

# Simon R Worley

B Eng (Hons), C Eng, MICE, C WEM, MCIWEM

## Managing Director

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## Synopsis

Simon holds an Honours Degree in Civil Engineering from Plymouth University and is a UK 'Chartered' Engineer with some 30 years of professional experience. He has worked for consultant, client and contractor organisations. As an independent, he has been involved internationally in claims and dispute avoidance, amicable dispute resolution, DABs and arbitration procedures, and the provision of contract and claims advice to clients (including the EU, EBRD and KfW), consultants and contractors. He is particularly adept at facilitating and providing contractual solutions.

He has also provided expert input for procurement, tendering, contracting, claims and adjudication aspects of major projects, including defining and implementing procurement strategy, pre-qualification and tender document preparation, tender evaluation and reporting, award recommendation, contract negotiation and award, construction supervision and supervision-in-chief responsibilities during construction and defects liability period, acting as the 'Engineer' on FIDIC Contracts.



Simon is a listed FIDIC accredited trainer and Senior Consultant to a FIDIC-approved/accredited training company for whom he is a course tutor/trainer lecturing internationally on the FIDIC 1999 suite of contracts. He was the Task Group Leader of the FIDIC Updates Task Group (TG6B) for the preparation of the 2nd Edition of the 1999 FIDIC Conditions of Contract for Construction (Red Book) and Conditions of Contract for EPC/Turnkey Projects (Silver Book). He is also a member of the FIDIC Task Group (TG9) for the preparation of the new Conditions of Sub-Contract for Plant and Design Build and for EPC/Turnkey. He is a presenter at the residential *Construction Law Summer School* held at Cambridge University, UK since 2012 and he is a regular speaker on behalf of FIDIC at FIDIC International Users' Conferences worldwide on a variety of subjects such as 'The 1999 Conditions of Contract for Design & Plant Build' and 'The Role of the Engineer'.

Prior to founding his own company, he held the positions of Vice President, Regional Director, Project Director and Project Manager for major international consultants specializing in planning and procurement, design, tendering, construction supervision and management of FIDIC (and other) Contracts for water supply, sewerage and wastewater treatment, marine, highway and structural work in the UK and internationally, including some 20 years internationally on predominantly IFI-funded projects.

Simon has international experience in the following countries: Albania, Antigua, Barbados, Bulgaria, Croatia, Czech Republic, Ghana, Haiti, Hungary, India, Indonesia, Jordan, Kosovo, Latvia, Macedonia, Malta, Mongolia, Montenegro, Mozambique, Nigeria, Palestine, Qatar, Papua New Guinea, Poland, Romania, Russia, Saudi Arabia, Slovakia, St Lucia, Syria, Thailand, Trinidad, Turkey, Uganda and Vietnam.

## Summary of Key Professional Experience

- Advisor to private clients, Government Ministries and Agencies, International Financing Institutions, Contracting Authorities, beneficiaries, consultants and contractors for the preparation of procurement strategies, tender and contract documentation, procedures manuals, professional opinions, guidance documents, claims, claims/dispute avoidance and dispute resolution.
- Working with major IFIs including AfDB, ADB, CDB, EBRD, EU, IADB, JICA, KfW, UNOPS and World Bank in developing and emerging nations, and in the new EU Member States and EU accession candidate countries.
- Experience as an adjudicator under FIDIC Conditions of Contract, as well as representing and working with the Parties in both FIDIC adjudication procedures (e.g. preparation of DAB referrals, responses to referrals, etc.) and ICC Arbitration.
- Particularly familiar and with substantial experience in dealing with Claims and Dispute Resolution to the FIDIC 1999 suite of Contracts (Red, Yellow and Green) relating to contracts, time and/or quantum aspects on behalf of Employers, Consultants and Contractors. Importantly, this also includes claims and dispute avoidance, and providing/facilitating contractual solutions.
- 30 years' experience in the public and private sectors, specializing in the procurement, management, administration and supervision of construction projects in the UK and Worldwide.
- Over 20 years' experience in Project Management of large infrastructure projects internationally and in the UK involving surveys, studies, designs, preparation of tender dossiers (including PRAG compliant, to FIDIC and using CESMM & CESWI), procurement, tendering & contracting, construction management/ administration and claims management/resolution to FIDIC (as well as other Conditions of Contract).
- Extensive experience in construction and construction supervision spanning the entire career, including more than 25 international FIDIC Contracts to FIDIC 'Red' Book 4<sup>th</sup> Edition, the 'Orange' Book, and the 1999 Editions of the 'Red', 'Yellow' and 'Green' Book Contracts as the FIDIC Engineer, and 10 UK Contracts (ICE 5<sup>th</sup> and 6<sup>th</sup> Editions, GC Works 1) as the Project Manager/RE and 'Engineer/Superintending Officer' (including acting SO).

## Selected/Recent Appointments

- Appointed as a full-term sole Dispute Board member on a WWTP and Pumping Station contract in Mongolia executed under the ADB's 'Model Form of International Contract for Process Plant Construction', which is based on the FIDIC-based ENAA Conditions of Contract.
- Arbitration under ICC rules for a dispute on a prestigious building project in Kosovo executed under the FIDIC Plant and Design-Build Contract ('Yellow' Book), for the Employer (EU Brussels) as the respondent party.
- Contractor-nominated member for a 3-man DAB under FIDIC Conditions of Contract for construction ('Red' Book) for a major EUR 40M Water Supply Contract in Albania.
- Appointed as the Full-Term Dispute Adjudication Board (sole Adjudicator) under the FIDIC Conditions of Contract for Construction ('Red' Book) for a water supply contract in Central/Eastern Europe.
- Appointed as Consultant for 2-stage services to research, review, advise on/recommend and report (Phase 1), and ultimately prepare (Phase 2) a new Standard Bidding Document for Small Works Contracts aligned for use with the FIDIC Conditions of Contract for Minor Works (the 'Green' Book) for a major IFI to be used on future IFI-funded contracts.
- Arbitration under ICC rules in Paris for a dispute regarding a water supply and sewerage project in Central/Eastern Europe, representing the Employer as the respondent party.
- Contract/Legal Expert advising the Engineer/Project Manager and Employer (a government Ministry) on two Works Contracts with a combined value of €80M in a central/East African country, one for construction of a new WWTP (under AfDB Design & Build Conditions of Contract) and the second for the rehabilitation/extension of the existing sewerage system and construction of a new sewerage network under FIDIC 'Red' Book Conditions of Contract.
- DAB member for a wastewater treatment plant, construction/extension contract in Sana'a, Yemen. Nominated by the Contractor as one member of the 3-person DAB.
- Dispute Resolution Specialist and Contract Advisor for a major WWTP in Nablus, Palestine appointed to assist the Parties (i.e. Contractor and Employer) resolve a series of contractual disputes. All disputed matters were resolved and adjudication procedures avoided.
- Contracts and Claims Advisor to a European Union Office and Government in a Central & East European country providing advice and support on all aspects of Contracts, claims & disputes (incl. representation at DAB) on all EU-funded projects in the country.
- FIDIC Update Task Group 6B. Task group leader for the preparation of the 2nd Edition of the 1999 FIDIC Conditions of Contract for Construction (Red Book) and Conditions of Contract for EPC/Turnkey Projects (Silver Book).
- FIDIC Task Group member for the preparation of a new *Conditions of Sub-Contract for Plant and Design Build* and *Conditions of Sub-Contract for EPC/Turnkey Projects*.
- Nominated as sole DAB member for a series of six FIDIC 'Red' Book contracts in the transportation sector in a Central and East European country (appointment pending)
- Contract and claims analysis/advice, including strategic review, causation analysis, time impact analysis, etc., and preparation of DAB referral for a private client for a circa €12M water sector project in Central/Eastern Europe.
- Nominated as sole DAB member for a FIDIC 'Red' Book water sector contract in excess of €22M in a Central and East Europe (appointment pending).
- Due diligence expert on behalf of a major IFI for the review and recommendation of a major amicable settlement claim for a €15M FIDIC 'Yellow' Book contract in Central Europe.
- Arbitration in a central EU country under national arbitration rules for a solid waste (landfill) facility, representing the Employer as a key member of the Employer's team.

## Training, Speaking & Publications

Simon is a FIDIC-accredited trainer lecturing internationally on a FIDIC 1999 suite of Contracts for a FIDIC approved/accredited training company, which includes

- **Module 1** (*The Practical Use of the 1999 Editions of FIDIC Contract Conditions (Red & Yellow Books) and MDB Construction Contract (2006 Ed.)*),
- **Module 1a** (*101 Topics for Discussion" on the Practical Use of the 1999 FIDIC Conditions of contract for Construction and Plant & Design-Build*),
- **Module 2** (*Management of Claims and the Resolution of Disputes under the new 1999 FIDIC Conditions of Contract (Red & Yellow Books) and MDB Construction Contract (2010 Ed.)*),
- **Module 2a** (*The Management of Claims and the Resolution of Disputes under the MDB Harmonised Construction Contract 2010 Edition Conditions of Contract*);
- **Module 3** (*Responsibilities and Management for Dispute Adjudication and Parties to Dispute under FIDIC (1999 Ed.) and MDB 2006 Contracts*),
- **Module 4** (*Contract Management and Administration of 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build) with reference to MDB's Harmonized Construction Contract – 2010 Edition*),
- **Module 8** (*The Practical Use of the 1999 FIDIC Contract Conditions for EPC Turnkey Projects (Silver Book) and Comparisons with Plant & Design Build Contract (New Yellow Book)*), and
- **Module 9** (*The Practical Use of the 2008 FIDIC Conditions of Contract for Design, Build and Operation Projects*).

### International Conference Presentations and Publications include:

- FIDIC International Users' Conferences, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 (London)
- FIDIC Americas Contract Users' Conference, 2013 (Washington)
- FIDIC Middle-East Users' Conference, 2011 (Abu Dhabi)
- Construction Law Summer School, Cambridge University (Residential), 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019

### With papers on:

- Plant & Design Build Contract – Recent Experience
- The Role of the Engineer under the FIDIC Forms of Contract
- The Evolving Role of the Engineer
- Common Pitfalls when Preparing & Using FIDIC (and other) Works Contracts
- JV Partnerships in D&B and EPC Contracts
- The Yellow Book
- The Future of FIDIC in Renewables
- What to do and what not to do as the Engineer under a FIDIC Contract
- The Engineer's Roles and Risks under FIDIC Contracts
- Current Practice and Foreseeable Updates in the Second Edition
- FIDIC 2017 and the Continuing Evolution of the Role of the Engineer