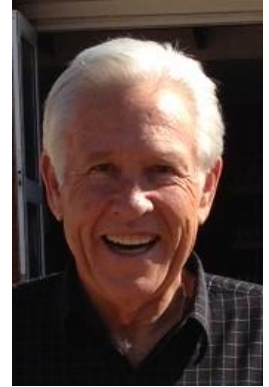


CURRICULUM VITAE: KEVIN SPENCE

KEVIN SPENCE (Civil Engineer)



Nationality: South African
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1. Introduction

Kevin is a registered Professional Civil Engineer, Mediator, Adjudicator and Arbitrator with over 45 years' experience in the Construction Industry. His experience spans across Earthworks, Freeway Construction, Airport Runway Rehabilitation, Civil and Building Construction, Dams, Water Retaining Structures, Pipeline Construction, Concrete Structures, Asphalt and Concrete Road Surfacing.

With a passion for the law and extensive construction experience, Kevin completed the Fellowship of Arbitrators Qualification and the Specialisation in Construction Law [Post Graduate Course offered by the Association of Arbitrators] and currently specialises in large scale Construction Claims and Dispute Resolution.

Kevin is considered an expert on the FIDIC suite of contract documentation as well as the other three forms of contract prescribed by the CIDB. He facilitates regularly on all the four types of contract documentation both locally and internationally. He is the only FIDIC accredited trainer in South Africa.

Kevin is an admitted member of the FIDIC President's List of Adjudicators

2. Experience

- 2014 – Date: Independent Consultant
- 2007-2013: Binnington Copeland and Associates –Director and General Manager
- 1995 – 2007: Owner/Managing Director – Spray Pave (Pty) Ltd (Road Surfacing)
- 1985 – 1992: LTA Construction – Managing Director - Various Group Companies
- 1982 – 1985: ZAI Consulting – Construction Manager
- 1977 – 1982: Basil Read (Pty) Ltd - Specialist Engineer-Concrete Roads

3. Dispute Resolution Experience

Over the last 15 years Kevin has been involved as Mediator, Adjudicator, Arbitrator and expert witness on approximately 70 dispute matters.

Presently appointed on Dispute Adjudication Boards (DAB) in numerous matters in and out of South Africa.

Recent appointments include:

- Adjudicator: Liviero v Ekurhuleni Local Authority [GCC 2010] (2015-2016)
- Adjudicator: Basil Read v Esor, Olifants River Water Resources Development Project [FIDIC] (2017)
- DAB member: New Maputo Airport, Mozambique [FIDIC] (Project Duration 2015-2017)
- City of Windhoek, Namibia and Tecnonam Roads and Bridges-[FIDIC] (Project Duration 2015-2017)
- Advisor to Nigerian Ministry of Water Affairs and Agriculture on TRIMING Project.
- 4 separate FIDIC Contracts with a combined value of USD\$ 500million.
- DB Member: Lichinga to Litunde and Montepuez to Ruaca Road Contracts in Northern Mozambique [FIDIC]
- Special Advisor to Zimbabwe Railways Recapitalisation Programme -\$ 400-\$500 million
- DAB-Sole Member: Cornubia Interchange, Umhlanga, KZN. Project Value USD \$ 30 million.[GCC 2010]
- DAB Chairman: Extensions to Simon Vermooten Road, Pretoria [GCC 2010] Project Value USD\$ 40 million [Ad hoc DAB-complete in May 2018]
- Adjudicator: Franki v Umso Construction, Piling Subcontract [GCC 2010]
- Adjudicator: Terra Strata v GVK Joint Venture, [MBSA Domestic Subcontractor Agreement]
- Mediator: Power Construction/ Western Cape Government-Groot Brakrivier Contract [GCC 2015]
- DAB-Sole Member: City of Windhoek -Rehabilitation of Roads in Windhoek, Namibia [FIDIC]
- Mediator: Hillary Construction/ SANRAL

Current Appointments include

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- DAB Member: Neckartal Dam Project, Karas Region, Namibia [FIDIC]-Ongoing-3 years to date. Project Value USD \$400million

- DAB-Sole Member: Uganda -Buhimba- Nalweyo Road Project [FIDIC] Project Value USD\$ 250million
- DB Member: Uganda: Tirinyi-Pallisa Road Project, [FIDIC] Value USD \$ 350million
- DAB -Sole Member: Ethiopia-Chuko to Yirgachefe Road Project [FIDIC], Project Value USD\$ 250million
- Chairman DAB: Eastern Cape, South Africa: Mtentu Bridge [FIDIC], Project Value ZAR 1.7 billion
- Sole Member DB: Zambia Sanitation Project-Lot B1, [FIDIC], Project value \$75m
- Dispute Resolution Expert: Ethiopia-Pawi-Renaissance Dam Road Project [FIDIC], Project Value \$ 300m
- DAB Sole Member: Rand Water / Qubekela-Pipeline Projects, [FIDIC]. Projects Value R200m.

He was intimately involved in the claims process for the Kusile Power Station Project, including matters which were referred to adjudication as well as arbitration. Kevin was a member of the Main Claims Committee for Eskom, Kusile for 5 years from 2009-2013-this committee oversaw the R28bn contingency fund on the contracts awarded.

4. Training Experience

Kevin is a FIDIC Accredited Trainer and has conducted over 100 workshops in South Africa, Africa and the Caribbean on the following:

- FIDIC Module 1: A Practical Approach to FIDIC Contracts (1999 and 2017 Editions)
- FIDIC Module 2: The Management of Claims (1999 and 2017 Editions)
- FIDIC Module 3: Understanding Dispute Adjudication Boards (1999 and 2017 Editions)
- FIDIC Module 4: The Management and Administration of FIDIC Contracts (1999 and 2017 Editions)
- Advanced FIDIC – The Silver Book (1999 and 2017 Editions)
- The FIDIC Professional Services Agreement (The White Book)
- The FIDIC Short Form Agreement (The Green Book)
- The FIDIC Design Build and Operate Contract (Gold Book) 2008 1st Edition

Countries facilitated in:

- South Africa
- Zimbabwe
- Mozambique
- Kenya
- Malawi
- Uganda
- Namibia

- Botswana
- Dubai
- Turkey
- Saudi Arabia
- South Sudan
- Caribbean

5. Education

- 2008 – Specialisation in Construction Law. Association of Arbitrators (SA)
- 2004 – Fellowship Course – Association of Arbitrators (SA)
- 1989 – MAP (Wits)[Short Course MBA]
- 1977 – BSc.Eng (Civil)(Wits)

6. Professional Associations

- Member CESA: Consulting Engineers South Africa
- Registered Professional Engineer
- Member, South African Institution of Civil Engineers
- Fellow, Institute of Quarrying
- Fellow, Association of Arbitrators (Southern Africa)
- Affiliate Member: FIDIC
- Member CAASA
- Member: Engineering Professions of Namibia

7. Other

- Past Director – South African Bitumen Association
- Past Director – ASPASA (Aggregate and Sand Producers Association of South Africa)
- **Member: FIDIC Presidents List of Adjudicators**
- **Member-Presidents List for approved Mediators, Adjudicators and Arbitrators-SAICE**
- **Member- Presidents List for approved Mediators, Adjudicators and Arbitrators-CESA**
- **Senior Adjudicator-National Adjudicators List, Namibia**
- **Past Director-Association of Arbitrators (Southern Africa)**

8. Publications and Presentations

- CAPSA – Use of Emulsions in Cold Weather Surfacing, CAPSA 2004
- DAB's in Africa-FIDIC Africa Conference, Nairobi, September 2016
- DAB's in Southern Africa, case studies and current trends-FIDIC GAMA Conference, Cape Town, May 2107