

NICHOLAS RIGBY

Profile

My focus is on helping parties avoid disputes or failing that to make them less painful. An engineer with 40 years commercial experience in the energy industry and a management consultant working across a broad spectrum of industries. Significant asset and contract management experience leading large teams of 20 contract managers. Key dispute resource either as expert witness or dispute project manager. Associate Member of Chartered Institute of Arbitrators. Experience of setting up three start ups.

Career Details

Dec 2013 on: CEO NRG Management Consultancy Ltd, Established NRG Management Consultancy to provide Contract Management/ Legal support services and advise energy related start ups. Acting as Expert Witness and project managing disputes. Resolving energy related disputes via negotiation or arbitration/litigation and as a result saving several clients £ms. Commercialising start ups by monetising their value offer and identifying routes to market. Advisory Board member to Cumulus Energy Storage. Set up contract management activity including team of 6 and all systems for Low Carbon Contracts Company.

2013: Head of Contract Management, RWE Innogy Working on 2 disputes (Kvaerner – Jackets, Siemens – Offshore Sub Station) on German wind farm and re-organising Contract Management activity. Developed policies and implemented procedures to prevent future disputes. Managed team of 20 Contract Managers and 4 administrators. Worked over 3 major projects (Galloper procurement strategy and team development, Gwynt y Mor contract placement and management, Nord See Ost contract and dispute management). UK contracts mix of FIDIC and LOGIC, German contracts FIDIC. Major involvement was in cable laying contracts, jacket construction, offshore sub stations, various service contracts and to a lesser extent turbine supply contracts and heavy lift. Developed future contract strategy across all renewables including reducing number of contract forms used for similar activities, future direction was focus on FIDIC.

2011- 2013: Dispute Director, RWE Innogy GmbH, Successfully managed construction dispute between Greater Gabbard windfarm (50% owned by RWE) and Fluor (FIDIC based contract). Fluor were claiming £300m for additional works and client imposed delays. Managed all technical issues in the dispute including collecting evidence and expert witnesses. Arbitration panel threw out Fluor's claim principally on technical grounds. Counterclaim against Fluor re defective welding settled by negotiation. Prepared and issued ITTs for multi £m offshore NDT works and carried out evaluation and negotiations pre award of NEC contracts.

2008 – 2010: Head of Strategy, RWE Innogy GmbH, Following the establishment of a single RWE renewables company my role was expanded to include Strategy for all European renewable activities. Recruitment of a multinational team of 6, developed strategy plan for all renewable technologies. Including support of Corporate Venture Capital business with investments in small wind, marine turbines and biomass start ups.

2004 – 2008: Head of Strategy, npower renewables, Established strategy and agreed with RWE main board. Implemented policies and procedures, including creating a methodology for forecasting renewable energy prices. Developed lobbying strategy in relation to government funding for offshore wind with successful outcome. Director of BWEA (now RenewableUK). Led team developing 2020 UK renewable strategy and used this work to develop a proposal for RWE to transform the Company wide renewables strategy. Selected by the Energy Minister to join the Renewables Advisory Board due to pioneering work on grid access issues. Member of Electricity Network Strategy Group.

2001-2004: Energy Marketing Manager, RWE Trading GmbH, Negotiating and implementing complex contracts in relation to RWE's traded products (power, gas, coal, environmental products) and services in liberalised European markets. Specialising in asset related deals and Route to Market services, including a gas marketing deal described as innovative by the FT. Delivering big ticket contracts (£1m to £10m pa). Negotiated a wide variety of contract types including PPA, coal purchase and supply, trading services agreements and purchase of gas storage project.

2000- 2001: Asset Manager, Innogy plc Following involvement in the team that successfully sold National Power generation assets. Development of asset strategy in terms of buy, invest, optimise, sell. Evaluating power station asset opportunities in relation to generation and trading. Optimising cost base so as to demonstrate best in class in power station asset management, measured in profit delivered. Influencing strategy at all levels from Board to plant operator.

1992- 2000: Grid Services Manager, National Power PLC, Commercial Services, Recruitment of team to negotiate energy, transmission support service (1994/95 Income £150m, Costs £100m) and use of system contracts with National Grid Company. Optimising profits through contract performance. Major focus on contract dispute resolution including case taken to Commercial Court of Appeal. Led a strategy group of 10 senior managers as part of National Power's 1999 strategy review of decision whether to purchase a DNO (Distribution Network Operator). Identified smart meters as a Unique Selling Point for National Power. Negotiated numerous grid connection agreements and ancillary service agreements.

1991-1992: Market Development Officer, National Power PLC, Commercial Division, Managing domestic supply marketing programmes (including joint programmes) with total value of £1m pa. Monitoring consumer requirements and whether new applications such as heat pumps had a role in the domestic sector.

1988-1991: Director of Consulting, NRG Management Consultancy, Business start up of NRG (5 employees) to carry out marketing and technical assignments in the energy and related sectors. Assignments included several JV pan European studies including evaluation of supply of all domestic Heating & Ventilating equipment including boilers, heat pumps and solar thermal. Created entirely new customer base with innovative marketing products and migrating solutions across industry sectors. Concurrently Director and minority owner of a £2m turnover engineering company, Rigby and Mellor.

1986-1988: Senior Consultant, March Consulting Group, Selling, supervising and carrying out energy management and marketing assignments and project managing a £1m programme of works including work on multiple small commercial buildings. Responsible for a regional energy strategy study incorporating analysis of domestic energy usage and energy efficiency measures including use of renewable energy. Acted as Commercial Director creating a credible sales strategy for a Start up with an energy control product.

1983-1986: Business Manager, Endless Holdings, Developing a start up £0.5m p.a business selling a lighting control system. Including setting up agencies outside of UK.

1980-1983: Energy Management Consultant, PA Management Consultants, Capital Projects Division, Implementing major energy cost reduction programmes across various property portfolios including small commercial buildings and domestic residences. Evaluation of early energy management systems.

1976-1979: Production Line Manager, Coles Cranes, Re-establishing control on behalf of the company in an environment where unions "managed" the shop floor, responsible for 60 production staff.

1969-1976: Undergraduate Apprentice and Section Leader Project Control, Rolls Royce, Responsible for negotiating joint programmes with French Partner company.

Directorships and Advisory Roles

NRG Management Consultancy Ltd, CEO	1988 – 1991, 2014 & 2016 - current
Rigby and Mellor Ltd, Non-executive	1991 - 1994
npower renewables Ltd, Commercial Executive	2006 - 2008
Brockloch Rig Windfarm Ltd, Commercial Executive	2006 - 2008
British Wind Energy Association Ltd, Non-executive	2007 – 2009
Energy Institute, Membership panel	2006 – 2020
Deputy Chairman of panel	2016 – 2020
Cumulus Energy Storage – Electricity Markets Advisor	2012 - present

Educational Qualifications

Mechanical Engineering Iiii, Bristol University (BSc)

Part One Diploma of Management Studies, Bristol Polytechnic

Chartered Engineer (CEng), Fellow of the Energy Institute (FEI) and European Engineer (Eur. Ing.)

Associate Member Chartered Institute of Arbitrators (AMCI Arb)

Certified Cardiff University Bond Solon Expert Witness, Civil

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2021 Advised on contract development and dispute avoidance on a French offshore windfarm.

2020 – 2021 Project managed dispute re delay on large onshore wind farm in Scandinavia.

2019 - 2020 Expert witness re quantum and technical issues on a dispute relating to supply of grid equipment. Settled prior to Court hearing.

2018 Facilitated resolution of offshore wind dispute in relation to construction of offshore and onshore substations.

2017 Expert witness on grid construction dispute instructed by Herbert Smith Freehills, cross examined by Michael Sullivan QC. Dispute settled with expert analysis input prior to second arbitration hearing

2016 CfD Force Majeure dispute for Offshore windfarm, witness.

2013, Major dispute re offshore substation ordered from Siemens for RWE's German project Nord See Ost. Supervised team of 4 who collected evidence and argued the case for this €400m technical dispute in relation to a €40m FIDIC contract. A settlement was negotiated in December 2014.

2013, Supervised teams who worked on 1) cable laying dispute LOGIC contract which was resolved and work re allocated to other providers so completed to time and budget. 2) Arbitration re German FIDIC contract project

2011 - 2013 Greater Gabbard (RWE/ SSE joint venture) dispute FIDIC based contract in which Fluor tried to make claim for £300m associated with inspection and re working of sub standard components. Arbitrator found in our favour due to technical evidence. I was appointed as full time Dispute Director responsible for collecting evidence, 7 expert witnesses and project management of dispute. Cross examined as witness for 6 hours by Fluor's US advocate.

The dispute related to the welding of 40 structures each made up of 60m long monopiles installed into the sea bed and 30m long transition pieces both 7m diameter.

Prior to my appointment all the sub standard structures had been installed. The technical evidence collected included non destructive testing of 25 structures 30km offshore. Some inspections were sub sea using divers and Remotely Operated Vehicles. Post inspection four 1m cutouts were taken as samples.

Counterclaim for repair/ inspection of structures not repaired on shore went to arbitration but was settled out of court before arbitrator announced decision.

1992 - 2000 worked on major dispute for National Power vs National Grid relating to charges for using transmission system. Managed all client activities alongside main role see CV. Outcome involved signing a personal confidentiality agreement.

1992-2000 submitted 6 referrals to OFGEM predecessor relating to power stations at Killingholme, Pembroke, Littlebrook, Northfleet, Dolgarrog, and re provision of additional power to manage frequency response. Five out of 6 were ultimately successful.

1992 involved in dispute relating to provision of a complex product (reactive power) and performance penalties associated therewith.

Major means > £50m

References

Nic was expert witness on a very substantial international arbitration and I found him to be knowledgeable, easy to work with and responsive to the client's needs. Nic was able to effectively communicate complex technical detail to the client, legal team and, most importantly to the Tribunal. – Robin Wood, CMS Infrastructure and Energy disputes lawyer.

Nic. It was an absolute pleasure working with you. I was so grateful to have you as due to my extreme workload could not keep up on every aspect of the detail and you and the team were incredible. – Beverly Timmins, Herbert Smith Freehills