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David Feehan

BEng (Hons), DipArb, CEng, FCI Arb, MICE, HKIAC General Accredited Mediator, NEC4 Accredited Project Manager
Director

KEY EXPERIENCE

David is a Chartered Civil Engineer with over thirty years' experience on projects in Hong Kong, North America, Thailand and the United Kingdom, with a solid background in engineering, construction and design management. David specialises in claims and dispute management, negotiation and dispute resolution. David has successfully represented contractors in the resolution of large-scale multi-million dollar disputes through negotiation, mediation and arbitration, managing large multi-disciplinary teams in the claims and dispute process. He is an Accredited NEC4 Project Manager.

CAREER SUMMARY

2007 to date - Director, Contract Dispute Consultants, Hong Kong

David oversees the operation of all company activities on projects worldwide, providing oversight to team members and liaising with clients on their requirements. He advises clients on contractual and commercial matters for a variety of heavy civil engineering, building and E&M projects. He undertakes the preparation of claims, NEC quotations and position papers, advises clients on negotiation and dispute strategy and advocates for clients in mediations. His current assignments include:

- Advice to a main contractor constructing a landscaped deck under an NEC3 contract;
- Advice to an international power transmission company regarding delays to a nuclear power plant.
- Advice to a contractor on multiple delays impacting the construction of an airport ancillary building constructed under a design and build contract;
- Advice to a joint venture and preparation of supporting papers and quotations for a disputed compensation event affecting the construction of a sewage treatment plant under an NEC4 Target Cost contract and discussions with the project manager;
- Advice to a contractor on delays to an urban highway tunnel fit-out project being constructed under an NEC3 Target Cost contract;
- Advice to an international construction contractor on claims recovery for numerous US infrastructure projects;
- Advising a major Hong Kong contractor on claims and disputes across a portfolio of completed and ongoing projects including design changes affecting the construction of a luxury hotel; delay issues on a large-scale advanced manufacturing plant; programme and EoT advice on a large-scale, high-rise residential development;
- Advising a major Hong Kong contractor on various building and infrastructure projects;
- Contractual and dispute advice to a contractor on three contracts on a high-profile cultural development including unforeseen ground conditions affecting the basement construction and design issues on the superstructure contract;
- Advice to a contractor undertaking an urban highway tunnel project including issues affecting tunnel shaft construction and spoil disposal;
- Negotiation and dispute support to an E&M contractor involved in the provision of traffic control systems for a major road and tunnel project in mediation proceedings; and
- Strategic and claim advice to a contractor on a large, ongoing airport construction contract

2005 to 2007 - Commercial Manager, Claims, Hsin Chong Construction Stonecutters Bridge

David was seconded to the Maeda Hitachi Yokogawa Hsin Chong Joint Venture (MHYHJV) on the Stonecutters Bridge project. He assembled and managed the claims team and was responsible for managing and successfully concluding, through mediation, a multi-million dollar dispute with the client. During the mediation, David was involved in the preparation of documents and presentations and advised the project management team on negotiation strategy. David



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was heavily involved in the presentation of the contractor's case and advocated for the contractor during negotiation sessions. He then assisted in the drafting of the Supplemental Agreement. David also managed the identification and preparation of all claims for extension of time and additional payment and the identification of pursuit of disputed variations. He also managed a major subcontract dispute. His role involved briefing and managing legal teams, identifying and briefing experts, managing external consultants and advising the construction, technical and senior management teams on contractual and claims issues.

**2004 to 2005 - Claims Manager, Gammon Construction Limited
Shenzhen Western Corridor**

David was seconded to the HK\$2.2 billion Hong Kong Shenzhen Western Corridor project and was responsible for identifying and notifying time and cost claims on the 3km long elevated marine viaduct and 300m cable-stayed bridge. David advised and directed the construction and commercial teams on contractual and claim issues and provided assistance and advice to senior management. David managed and directed joint venture and external consultancy staff in the preparation of extension of time and additional payment claims submissions to the client, as well as managing the defence of claims from subcontractors.

**2002 to 2004 - Claims Engineer, Balfour Beatty
KCRC West Rail - Nam Cheong Station**

David was seconded to the Balfour Beatty - Zen Pacific Joint Venture on the HK\$2.2 billion KCRC Nam Cheong Street Station project. David was initially responsible for working with the construction teams to identify, notify and prepare time and cost claim submissions on the station structure. David subsequently managed the preparation for final contract negotiations with the engineer and the employer. David was also involved in the preparation of forecast and budget reporting for claims recovery.

**2000 to 2002 - Engineering Manager, Hyundai - Kier Joint Venture
MTRC Tseung Kwan O Extension**

David was initially employed as Project Engineer for the joint venture on the HK\$456m Pak Shing Kok design and build tunnel project, part of the MTRC Tseung Kwan O extension. David's initial role involved design management for the tunnel lining and temporary works design. David also liaised with all the parties to the contract in the design development, engineering and construction. David subsequently became involved in research and preparation of claim submissions, narrative drafting and final contract negotiations with the engineer, client and designer on extension of time, additional cost issues and PII issues.

**1998 to 2000 - Section Engineer, Nishimatsu - Costain - China Harbour Joint Venture
1996 to 1998 - Site Engineer, Hong Kong International Airport**

David was initially employed as site engineer to manage the excavation, installation, testing, and commissioning of 66km of ductile iron pipework and 8km of large diameter drainage pipeline on the HK\$1.4 billion Landside Infrastructure project for Hong Kong International Airport. David was subsequently transferred to the commercial department to prepare submissions for additional cost and time due to disturbance to the works including major grade separated junction and roads and utility construction. David was also involved in an ongoing dialogue with the client to progress settlement of the claims.

1993 to 1995 - Sub Agent/ Engineer, Andrew Scott Civil Engineering, Port Talbot, UK

David worked on numerous projects in and around South Wales, most notably the refurbishment of an existing storage warehouse to house a new steel rolling mill and production line involving piling works and foundation construction (£3m). David was involved in all aspects of the construction projects including liaison with the client, project management and planning, management of subcontract and direct resources.

1989 to 1993 - Undergraduate Training Scheme, Andrew Scott Civil Engineering, Port Talbot, UK

David was sponsored by Andrew Scott Civil Engineering during his degree course and spent his year in industry and vacation periods working on various sites.



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ACADEMIC QUALIFICATIONS

Post-Graduate Diploma in Arbitration (Distance learning)
College of Estate Management, Reading, UK (1999-2000)
Bachelor of Engineering (Honours) Degree in Civil Engineering - 2:1
University of Glamorgan, Treforest, UK (1989-1993)

PROFESSIONAL QUALIFICATIONS

NEC4 Project Manager Accreditation Course (2023)
ENS two day negotiation and influencing course (2007)
Fellow of the Chartered Institute of Arbitrators (2006)
Chartered Civil Engineer and Member of the Institution of Civil Engineers (2002)
Qualified Mediator registered on the Hong Kong Mediation Council Panel of General Accredited Mediators (2001)

CONTACT DETAILS

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PREVIOUS ASSIGNMENTS

David's previous assignments include:

- Advice to an specialist audio-visual subcontractor on closing out a final account on a high-end, large scale hotel and retail mall development – resolved through negotiation;
- Advice to a specialist flooring subcontractor on final account issues relating to a high end cultural complex;
- Advice to a contractor on multiple delays impacting the construction of an airport ancillary building, constructed under a design and build contract;
- Advising a major Hong Kong contractor on claims relating to design changes affecting the construction of a luxury hotel – settled through negotiation;
- Advice to a joint venture design team involved on a major PPP light rail scheme in North America;
- Advice to a contractor regarding design changes and deficient specification leading to significant remedial works on a luxury residential building, preparing for and providing support to the legal, expert and project teams throughout the arbitration proceedings;
- Advice to a contractor on resolution of final account issues including extension of time on a luxury hotel project;
- Advice to a contractor on resolution of final account issues in regard to a school construction project;
- Providing advice to a contractor in recovery of EoT on a public housing project;
- Providing advice to a contractor and overseeing claim preparation on an urban renewal project resulting in settlement of final account;
- Claim strategy advice and claim preparation for a design builder on a major PPP light rail scheme in North America;
- Advice to an international joint venture on identifying claim issues and claim strategy in relation to a large cable stayed bridge and road PPP project in North America;
- Claim advice to a contractor on the construction of a water theme park in Hong Kong;
- Advice to a contractor in regard to a delay and acceleration claim on the fit-out of a large sub-sea road tunnel;
- Dispute advice to a subcontractor on a major reclamation project;
- Advice to an international joint venture on delays arising during the construction of a cable stayed bridge in North America and preparing for DRB proceedings;
- Undertaking a contractual risk and opportunity review for a contractor on the successful tender for a large airport terminal expansion project;
- Undertaking a contractual review with regard to project scope for a main contractor on interior fit-out works for an airport expansion project and providing contractual advice on various ongoing project issues;
- Assisting a contractor to develop and strengthen claims for EOT and additional cost on a major commercial and retail development in Hong Kong and negotiating a resolution with the client and architect;
- Advice to a specialist subcontractor regarding design and coordination delays on a high-profile cultural development in Hong Kong;
- Advice to an E&M subcontractor in relation to an adjudication on a government building project in Thailand;
- Managing a large team on a major multi-billion dollar dispute for a contractor in relation to the construction of an airport terminal building, advocating for the contractor in the mediation hearing and advising the contractor's senior management on dispute strategy – dispute successfully resolved in mediation;
- Advice to a contractor relating to the fabrication of a structural steel roof and fixed link bridges for an airport terminal building;
- Advice to a joint venture partner in relation to allotted works packages on a significant rail terminus;
- Advocating for a contractor in a mediation regarding the contractual interpretation of formwork finishes on a major highway project – successfully resolved through post hearing negotiations;
- Preparation of claims for delay, disruption and additional cost in relation to the construction of a MTR station (WIL), presentation of issues and negotiation of a supplementary agreement with the client involving a significant variation and disputed variation account for ABWF and advocating for the contractor in the subsequent mediation – successfully resolved through mediation facilitating close out of two further linked contracts;
- Preparation of position papers for extension of time and cost claims on a major highway project;



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- Acting for a contractor in preparation for mediation proceedings regarding final account issues on a water supply term contract;
- Advising the contractor on a large stay cable bridge project in Hong Kong, managing the claims and disputes, and directing a multi-disciplinary team. David also advised the project team on commercial and contractual issues and strategy, and reported to and advised the JV board on legal, commercial and negotiation strategy issues;
- Advice to a contractor in relation to delays and additional cost on a tunnelling project on the Hong Kong–Guangzhou high-speed rail link, preparation of delay and disruption claims and assistance in the negotiation of a supplemental agreement;
- Advice to a subcontractor in relation to a dispute arising out of the construction of a theme park ride;
- Mediation of a major subcontract dispute arising out of a fatal construction accident, advocating for the contractor – successfully resolved at the mediation hearing;
- Management and support to an arbitration for a method of measurement dispute; and
- Management and support to a multi-million dollar arbitration for a measurement dispute and litigation support to subsequent appeals in the Hong Kong High Court, Court of Appeal and Court of Final Appeal.