

**Profile for Henry M Musonda FCI Arb**

Present Position: MANAGING DIRECTOR

Name of Firm : KIRAN & MUSONDA ASSOCIATES

Name of Staff : HENRY MUSONDA

Profession : CIVIL/STRUCTURAL Eng & ARBITRATOR

Experience : + 34 Years

Date of Birth : 16th January 1961

Nationality : Zambian

Alternate Email: musondahenry2008@yahoo.com

Education:

- University of Zambia (1985) - BEng degree in Civil Engineering
- Certificate of Competence - Confederation of British Industries, (CBI, 1988-89)
- University of Zambia - MEng in Construction Management (2008).
- University of Aberdeen, Scotland (2014) – MSc Construction Law & Arbitration.

Membership of Professional Institutions

Fellow of the Chartered Institution of Arbitrators (FCI Arb)

Corporate Panel Member –Dispute Board Foundation (UK)

Listed on FIDIC President’s list of International Adjudicators [2006]

FIDIC Interim Accredited Trainer – FIDIC 1999 and 2017 Contract Suite, Project Management.

Listed on DRBF President’s list of International Dispute Resolvers (USA)

Reviewer of the FIDIC Contracts 2017 – Construction, Plant and Design, and EPC Contracts

Past President, Engineering Institution of Zambia (2009 – 2012)

Chairman of the Association of Consulting Engineers of Zambia (2005- 9)

Registered Engineer of Zambia (REng)

Fellow of the Engineering Institution of Zambia (FEIZ)

Member of the Association of Consulting Engineers of Zambia (MConSEZ)

Certified Arbitrator, Adjudicator & Mediator (Zambia)

Member of the Association of Arbitrators of Zambia (MAAZ)

Particular Dispute Boards and Arbitration Expertise

More than 34 years of relevant practical and professional in Zambia, SADC region & the U. K. with management, administration, planning, coordinating, quality assurance & control technical/environmental studies, surveys, designs, Preparation of specifications and contract administration of European Development Funds (EDF), World Bank, DANIDA, BADEA, AfDB funded projects and FIDIC conditions of contract. , specifications, tender documentation, construction supervision and contract administration and resolution of construction disputes, financial control, training, maintenance management, Construction Dispute Adjudication, Arbitration and Mediation.

1 Contact address:

Henry M Musonda FCI Arb

KM Associates, Consulting Engineers, Po Box 70944, No. 12 Dr Damie Road, Off Broadway, Ndola, Zambia.

Ph: +260 2 617 371 Mobile +(260) 955 889 767, 966 783 049

E-Mail: musondahm@zamtel.zm; kma.ndola@microlink.zm (office)

Experienced Chairman/Sole/member of Dispute Boards, adjudication and arbitration tribunals, negotiation and mediation panels.

Contract Management and Dispute Resolution

- January to October 2015 –Sole Mediator on the Kigali Convention Centre involving multiparty disputes – Employer, Consultant and Contractor – approximately USD 97.0 million CLAIMS. Negotiations held in Zurich under SWISS Law.
- Knowledge of application of alternative dispute resolution methods and procedures including negotiation, amicable settlement, conciliation and Dispute Boards to Building and Civil engineering construction projects.
- Knowledge and practical experience in claim analysis and calculation of financial entitlements – component of all adjudication and arbitration decisions and awards;

Arbitration and Dispute Board Appointments

International Arbitration 2017 - 2018:

Sole Arbitrator - Galaxy Engineering Design Consultants (PVT) Ltd Vs Zimbabwe National Water Authority;
BFC Vs Millennium Challenge Account Zambia; Chairman – Arbitral Tribunal
Active Measures Vs Chambishi Metals, Zambia; Member– Arbitral Tribunal
Earthrow Investments Vs Rural Electrification Authority: Chairman – Arbitral Tribunal

Dispute Board Appointments:

- 2015 – Jan 2019, Sole DB for the Kamuzu Barrage Upgrade, Road, Bridge + ancillary structures, across river Shire, Malawi; World bank funded.
- July 2017 to Aug 2019 – DB for Civil works for upgrading of Bulima – Kabwoya road (66 km) from gravel to paved (bitumen standard). Uganda Road Authority.
- May 2017 to Jan 2018. Adhoc Sole Dispute Board for Upgrading of the Kamwenge – Fortportal Rd (66km) to Paved (Bitumen) Standard. Uganda Road Authority.
- August 2017 to May 2020 – DB for Terminal Buildings - Package 3, Kazungula Bridge Project, Zambia.
- Jan 2014 – March 2017, Sole Dispute Board on - the TONOTA to FRANCISTOWN ROAD DUAL CARRIAGEWAY and interchange upgrading project, Botswana. Defects period expired.
- April 2014 to Dec 2017. DB member on GER Nyimba to Sinda road rehabilitation project.
- Jan 2015 to May 2016, Sole Dispute Board for Upgrading of the Atiak - Nimule (35km) to Paved (Bitumen) Standard. Uganda Road Authority. **Completed March 2016.**
- 2008 - 2011 Dispute Review Expert for Mombasa-Nairobi-Addis Ababa Corridor Phase II Contracts, **Ageremariam-Yabelo Road Rehabilitation Project** for the Ethiopian Roads Authority. FIDIC 1999 “Red book” contract. **Project under Defects liability.**
- April to December 2013, Adhoc Sole Dispute Adjudication Board appointed by FIDIC for disputes between contractors [4 No. Claims for EOT, Price Adjustment, Variations) for Mining Construction works completed in 2012, between Contractor and Mining Company in Zambia.
- January to April 2013, ad hoc Sole Dispute Review Expert for disputes between contractors [23 No.

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Claims for EOT, Price Adjustment, Devaluation, Delayed Access, VAT Refunds, etc) for Gore Gambela Road project completed in 2011, between Contractor and Ethiopia Road Agency.

- Appointed in 2010 – Oct 2013 by the MILLENIUM CHALLENGE ACCOUNT for the Tanzania Government/Roads Authority as member of the following Dispute Adjudication Boards:
Upgrading of Songea – Namtumbo Road to Bitumen Standard and **Upgrading of Peramiho Jct – Mbinga Road** to Bitumen Standard. DAB handled disputes involving change in legislation, Road failures, EOT, Acceleration. Projects completed. Issued Decisions and Advisory Opinions.
- 2008 - 2011 Dispute Review Expert for **Endesilasse – Dejena-Dansha road** and bridge **project** for the Ethiopian Roads Authority. FIDIC 1999 “Red book” contract. Project under Defects liability.
- 2009-2012 Dispute Review Expert for **Wukro – Adigrat-Zalamembesa road** and bridge **upgrading** project for the Ethiopian Roads Authority. Project completed
- Appointed in 2008 as Chairman to a DAB (panel of three) – Infrastructure works for new mining company (Zambia) involving two contractors for water works, earthworks and road works.
- Adhoc Contracts Specialist on a number dispute resolution related issues for ROAD Authorities in Lesotho, and Malawi (2009 – 2012).
- Appointed in 2009 to a three member Adjudication tribunal for dispute between Mazabuka Nickel mining company and two contractors (JV) involving new and rehabilitation of building and water supply/distribution infrastructure works which included water & sewerage treatment works, pump stations, delivery pipelines and access roads.
- Sole Adjudicator/Arbitrator in many water supply and distribution rehabilitation and upgrading of water treatment plants, pump stations, delivery and distribution pipelines construction contracts in 9 former mining towns (2006-2010) in Zambia. US\$ 40 million rehabilitation projects funded by the World Bank and Nordic Funds;

Handled numerous construction disputes as an Arbitrator/Adjudicator involving various parties, e.g., consultants, contractors and employers relating to:

- Determination of Extension of Time, Liquidated Damages, Financing costs and Final account; Interpretation of sub - contractor agreements; Overpayments and outstanding payments, interest on late certified payments; Non payment for standing time; Termination of contract, apportioning of Liquidated damages and calculations of final account for Joint Ventures etc.

Technical Audit Experience

- Participated (part-time) in review of Technical Audits for donor, government and private funded road projects in Zambia, Botswana and Uganda.

Seminars and International conferences:

- Very active participant in many international development and professional activities with various institutions including GAMA and FIDIC conferences and have travelled to all countries in southern

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Africa (SADC region); Others include Uganda, Kenya, Ethiopia, Ivory Coast, Tanzania, Tunisia, UK, Germany, Italy, Denmark, France, Indonesia, Hong Kong, Turkey, Canada, USA, Australia, New Zealand, Argentina, Brazil, Jordan, United Arab Emirates, etc.

Professional Working Experience

- Surveys and detailed structural works designs and construction supervision involving improvements, renovations, rehabilitation and new infrastructure - Industrial plants, warehouses, multi-storey office blocks, shopping malls, deep foundations, pre-stressed and reinforced concrete bridges, drainage and retaining structures, water supply infrastructure - pipelines, reservoirs and access road projects;
- Techno-economic studies and detailed engineering design and construction supervision of Rural (gravel) and Urban (bitumen surfaced) Roads involving surveys, maintenance, repair, upgrading and new works - patching of potholes and surface defects, sealing surface with slurry and chip & spray seals, hot asphalt; reshaping and regravelling unpaved roads, soil stabilisation, drainage structures and other associated works;
- SATCC specifications for roads and bridges and administration of claims assessments for civil works contracts; and Preparation, examination and administration of tender dossiers for works, supplies and consultancy services including (paved and unpaved) roads, bridges and building contracts.

[1985 – ongoing] Kiran & Musonda Associates, Consulting Engineers, Projects Director

Project Team Leader / Engineer – Detailed Design and Supervision of Rehabilitation of 110 km of Urban and 173 Trunk Roads (2011 ongoing) with 5 No bridges of spans 3X40, 220m, 160m. Cost of works at US\$ 185.0 million;

Project Director for the ECLungu New shopping mall, Kitwe, IOC sports complex Lusaka, border posts, new industrial parks with related road infrastructure, Upgrade of existing breweries for SAB Millers, Zambia. Project also includes a water treatment works, pump stations, delivery pipeline and access roads. Total Estimated cost of works exceeding US\$ 100.0 million – ongoing;

Team Leader and Senior Resident Engineer for the construction supervision of a 320m pre-stressed concrete bridge, approach embankments and road works – Levy Mwanawasa Bridge (2006 -2008), 280m Matumbo structural steel bridge across the Luangwa river (2010);

Project Team Leader – DANIDA, EDF, BADEA, Kuwait, OPEC and World Bank supported Improvement of more than 2500km of selected core urban and feeder roads, detailed design and supervision of more than 500km of bituminous road rehabilitation and upgrading to standard class 1C (2003 - 2006);

Project Team Leader / Engineer – Detailed Design and Supervision of Accelerated Rehabilitation of Urban Roads (2001 – 2002);

Project Engineer – Infrastructure projects for surveys, road maintenance, water supply and storage, small dams for rural districts in three provinces funded by SIDA (1995 – 2000);

1989 to 1990: Arup Zambia Consulting engineers, Project Engineer for office block, warehouse, Pipe Bridge, Housing Development, Maize Mill Plant Extension, Offices and Laboratories, Airport Extension, Foundation underpinning works, Office block for Mukuba Pension House (1989 – 1990).

1988 – 1989: Ove Arup & Partners, London, Geotechnical Group, **supervision engineer**, Canary Wharf Development project - responsible for diaphragm walling, driven & bored piles, Shockley Park Development, Heathrow airport, (1988 – 89)

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Publications and Professional Papers Presented + Training conducted

Resolution of Construction Disputes & FIDIC Conditions of Contract (Road Agencies – Tanzania, Uganda, Zambia and Zimbabwe, World Bank seminars) * ADR methods* Dispute Boards*Construction Claims* Chartered Institute of Arbitrators accredited Trainer.

Management and Resolution of construction disputes in Zambia a paper published by the *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, ASCE [2010] – authors Musonda H and Muya M.

Reviewer of the FIDIC 2017 Suite of Contracts – Red, Yellow and Silver books.



Henry M Musonda Date: April 2020

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