



# Paul Thornton

## Director

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### Areas of Expertise

Programme Management, Project Controls Systems and Forensic Delay Analysis

### Industries

Power & Process Plants, Infrastructure, Airports, Building & Construction

### Qualification

MEng Civil and Environmental Engineering (Hons), MSc Construction Law and Dispute Resolution

### Memberships

Society of Construction Law Member (UAE)

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## Key Experience

### Overview

Paul is a delay and disruption expert with 18 years' of experience in the construction industry, much of which has been gained in the Middle East region, with extensive engagement in programme management, project controls systems and forensic delay analysis.

Paul has given oral testimony three times in arbitral proceedings and has been appointed as a delay expert seven times. He provided expert witness assistance on several delays and disruption matters in various jurisdictions in the Middle East as well as the United Kingdom. He has been widely involved in claim management where he has produced and reviewed claims concerning time awards for project delivery.

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Paul is well versed in presenting seminars on topics including programme management and disruption to clients and has been a guest lecturer at the American University of Dubai and Chartered Institute of Building.

Apart from specialising in Forensic Delay and Disruption, Paul has worked in a wide variety of positions in the construction and civil engineering industry. Paul was employed by Turner and Townsend in Dubai between November 2007 and April 2009 as a Senior Project Controls Manager where he provided client-side advice about project controls, programme, documentation and change control management. He worked for Edmund Nuttall, the largest UK civil engineering contracting company, between November 2003 and February 2005. Paul spent some time initially working as a site engineer at British Waterways Omnibus Framework before moving to a flagship £33million coastal defence project in the same capacity. Upon later returning to London, he was engaged on a bridge refurbishment project adjacent to an underground station. Paul worked for Black & Veatch the consulting engineering, before finishing university between July 2001 and September 2002, and worked on the detailed design of water projects and computational hydrological studies to model the effects of dam breaks.

Paul co-authored a paper with Faisal Attia "Productivity-based disruption claims in the Middle East". This was published as the feature article in the June 2017 edition of Construction Law International (the quarterly magazine of the IBA International Construction Projects Committee).

### **Expert Work in Arbitration Proceedings**

Paul has given oral testimony at arbitral hearings in Dubai (twice) and Qatar. He has been appointed as a delay expert on seven matters. He has provided expert witness assistance on nine occasions on delay and disruption matters both in UK and international arbitration proceedings:

- Engaged by a MEP subcontractor, the claimant, in Dubai in arbitration proceedings as a delay expert witness to aid its post-termination negotiations with the Main Contractor (AED 20m).
- Engaged by an Employer in arbitration proceedings as the delay expert witness on the construction of a luxury G+4P+44+2R residential building in Dubai to consider delays before termination of the main contractor. Gave expert oral testimony in virtual hearing (AED 200m).
- Engaged by an Interior Fit-out Subcontractor, the Claimant, to provide delay and disruption expert witness evidence in a DIAC arbitration, following termination, on a four-star hotel, Dubai; gave oral evidence at the arbitral hearing, which included witness conferencing (AED 25m).
- Engaged by an Employer in arbitration proceedings as the delay expert witness on the construction of a hotel in Dubai to consider delays related to subcontractor for the main interior package following the termination of the main contractor. Provided the delay expert report and subsequent reply. Ongoing (AED 80m).

- Engaged by a specialist Subcontractor, the Claimant, to provide delay expert witness evidence on a dispute on an airport in Qatar; gave oral evidence at the arbitral hearing in QICCA (AED 20m).
- Engaged by a specialist MEP Subcontractor, the Claimant, to provide delay expert witness evidence on a dispute on a luxury residential condominium in Dubai. Settled before the hearing based on my expert report and pleadings (AED 25m).
- Engaged by an Employer in arbitration proceedings as the delay expert witness on the construction of an office building and manufacturing facility. Provided an initial report and an interim report following submission of the Claimant's SOC and aided with disclosure requests following the SOD and CC (AED 120m).
- Assisted the Claimant's quantum expert witness, engaged by the Main Contractor, in arbitration proceedings to in the loss of productivity analysis for an airport project in Muscat, Oman. Provided database analysis (\$4.4bn).
- Engaged by a Subcontractor, the Claimant, in arbitration proceedings to assist a delay expert witness provide his report prior to the production of the Statement of Claim for a commercial building in Bahrain. Provided an as-built analysis for the Extension of Time ('EOT') analysis and helped to draft sections of the report (\$80m).
- Engaged by a developer of a hotel in Dubai to give expert witness assistance in arbitration proceedings in relation to the delay analysis of the building structure and civil works (\$80m).
- Assisted delay expert witness in arbitration proceedings in respect of a contractor's productivity and delay analysis on a recreational facility in Dubai (AED 1bn).
- Assisted delay analysis expert in ICC arbitration appointed by the Main Contractor working on nuclear plant facility in Finland, including the review of engineering documentation and programmes (P6) (€8.5bn).
- Assisted expert in the delay analysis and loss of productivity to assemble and analyse a very large welding works database on an extension of a petrochemical plant in Abu Dhabi to assist an EOT and disruption evaluation (\$480m).
- Expert witness assistance for an expert determination in Uganda concerning two separate highway disputes, providing resource utilization analysis for the EOT and quantum evaluation.
- Worked as part of the delay analysis team providing expert assistance in relation to a CCGT power station (1,400MW) constructed in Wales, producing a windows-based time impact and productivity analysis for the civil engineering works. Assisted event identification, research, and analysis of the effect of approximately 300 events on 37 sectional completion milestones as part of an expert's report in arbitration proceedings. The Technology and Construction Court judges opined on two discrete legal matters during the course of the arbitration.

## Claim Management and Dispute Resolution

Paul regularly produces and reviews claims in relation to time awards for project delivery. Paul has experience with all major planning software (including Primavera P3, P3e and P6, Asta Teamplan, CCS and MS Project). He has developed programme delay analysis software and automated analysis for the investigation of project records to assist the presentation of clients' cases.

### Power and process plants

- Assessment of the EOT for an EPC Contractor to set out the strategy for claims relating to a 800MW solar plant in Dubai under Swiss Law.
- Assessment to set out strategy and production of an EOT and disruption claim for the Sub-contractor on a \$250 oil and gas facility in Abu Dhabi under Swiss Law.
- Assisted in the production of an EOT claim for a CCGT power station in Bahrain (\$2.2bn). Considered the Testing and Commissioning phase of the project.
- Assessment of an EOT claim for the Contractor on a \$2bn Aluminium Rolling Mill in Saudi Arabia.
- Production of an EOT claim for the Contractor on a \$1.2bn factory in Abu Dhabi.

### Airports and infrastructure

- Managing a delay analysis team to produce a complex disruption claim for a JV company working on a metro train project in Dubai. Development of analytical and reporting databases linked to the programme with all cost, labour, progress data.
- Production of an EOT claim for a dredging and coastal defence project in Abu Dhabi using a retrospective method of analysis including linking positional data to productivity data for a disruption claim.
- Defined the strategy and managed the programming team in producing an as-built programme for a JV company working on the metro train project in Dubai which spanned 70km and included 47 (9 underground) stations. The work involved development of analytical and reporting databases by which approximately 250,000 spreadsheets/ documents were linked to the programme with all cost, labour, progress and quality data.
- Engaged to retrospectively evaluate and review an Engineer's EOT decisions relating to the airport expansion in Dubai.
- Produced productivity analyses and database development in relation to a motorway dispute in Poland to assist EOT and cost evaluation. Developed a product that allowed automated analysis of CCS programmes and the analysis of 4,500 IPCs using MS Access software.

## Building

- Engaged by an MEP subcontractor (subcontract value AED 244m) in Dubai to produce a full disruption analysis claim to pass up to the Employer.
- Appointed by a main contractor to produce an independent EOT assessment on a major airport project in Al Ain, UAE (contract value over AED 1.4bn).
- Engaged by a façade subcontractor in Dubai to produce a delay analysis regarding a unique and highly complex façade for use in the Statement of Claim in an arbitration under DIFC LCIA Rules. (AED 80m)
- Engaged by a MEP subcontractor in Dubai to produce an independent report to assess the main subcontractor delay analysis and counterclaims.
- Engaged by an Employer to independently assess the Contractor's delay analysis on a wind farm in Jordan (\$80m).
- Engaged by an Employer to independently assess the Contractor's delay analysis on the civils and structural components of a major mall in Dubai (contract value over AED 2bn).
- Engaged by an Employer going through UAE court proceedings to independently assess the Contractor's delay analysis on a group of seven separate building and infrastructure contracts in Dubai (AED 2bn).
- Engaged by a Main Contractor to independently assess its existing delay analysis and claims on a hospital project in Dubai (AED 1.3bn).
- Engaged by a MEP subcontractor to retrospectively assess its entitlement of an EOT and set its strategy to deal with significant delays to a landmark building in Qatar.
- Engaged by a Main Contractor to provide a position statement and subsequent EOT claim relating to delays to a luxury 14-storey residential tower in Abu Dhabi.
- Engaged by a Dubai based Developer to provide a third-party assessment and strategy to deal with significant delays of a terminated Contractor on a luxury 46-storey residential tower.
- Engaged by a Dubai based Developer to provide an independent third-party assessment of the Main Contractor delays to a 46 residential storey tower. Work to support client through the claims process and negotiations with the Contractor.
- Engaged by an Employer to assist in court proceedings to assist in the assessment of the quantum in relation to a group of 14 buildings and shared podium in Dubai following its termination.
- Engaged by a Dubai based Developer to provide a third-party assessment and strategy to deal with significant delays to a super-luxury 23-storey residential tower following a major groundworks incident. Assessed EOT claims over the first 18 months of the project.

- Engaged by a Dubai-based developer to produce a position statement related to a Contractor's EOT Claim on a 12-storey hotel project in Dubai.
- Engaged by a government entity to provide an independent liability review of an EOT pending arbitration on a recreational facility in Dubai.
- Engaged by a Dubai-based developer to produce a position statement related to a Contractor's EOT claim on a several projects in Dubai.
- Engaged by a Project Management company to evaluate time related project information related to the Athlete's Village 2012 London on an independent basis.
- Engaged by a consultant to manage a project delivery team and produce EOT reviews on an independent basis for a Dubai-based developer.
- Produced an EOT claim for a 42-story tower in Dubai using a Time Impact Analysis.
- Assisted in the production of a Time Impact Analysis for a Main Contractor on hospital project in UK.

### **Programme Management and Project Controls**

Paul's experience has provided a first-class grounding in developing the requisite understanding and skills for a delay analyst and software specialist.

In early career site-based training, Paul spent some time initially working as a site engineer at British Waterways Omnibus Framework before moving to a flagship £33million coastal defence project in the same capacity. Upon later returning to London, he was engaged on a bridge refurbishment project adjacent to an underground station. Paul was responsible for site-wide project administration including producing Method Statements, Conceptual Design Statements and Risk Assessments, the setting-out of works, contract administration with clients and subcontractors, the production of two-weekly production programmes as well as the basics of general record keeping. Later programme management experience:

- Engaged by a Dubai based Developer to develop and agree a baseline programme and provide ongoing pro-active time risk management services for luxury hotel and residential 32 storey towers. Ongoing.
- Advising a major MEP contractor in Qatar with regard to its resubmission of its Baseline programme and providing ongoing support for its EOT claims.
- Produced and developed a full implementation plan for constructing a city (population circa 1 million) in Saudi Arabia including all baseline and revised modelling, reporting upon and presenting the same, as required.

- Acted as Project Controls Manager for a Dubai consultancy encompassing all programme, resource and information management on its construction projects. Projects ranged in value up to AED25bn (\$7bn).
- At project concept stage, developed a master programme and work structure breakdown for a client in a six-island cluster project in Dubai worth circa \$3 billion.
- Developed a client-side master programme and project risk-assessment tools and continued to monitor this from concept design to detailed design to aid the strategic management of a major multi-purpose development in Abu Dhabi.
- Developed a master programme, a Project Execution Plan and produced a bespoke interface for the purposes of integrating the project BIM systems for programme and cost management on a prestigious 60-storey building in Abu Dhabi.
- Produced a master programme and negotiated appropriate sectional completion dates with the marine contractor on an oceanic regeneration project in the oldest part of Abu Dhabi.
- Seconded to a project to produce the baseline and update programmes to successfully manage and monitor the refurbishment of an ailing 64-room five-star hotel worth circa \$80m in Abu Dhabi.

Paul is well versed in developing and presenting seminars on topics including programme management which were geared to specific client/ in-house requirements.