

PS Consulting

Contracts and Dispute Management

NAME James Perry, C USA

DATE OF BIRTH 17 August 1960

TITLE Partner

EDUCATION Colorado State University, USA (B.S.C.E.)
Case Western Reserve University, USA (J.D.)



QUALIFICATIONS AND MEMBERSHIPS

Member of the District of Columbia Bar
B.S. Civil Engineering, 1981
J.D. (Juris Doctor), 1984
Dispute Resolution Board Foundation (President-elect, Region 2)
Syntec-Ingénierie, Member French list of FIDIC Adjudicators
FIDIC Accredited Trainer
FIDIC Affiliate Member
Member of the Society for Construction Law (Country rep. for France)
Member of the International Bar Association
Member of the French National Committee of the ICC
Director Region 9 – Association for the Advancement of Cost Engineering International

DISPUTES EXPERIENCE

- Co-arbitrator in an ICC Paris matter concerning dredging works in Central America.
- ICC appointed Sole Dispute Board Member in two road construction projects in Central Asia. The contracts are FIDIC MDB version with standing Dispute Boards under World Bank financing.
- Party appointed Dispute Board Member in an *ad hoc* DAB in connection with the construction of a hydroelectric dam in Central America.
- Sole Dispute Board Member under a FIDIC Yellow Book *ad hoc* DAB in connection with a ten million Euro dispute in regard to a water treatment plant in Eastern Europe.
- Co-Counsel in connection with a FIDIC Yellow Book *ad hoc* DAB in connection with a twenty million Euro dispute regarding the design and construction of a 25km section of motorway in Eastern Europe.
- Co-Counsel in connection with a FIDIC Red Book *ad hoc* DAB in connection with a fifteen million Euro dispute regarding the design and construction of a 50km section of national roadway in Eastern Europe.
- Dispute board proceedings, co-counsel in connection with a dispute procedure in

DISPUTES EXPERIENCE

Bucharest in connection with a dispute over non payment and defects in connection with the construction of a luxury housing scheme.

- ICC, Bucharest, and commercial court Istanbul, dispute related to the replacement of a concrete structure subcontractor for the construction of a high-rise building complex for delays in the subcontract works. (Acting as in-house counsel/ technical advisor and coordinator over litigation in Turkey, mediation and arbitration in Romania.)
- ICC Geneva, arbitration between general contractor and mechanical erection subcontractor in connection with a dispute over scope of work and delay and disruption relation to the construction of a coal fired power plant in New Caledonia. Quantum expert witness.
- ICC Paris, arbitration between employer and general contractor for a major LNG handling and storage facility in Southern Europe under an EPC contract. Serving as party appointed delay expert in a 300M€ dispute.
- Tribunal de Commerce de Paris, technical advisor in litigation with regard to additional costs and non-payment, in connection with the construction of water distribution works in Morocco.
- ICC, Paris, preparation of damages case as co-legal counsel to client related to a hundred million Euro arbitration between joint venture partners for the implementation of a complex mechanical system destined for use by a major European airport operator.
- ICC, Geneva, arbitration related to delay and disruption between joint venture partners contracted for the construction of a 500Mkw power plant in Greece (delay expert witness).
- ICC, Stockholm, arbitration related to the implementation of a Franco-Russian government backed program to develop mass production of pre-fabricated housing (Acting as co-counsel).
- ICC, Geneva, arbitration related to the default of a major equipment supplier for a gas injection facility in Iran (delay expert witness).
- ICC, London, arbitration related to the construction of a shopping center located in Warsaw, Poland (Technical/ legal advisor to client.).
- ICC, Paris, multiple arbitrations related to the construction of leisure facilities located in France (Technical/ legal advisor to client).
- Co-drafter of Sample Bidding Tender Particular Conditions and Supervising Engineer Terms of Reference for FIDIC contracts for the European Delegation to Turkey.
- Litigation, Kuala Lumpur, related to construction of deep foundations for ultra high-rise buildings. (Technical/ legal advisor to client).
- Litigation, Denver USA, related to expansive soils damage to a residential development. (Technical/ legal advisor to client).

Leisure and tourism

- Peninsula Hotel Paris, providing procurement strategy advice, and watching brief.
- EuroDisney Magic Kingdom theme park – Marne la Vallée, France. Contracts Manager.
- EuroDisney Walt Disney Studios theme park – Marne la Vallée, France (Contracts Director – Managing Director)

Education and Culture

- Kuala Lumpur City Centre including Opera House - Kuala Lumpur, Malaysia. Contracts Manager.
- Kings College London School of Medicine teaching facilities – London. Contracts Manager.
- Implementation of an industrial base to mass-produce 2,500 prefabricated houses per year - Russia (Arbitration counsel)
- EPC contract for the construction of 10,000 housing Units – Venezuela (Transaction and watching brief)

Urban development

- 300 million Euro urban development project in Minsk, Belarussia, including luxury hotel, office and commercial complex. (Transaction and watching brief)
- 10,000 unit multi-storey apartment complexes on four sites – Venezuela. (Watching brief)
- Residential complex (6x13 storey towers + 4x6 storey towers). Luxury residential complex in Bucharest – Romania.
- Kuala Lumpur City Centre including 92 storey Petronas Twin Towers - Kuala Lumpur, Malaysia. (Contracts Manager)
- Exxon headquarters Malaysia – 50 storey tower at Kuala Lumpur City Centre site – Malaysia. (Contracts Manager)
- Project manager new office building - Greensboro NC
- Project manager new office building - Charlotte NC
- Project Manager new office building - Raleigh, NC

Retail

- Kuala Lumpur City Centre including shopping Mall - Kuala Lumpur, Malaysia. (Contracts Manager)
- Project manager shopping mall - Lynchburg, VA
- Project manager shopping mall - Charlotte, NC
- Shopping mall - Warsaw, Poland (Technical assistance to arbitration)

Hospitals

- Project manager Moses Cone Hospital renovation - Greensboro, NC

Industrial, Power and Petrochemical

- Gas injection facility, Middle East (Expert witness)
- Coal fired power plant, Noumea, New Caledonia (Expert witness)

- Dry lining production facility, Vaujour France (Watching brief)
- Silicium production facility, Saint Antin France, EPC contract negotiation.
- Gas cogeneration power plant, Komotini, Greece (Expert witness)
- Complex baggage handling system – (Co-counsel, specialist for quantum and delay issues)
- Project manager Campbells Soup – Extension of a soup factory in Maxton, NC

Heavy civil and infrastructure

- Hydroelectric dam in Central America (Party appointed Adjudicator)
- Dredging works for shipping lane in Central America
- Civil construction for a nuclear reactor test facility (advisor to government agency)
- Co-drafter standard contract Particular Conditions for the EU Delegation to Turkey for water treatment, WWTP, railroad and roads works financed by the EU.
- Water treatment facility in rural Romania (FIDIC Sole Adjudicator).
- Water distribution and treatment works Oujda Morocco. (Technical assistance in French court)
- Kuala Lumpur City Centre heavy foundations including barrette piles, raft foundations, slurry walls and cut and cover tunnels. (Contract Administrator)
- Prague International Airport – tripled terminal capacity of existing airport and added taxiways, aprons and equipment – Prague CR. (Contract Administrator)
- Cernavoda Romania, watching brief for the construction of a 43Km section of the A2 motorway.
- Strontia Springs Dam - double curve thin arch concrete dam – Colorado, USA. (Cost engineer and laborer)

PROFESSIONAL CAREER

2003 – Present	Partner, PS Consulting
2005 – Present	Of Counsel, François & Associés
2002 – 2003	Co-Managing Director - EuroDisneyland Imagineering – Marne la Vallée France
1999 – 2002	Director Contract Administration - EuroDisneyland Imagineering – Marne la Vallée France
1995 – 1999	Directeur Adjoint – Bouygues Bâtiment International – Czech republic & UK
1993 – 1995	Senior Contracts Manager – Lehrer McGovern Bovis – Malaysia
1988 – 1993	Senior Contracts Manager – Lehrer McGovern Bovis – Marne la Vallée France
1985 – 1988	Project Manager – McDevitt & Street Bovis – NC, USA

TRAINING EXPERIENCE

Date Course

TRAINING EXPERIENCE

February 2012	Accredited FIDIC, Module 2 (Claims administration) training for the Japanese International Cooperation Agency (JICA), Hanoi.
December 2011	Accredited FIDIC, Module 3 (Dispute Boards) Public training organized by the Korean Engineering & Consulting Association, Seoul, Korea
August 2011	Accredited FIDIC, Module 2 (Claims administration) in-house training organized by the Consulting Engineers Association India, for the Dedicated Freight Corridor Corporation of India Ltd., New Delhi.
July 2011	Accredited FIDIC, Module 2 (Claims administration) in-house training organized by the Consulting Engineers Association India, for the Asian Development Bank, New Delhi, Bangalore, Guwahati, Bhopal.
June 2011	Accredited FIDIC, Module 2 (Claims administration) public training course sponsored by ACES and MACE, Belgrade Serbia.
March 2011	Accredited FIDIC, Module 1 (Introduction to FIDIC) public training course sponsored by ACES and MACE, Belgrade Serbia.
December 2010	Accredited FIDIC, Module 2 (Claims administration) training for the Japanese International Cooperation Agency (JICA), Tokyo.
October 2010 2012	Accredited FIDIC, Module 2 (Claims administration) training for the Japanese International Cooperation Agency (JICA), Hanoi.
September 2010	Accredited FIDIC, Module 2 (Claims administration) in-house training organized by the Consulting Engineers Association India, for the Asian Development Bank, New Delhi.
July 2010	Accredited FIDIC, Module 2 (Claims administration) training for the Japanese International Cooperation Agency (JICA), Jakarta.
June 2010	Accredited FIDIC, Module 2 (Claims administration) public training sponsored by the Consulting Engineers Association India, Mumbai.
February 2010	Accredited FIDIC, Module 2 (Claims administration) training for the Japanese International Cooperation Agency (JICA), Tokyo.
July 2009	Accredited FIDIC, Module 4 (Contract Administration) training for the Albanian Development Fund, Tirana.

OTHER INFORMATION

Language: French (fluent); Spanish (notions), Czech (notions)
Computer literate (Word, Excel, Project, MS Project, Primavera etc...)