



Phone: +44 (0)1986892345

Mobile +44 (0) 7798765800

miketestro@outlook.com

1 Overview

1.1 I am a consultant delay analyst and I hold myself out to be expert in this field.

- 1.1.1 For the past 35 years I have been working as a consultant delay analyst in the construction industry.
- 1.1.2 I was a member of the Chartered Institute of Building, The Society of Construction Law, The Adjudication Society.
- 1.1.3 My Publications include “Principles of Delay Analysis” – “India Contract Act 1872 and its influence on modern construction” and “Projected as Built Delay Analysis Method”

1.2 Background

- 1.2.1 My training was based on construction estimating and site quantity surveying.
- 1.2.2 This gives me a unique knowledge of construction economics such that I am qualified to prepare / investigate prolongation costs together with disruption and acceleration claims.
- 1.2.3 I am one of the few who can do both time and money.

1.3 Expert Witness

- 1.3.1 I have been appointed as Expert Witness in:
 - 1.3.1.1 5 arbitrations and have been court tested.
 - 1.3.1.2 Numerous adjudications with notable successes against – Blackrock – Diales – HK>A - FTI
 - 1.3.1.3 Assisting named expert in TCC.

1.4 Summary

- 1.4.1 Although I am now Semi Retired I just love doing what I do.

2 Significant Achievement

2.1 PABDAM

- 2.1.1 I am particularly proud of my development of my delay analysis method based on Facts and Common Sense.
- 2.1.2 It goes beyond impacting events on a theoretical critical path.
- 2.1.3 I have used it successfully on a number of adjudications against Big Name consultancies and it is now ready for Arbitrations.

3 Current Cases

3.1 Recently

- 3.1.1 I was engaged by an English offshore subcontractor to advise on the delay to the demolition and disposal of old oil rig moored in Shetland. I succeeded in putting the concept of “Time at Large” into the negotiations.
- 3.1.2 Multiple Adjudications for Contractors and Sub Contractors in England
- 3.1.3 I have been engaged in some Irish adjudications which are subtly different to the UK system in that they have to be based on money – even if it is only Zero.

3.2 Mauritius Motorway

- 3.2.1 I was asked by the Mauritius Government to advise them on the best approach to responding to a substantial claim for both time and money from the Main Contractor building them a Motorway Junction in the capital.
- 3.2.2 I concluded that the MC had a sound case but manner of it’s presentation was clumsy to the point of being global.
- 3.2.3 The subsequent negotiated settlement was fair to both parties.

3.3 Slovakia Motorway

- 3.3.1 I was called in by Impregillo to advise on setting up an As Built programme to support their claim for an EOT after they suspended the work on the Project.
- 3.3.2 Most of the team had left and their records were in disarray but I was able to point out where suitable test results and QA/QC records were kept which – together with Interim Payment applications – provided a factual template to build up an As Built record.

3.4 Montenegro Motorway

- 3.4.1 I was engaged by the Engineer and the Montenegro Government to advise on the current Contractor’s delay and consequential outcome on Delay Damages and potential Prolongation Costs claimed by the Contractor.
- 3.4.2 It is a 41km motorway through the mountains with multiple tunnels and bridges with a contract value of approx. \$1b.
- 3.4.3 My interim report arrived on time and on budget and demonstrated that the Chinese contractor had no valid claim for an EOT.

3.5 Bahrain Aluminium Rodding Shop

- 3.5.1 I was engaged by the Main Contractor to prepare an Arbitration Ready claim for an extension of time and acceleration.
- 3.5.2 My several reports have been examined by Bechtel and the parties are now in the closing stages of a settlement agreement.
- 3.5.3 A flaw in the Contract allowed me to claim that Time was Set at Large – the applicable law being English Law.

4 Recent Cases

4.1 Portuguese Chemical Plant.

- 4.1.1 I was appointed by a German heavy industry manufacture to defend in an arbitration brought by a Portuguese chemical manufacturer for damages caused by late delivery of manufacturing plant.
- 4.1.2 The plant was delivered later than the contract stated but I was able to prove that the dominant delay to the start of operations was caused by other contractor's engaged in the civil works and mechanical fit out.
- 4.1.3 The outcome was a success for my client who wrote:

"Thank you very much for your patience, support and hard work in the xxxx arbitration. With the help of your expertise we were able to point at the flaws and weaknesses of xxxx's position on causality and delays."

5 Romanian Motorway

- 5.1.1 I was called in at a late stage to assist the contractor in preparing a defence for a DAB on a motorway project in Romania.
- 5.1.2 I was able to assist in preparation of a Time/Chainage programme which showed precisely where the conflicting instructions delayed the progress.

5.2 London Luxury Houes

- 5.2.1 Appointed as expert to the Technology and Construction Court (TCC) to deliver an opinion as to a reasonable time to complete in a Time at Large case. (Stellite v Vascroft)

5.3 Typical Adjudications.

- 5.3.1 Sub Contractor – Dry Lining and Facades 5 projects in London – Substantial wins in all cases.
- 5.3.2 Main Contractor – Luxury House in Hampstead – I prepared the EoT adjudication with prolongation costs – Substantial win against Diales.
- 5.3.3 M&E sub contractor in dispute with Main Contractor for EoT and Prolongation costs – Substantial Win.
- 5.3.4 Specialist Subcontractor on Tram System Nottingham – I prepared the EoT and Prolongation Costs for the first adjudication – 100% win.
 - 5.3.4.1 I then defended the second adjudication brought by the Main Contractor – amicable settlement achieved by Mediation.
 - 5.3.4.2 Endorsement from instructing solicitor

“Thanks for your inventiveness and help. I will definitely work with you again in the future.”

- 5.3.5 Extension of Time for London Construction company on large new Hotel Development. Substantial Adjudication win against Blackrock.
- 5.3.6 Complex defence for a mid range Roofing Contractor facing damages from a Main Contractor circa £125k – Clear win against HKA.
 - 5.3.6.1 Having secured a clear entitlement to an EoT I then went on to demonstrate a claim based on the Hudson Formula – A first for me and a rare contractual success.
 - 5.3.6.2 In negotiation the subcontractor changed a -£125k to a +£355k payment.

6 Experience Matrix

6.1 Location and Construction

- 6.1.1 The following simple matrix sets down the types of project I have worked on and the locations around the world.
- 6.1.2 These 74 cases are show the depth and breadth of my experience that I have accumulated over the years.

Delay Analysis At A Glance Experience Matrix	Total	Abu Dhabi	Bahrain	Dubai	Egypt	England	Hong Kong	India	Ireland	Kuwait	Malaysia	Montenegro	Portugal	Qatar	Romania	Russia	Scotland	Slovakia	Wales
total	74	1	1	2	1	42	2	7	3	1	1	1	2	3	2	1	1	1	2
Airports	4			1		1	1							1					
Cladding	5					3			1							1			
Chemical Plant	1												1						
Bridges	1						1												
Desalination Plant	1									1									
Docks & Harbours	2					1					1								
Heavy Industry	5		1		1			2									1		
Hospitals	4					4													
Hotels	2					2													
Luxury Housing	9					9													
Hydro Electric Dam	1							1											
IT	2			1										1					
Lifts & Escalators	5					5													
Listed Renovations	6					6													
Liquid Natural Gas Terminal	1																		1
MEP	6					5								1					
Motorways	3											1			1			1	
Oil Rigs	1							1											
Pipelines Off Shore	1							1											
Pipelines On Shore	2	1						1											
Power Stations	2							1											1
Rail	2					1			1										
Retail / Supermarket	1								1										
Roads - Bulk Earthworks	5					3							1		1				
Theatres	1					1													
Water Purification	1					1													

7 Clients

7.1 My recent client list includes:

7.1.1 Taylor Walton LLP, Lidl Supermarket Ireland, Salini Impregilo, Gov't of Montenegro, Outotech, Thyssen Krupp, Ingerop Engineers, Punj Lloyd India, S&T UK Ltd