

Dr Franco Mastrandrea

Senior Vice President
Head of Expert Services, International



Hill International

Dr Franco Mastrandrea has over 35 years of experience in the construction industry. He has acted as Expert and given evidence in Court and at Arbitration in relation to a large number of substantial construction disputes on quantity surveying matters (measurement, cost planning, pricing), time, and project management duties and practice.

Summary

- Acted as Expert on numerous construction disputes (building, civil engineering, infrastructure, process, conventional power projects such as hydroelectric, solid fuel, oil and gas and renewable power such as wind farms).
- Acted as Advocate on a number of construction disputes at adjudication and arbitration.
- Acted as Mediator on a number of construction disputes.
- Acted as Adjudicator on numerous construction disputes.
- Acted as Arbitrator on many construction disputes (building, civil engineering, process engineering and oil related matters) including appointment by agreement between the parties or by nominating bodies.
- Past Vice Chairman, then Chairman of the RICS Disputes Resolution Policy Committee.
- Member of and Past Committee Member of Arbrix, the RICS arbitration club (Construction Group).
- Member of the Arbitration Club, Law Courts Branch.
- Member of the Society of Construction Arbitrators.
- Member of the Editorial Advisory Board of the International Construction Law Review.

Arbitration.

'... Dr Mastrandrea... is well-known in the arbitration and adjudication *'business'*. Apart from being a Chartered Surveyor and a Fellow of the Chartered Institute of Arbitrators, he also is a qualified Barrister': Akenhead J in *Cantillon Ltd. v. Urvasco* [2008] EWHC 282 (TCC).

Chartered Arbitrator.

Appears on the panel of arbitrators maintained by the CI Arb, RICS, DIAC, HKIAC and SIAC.

Acted as arbitrator in a large number of domestic construction arbitrations both before and after the 1996 Arbitration Act and published many reasoned awards.

Acted as arbitrator on a number of international construction disputes subject to various rules and in particular ICC, UNCITRAL, LCIA, DIAC, and the Netherlands Arbitration Institute involving disputes in Holland, Nigeria, the Middle East, Singapore, Malaysia, India and Thailand.

EDUCATION:

LLB (with Honours) law degree from the University of London;
MSc (with Distinction) in Project Management from the University of Reading - graduated top of the class;
PhD from the University of Reading.

PROFESSIONAL MEMBERSHIPS:

Fellow of the Royal Institution of Chartered Surveyors (Quantity Surveying Division);
Fellow of the Chartered Institute of Arbitrators;
Barrister-at-Law (non-practising);
Chartered Arbitrator;
CEDR Accredited Mediator

PRESENTATIONS:

The International Law Conference, London, 2002: 'The SCL Protocol on Extensions of Time and Financial Compensation'.

The Society of Construction Law, Hong Kong, International Law Conference, 2010: 'Apportionment in the evaluation of construction delays'.

The Society of Construction Law, London, International Law Conference, 2012: 'Delay Evidence in Construction Disputes'.

PUBLICATIONS:

Regular contributor of articles on construction contracts to 'QS Weekly' late 1970s to early 1980s.

'The liability of the construction project manager' [1986] Construction Management and Economics 105.

'The quantification of construction contractors' claims', PhD thesis for the University of Reading, 1991.

'Valuation, Contractual Compensation and Damages for Breach of Contract', Division III, Chapter 2, Emden's Construction Law, 1997.

Joint author (together with Ian Wright) of Chapter 4.4 on Adjudication and Chapter 4.5 on Alternative Dispute Resolution in 'Construction Law Handbook', Institution of Civil Engineers, 2007 Edition.

'What makes a sound quantum analyst?'
[2008] The International Construction Law

Mediation

Trained with and accredited by CEDR.

Appears on the list of mediators maintained by Clerksroom and the RICS.

Acted as Mediator on a number of construction disputes.

Adjudication

'In a careful and detailed decision provided by the well-known construction adjudicator, Dr Franco Mastrandrea, the adjudicator found in favour of Fenice on all these points... I note and take some comfort from the fact that (my) conclusions as to delay, and responsibility for delay, are entirely in accordance with those of Dr Mastrandrea in his detailed decision... our conclusions are exactly the same': Coulson J in *Fenice Investments Inc. v. Jerram Falkus Construction Ltd. (No. 4)* [2011] EWHC 1935 (TCC).

Trained with and accredited by the Chartered Institute of Arbitrators. Appears on the list of adjudicators maintained by the CI Arb, RICS, CIOB, CEDR, RIBA, Clerksroom and the Olympic Delivery Authority. Appears on the Register of Dispute Board Members maintained by the RICS.

Acted as assessor for those wishing to be accredited as adjudicators.

Acted as Adjudicator on numerous occasions and on a variety of disputes, whether under contractual adjudications or the Scheme for Construction Contracts, including professional negligence complaints. Most have reached a decision and most of those were reasoned. Delivered the first adjudication Decision arising out of the construction works for the London Olympics 2012.

Acted as Vice Chairman then Chairman of a Disputes Resolution Board on a gas-fired power project and delivered a Decision on a time and money claim in relation to this project.

Expert

'Dr Franco Mastrandrea, Multiplex's quantity surveying expert (is a man) of experience in (his)... field... qualified to give expert opinion evidence for the assistance of the court': Jackson J (as he then was) in *Multiplex Constructions (UK) Ltd. v. Cleveland Bridge UK Ltd. and another (No. 6)* [2008] EWHC 2220 (TCC).

Doctorate in the evaluation of construction contractors' claims, addressing the law, practice and quantification of claims for construction work.

Acted as party-appointed expert on a whole range of disputes both domestically and internationally, such as project management and quantum expert on a national exhibitions hall project, quantum expert for progress and damages claims under a terminated contract in relation to the construction of a national sports stadium, and

Review 28.

'The quantification of termination claims in construction' [2008] The International Construction Law Review 299.

'Concurrent causation in construction claims' [2009] The International Construction Law Review 75.

'The evaluation of preliminaries (or site overheads) in construction prolongation claims' [2009] The International Construction Law Review 428.

'The evaluation of overheads claims in construction' [2010] The International Construction Law Review 299.

'Apportionment in the evaluation of construction delays' [2011] The International Construction Law Review 172.

'The evaluation of plant claims in construction' [2011] The International Construction Law Review 294.

'The impact of currency exchange fluctuations on construction claims' [2012] The International Construction Law Review 293.

'Concurrent Delay in Construction - Principles and Challenges' [2014] The International Construction Law Review 83.

'Concurrent Delay: an alternative proposal for attributing responsibility' [2014] 30 Const LJ 173

quantum expert on a large offshore wind-farm project.

Acted as Court-appointed quantum expert in relation to a substantial dilapidations dispute.

Acted as Tribunal-appointed expert over a number of years on the evaluation of Contractor's time and money claims against the Employer in relation to an offshore oil and gas project in the Arabian Gulf, including the conduct of local hearings with witnesses of fact and party-appointed experts, the making of recommendations, the production of a report and cross-examination by the parties and the Tribunal locally.

Acted as co-ordinating expert on the technical and commercial performance of a Production Sharing Agreement for a large oil and gas condensate project and on EPCIC contract for the construction and exploitation of an offshore gas platform.

EXPERT EXPERIENCE

<u>Approximate period of involvement</u>	<u>Description</u>	<u>Nature/extent of appointment</u>
2013-date	Hotel and Commercial Development, Central Asia	Quantum expert for Employer defending a termination claim from the Contractor.
2013 - date	Offshore Windfarm, UK	Quantum expert for Employer pursuing a claim against the Contractor.
2012-date	Oil/Gas Offshore Production Field Centre, Canada	Co-ordinating Expert considering delay, disruption, quantum and technical issues.
2011-2012	High Speed Rail Link, South Africa	Quantum expert for the JV Contractor
2011-2013	Offshore Windfarm, UK	Quantum expert for Employer defending a claim from the Contractor and, separately and subsequently, on the counterclaim against the Contractor. This involved ICC hearings in London, at which 'hot tub' evidence was given.
2011-date	Infrastructure Project, Singapore	Quantum expert for Employer defending a claim from the Contractor.
2010-2012	Interconnector Project, UK	Quantum expert for the Employer.
2009-date	Water utilities distribution network, Northern England.	Quantum expert for the Contractor on a number of projects in which the evaluation depended upon the nature of the work and the applicability of an agreed schedule of rates.
2009-2012	Office headquarters refurbishment, London.	Quantum expert for the Employer on a cost-plus/quantum meruit claim from a Contractor, in which the issues ranged over the nature of the work and the applicability of a first stage tender schedule of rates and if not, the proper approach to evaluation.

2009-2012	Oil/gas field development project, Kazakhstan	Co-ordinating Expert on the appraisal of an FPSA and its potential re-negotiation, considering management delay and cost control functions.
2008-09	London Underground station.	Delay/quantum expert evaluating claims from a developer, having regard to progress on the balance of the developer's work and the nature and recoverability of the costs claimed.
2007-08	Wembley Stadium, England.	Quantum expert for Multiplex against its steelwork subcontractor Cleveland Bridge. This involved considering the appropriate evaluation of claims (by way of final account) and counterclaims (by way of prolongation, termination and delay and disruption on a contract that was terminated by way of mutual consent) of the steelwork structure. Gave evidence in the Court proceedings. The judgment is reported at <i>Multiplex Constructions (UK) Ltd v. Cleveland Bridge UK Ltd and another</i> (No. 6) [2008] E.W.H.C. 2220 (TCC).
2006-08	Mixed Commercial redevelopment central London.	Quantum expert for the Employer evaluating claims from the Contractor.
2006-08	Design/construct of two topsides for offshore gas platforms, Asia.	Project management/delay/quantum expert for the Contractor claiming against a subcontractor terminated for cause, involving the pricing structure for the original and replacement contractor, and actual costs. This involved an ICC hearing in Lausanne, at which 'hot tub' evidence was given.
2005-08	5-star design and build hotel redevelopment, Africa.	Delay/quantum expert and advocate for the Contractor claiming against the Employer. This involved FIDIC <i>ad hoc</i> DAB hearings in Africa and Europe.
2005-08	Expansion and Rehabilitation of Terminal facilities to the International Airport, Barbados.	Delay/quantum expert for the Employer in evaluating over 200 Contractor claims and Employer counterclaims. Having considered all these matters, the issues were eventually resolved amicably and settled based on that expert advice.
2004-06	Parent company guarantees on a series of electrical sub-contracts for the bondsman, England.	Quantum expert for the purchaser of an electrical contracting business under extant guarantees on 17 disparate projects. This involved appraising actual and potential remedial works, life cycle, and associated costs, of electrical services installations.
2003-05	Office redevelopment, central London.	Quantum expert for the Employer defending a final account claim from the Contractor.
2003-05	London Underground.	Quantum expert for the Employer in respect of the design and installation of new communications system on the London underground system.
2002-04	Office redevelopment, central London.	Quantum expert for Claimant contractor. Court action, which eventually settled.

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2002-03	Gas gathering plant development, North Africa.	Quantum expert for the Employer defending a final account claim from the Contractor.
2002-03	Leisure redevelopment, south coast England.	Quantum expert for architects defending, through their insurers, a claim for defects on a complex waveform roof, considering procurement arrangements and the settlement of accounts with third parties.
2001-04	Expansion of a pharmaceuticals facility, southern England.	Delay/quantum expert for the Employer defending claims from a Management Contractor, involving consideration of the appropriateness of the contractual arrangements made by the Management Contractor and the settlement of those claims including the attribution of responsibility therefor.
2001-03	Naval dockyards, southern England.	Quantum expert for the Employer defending final account claims from the Contractor for new docking and inspection facilities, including the appropriateness and likely life cycle costs of remedial works.
2000-04	Luxury housing redevelopment, North London.	Project management and quantum expert for a developer defending claims from a number of owners of the completed development and the pursuit of claims against the Management Contractor and consultants. The matter went to a multi-party mediation requiring a presentation on those aspects of the case.
2000-03	Paper manufacturing facilities redevelopment, southern England.	Quantum expert for the Employer relating to claims against a Construction Manager, peripheral aspects of which can be seen in the report of <i>Mostcash Plc and others v. Fluor Ltd.</i> [2002] B.L.R. 411, CA.
2000-03	Office refurbishment, central London.	Court appointed quantum expert appointed to consider evaluate and make recommendations to the parties and the court on the evaluation of a final account, involving significant complications such as asbestos contamination, having regard to the party appointed experts' reports.
1999-2001	Luxury housing redevelopment, North London.	Delay/quantum expert for a developer defending a final account claim from a Design/Build Contractor having regard to the contractual standards to be attained and the pathology of delays on the project.
1998-2000	Combined cycle gas turbine redevelopment, east England.	Delay/quantum expert for the Contractor pursuing a final account claim against the Employer.
1997-99	Hospital upgrading project, south-western England.	Project management/quantum expert for the Employer pursuing a Project Manager for delays/cost overruns.
1996-2000	The hook-up of 15 oil and gas platforms in the Upper Zakum oilfield.	Delay/quantum expert appointed by an ICC Arbitral Panel in connection with a contract between a joint venture Contractor and the Development Company acting for and on behalf of a Middle East National Oil Company as Employer. Tasks involved hearings with the parties and their appointed experts, the production of an expert's report and giving evidence before the Arbitration Panel.

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1995-98	Expansion and refurbishment of oil refinery, east Germany.	Co-ordinating Expert on delay and financial claims arising out of a design and build project on behalf of a French Contractor.
1995-97	Civil engineering project, north Africa.	Quantum expert for a south American oil company drilling deep wells to locate water as part of a complex engineering project.
1994-96	Conference Centre in East Africa.	Delay/quantum expert for the Contractor pursuing a final account claim against the Employer.
1989-96	Shopping centre redevelopment west England.	Delay/quantum expert for the Employer pursuing claims against a Construction Manager, peripheral aspects of which can be seen in the reports of <i>Schal International Ltd. v. Norwich Union Life Insurance Society</i> (1992) 28 Con. L.R. 129 and <i>Monk Construction Ltd. v. Norwich Union Life Assurance Society</i> (1992) 62 B.L.R. 107, CA. The matter went to a mini-trial at mediation requiring a presentation on these aspects of the case.
1994-1996	Luxury housing redevelopment, Central London.	Quantum expert for insurers defending a claim against an international firm of lawyers on cost overruns on the project brought by the financiers to the project, including appraising the adequacy of the cost control and reporting functions of the project.
1989-96	National Exhibition Halls, Central England.	Project management, delay and quantum expert for the Employer pursuing claims against the Project Manager and Quantity Surveyor for delays in delivery and financial overruns, including the adequacy of the cost planning functions and the appropriateness and adequacy of the project management mechanisms. Gave evidence in court on all aspects, following which the matter settled.
1992-94	Civil works on a nuclear power plant site, north England	Quantum expert for claimant Contractor making final account and delay/disruption claims against the Employer.
1992-94	Office refurbishment, central London.	Quantum expert for insurers defending a claim against an Architect for project overruns. The matter went to court but settled before evidence was given.
1992-94	M25 highway redevelopment, London.	Quantum expert for claimant Contractor making final account claims against the Employer.
1992-94	Shopping centre redevelopment, London.	Delay/quantum expert for international services and structural engineering practice defending claims from the Employer for delays and financial overruns due to the Engineers' alleged negligence.
1992-93	Hospital upgrading project, southern England.	Quantum expert for the Contractor defending defective flooring claim from the Employer.
1986-96	New Hospital development, UAE.	Delay/quantum expert for Employer pursuing the Contractor for delays and cost overruns. The matter was the subject of an ICC arbitration at which evidence was given on these aspects.
1991-93	Process facility, southern England.	Quantum expert for the Contractor pursuing final account claim against the Employer.

1991-93	Highway redevelopment, southern England.	Quantum expert for the Contractor defending a claim from a paving sub-contractor pursuing a final account claim.
1991-92	Mixed use redevelopment, central England.	Delay/quantum expert for the Contractor defending a claim from a mechanical/electrical services subcontractor pursuing a final account claim.
1990-91	Mixed use redevelopment, north England.	Quantum expert for the Contractor defending final account claims from its internal partitions subcontractor.
1989-91	Cinema chain, UK.	Quantum expert regarding the appropriate due diligence which should have been deployed in relation to construction works in progress in relation to the sale of a cinema chain involving numerous sites, extending to the proper value the final accounts, claims and defective works.
1988-91	Refurbishment of Insurance underwriters' headquarters, central London.	Quantum expert for the Employer defending a final account claim from the Contractor.
1987-91	County Council office redevelopment.	Quantum expert for the Contractor defending a claim for the replacement of the flooring throughout the redevelopment due to the alleged use of defective materials/products.
1987-92	Redevelopment of a bank headquarters building in North Africa.	Delay/quantum expert for the Contractor pursuing the Employer for a final account. The matter involved an ICC arbitration at which expert evidence on these aspects was given.
1987-88	Development of a waste tyre process engineering facility.	Quantum expert for the Contractor claiming against the Employer following termination.
1986-88	Redevelopment of a bank headquarters building in North Africa.	Quantum expert for the Contractor defending a claim from the mechanical/electrical sub-contractor.
1979-80	Redevelopment of a police station headquarters in south-east England.	Quantum expert for the Contractor pursuing a steelwork sub-contractor for delay and defects. The matter involved an arbitration at which expert evidence was given, peripheral aspects of which can be seen in the report of <i>Modern Engineering (Bristol) Ltd. v. C Miskin & Son Ltd.</i> [1980] 15 B.L.R. 82.