



## IAIN MCALISTER

BSc (Hons.), LL.M (Const. Law), CEng, FICE, FIHT, MCI Arb

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### SPECIALISATIONS

Resolution of disputes through negotiation, mediation and third party determination. Project management, planning and programming. Construction methodology, design and value engineering. Risk management. Analysis of delay and disruption. Claims preparation and investigation. Management of PPP projects in both construction and operational phases. Application of information technology in construction. Professional education and training.

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### HIGHLIGHTS

Chief Engineer for major multi-discipline contracting organisation. Chief Engineer on major PPP motorway project managing design, construction, routine operation and maintenance. Development and implementation of award winning information management system.

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### EDUCATION AND PROFESSIONAL STATUS

Chartered Engineer, Honours Degree in Civil Engineering, Masters Degree in Construction Law, Fellow of Institution of Civil Engineers, Fellow of Institution of Highways and Transportation. Member of the Chartered Institute of Arbitrators. Member of Society for Construction Law. Approved Expert Witness. Member of ICE Scotland Management Committee. Past Vice Chairman of Glasgow & West of Scotland ICE. Member of Industry Advisory Panel at Glasgow University. Regular speaker at professional development and education events.

### BRIEF SUMMARY

Drawing on 26 years in contracting, Iain has a wide range of technical, contractual and managerial knowledge. Having successfully delivered many major projects in building, civil engineering, manufacturing, quarrying and waste management, he brings a wealth of practical experience and know-how to every task he undertakes. He has operated many forms of contract including both the D&B and operational phases of PFI / PPP. His skills in strategy development and business planning have been honed through participation in bid management and organisational change. A logical thinker who's intuition and vision cut through the minutiae to get to the real issues. Through a carefully considered, pragmatic approach he delivers reasoned and well informed output. An experienced team player and effective communicator, he works well with all disciplines.

### MANAGEMENT AND ADVISORY ROLES

- Castlehill Hospital PPP, Cottingham
- M6 DBFO Motorway
- Glasgow Royal Concert Hall
- Scotland Gas Project, Mossmorran & Braefoot Bay
- A71 / A72 Garrion Bridge, South Lanarkshire
- Inverurie Paper Mill & Power Station
- Argyll & Bute Education PPP
- M74 Motorway (Cleuchbrae to Dinwoodie Green)
- East Fife Waste Water Treatment Project
- A6091(T) Melrose Bypass
- Methil Dock Improvements
- Gattonside Suspension Bridge
- Vatersay Causeway
- Paisley Inner Ring Road
- Supermarket developments
- Design, manufacture & erection of precast concrete
- Midlands Bank Domes, Poultry, London
- Housing Repairs & Maintenance Framework, London
- Stadium developments
- Commercial and residential developments
- Water treatment projects
- Rail bridge replacements (various)
- Pipeline and drainage projects (numerous)
- Power transmission and distribution projects
- MoD / Defence Estates developments
- Landfill site development and licensing
- Minerals extraction, planning and permitting
- IT planning and implementation groups (various)
- Waste management strategy groups (various)
- Health & Safety in construction (various)
- Total quality management system
- Environmental management systems

## EXPERT ADVISORY ROLES

- Delay Analysis & Assessment of Disruption on:
  - Major transport infrastructure projects including D&B and PFI
  - New build and refurbished schools and colleges
  - Major City Centre office and Residential Developments
  - Energy facilities including gas, wind power and EfW
- Critical analysis of design development liabilities for standard and bespoke contracts
- Independent examination of claims and counterclaims on building and civil engineering projects
- Resolution of disputes on partnering contracts between public and private sectors
- Independent advisor and expert in mediations, adjudications and litigated disputes

## CAREER SUMMARY

- 2006            **Associate Director with Acutus.**
- 1999 - 2005    **Chief Engineer with Barr Limited.** Following re-organisation of the Barr Group (turnover circa £200M), appointed Chief Engineer across the three operating divisions of Construction, Industrial and Manufacturing. Responsible for: contract planning & risk assessment; engineering; design management and Planning Supervisor functions; strategy development; bid and project management (including contractual and commercial reviews); quality and environment management; planning consents, licensing and permitting; professional development, education and training.
- 1997 - 1999    **Chief Engineer with M6 Joint Venture.** Worked as a senior member of the M6DBFO Joint Venture Management Team (Amey, Sir Robert McAlpine, Taylor Woodrow, Barr), responsible for all functions provided by the Central Services Department including design development, project management, planning and programming, progress monitoring, data management, staff and operative training, health, safety and welfare, environmental management and temporary works design. (Contract value £330M over 25 years, £110M of new build motorway).
- 1994 - 1997    **Director with Barr Construction Services.**  
Director of Manufacturing, Plant and Transport division within the Barr Group, responsible for general management, estimating, design, contractual and commercial matters, production co-ordination and forward planning. Head of Department responsible for proposals management, planning, programming, progress monitoring, temporary works and alternative designs for the majority of building and civil engineering works undertaken by Barr Limited.
- 1993 - 1994    **Chief Engineer with Barr Construction.**  
Worked as part of a major design and build project team (M74 Cleuchbrae to Dinwoodie Green), responsible for all planning, programming, progress monitoring and temporary works design. Co-ordinator of the design and build elements of the project including the River Annan Bridge.
- 1991 - 1993    **Contracts Manager (Director Designate) with R J McLeod (Contractors) Ltd.**  
Worked in an overseeing role providing management, advice, guidance and back-up to on-site construction teams. Responsible for overall project co-ordination, planning, construction and contractual / commercial control.
- 1988 - 1991    **Commercial Manager with R J McLeod (Contractors) Ltd.**  
Established, developed and operated a centralised commercial department responsible for all of the company's Central Scotland contracts valuations and claims.
- 1987 - 1988    **Design Engineer with Kenchington, Little, and Partners, Glasgow.**
- 1984 - 1987    **Agent / Senior Project Manager with R J McLeod (Contractors) Ltd**
- 1981 - 1984    **Planning Engineer with R J McLeod (Contractors) Ltd**
- 1980 - 1981    **Site Engineer with R J. McLeod (Contractors) Ltd.**



## ROBERT BURT

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### SPECIALISATIONS

Detailed quantum and delay analysis skills practically applied in building and engineering projects. Sound commercial acumen and contractual knowledge gained through 22 years in the construction industry and formal study of construction law. Ability to work to tight deadlines and direct members of a project team with a view to obtaining optimum performance from individuals. Analytical, thorough and highly organised.

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### HIGHLIGHTS

Arbitration - successfully identifying, and subsequently working with solicitors in prosecuting in arbitration, arguments relating to the unenforceable nature of liquidated damages provisions. Arbitrator's decision upheld by TCC judgement.  
Litigation - Testified as Quantum Expert in Technology and Construction Court.

Litigation - Detailed analysis of quantum issues, comprising preparation of a highly complex spreadsheet 'model' for use during litigation proceedings and also in settlement negotiations; Including analysis of the complex interaction and effect of extensive possible settlement 'variables' / scenarios. Insurance dispute; value £160M.

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### EDUCATION AND PROFESSIONAL STATUS

Chartered Quantity Surveyor; Bachelor of Science degree in Quantity Surveying (with commendation); Masters Degree in Construction Law (with distinction), from the University of Strathclyde; Postgraduate Diploma in Arbitration from the College of Estate Management, Reading; Member of the Chartered Institute of Arbitrators; included in the Law Society of Scotland Directory of Expert Witnesses.

### BRIEF SUMMARY

Robert has twenty-two years experience in the construction industry, working initially in private surveying practice (1986 - 1989), making the progression into general contracting (1989 - 1996) and more recently into contract consultancy (1996 to present). Experience has been gained on a variety of building, civil engineering and M&E engineering projects working in the UK and also overseas. Prepared several expert witness reports on both quantum and delay issues and has also given expert witness evidence in court. In addition, Robert has considerable experience in adjudication proceedings and has provided comprehensive oral and written testimony on numerous occasions. Also provided tactical mediation support to solicitors and clients alike in a number of disputes.

### EXAMPLES OF EXPERT AND CONSULTANCY ROLES

- Wind Farm Scotland, provision of contractual and commercial advice to BOP EPC Contractor in respect of main and sub- contract disputes; including involvement in arbitration process
- Edinburgh Park & Ride (quantum & delay)
- Brunel University Sports Facilities, Quantum Expert
- Insurance dispute, Litigation Support to Solicitors - Detailed analysis of quantum issues
- Glasgow (South), Water Treatment Works,
- Quantum Expert in claim against designer
- Eurocentral Glasgow, Manufacturing Facility, Delay & Quantum Expert
- Glasgow [North], Water Treatment Plant, Delay Expert
- A86 Roadworks, North Scotland, Delay Expert
- PFI Schools Projects, provision of advice and assistance to main contractor in adjudication proceedings, quantum and delay
- Charing Cross Hospital (contractual/strategic advice)
- Law Hospital, Quantum analysis for M&E Contractor
- Local Authority, Detailed quantum analysis for local authority in dispute with Scottish Executive
- Edinburgh, Residential Development, quantum and delay evidence
- Edinburgh, PFI High Schools project, quantum advice
- Cumbria, Combined heat and power plant, detailed delay analysis

## EXAMPLES OF EXPERT AND CONSULTANCY ROLES (Cont'd)

- North Lakes District, Pumping Stations, quantum and delay advice
- Edinburgh, Construction of Sports Pitches, prosecuting case in adjudication proceedings
- Dundee, Civil engineering works, prosecuting contractor's case against designer in adjudication proceedings
- Tollcross Winter Gardens, Glasgow, Delay Expert
- Glasgow, PFI High Schools project, quantum advice
- Edinburgh, Hopetoun Street Residential Development, contractual advice
- Lochwinnoch, Renfrewshire, Residential Development, quantum and contractual advice
- Craigbank Sec. School, Glasgow, Preliminary advice on labour disruption to Local Authority
- Edinburgh, Greenside Place, Office Development, advice on quantum and delays

## CAREER SUMMARY

- 2005 - Present **Director of Acutus.** Key commercial player in core team responsible for developing Acutus as a market leading consultancy in the provision of expert services to the construction and dispute resolution markets.
- 1999 - 2005 **Senior Associate Director with Trett Consulting, Stirling.** Preparation of expert reports - acting for claimants and defendants in relation to extensions of time, direct loss and / or expense and other quantum related issues, for use in arbitration and litigation proceedings.
- Detailed review and appraisal of claimant's delay analysis and interrogation of claimant's submissions concerning loss and / or expense incurred.
- Preparations of various claims for direct loss and expense on various building and civil engineering contracts.
- Provision of contractual advice in connection with disputes arising on various contracts. This work was carried out for a wide range of clients including solicitors, contractors and public authorities on a variety of projects within the construction and engineering industries.
- 1996 - 1999 **Senior Consultant with James R Knowles.** Provision of contractual advice to contractors and sub-contractors on a variety of standard and bespoke main and subcontract forms on a wide range of contractual issues associated with the building and civil engineering construction industries. Involved in the detailed preparation and negotiation of contractual claims for contractors, sub-contractors and detailed delay analysis on various building and engineering projects.
- 1990 - 1996 **Commercial Manager with Mosko's United Construction Company Ltd, Bahamas.** Fulfilled an overall commercial management role with responsibility for co-ordination and liaison with clients / consultants. Undertook traditional pre- and post-contract quantity surveying duties and also the roles of Estimator, Purchasing and Shipping Manager. Projects included a wide range of commercial and in-house office developments (\$2M-\$6M); quality new build and refurbishment hotel projects (\$10M-\$20M); and quality private residential projects (\$2M-\$20M).
- 1989 - 1990 **Quantity Surveyor and Estimator with Rush & Tomkins NV, Bahamas.** Responsible for traditional pre-contract and post-contract quantity surveying duties on a variety of building projects ranging from \$500,000 to \$6M in value.
- 1987 - 1989 **Quantity Surveyor with Mackay Entwistle and Ford.** Traditional private practice quantity surveying services provided with particular extensive experience in rehabilitation / refurbishment projects, as well as factory refurbishment and new build housing works.
- 1986 - 1987 **Assistant Quantity Surveyor with Muirheads.** Traditional private practice quantity surveying services provided on a range of building projects including new-build housing, nursing homes, hospital projects and factory units.