

Sean Sullivan Gibbs



POSITION

Director

DISCIPLINE

Quantum & Delay
Contracts

QUALIFICATIONS

HND Building Studies
BSc Construction Management
LLB (Hons)
Post Graduate Diploma Arbitration
Post Graduate Diploma Bar Studies
LLM
Barrister
Direct members exam (QS) SCS
Fellow ICE
Assoc Fellow ICHEME
Assoc RINA
Fellow RICS
Fellow CIARB
Fellow Assoc Arb
Fellow CIOB
Fellow CICES
Fellow BIARB
Bond Solon Accredited Expert Witness

Specialisms/skills

Expert Advisory / Witness

Sean has held directorships and senior commercial positions with contracting and consultancy firms in the United Kingdom and Internationally. With over 30 years' experience in the onshore and offshore construction and engineering industries across the globe Sean has worked across the continents of Europe, Asia, Middle East, Africa and the Americas.

He has acted as quantum expert before various dispute resolution tribunals including adjudication, dispute board, expert determination and arbitration.

Sean holds a current Cardiff University Bond Solon accreditation as an expert witness, is a practicing Member of the Academy of Experts and is recognized by the Law Society of Scotland .

Project experience includes major airport developments, industrial process plants, commercial developments, military and police installations, heavy engineering in respect of onshore and offshore oil & gas facilities and pipelines, highway interchanges, tunnels, leisure resorts, nuclear, water treatment and desalination plants, waste to energy, biomass, onshore and offshore windfarms, renewables, mines, ports, hospitals and rail/metro projects.

Projects have been based on numerous standard and be-spoke Conditions of Contract, including the NEC/ECC Suite of Contracts, JCT Suite of Contracts, ICE Suite of Contract, FIDIC Suite of Contracts, I Chem E Suite of Contracts, ICC Suite of contracts and other EPC / Split EPC / EPIC / FEED / EPCM /LSTK forms.

He is actively involved with construction law institutes and organizations including The Adjudication Society, Society of Construction Law (UK), The International Bar Association, The Dispute Resolution Board Foundation, UK Adjudicators and HK Adjudicators. Sean also sits as an arbitrator and adjudicator and through this experience better understands what the tribunal expects from those giving evidence.

Advice given to parties on various arbitral rules includes those of the ICC, LCIA, DIFC, DIAC, DIAC, UNCITRAL, HKIAC, SIAC, AAA, ICDR, KLRCA, SCC, ASA and ICSID.

Sean has been recently instructed as an expert witness / advisor by:

- CMS
- Amey
- Driscoll Kingston Solicitors Limited
- Keller PLC
- Scherler & Siegenthaler Rechtsanwälte AG
- Delaney Partners



EXPERT APPOINTMENTS (FORMALLY INSTRUCTED)

- **Waste to Energy Plant, UK** – Instructed by in house counsel to provide a quantum report for adjudication proceedings concerning defects under ICHEME Red Book
- **Waste to Energy Plant, UK** – Instructed by in house counsel to provide a quantum report for adjudication proceedings concerning piling under NEC Option A Contract
- **Waste to Energy Plant, UK** – Instructed by in house counsel to provide a quantum report for adjudication proceedings concerning a contaminated ground dispute under NEC Option A Contract
- **Various residential properties UK** – Instructed by solicitors acting for tenants pursuing claims against landlords under the Housing Disrepair Protocol.
- **Metro, UK** – Instructed by in house counsel for contractor to prepare quantum report on disputed variation account, appear before tribunal.
- **Offshore Wind Farm, UK** - Instructed by lawyers acting for developer
- **University Campus, UAE** – Instructed by in house counsel for contractor to prepare quantum report on disputed variation account, appear before tribunal.
- **Onshore Wind Farm, UK** - Instructed by lawyers acting for landowner in dispute with adjoining land owner to prepare capital cost report for approved onshore wind scheme in order to reach settlement for loss of shooting rights.
- **Residential Conversion, UK** – Instructed by director of contractor to provide expert report for costs of remedial works in county court action.
- **Water Pumping / Treatment Station, UK:** Instructed by in house counsel prepare quantum report on variations and delay and disruption costs for civil engineering contractor, appear before adjudicator and be cross examined by adjudicator and solicitor under ICHEME Red Book
- **New Build Hotel, UAE** - Instructed by in house counsel prepare quantum report and appear before arbitral tribunal in UAE, cross examination by counsel.
- **Dairy Process Plant, UK** - Instructed by director of contractor prepare quantum report on variations and delay and disruption costs for, appear before adjudicator and cross examination by solicitor.
- **Coal Fired Power Station, RSA** – Instructed by in house counsel to prepare quantum report on design changes and appear before dispute board, cross



examination by counsel.

- **Hospital, Qatar** – Instructed by lawyers acting for parastatal company to prepare report on cost of non-approved design changes made by designer.
- **Powers station / Desalination Plant, Kuwait** – instructed by in house lawyers to report on value of claims for variations, loss and expense, delay and disruption from EPC contactor.
- **Biomass Plant, Germany** – instructed by in house counsel of subcontractor to prepare expert report for arbitration in respect of claims for variations, loss and expense, delay and disruption.

EXPERT ADVISOR APPOINTMENTS

- **Offshore Wind Farms, UK and Europe**- Instructed by in house counsel to advise developer on multiple claims arising from projects in Europe
- **Waste to Energy Plant, UK** – Appointed by board of EPC contractor to express opinion on likely value of recovery of claims.
- **PFI Waste to energy scheme, UK** – Appointed by directors of specialist contractor to provide contractual advice on process to change.
- **Energy from Waste Plant, UK** – Appointed by the Contractor as Delay Expert to provide independent opinion regarding project delay.
- **Port Relocation, Azerbaijan** – Appointed by in house counsel of Azeri developer to comment on value of claims received from contractor.
- **Steel, India** - Appointed as Expert Advisor by Japanese corporation to provide contract and claims strategy report.
- **Gas to grid, UK** - Appointed by EPC contactor to advise on compensation events arising from works on project involving biomethane being injected into National Grid.
- **Oil and Gas, Kuwait** – Seconded from PMC to NOC advising on claims, claims prevention on programme of works.
- **Oil and Gas Abu Dhabi** - Seconded from PMC to NOC advising on claims, claims prevention on programme of works.

CLAIMS / DISPUTE RESOLUTION APPOINTMENTS

- **Copper mine expansion, Peru** – Prepare cost and time claims against employer for contractor in respect of force majeure, delay and disruption, scope change on HV and LV packages, pipelines, tunnel and waste water treatment stations.
- **New Town, Libya** – prepare force majeure claims due to outbreak Libyan civil war.
- **Underground Gas Storage Facility, Germany** Advise EPCM on claims from package contractors including civils, structural steel, piping, pipelines.
- **Party representative adjudications, UK** – represent employing company in

over 60 adjudications in United Kingdom.

- **M4 Motorway, UK** – instructed by civils contractor to produce claim for employer delay and associated costs.

PROFESSIONAL APPOINTMENTS

- **Regional Convenor** Society of Construction Law – Arrange speakers for regional events in the United Kingdom including speakers from Keating, Atkins, Crown Office, Hardwicke and 4 New Square.
- **Committee Member** Western Region Chartered Institute of Arbitrators
- **Associate Tutor** University College Estate Management
- **Committee Member** South West & South Wales Western Region Chartered Institute of Civil engineering Surveyors
- **Adjudicator** UK Adjudicators
- **Arbitrator** CIARB DAS Business Scheme
- **Mediator** ADR-ODR International
- **Committee Member** ICE Cheltenham & Gloucester City Club
- **Committee Member** Gloucestershire Constructing Excellence
- **Past Chairman** Gloucestershire branch Chartered Institute of Building
- **Past Gulf region Committee Member** Dispute Resolution Board Foundation

PUBLICATIONS / SPEAKING

- **Chair**- UK Adjudicators 2019 Edinburgh Adjudication & Arbitration Conference
- **Sponsor** - Society of Construction Law International Conference Auckland
- **Speaker** - Society of Construction Law / CIARB I Conference Delhi
- **Speaker & Panellist**-International Construction Contracts Conference, Prague May 2019
- **Chair** – Day 2 Dispute Resolution Board Foundation conference Bucharest
- **Tutor** – Dispute Resolution Board Foundation Advanced practitioner workshop
- **Speaker & Track Host** - Society of Construction Law International Conference Chicago
- **Speaker** - Society of Construction Law International Conference South Africa
- **Speaker** – Chartered Institute of Civil Engineering Surveyors SWSW branch
- **Table Host** – Adjudication Society Conference Bristol
- Gibbs, *MACOB 21 years on*, Civil Engineering Surveyor, 2019

- Gibbs et al, ***Use of FIDIC Contracts in the UK and European Offshore Wind Industry***, CICES Construction Law Review, 2018
- Gibbs et al, ***Possible Standard Forms of Construction and Engineering Contracts for Use in Offshore Wind Farm Construction in Irish Territorial Waters***, Irish Construction, Engineering and Energy Law Journal, 2018
- Lee, Gibbs et al, ***International Construction Contract Law***, 2nd Edition, Wiley-Blackwell, 2018
- Gibbs, ***FIDIC 2019 – The World Bank and the Emerald Book***, CICES Construction Law Review, 2019
- Gibbs, ***UK adjudication***, CICES Construction Law Review, 2019
- Gibbs, ***The Status of the Society of Construction Law Delay and Disruption Protocol***, Civil Engineering Surveyor, November 2019

PROJECT EXPERIENCE

CIVIL ENGINEERING

- Arequipa District drainage system and processing stations, Peru
- Berkeley Nuclear Power Station Term contract
- Bristol Airport
- Staverton Airport
- Doha Airport
- Bahamas Airport
- RAF / USAF Airfields Brize Norton & Fairford
- Upgrade Dowty Rotol Drainage system
- Petrol Station upgrades IPS / BP
- Remediation Industrial site Ashville Business Park
- Large Diameter Drainage for GCHQ Infrastructure
- M5 Resurfacing Works Jtn 11
- A420 Resurfacing / Upgrading for Swindon Borough Council
- Repair Culvert Mill Lane
- New Roads/River Cheltenham Works Waitrose Superstore & Retail

Outlets Cheltenham

- **New Plane Facility Aerobus Filton**
- **Water Pipeline Booster Stations Childswickham & Toddington,**
- **4km Cycle Path Avonmouth**
- **Petroleum forecourt demolition & remediation Evesham,**
- **Earthworks Chatcombe shooting Club**
- **Highway Reconstruction North Place Cheltenham**
- **New roundabout and highway improvement Norwood Cheltenham**
- **Structure Portham Substation**
- **Hayden Sewage Treatment Works**
- **Car Park & Drainage Warwick Race course**
- **Midlands Metro Upgrade**
- **Javelin Park High Bay Distribution Centre Glos.**
- **Industrial Estate Astwoods Staverton**
- **Business Park Dorcas Road Banbury**
- **Business Park Avonmouth**
- **Industrial Units Slough Estates Emersons Green Bristol**
- **Methuen Business Park , Chippenham**
- **Business Park Waterwells Gloucester**
- **Port Ham Switching Station**

HOTEL / LEISURE

- **Stakis Hotels UK wide development / upgrade program**
- **New Gymnasium Lido Cheltenham**
- **New Gymnasium and car park Cheltenham Park Hotel, New Gym Quedgeley**
- **Malmesbury Swimming Pool**

EDUCATIONAL

- **Extension / Alteration Northleach Primary School**
- **Sir Thomas Rich School Music Centre**
- **New School Hartpury**
- **New Block Chipping Campden School**
- **New Educational Facilities Hesters Way School**
- **Library Lynnworth Primary School**
- **Teaching Block John of Gaunts School Trowbridge**
- **New School Wantage**
- **Pool & Gym Cotswold School**

- **St Edwards School Library Block**
- **New Classrooms Balcarras School**
- **Bright Horizons Nursery Gloucester**
- **Teaching Facilities Farmors School Fairford**
- **Elgar Technology College Worcester**
- **BSF Bristol**

RESIDENTIAL

- **Luxury House The Spinney Prestbury**
- **26 Houses Leigh Sinton**
- **Redevelopment 82-90 Tennyson Road**
- **38 houses Newlands Court Stow**
- **Apartments Ashley Court Bristol**
- **New Bungalow Churchdown**
- **Apartments Hewlett Road Cheltenham**
- **Convert Victoria Institute Worcs into Apartments**
- **7 Houses Honeybourne , Apartments Portland Street Bristol**

Pharma / HEALTHCARE

- **Doctors Surgery Quedgeley**
- **Cheltenham General Hospital**
- **Care Home Douglas House Oxford**
- **Nuffield Orthopaedic Hospital PFI Oxford**
- **St Davids, Hospital Offices Bristol**

BUSINESS PARKS / INDUSTRIAL & COMMERCIAL UNITS

- **Industrial Estate Astwoods Staverton**
- **Car Showroom Listers Worcester**
- **Distribution Centre White Arrow Blackpole**
- **New Industrial Unit Q2 Newport**
- **Wild Fowl Centre Slimbridge**
- **Extension of Workshop Cheltenham Tools**
- **Industrial Unit ABH Holdings Lydney**
- **New Production Facility and offices Shannon Way**
- **New Furnace Cheltenham Tool**
- **Extend production facility & New Industrial Units Lew Ways Cannock**
- **Garden Centre Hampton in Arden**
- **New Production Facilities Mannesman Rexroth South Cerney**

- **Business Park Dorcas Road Banbury**
- **High Bay Warehousing Hartlebury Kidderminster**
- **Royal Mail Sorting Office Quedgeley**
- **Royal Mail Sorting Office Oxford**
- **Timber Yard / Workshops and Offices Timbmet Oxford**
- **Demolition/Site remediation & New Build Dairy Facility Stonehouse**
- **Rudloe Community Centre**
- **Pharmaceutical Production Facility Nycomed Amersham**
- **Business Park Avonmouth**
- **Community Centre Emersons Green**
- **Canteen BMW Cowley**
- **Industrial Units Slough Estates Emersons Green Bristol**
- **Methuen Business Park , Chippenham**
- **MOT Testing Stations Newbury & Gloucester**
- **Community Center Penhill Swindon**
- **Tesco Supermarket Extension Cirencester**
- **Business Park Waterwells Gloucester**
- ***POLICE / MINISTRY DEFENCE***
- **Upgrade Aviation Fuel Lines & Tanks RAF Brize Norton**
- **Police Training Building Bamfurlong**
- **Offices & Control area RAF Brize Norton**
- **Upgrade Hanger 74 RAF Brize Norton**
- **RAF Brize Norton Munition Stores**
- **Refurbishment Gloucester Magistrates Court**
- ***OIL AND GAS / POWER & PROCESS / ENGINEERING / UTILITY***
- **Bab Field Expansion, UAE**
- **British Gas North Morecambe Integrated Deck**
- **MHN processing platform, living quarter project & supply of three process gas compression modules**
- **CHP For Royal Mail Processing Centre Oxford**
- **Kusile Coal Fired Power Station, South Africa**
- **Medupi Coal Fired Power Station, South Africa**
- **Cerro Verde Mine pumping stations**
- **Sherborne Springs Water Treatment Works, UK**
- **Wakefield Anaerobic Digestion Facility, UK**
- **Minworth - Biomethane injection to grid - JV with Laing, UK**

- **Hoddesdon - Anaerobic Digestion Facility, UK**