experience on a variety of bespoke and standard form contracts including CCDC, FIDIC, New Engineering Contract (NEC), ICE and JCT Contracts.

Managed both contentious and non-contentious contractual matters and key concerns within organizations by providing legal and contractual insight and representation in contract negotiations in Europe, South America, Australia, the Middle East and the Far East; with major owners and contracting companies. Advised on contractual obligations in order to ensure legal compliance and to manage contractual risk. Responsibility for both the production and review of project claims, the development and implementation of strategies for risk and opportunity management, together with the evaluation and determination of contractor submitted claims to project and business management and counsel. Personally, responsible for contract drafting and administration, claims identification, evaluation, preparation and management, dispute resolution and litigation support.

Barrister at Law, Call July 2010. Certified ODACC Adjudicator, Member of The Honorable Society of the Inner Temple, the Chartered Institute of Arbitrators and Canadian Institute of Quantity Surveyors. Published written work, with contributions to 'Introduction to Construction Contract Management' Routledge. Qualified as a Mediator and Chartered Arbitrator and committed to personal and professional development.

Expert Skills & Competencies

Expert skills set includes contract review, negotiation, drafting and administration. Claims identification, preparation, review, presentation, and advocacy. Forensic claims and schedule analysis, mediation, determination, and evaluation. Administrative and project control management including scope development, change management and contract correspondence (prime and subcontract). Budget and financial management and control.

Core Expertise

- ◇ 3rd Party Neutral (Adjudication, Arbitration & Mediation)
- ◇ Contract Drafting
- ◇ Expert Reports
- ◇ Contract Negotiation (Terms & Conditions/Scope)
- ◇ Claims Identification, Preparation and Articulation
- ◇ Risk & Opportunity Management
- ◇ Forensic Analysis, & Determination
- ◇ Project Commercial Management
- ◇ Contract Administration
- ◇ Project Controls, Schedule/Programme Procurement

IT & Other Skills

- ◇ Microsoft Office
- ◇ Primavera P6
- ◇ Estimating Software
- ◇ SAP Software

Arbitration, Adjudication Training & Rosters

- ◇ ODACC Certified Adjudicator Training
- ◇ ODACC Panel Adjudicator
- ◇ Ontario Ministry of Transport – Referee
- ◇ CI Arb – Accelerated Route to Fellowship
- ◇ ADRI – Chartered Arbitrator
- ◇ Toronto Commercial Arbitration Society

Career Summary

- ◇ Chartered Arbitrator
- ◇ Referee MTO/ORBA, Ontario
- ◇ Adjudicator ODACC, Ontario
- ◇ Mediator ADRI, Ontario
- ◇ Commercial Director - Aecon, Civil East,
- ◇ Senior Claims Manager - Hill International, Oman
- ◇ Managing Consultant - Kingsfield Consulting International, London, England
- ◇ Legal & Contracts Manager - CRC Evans & PIH Ltd, Worldwide
- ◇ Freelance Consultant, Leeds, England
- ◇ Associate Quantity Surveyor - Long O'Donnell, Manchester, England
- ◇ Commercial Manager – Capita Symonds, UK
- ◇ Contracts Quantity Surveyor – AMEC, UK
- ◇ Quantity Surveyor – Vinci, UK

Qualifications

- ◇ FCI Arb
- ◇ C. Arb
- ◇ Toronto Commercial Arbitration Society – Commercial Arbitration
- ◇ Barrister at Law – Bar Vocational Course – Call July 2010
- ◇ LL.B. Law (England & Wales)
- ◇ HNC Construction (Building & Quantity Surveying)
- ◇ Certified ODACC Adjudicator in Ontario
- ◇ ADRI-RICS Adjudication Advocate

Professional Designations/Affiliations

- ◇ FCI Arb
- ◇ TCAS – Commercial Arbitration
- ◇ Unregistered Barrister at the Bar of England & Wales
- ◇ Member of the Honourable Society of the Inner Temple
- ◇ ADRI Referee – MTO & ORBA
- ◇ ADRI Qualified Arbitrator (Pending)
- ◇ ADRI Qualified Mediator
- ◇ Member of the Chartered Institute of Arbitrators (International Arbitration)
- ◇ Member of ADR Institute Ontario
- ◇ ADRI-RICS Adjudication Advocate

Employment History

2020-Present - ODACC Adjudicator & Referee for the Ministry of Transport Ontario

Certified and practising ODACC Adjudicator and MTO/ORBA Referee since April 2020, undertaking 11 files, with 5 being as Chair of the Referee Panel.

2020 – Present - Advisor – KGC Consulting Ltd

Expert Witness, Claims, ADR and Commercial Contracts specialist in a broad field of construction projects.

2017 – 2019 - Commercial Director - Aecon Infrastructure

Commercial Director for Aecon Infrastructure to develop a commercial department in the business, responsible for the commercial management of a group of major infrastructure projects. Managing the commercial and project controls functions, procurement, subcontract administration, prime and sub-contract administration, change and claims management, cost control and schedule management. Operating and managing at the executive level of a project structure in a PPP/PFI environment on the following projects:

2019 Broadway Subway Project

5.7 km extension of the Millennium Line, from VCC-Clark Station to Broadway and Arbutus. Operating and managing at the executive level of a bid in a PPP/PFI environment as a Commercial Director on behalf of Aecon Infrastructure as JV Partner. Representing the company in contract interpretation and negotiations in CCM process.

2019 Hamilton LRT (HaLRT) Project RFP Phase

Operating and managing at the executive level of a bid in a PPP/PFI environment as a Commercial Director on behalf of Aecon Infrastructure as JV Partner. Representing the company in contract interpretation and negotiations in CCM process.

2019 Finch LRT Project (FWLRT) Project Execution Phase

Commercial Director at the executive level of the project including managing the commercial and project controls functions, procurement, subcontract administration, prime and sub-contract administration, change and claims management, cost control and schedule management.

2017 Ottawa LRT Phase II Project (OLRT) Project RFP Bid Phase.

Operating and managing at the executive level of a bid in a PPP/PFI environment as a Commercial Director, managing commercial and project controls functions, procurement and sub-contract administration of an RFP process on behalf of Aecon Infrastructure as JV Partner. Representing the company in contract interpretation and negotiations in CCM process.

2015 – 2017 Senior Claims Manager - Hill International Consultancy

2015 Development of Muscat & Salalah International Airports

Senior Claims Manager, responsible for the management of staff and various FIDIC Red Book and Yellow Book standard form contract packages on the Development of Muscat & Salalah International Airports. Review of project claims together with the evaluation and determination of contractor submitted claims and progress reports in order to produce Engineer Determinations on behalf of the Omani Government to project and business management and the legal department. Development and implementation of strategies for risk and opportunity management.

Determination of a variety of contractor submitted claims in various packages including:

- Civil engineering, groundworks and paving (USD \$190m)
- Air traffic management/air traffic control (USD \$98m)
- Baggage Handling System (USD \$60m)
- Passenger Boarding Bridges (USD \$18m)

2013 - 2015 Managing Consultant for Kingsfield Consulting International

Managing Consultant for Kingsfield, responsible for claims identification, evaluation, preparation and management, dispute resolution and litigation support on 2 projects in Aqaba, Jordan and Bintulu, Malaysia. Provided project health checks and strategic project management advice on various standard form contracts.

2014 Phosphate plant in Aqaba, Jordan for the Indo Egyptian Fertiliser Company SAE (IEFC) for SNC Lavalin (Belgium).

USD \$ undisclosed

Defence of imposition of liquidated damages for failure to achieve productivity and output targets. Forensic analysis, claims identification, evaluation, preparation and management. Assistance in dispute resolution process and litigation support for Queens Counsel and Norton Rose Fulbright. Compiled an accepted defence and counterclaim for future negotiation and/or dispute resolution.

2014 Petrochemical EPC Project in Bintulu, Malaysia for Linde Engineering (Munich)

USD \$ undisclosed

Claims identification and preparation for claim for lack of access and prolongation costs on a petrochemical plant in Bintulu, Malaysia.

2009 - 2013 Legal and Contracts Manager for CRC Evans (Offshore & Pipeline International) and Pipeline Induction Heat

Legal and Contracts Manager providing legal, contractual representation and advice for various onshore and offshore pipeline contract negotiations around the world and with major oil & gas contracting companies such as Petrobras, Saipem, Subsea 7, McDermott and Technip.

2001 - 2013 Freelance Consultant

Freelance consultant, employing a team of 5 law graduates assisting in contract review, negotiation and dispute resolution activities for a variety of clients including major civil engineering contractors, blue chip clients and law firms.

2012 Blue NG Turboden Combined Power Plant Project, London UK

Advice on termination provisions and exit strategy following dissolution of Joint Venture for a major combined power plant project for National Grid Plc, Blue NG and Land & Marine.

2011 Pwllheli to Ffestiniog 150mm & 100mm dia. pipeline, Wales, UK.

Spie Capag v Wales & West Utilities

USD \$5m

Adjudication proceedings on behalf of Wales & West Utilities. Assisted Osborne Clarke (solicitors) in adjudication proceedings. Forensic investigation, schedule analysis, technical assistance and appointment of Expert Witnesses, coordination of adjudication process and activities.

2011 New Multi Product Pipeline (NMPP) Johannesburg South Africa.

USD \$1.5m

Pipeline Induction Heat Ltd v Spie Capag G5 JV

Advocate in Adjudication Proceedings on behalf of a specialist pipeline field joint coating contractor. Forensic investigation, claims preparation, writing narratives. Preparation of Referral document, Rejoinder and Appendices, Advocacy and Adjudication process management in successful Adjudicator's award.

2010 Angola Onshore Pipeline Design Changes. Arbitration proceedings.

USD \$1m

JP Kenny v Spie Capag

Arbitration proceedings on behalf of JP Kenny for a variety of design changes due to incorrect FEED information. Assistance to Keating Chambers and Holman Fenwick Willan (solicitors) in Arbitration proceedings in Paris, France. Forensic investigation and drafting of claims narratives. Claim settled before Hearing.

2010 River Exe tunnelling and ground conditions claim, defence of subcontractor claim and counterclaim.

USD \$3m

Laing O Rourke

Adjudication proceedings in defence of a claim by Byzak Tunnelling against Laing O Rourke. Assisting LOR counsel in the defence and counterclaim of Byzak's ground conditions claim. Investigation and forensic analysis, claims preparation. Compilation of witness statements and coordination of Expert Witnesses.

2007 Transport Initiative Edinburgh – Scotia Gas Networks

A variety of claims by the main works contractor and various subcontractors on diversionary works in Edinburgh. Consultant employed to review and negotiate entitlement and quantum on various contractor submitted claims under the TIE suite of contracts.

2006 National Grid – Term Contract

Various Projects

Instructed by NG legal department as Expert Witness on a variety of claims by various contractors on the National Grid Term Contract for modifications and maintenance of existing gas assets in UK. Commercial Consultant employed as Expert Witness to investigate the quantum of various claims. This included the audit of contractor's schedule, cost and personnel records at individual office locations around the UK.

2006 Portland Gas Storage Project.

Underground gas storage project in Portland, UK

Commercial Consultant assisting Penspen with the drafting of the conditions of contract for the main contract works relating to an underground gas storage and pipeline project.

2003 - 2008 Long O'Donnell - Chartered Surveyors

Advocacy in Adjudication & Project Consultancy Experience

2008 Gungate Rail Widening Project on behalf of Stobart Rail (WA Developments)

USD \$1.5m

Advocate in adjudication proceedings against Norwest Holst Ltd on behalf of Stobart Rail (WA Developments Ltd). Performed contract review, investigation and forensic analysis, claims preparation, negotiation. Later drafted Referral Document and Appendices. Adjudicator Award to Stobart Rail.

2008 Anders & Alders Rail Widening Project on behalf of Stobart Rail (WA Developments Ltd)

USD\$1m

Advocate in adjudication proceedings against Balfour Beatty Ltd on behalf of Stobart Rail (WA Developments Ltd). Performed contract review, investigation and forensic analysis, claims preparation, negotiation. Later drafted Referral Document and Appendices. Claim settled before hearing.

2005 National Grid - Engineering Drawing Contract (EDC) and Drawing Appraisal Contract (DAC)

USD \$50m

Consultant acting on behalf of National Grid to devise and implement the national contracting strategy for the survey and updating of drawing records for all of National Grid's assets throughout the UK. Commercial Consultant leading the contracting strategy development, drafting (in association with Hammonds Solicitors) and subsequent implementation of a number of contracts to manage key business risk on behalf of National Grid.

2005 F&B Tunnelling (Sub-Contractor) v Clancy Docwra - North West Water Tunnelling Project

USD \$300k

Advocate in excessive groundwater claim and main contractor failure to comply with contract attendance obligations. Representation of subcontractor in adjudication against main contractor on North West Water tunnel crossing.

2003 Abingdon Pipeline Project

USD \$5m

Acting on behalf of Transco as client's representative and as part of Engineer's team for the construction of 24km of 300mm dia. MDPE pipeline.

Commercial Manager:

- Monitoring and administration of Prime Contract
- Compilation of Progress Reports
- Authorisation of Main Contract Interim Applications for Payment
- Review and assessment of claims and variations

2000 - 2003 Capita Symonds Limited - Chartered Surveyors

Project Experience

2002 Railtrack – Train Protection Warning System

2 Projects with First Rail (USD \$750k) and Jarvis (USD \$1m)

Claims Consultant on the Train Protection & Warning System (TPWS) used throughout the two UK passenger main-line railway networks to mitigate against the consequences of signals passed at danger (SPAD).

Commercial Manager administering Prime Contract (Green Book standard form of contract) and reviewing variations and claims.

2000 St Fergus to Aberdeen natural gas pipeline (Feeder 24) Transco

USD \$100m

Commercial Manager acting on behalf of Transco as client's representative and as part of Engineer's team for the construction of 70km of 1220mm dia. steel pipeline.

Commercial Manager duties:

- Leading a team of commercial staff x 4
- Monitoring and administration of Prime Contract
- Compilation of Progress Reports
- Authorisation of Main Contract Interim Applications for Payment
- Review and assessment of variations and major claims due to Foot & Mouth crisis
- Lead the change in Contract Strategy and instruction of counsel due to Foot & Mouth crisis

1992 - 2000 AMEC (Special Projects Division)

Project Experience

Quantity Surveyor promoted to Regional Quantity Surveyor on a variety of oil, gas and petrochemical (offshore and onshore) pipelines, above ground installations and nuclear projects.

1995 – 2000 Regional Quantity Surveyor

Supervisory Quantity Surveyor duties on a variety of projects in UK and Ireland.

1994 South West Scotland Pipeline USD \$17m

Construction of the Bord Gais Eireann Natural Gas Interconnector. 80km of 750mm dia. steel pipeline.

1993 British Nuclear Fuels Ltd (BNFL) British Gas

USD \$300k

Construction of 700m of 300mm dia. Gas steel pipeline and Above Ground Installation at BNFL site in Sellafield, Cumbria.

Project Quantity Surveyor

1992 BP-AMOCO Central Area Transmission System (CATS)

USD \$1m

Quantity Surveyor on the construction of onshore section of 1200mm dia. gas pipeline and tunnelled sections at Seal Sands near Middlesbrough, UK.