



## **Richard Appuhn**

### **Family Name**

**Appuhn**

### **First Name**

**Richard**

### **Nationality**

American, Permanent Resident in Italy

### **Address (Business)**

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### **Professional Qualifications**

BS Civil Engineering, University of California, Berkeley, 1961  
MS Civil Engineering, University of California, Berkeley, 1963  
Registered Civil Engineer California USA  
Registered Geologist California USA  
Registered Engineering Geologist California USA

### **Familiarity with Civil Engineering and Construction**

Dams, Tunnelling, Underground Openings, Highways, Railways, Buildings, Water Supply, Marine Engineering, and Dredging.

### **Professional Memberships and Affiliations**

Member of Standing Committee ICC International Centre for ADR  
Affiliate Member, International Federation of Consulting Engineers  
Member, American Society of Civil Engineers  
Professional Member and Past President, Dispute Resolution Board Foundation  
Member of Association for Advancement of Cost Engineering International  
Member of the Society for Construction Law

### **Selected Projects.**

#### *Kyosha Dam Hydroelectric Project, Ethiopia*

Appointed to draft Conditions of Contract for the EPC-Turnkey construction of a 2,200 MW hydroelectric scheme consisting of a roller compacted concrete dam, with surface powerhouse and gated spillway. Project value approximately €2,550 million is presently under negotiation.

#### *Great Ethiopian Renaissance Dam Hydroelectric Project, Ethiopia*

Appointed to draft Conditions of Contract for the EPC-Turnkey construction of a 5,200 MW hydroelectric scheme consisting of a roller compacted concrete dam, earthfill saddle dams with two surface powerhouses. Project value approximately €3,250 million is presently under construction. Appointed to draft Conditions of Subcontract for the design, fabrication, erection and commissioning of the E&M and HSS Packages.

*Gibe III Hydroelectric Project, Ethiopia*

Appointed to draft Conditions of Contract for the EPC-Turnkey construction of a 1,870 MW hydroelectric scheme consisting of a roller compacted concrete dam with a surface powerhouse. Project value approximately €1,470 million presently under construction.

Appointed to draft Conditions of Subcontract for the Design, fabrication, erection and commissioning of the E&M and HSS Packages.

*Beles Multipurpose Project, Ethiopia*

Appointed to draft Conditions of Contract for the EPC-Turnkey construction of a 420 MW hydroelectric scheme consisting of a concrete intake structure, an 11 km headrace tunnel, an underground powerhouse, and a 10 km tailrace tunnel. Project value approximately €430 million presently under construction.

*Gilgel Gibe II Hydroelectric Project, Ethiopia*

Appointed to draft Conditions of Contract for the EPC-Turnkey construction of a 432 MW trans-basin hydroelectric scheme consisting of a concrete diversion dam, a 26 km headrace tunnel, surface penstocks and a surface powerhouse. 26 km tunnel driven by TBM erecting precast permanent lining. Project value approximately €370 million presently under construction.

*Gilgel Gibe I Hydroelectric Project, Ethiopia*

Engaged to monitor dispute resolution procedures for the construction of an asphalt faced rockfill dam and a 9 km headrace tunnel. The work was carried out under the FIDIC 4<sup>th</sup> Edition Conditions of Contract using the 1996 Supplement for dispute resolution. Project value approximately US\$200 million and completed in 2003.

*Lam Ta Khong Pumped Storage Project, Thailand*

Responsible for preparation of commercial proposal, project cost control and dispute resolution procedures for the construction of a 1,250 MW Pumped Storage scheme consisting of two inclined penstock shafts, an underground powerhouse and tailrace. Contract conditions were FIDIC 4<sup>th</sup> Edition where disputes were resolved during an arbitration under UNCITRAL Rules. Project value approximately US\$120 million and completed in 1998.

*Bhumibol Pumped Storage Hydroelectric Expansion, Thailand*

Responsible for preparation of commercial proposal and dispute resolution procedures for the construction of a 165 MW Pumped Storage expansion of existing power station. Disputes were resolved amicably during construction. Project value approximately US\$40 million and completed in 1995.

*Pak Mun Hydroelectric Project, Thailand*

Responsible for preparation of commercial proposal and dispute resolution procedures for the construction of a 240 MW run-of-river scheme consisting of a concrete powerhouse and gated regulating structure. Disputes were resolved amicably during construction. Project value approximately US\$100 million and completed in 1994.

*Xeset Hydroelectric Project, Laos*

Responsible for monitoring dispute resolution procedures for the construction of a run-of-river hydroelectric project with an installed capacity of 45 MW. The work was carried out under the FIDIC 4<sup>th</sup> Edition Conditions of Contract. Disputes were resolved amicably during construction. Project value approximately US\$20 million and completed in 1990.

*Maseru Leribe Road Rehabilitation, Lesotho*

General manager for the construction of 100 km of road rehabilitation work between Leribe and Maseru. Construction carried out under the South African Standard Conditions. Project Value approximately US\$20 million and completed in 1987.

*Gaborone Dam Raising Contract, Botswana*

General manager for the raising of the existing dam and railway bypass for the water supply of the city of Gaborone. Construction carried out under the FIDIC Conditions of Contract 3<sup>rd</sup> Edition. Project Value approximately US\$25 million and completed in 1986.

*Lesotho Rural Airports Project*

General manager for the construction of 9 rural airport in the mountainous areas. Construction carried out under the FIDIC Conditions of Contract 3<sup>rd</sup> Edition. Project Value approximately US\$25 million and completed in 1986.

*Matsapha International Airport Contract, Swaziland*

General manager for the construction of the Matsapha International Airport. Constructed under the South African Standard Conditions. Disputes resolved in ICC Arbitration. Project value approximately US\$40 million and completed in 1984.

*Springs Railway Marshalling Yard, South Africa*

General manager for the construction of the Springs Marshalling Yard. Constructed under the South African Railways Standard Conditions. Project value approximately US\$20 million and completed in 1984.

*Newcastle – Volkrust Railway Link, South Africa*

General manager for the construction of the Newcastle – Volkrust Rail Link. Constructed under the South African Railways Standard Conditions. Project Value approximately US\$25 million and completed in 1984.

*New Approach Channel to Mina Zayed Port, Abu Dhabi*

Project manager for the dredging of new approach channel for the existing port. Project Value approximately US\$15 million and completed in 1982.

*Bandar Abbas Commercial Port, Iran*

Project manager for the first three years of construction of the commercial port of Bandar Abbas including dredging, breakwater, quays, railway marshalling infrastructure, and reclamation works. Project Value approximately US\$900 million (1975-1978).

*High Island Reservoir, Hong Kong*

Appointed to prepare commercial proposal, direct technical work and manage dispute resolution for two 100m rockfill dams constructed partially in the open sea. Project value approximately US\$120 million (1972-1975).

## Specialties

Contract Management and Delay Analysis

Resolution of contractual disputes on Civil Engineering, Building, Highway, Marine and Dredging Contracts.

Development of Bid Estimating and Cost Control Systems for Contractors.

Training in the use of FIDIC Contract Forms and the application of Dispute Boards to construction contracts; including First Edition 1999 and 2017 and earlier.

## Dispute Resolution Experience

Sole Member Dispute Board for Rehabilitation of Wastewater Treatment Plant and New Sludge Treatment Facilities; Chisinau Water Development Programme, Moldova; FIDIC Conditions of Contract for Plant and Design-Build, First Edition 1999.

Sole Member Dispute Board for the Reconstruction and Improvement of the M 1 Motorway, Talin to Gyumri Road from km 71 +500 to km 90+200 (Talin-Lanjik Section) - Contract T3-CW-01, Armenia; MDB Harmonized Edition 2010.

Sole Member Dispute Board for the Reconstruction and Improvement of the M 1 Motorway, Talin to Gyumri Road from km 90+200 to km 117+670 (Lanjik-Gyumri Section); Contract T3-CW-02, Armenia; MDB Harmonized Edition 2010.

Member Dispute Adjudication Board for the Construction of Qukës-Qafë Pllocë Road Project Section of the Tirana-Korça Road Corridor Section 2 in Albania, FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Member Dispute Adjudication Board for the Construction of Qukës-Qafë Pllocë Road Project Section of the Tirana-Korça Road Corridor Section 1 in Albania, FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Sole Member Dispute Adjudication Board for the Lusaka Water Supply Project, Millenium Challenge Account Zambia, FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Arbitrator, for Vichitbhan Construction Company Ltd (Thailand) v Cooperativa Muratori and Cementisti – CMC di Ravenna (Italy), ICC International Court of Arbitration No. 21215.

Presiding Member Dispute Adjudication Board for the Combined Cycle HP Plant; Lichterfelde district of Berlin.; FIDIC Conditions of Contract for Plant and Design-Build, First Edition 1999.

Presiding Member Dispute Adjudication Board for the Sarajevo Bypass, Bosnia and Herzegovina; FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Sole Member Dispute Adjudication Board for Roads Rehabilitation V Project on DN66 (E79), Rovinari – Bumbesti Jiu km 48+900 – 93+500; FIDIC Conditions of Contract for Plant and Design-Build Works, First Edition 1999.

Sole Member Dispute Adjudication Board for Lugoj - Deva Motorway, Lot 3 km 56-220 - km 77+361, Romania; FIDIC Conditions of Contract for Plant and Design-Build Works, First Edition 1999.

Presiding Member Dispute Adjudication Board for Sana's Wastewater Treatment Plant Upgrade Project, Oman, FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Sole Member Dispute Adjudication Board for Upgrading of Ishaka· Kagamba Road, Uganda. FIDIC Conditions of Contract for Construction and Engineering Works, MDB Harmonized Edition, 2010.

Sole Member Dispute Adjudication Board for Construction of Lugoj By Pass, Romania. FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Court Appointed Expert; Jeddah Administrative Court; Kingdom of Saudi Arabia, 2018-2019.

Arbitrator, for Vichitbhan Construction Company Ltd (Thailand) v Cooperativa Muratori and Cementisti – CMC di Ravenna (Italy), ICC International Court of Arbitration 19155– Asia Office.

Presiding Member Dispute Adjudication Board for the Rehabilitation of Arusha- Minjingu Road (98 km), Tanzania, FIDIC Conditions of Contract for Construction and Engineering Works, MDB Harmonized Edition, 2010.

Sole Member Dispute Adjudication Board for Wastewater & Sludge Treatment Plant Refurbishment in Oradea City, Romania. FIDIC Conditions of Contract for Plant and Design-Build Works, First Edition 1999.

Member, Dispute Board for the Upgrading of Songea – Namtumbo Road (67km) to Bitumen Standard, Tanzania, FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Presiding Arbitrator, for The Hellenic Republic Ministry of Infrastructure, Transport and Networks v Aegean Motorway S.A., ad hoc.

Arbitrator, for JV Aegek-Tahal (Greece Romania) vs. Ministry of Public Finance-Central Finance and Contracts Unit (Romania), ICC International Court of Arbitration.

Sole Member Dispute Adjudication Board for the Aposto-Wondo-Negele Road Upgrading Project, Ethiopia; FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Member, Dispute Board for the Vietnamese Television Center Project Civil Works, Vietnam. FIDIC 4<sup>th</sup> Edition 1987 (1992 Reprint) with 1996 Supplement for Dispute Resolution.

Sole-Member Board, for the Rehabilitation of the Beira, Quelimane and Tete Airports, Mozambique. FIDIC Conditions of Contract for Plant and Design-Build Works, First Edition 1999.

Chairman, Dispute Adjudication Board for the Residential Complex “The Oaks”, Romania FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Sole Member Board, for Rehabilitation of the Agapia Monastery Tourist Area Project, Romania, FIDIC Conditions of Contract for Construction and Engineering Works, First Edition 1999.

Member, Dispute Board for Integrated Growth Poles Project, Port of Ehoala, Madagascar. FIDIC Conditions of Contract, MDB Harmonized Edition, 2005.

Member, Dispute Review Board, Pitesti Bypass Project, Romania. FIDIC Conditions of Contract, FIDIC 4<sup>th</sup> Edition 1987 with 1996 Supplement for Dispute Resolution.

Consultant in arbitration under ICC Rules for Trans European Motorway Project, Bulgaria.

Consultant in arbitration under ICC Rules for Dire Dam Project, Ethiopia under FIDIC 4<sup>th</sup> Edition.

Consultant in arbitration under ICC Rules for Chida Sodo Feeder Road Contract, Lot 2, Ethiopia under FIDIC 4<sup>th</sup> Edition.

Consultant in arbitration under ICSID Rules for Karameh Dam Project, Jordan under FIDIC 4<sup>th</sup> Edition.

Consultant in arbitration under ICSID Rules for Rabat-Fez Highway Project, Morocco under National CPAC Conditions.

Consultant in arbitration under ICC Rules for Garifiri Hyroelectric Project, Guinea under FIDIC 4<sup>th</sup> Edition.

Consultant in arbitration under ICC Rules for the Matsapha International Airport Project, Swaziland under South African Standard Conditions of Contract for Civil Engineering Works.

Consultant and expert witness in litigation for the Blue River Dam Project, Eugene Ore under Standard Conditions of Contract US Corps of Engineers. United States Court of Claims 1970

## Language

English mother tongue, fluent Italian.

## Publications

Goodman, R. and Appuhn, R.; “Model Experiments on Earthquake Response of Soft Ground Filled Basins”; Geological Society of American Bulletin; vol. 77, no. 11; Nov. 1966.

Appuhn, R. and Fernandez E.; “Lam Ta Khong Pumped Storage Project” a case study; Tunnels and Tunnelling”; January 1998.

Drafting Committee Member, “Subcontract for use with FIDIC Conditions of Contract for Construction”, 2009.

Drafting Committee Member; “EIC Contractor’s Guide to the FIDIC Conditions of Contract, Construction”; 2002.

Drafting Committee Member; “EIC Contractor’s Guide to the FIDIC Conditions of Contract, Plant and Design-Build”; 2003.

Appuhn, R. and Eggink, E.; “The Contractor’s View on the MDB Harmonized Version of the New Red Book”; The International Construction Law Review, Vol. 23, January 2006.

Appuhn, R. “FIDIC Conditions of Contract for Construction, MDB Harmonized Edition, 2005, A Contractor’s Perspective”; Construction Law International, Vol 1; March 2006.

Appuhn, R; “A Case History: DAB Use of Experts and Time Limits Under the FIDIC Rules”; Dispute Board Foundation FORUM, Volume 16, Issue 3, August 2012.

Appuhn, R and Grove, J; “Comparative Use of Dispute Boards in the United States and Abroad”, American Bar Association Constructor, September 2012.

## Overseas Experience

Have lived and/or worked in the Far East, Middle East, Africa, Europe and Latin America as follows.

<b>Europe:</b>	Romania, Serbia, Bosnia, and Albania.
<b>Far East:</b>	Thailand, Hong Kong, Laos, Indonesia and Vietnam.
<b>Middle East:</b>	Iran, Saudi Arabia, Jordan, Armenia and United Arab Emirates.
<b>Africa:</b>	South Africa, Botswana, Swaziland, Lesotho, Malawi, Tanzania, Uganda, Cameroon, Guinea, Liberia, Morocco, Tunisia, Egypt, Zambia and Ethiopia.
<b>Latin America:</b>	Mexico, Panama

## Career Summary

2001-Present	Consultant, arbitrator, dispute adjudicator and expert. Providing consulting and expert services to civil engineering and dredging contractors for work acquisition, project contract management and dispute resolution. Engaged by the Turkey Delegation to the European Commission to draft standard particular conditions of contract for use with the FIDIC Construction and Design-Build editions and Terms of Reference for consultants to supervise work carried out under those forms. FIDIC Contract Committee. Drafter of Standard Conditions of Subcontract for use with Construction and Design-Build Contracts.
1997-2001	Contracts Manager for overseas activities, Salini Costruttori SpA.
1986-1997	Commercial Manager; Far East Representative:- Commercial proposals; budget and financial control; dispute resolution,. Vianini Lavori SpA.
1981-1986	General Manager and Director of Southern Africa activities, Stirling International Civil Eng. Ltd.
1978-1981	Project Manager for major dredging projects in Iran and the United Arab Emirates, Dragomar SpA..
1975-1978	Project Manager and Contractor's Representative Shah Bandar Abbas Project in Iran, Società Italiana per Condotte d'Acqua. SpA.
1971-1975	Estimator and Project Engineer, High Island Reservoir Scheme, Hong Kong, Vianini SpA.
1970	Expert Witness in a dispute in connection with the River Dam Development, Lockheed, Shipbuilding & Construction Ltd.
1968-1970	Project Geologist for the Sirikit Dam Project Thailand, Engineering Consultants Inc.
1967-1968	Estimator, Lockheed, Shipbuilding & Construction Ltd.
1963-1967	Civil Engineer for site investigations and foundation design, Lee & Praskzer, Consulting Civil Engineers.
1962	Civil Engineer, Porter, O'Brien & Armstrong, Sacramento CA
1961	Geologist, McCreary Koretsky Civil Engineers, San Francisco CA

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