



Chartered Quantity Surveyor
 Chartered Arbitrator
 Registered and Certified Adjudicator
 Quantum Expert

<u>Core Skills</u>	
Adjudication	John Nicolson is the Principal at Nicolson & Co Consulting Ltd, a firm of Chartered Quantity Surveyors regulated by the RICS.
Arbitration	Nicolson & Co specialise in Construction, Engineering and Manufacturing Dispute Resolution Services.
Expert Witness	John is a Chartered Quantity Surveyor, a Chartered Arbitrator, a registered and certified Adjudicator, and recognised Quantum Expert with over 40 years' experience in construction within building, civil, petrochemical, power stations, structural, rail, utilities, mechanical, and M&E environments.
Quantum	John Chartered with the RICS in 1984, became a Fellow of the RICS in 1996, a Fellow of the Chartered Institute of Arbitrators in 2006, a Chartered Arbitrator in 2009 and a Fellow of the Institution of Civil Engineer in 2019.
Extension of Time / Prolongation Claims	John is a practising Arbitrator, Adjudicator and Quantum Expert.
Termination / Repudiation matters	John has a master's law degree in construction law from Strathclyde University, a post graduate diploma certificate in construction law and arbitration from The Robert Gordon University and a post graduate diploma certificate in adjudication from the RICS/RSPH.
Uneconomical working / Disruption claims	John is also a full Member in the Practising Category as a Chartered Quantity Surveyor of the Academy of Experts.
Measurement Issues	Represents parties in pursuing and defending claims in adjudication and arbitrations.
Design Responsibility	Provides expert witness reports on quantum and programming issues (court testified).
Contract Formation	Works extensively throughout Europe (UK, Spain, Portugal, Germany & Gibraltar) and the Middle East (UAE, Saudi Arabia, Qatar, Kuwait and Libya) on such contracts as FIDIC, JCT, SBCC, ICE, NEC 3, GC/Works, etc.
Breach of Contract and Damages Claims	
Company Insolvency	
Cost Reporting	

<p>Qualifications:</p> <p>Chartered as an Associate of the RICS in 1984</p> <p>Appointed as a Fellow of the RICS in 1996</p> <p>Appointed as a Fellow of the Chartered Institute of Arbitrators in 2006</p> <p>Chartered as an Arbitrator in 2009</p> <p>Master's law degree in Construction Law 2005</p> <p>Postgraduate diploma with distinction in Construction law and Arbitration - 2006</p> <p>Postgraduate diploma in Construction Adjudication- 2013</p> <p>Arbitrator Panel member for:</p> <ol style="list-style-type: none">1. CIArb2. RICS - Scotland3. SBCC4. ICE <p>Member Scottish Arbitration Centre</p> <p>Adjudicator Panel member for:</p> <ol style="list-style-type: none">1. ICE,2. RICS President's Panel3. RICS Chairperson's Panel4. Scottish Building5. FIDIC6. CIArb – London7. CIArb – Scotland8. CIC - UK9. UK - Adjudicators	<p>Career History</p> <hr/> <p>Founder & Principal, Nicolson & Co Consulting Ltd. 2003 - Ongoing</p> <hr/> <p>Principal in a firm of Chartered Quantity Surveyors specialising in construction and engineering dispute resolution.</p> <ul style="list-style-type: none">• Independent Arbitrator• Independent Adjudicator• DAB Member• Independent Contract Auditor• Expert Witness - Quantum• Representing parties in adjudication and arbitration.• Formulating notices, referrals and responses for adjudication and arbitration.• Providing expert reports on quantum and delay analysis.• Providing support to parties in mediations.• Producing construction and manufacturing claims and defences for Employers, Main Contractors, Sub-contractors, and Manufacturers.• Providing training sessions in contract, management, and dispute resolution topics.• Lean management consultant, implementing company procedures into contracting organisation for management accounting and payment systems to comply with the Housing Act.• Technical and commercial advisor to a franchise group of insurance contractors <hr/> <p>Partner – EC Harris International 2012 - 2014</p> <hr/> <p>Partner – Head of Dispute Resolution in EC Harris' Dubai office of Contract Solutions for the Middle East. Managing a team of circa 20 quantum and delay Consultants specialising in:</p> <ul style="list-style-type: none">• Arbitration• Adjudication• Expert Witness• Claim Preparation• Claim Defenses• Dispute Avoidance
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<p>Expert Panels</p> <ol style="list-style-type: none"> 1. Full Member in the Practising Category as a Chartered Quantity Surveyor of the Academy of Experts 2. Panel member ADCCAC <p>Memberships of Societies</p> <ol style="list-style-type: none"> 1. Adjudication Society 2. Society for Construction Law 3. Arbrix <p>Contact Details</p> <p>Nicolson & Co Elmwood Netherplace Mauchline KA5 5SU Scotland UK</p> <p>T: + 44 (0) 1290 553612</p> <p>M: + 44 (0) 7793 674012</p> <p>E: john@nicolsonandco.com</p> <p>www.nicolsonandco.com</p>	<p>Career History Cont'd</p> <hr/> <p>Founder & Director, Monterey Group, 1993 – 2003</p> <hr/> <p>Founder & Director of a group of independent companies,</p> <ul style="list-style-type: none"> • Monterey Services Ltd. (A steel and pipework fabrication and manufacturing company specialising in heavy lifting and petrochemical installations). • Monterey Recruitment Ltd. (Specialised employment company to the rail industry), • Monterey Rail Ltd. (Signalling design company to the railway industry), • Intertech Services Ltd. (A consultancy company) • SMC Fabrications Ltd. (A specialist steel and pipework fabrication and manufacturing company to the building, civil engineering and petrochemical industry). <hr/> <p>Area Commercial Manager, Lilley Construction Ltd., 1984 – 1993</p> <hr/> <p>Involved in major Building, Civil Engineering projects, Industrial and Petrochemical. Supervised and produced many claims under JCT, FIDIC, ICE and Client's own conditions. Responsible for the contractual and commercial dealings within dedicated geographical areas such as South of England, Spain & Gibraltar, reporting to the Commercial Director at Head Office</p> <p>Projects included petrochemical plants at Fawley, Wytchfarm and Granemouth, on projects that included blast proof buildings, refurbishments, roads, oil rig platform bases and main distribution centres.</p> <hr/> <p>Project Quantity Surveyor, Dawn Construction Ltd., 1984</p> <hr/> <p>Project Quantity Surveyor on a number of building projects.</p> <hr/> <p>Senior Project Quantity Surveyor, Lilley Construction Ltd., 1982 - 1984</p> <hr/> <p>Senior Project Quantity Surveyor on major design & build contract and a gas gathering facility and various other building and civil engineering projects.</p> <hr/> <p>Project Quantity Surveyor, Mabco Prefabricating Co, 1981 - 1982</p> <hr/> <p>Project Quantity Surveyor on a £150m design and build project in Saudi Arabia. Responsible for producing the variation claim and the overall project's extension of time and loss and expense claim.</p> <hr/> <p>Project Quantity Surveyor, William Press Ltd. / AMEC, 1974 - 1981</p> <hr/> <p>Trainee to Project Quantity Surveyor on various forms of construction, on-shore oilrig fabrication, pipelines, mechanical installations, and HVAC installations etc. including building and civil engineering projects.</p>
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John Nicolson LLM DipArb DipAdj FRICS FICE FCIArb MAE C.Arb

throughout the United Kingdom, Europe and the in Middle East in United Arab Emirates, Qatar, Saudi Arabia, Kuwait, Bahrain & Libya.

As a Dispute Resolver, John is appointed by the Parties and Institutional Appointing Panels to act as either Arbitrator, Adjudicator or Expert Witness.

The following is a selection of projects which John Nicolson has acted as Arbitrator or Adjudicator or Expert Witness or Consultant.

❖ International Appointments

▪ Appointments / Nominations as Arbitrator/ Adjudicator/Expert

Chair for FIDIC DAB – Dubai – Infrastructure - Claim value circa USD 31 million.

Arbitrator – Party Appointed – UNCITRAL Rules, Power Station KSA, claimed disputed value circa USD 537 million.

Arbitrator – ICC appointment – Metro Riyadh KSA, claim value circa USD 120 million.

Sole appointed DAB member – Chemical Plant – Jubail KSA.

Party Appointed DAB / Reconciliation member – Variations and Delay – Claim and counter claims circa USD 1.09 billion Riyadh KSA.

Sole DAB member – ICC Paris Appointment – Airport Saudi Arabia.

Quantum Expert – Insurance claim, Power Station Morocco. Three major claims associated with the boiler installation, bearings, and heaters on a live plant. Total claim value circa USD 42 million.

Quantum Expert – DIAC Arbitration, Petrochemical installation Iraq. EOT, disruption claim and counter claim, circa USD 70 million. Parties entered a mediation and made settlement. Produced the initial cost document for the mediation.

Adjudication Panel – Panel of three adjudicators for a project in the Kingdom of Bahrain, consisting of social housing units and major infrastructure; contract value circa USD 180 million. John adjudicated the EOT dispute of circa USD 27 million.

Quantum Expert – Petrochemical Installation UAE, Contractor's claim circa USD 45 million. Arbitration services to review contractor's claim, as an independent expert, prior to presentation to tribunal. Claim based on the method of re-measurement of pipelines above and below ground and associated loss and expense claims.

Technical / Quantum Expert – Hotel Development and commercial property, Saudi Arabia Arbitration, Contractor's claim of USD 127 million and Employer's counter claim of USD 115 million. Appointed by Developer's in house counsel. Contractor's claim for numerous variations, delay and disruption costs. Issued 3 reports on quantum and 3 joint reports on quantum and delay.

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Adjudication Committee / DAB – Commercial high rise office and accommodation development Saudi Arabia – Value of dispute USD 2.3 billion.

Quantum Expert – ICC Arbitration, Qatar, Water Sewage Plant, Value - claim of USD 41 million and counter claim of USD 80 million. The dispute concerned the quantum of variations, the measurement of the works, delay extension of time costs and the concrete repair cost. The dispute was considered as two matters, the claim and the counterclaim.

Technical / Quantum Expert – ICC Arbitration, Abu Dhabi Pipeline installation, Claim value USD 80million counter claim of USD 13 million. Appointed by Contractor's inhouse counsel on behalf of the firm of lawyers Altana Paris. The claim involved above and below ground pipelines in existing oil refinery. Claim was for the re-measurement of the works, numerous variations and extension of time costs.

Parties' appointed Expert for the determination of the valuation of construction works completed and materials delivered to site of a prestige High Rise Office Development in Saudi Arabia. Value of Dispute USD 284 million. Parties were not able to agree on the value of the works completed. Assessment included variations and the value of the contractor's claim for loss and disruption.

Adjudicator – Main Contractor / Subcontract Contra Charges, Dubai. Combined value of claim and counter claim USD 119 million. Held 5 days of hearings and took the initiative in determine the facts. Examined the Parties' quantum experts. Reviewed circa 200 variations and made my assessment of the said variations.

Tribunal Member Arbitrator – ADCACC Abu Dhabi, delay and quantum termination of Main Contractor USD 14 million. Determined liability for the termination, assessed the delay and quantum associated with the extension of time cost, the costs to complete the works and numerous variations.

Tribunal Member Arbitrator – ADCACC Abu Dhabi, High Rise Office Development, Professional Liability. Determined liability for structural damages and quantum of claim.

Quantum and Delay Expert – DIAC Dubai, High Rise development between Main Contractor and Developer. Provided opinion on Delay, quantum of extension of time and value of variations.

- **Other International Projects appointed as the Consultant for preparing or defending claims.**

Design and Construct Road – KSA, advise on defending Contractor's claims, circa USD 498 million.

Light Railway – Qatar – ICC Arbitration for the recovery of Design Fees. Value of dispute USD 21 million. Advising claim consultants on the appropriate means to value 644 design variations and the impact the variations had on the completion of the design. Providing services to establish lost management time.

Petrochemical & Power Station– Abu Dhabi – Arbitration review of Contractor's infrastructure claims and variations. Value of dispute USD 310 million. Reviewed the standard of claim presentation on substantial high value claimed variations. Provided opinion on liability of variation claims. Provided opinion on contractor's claim for loss of prelims and for disruption.

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Hospital – Abu Dhabi; defending delay & quantum claim on behalf of the Employer. Value of dispute USD 123 million. Claim included disputed design variations, loss and expense and disruption costs.

Housing development – Abu Dhabi; pursuing extension of time & quantum claim with a value of USD 121 million on behalf of the Contractor. Produced and drafted the extension of time claim and quantification of the claim.

High rise office development - Saudi Arabia; providing Expert opinion on a Contractor's delay & quantum claim. Claim value USD 158 million. Provided opinion report on liability, extension of time, loss and expense and disruption.

Oil pipeline installation – Abu Dhabi; preparation of Contractor's claim for arbitration proceedings. Claim Value USD 98 million. Various design variations on mechanical and civil works. Supervised the delay claim and assessed the associated loss and expense.

Hotel development – Saudi Arabia; defending Contractor's claim for delay and quantum on the construction of a USD 170 million hotel in Madinah and pursuing a counter claim of USD186 million. Providing arbitration advice to the Developer.

High rise office and residential development - Saudi Arabia; providing Expert opinions on Contractor's Claims to Riyadh Developer, on prestige development with a gross claim value of USD 2.17 billion. Provided 47 opinions on the value of variations and delay costs.

Power stations – Libya; providing construction auditing services to a Main Contractor for its Force Majeure claim. Claim Value USD 74 million. Provided advice on how to recover the loss from the Employer.

❖ Selection of UK Appointments as Adjudicator / Arbitrations/ Expert/ Consultant

Declaration on extension of time for Subcontractor – Partial and Sectional Completion – Adjudicator England.

Sea Defence – Assessment of compensation event time and money – Adjudicator England.

Final account value, Main Contractor and Civil Engineering Sub-Contractor – Adjudicator Scotland

Delay, disruption, and final account measurement, High Rise Housing project – Adjudicator Scotland

Defects and contra charges, Employer v Main Contractor, Retail Development Project – Arbitrator, Scotland

Declaration of Testing and CEs Waste to Energy Plant – Adjudicator, England

Dilapidations – Industrial Estate Aberdeen – Arbitrator, Scotland

Negligence of Design Engineer – Road Bridge – Adjudicator, Scotland.

Delay claim – Industrial Estate – Adjudicator, Scotland.

Declaration on Compensation Event and delay issue – pipeline, Adjudicator, England .

PPI contract for 12 schools, interpretation of liability for deductibles during FM period – Adjudicator – England.

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Extension of time for Housing Association – Adjudicator

Delay and disruption – Hotel Edinburgh - Arbitrator

Valuation issues , gym in Wales, Adjudicator.

Dredging operations, North Sea, interpretation of measurement and valuation rules under the NEC3 Contract (7 Appointments) – Adjudicator.

Valuation of final account – Precast - Arbitrator.

Declaration on interpretation of gain / share provision of the Contract on Waste to Energy Power Station, Glasgow Adjudicator.

Petrochemical, installation of 33 structures in Sullen Voe, produced claim for the re-measurement of the structures, drafted the EOT claim and pursued the claim through adjudication. Claim value £11 million.

Road project, remeasurement issues and assessment of variations, London Adjudicator.

Precast concrete cost claim, Edinburgh, Adjudicator UK

Design issues, negligent claim on major Road Bridge Edinburgh. Assessed the liability of contractor's claim for loss, expense, and disruption. Claim value £20 million Adjudicator UK

Hotel, Final Account value, Adjudicator UK

Design and construction of Water & Sewage Treatment plant, Adjudicator UK. Claim for variations, extension of time and associated losses.

Roads, design and build viaduct, Engineer's negligent claim Adjudicator UK. Assessment of repair costs and effect on completion date.

Piling operations and ground conditions, Adjudicator, Fife UK. Valuation of variation and effect on time.

Sea Defence, ground conditions, final account, Adjudicator, Inverness UK (3Nr). Valuation of compensation events, extension of time and loss and expense.

Termination of Contractor's Employment, Arbitrator, Glasgow UK. Liability for termination, associated loss of opportunity, value of the works and loss and expense.

Housing development, payment provisions, Adjudicator, Inverness UK

Airport; Delay dispute, Adjudicator, Aberdeen UK. Claim for delay and loss and expense.

Office development, payment provisions, Adjudicator, Glasgow UK

Utility Framework agreement, Adjudicator, 2 nr appointments UK. Value of numerous variations.

High rise residential flat development; defending Main Contractor in a claim and counter claim against Major Sub-contractor, quantum dispute. Bristol UK

Bridge structures; Adjudicator 3nr appointments. Ipswich UK

Hospital refurbishment; pursuing Main Contractor's claim for quantum and delay. Paisley UK

Retaining wall /piling; Expert Quantum report. Edinburgh UK

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Specialist School; Pursuing Main Contractor's claim for final account value, delay, loss and expense. Glasgow

Trams, civil and mechanical; provided 14 Expert Quantum reports. Edinburgh UK

PPI School; pursuing Main Contractor's claim for extension of time. Arran UK

PPI School; representing Main Contractor in pursuit of final account value including extension of time and loss and expense. Renfrew UK

Drainage; Expert Quantum report. Edinburgh UK

Underground Utilities; dispute between Main Contractor and Employer. Adjudicator. Glasgow UK

Nursing Home, Dispute on final account value between Developer and Main Contractor. Arbitrator - Falkirk UK

Office Fit out, dispute on the final account. Arbitrator – Glasgow UK

Drilling rigs' foundation structures, Wytchfarm Refinery.

Structural steel frame building; pursuing Sub-contractor's final account. Glasgow.

Medical / Dental hospital. Adjudicator - Liverpool UK

Hotel / hostel; representing Main Contractor in its dispute on its final account – Edinburgh UK

Office development; Pursuing Main Contractor's claim for extension of time and loss and expense. – Aberdeen UK

High rise flats; Expert's Report on Quantum – Glasgow & Edinburgh UK

Structural Steel frame buildings; pursuing extension of time and quantum –Various UK sites.

Fabrication Shop; pursuing disruption costs on behalf of pipework manufacturer - Renfrew UK

Power Plant; pursuing extension of time and quantum for pipework and structural steel fabrication – Renfrew UK

Hotel refurbishment; representing M&E Sub-contractor in pursuing final account - Edinburgh

Representing Mechanical & Electrical subcontractor on projects for various North Sea Oil rigs

On shore oil rig fabrication for North Sea – UK

Various other appointments (circa 160 appointments) as Adjudicator by the appointing bodies RICS, CIARB, ICE, Scottish Building and FMB / RICS, values ranging to £21 million in the UK and USD 119 million internationally.