



David S LONGBOTTOM

BSc(Hons) PgD(Law) MRICS MCI Arb AMICES

Director

Key Experience:

David is a founding director of ADR Partnership Limited. He is a Chartered Quantity Surveyor and has a post graduate diploma in law. David has over 15 years experience in the construction industry working on major projects in the UK and Hong Kong. His experience includes tunnels, roads, bridges, foundations, site formation, waterworks, building services, commercial and residential developments.

His expertise includes working at all levels in the preparation, defence and negotiation of contractual claims for extensions of time and additional payment. He also has varied experience, assisting lawyers in the preparation of documents for a number of High Court actions, arbitrations and mediations, providing expert services, supporting lawyers and counsel in legal proceedings and working with experts on quantum, programming and technical issues.

Prior to forming ADR Partnership Limited, he previously held the position of contracts manager with a leading Hong Kong building and civil engineering company. Prior to this he was employed by prominent main contractors in both the UK and Hong Kong.

Career Summary:

2007 – present: Director of ADR Partnership Limited (ADR), Hong Kong

Director of ADR, responsible for commercial and contractual advice to clients on a range of projects. Selected projects include:

- > Entry Plaza, Aqua City and Grand Aquarium (HK\$ 1.248 billion) – Preparation of a Commercial Review of the Project and preparation and negotiation of claims for additional time and cost (including, prolongation, management of change, and delay recovery submissions).
- > Providing contractual and commercial advice to a contractor regarding time and cost claims on a 2 X 50MW power plant in Australia.
- > One Island East – Management of E&M / building services claims for the recovery of additional payments;
- > Anderson Road Development (HK\$ 2 billion) – Preparation of contractual advice for the submission of a tender;
- > Eagle's Nest Tunnel, Route 8, Joint Venture (HK\$ 1.574 billion) – Preparation of claims for extensions of time and additional payment for delays and disruption to the E&M / building services installations and ABWF works; and
- > Jordan Valley Site Formation (HK\$ 1.338 billion) – Preparation of claims for extensions of time for delays and disruption to the site formation works.
- > KDB200 Station and Tunnel – Preparation of claims for extensions of time for delays and disruption to the E&M installations.
- > Hong Kong Olympic Equestrian Venues / Beijing 2008 – advising the main contractor.
- > Various contractual advice, contract reviews, opinions and drafting position papers for a number of prominent contractors.

Expert Witness Work

- > Acting as the Quantum Expert for a High Court action concerning HVAC.
- > Assisting the Quantum Expert in various arbitrations and litigations (foundations, refurbishment and developments).

Independent Evaluation

- > Assistance in the independent evaluation of a contractor's claim for Government (Drainage Services Department).

Career Summary (Cont'd):

Independent Evaluation (Cont'd)

- > Assistance in the independent evaluation of a contractor's claim for Government (Highways Department).
- > Assistance in the independent evaluation of a contractor's claim for Government (Home Affairs Department).
- > Assistance in the independent evaluation of a contractor's claim – appointed by contractor's solicitors.
- > Independent evaluation of a contractor's claim and drafting a position paper.

2005 – 2007: Senior Consultant with Brian E Rawling & Associates Limited (BERA), Hong Kong

BERA is a commercial and contractual consultancy to the construction industry. Selected projects include:

- > Eagle's Nest Tunnel, Route 8, Joint Venture (HK\$ 1.574 billion) – Preparation of claim for extensions of time and cost for the main contractor's submission;
- > Hong Kong - Shenzhen Western Corridor, Joint Venture (HK\$ 2.189 billion) – Preparation of claims for extensions of time, cost and value;
- > Site Formation and Associated Infrastructure Works for Development at Choi Wan Road and Jordan Valley (HK\$ 1.338 billion) – Preparation and negotiation of claims for extensions of time and value. Assisting and advising commercial team and the Site Manager on various issues. Assisting solicitors and counsel on various claims; and
- > Assisting quantum expert in finalizing and agreeing quantities with the other experts in a litigation, and attending meetings with solicitors and counsel.

2001 – 2005: Contracts Manager with China Overseas (Hong Kong) Limited, Hong Kong

China Overseas (Hong Kong) Limited is a major Hong Kong construction company with a turnover in excess of HK\$ 9 billion and a 20% market share of Government projects.

Site Formation and Associated Infrastructure Works for Development at Choi Wan Road and Jordan Valley (HK\$ 1.338 billion)

- > Manager of the commercial team (6 persons) and responsible for all day-to-day commercial, contractual and legal matters on the project reporting to the site manager; and
- > Management of litigation and arbitration with sub-contractors.

Prior to May 2002, whilst in the Commercial Department, David was a Contracts Manager overseeing a number of building, civil and foundation projects and responsible for commercial and contractual aspects. Including:

- > Claims formulation, strategy, preparation, submission and negotiation (extension of time claims, costs claims, 'time-at-large' claims, programming issues and contentious variations);
- > Preparing, and drafting contractual documents (Sub-Contracts and Supplemental Agreements); checking Main Contracts;
- > Reporting and advising Senior Management;
- > Management of litigations: assisting solicitors in all stages of the litigation; managing / assisting consultants and expert witnesses; drafting pleadings and associated documents; drafting and swearing Affidavits, and drafting statements of fact from witnesses;
- > Settlement of final accounts; and
- > Preparation of contractual opinions and advice.

Selected projects include:

- > LOR – Foundation project; litigation against main contractor. Settled pre-trial for HK\$ 21 million.
- > Chinese University – Foundation contract (HK\$ 21 million) for Chinese University – H-piles, soldier piles, slope formation (LD liability reduced by HK\$ 5 million);
- > City University – Building contract (HK\$ 233 million) for City University – Phase one development of student hostels (3 blocks) and associated external works (LD liability eliminated by HK\$ 8 million);
- > Fung Tak Estate – Building contract (HK\$ 239 million) for HKHA – post contract (LD recovered HK\$ 3 million);

Career Summary (Cont'd):

- > Proposed Residential Building at Argyle Street – Building contract (HK\$ 69 million) for Private Developer – Residential tower block (LD liability reduced by HK\$ 3 million);
- > Shatin College – Building contract (HK\$ 79 million) for ESF – Swimming pool, sports complex and additional classrooms (various extensions of time submissions);
- > Shek Yam Estate – Building contract (HK\$ 1.096 billion), for HKHA – Residential tower blocks on a commercial podium (LD recovered HK\$ 23 million);
- > Sui Sai Wan (Podium) – Building contract (HK\$ 304 million) for private developer – Podium for residential development (LD liability eliminated by HK\$ 40 million);
- > Sui Sai Wan (Towers) – Building contract (HK\$ 1.513 billion) for private developer – Eight residential tower blocks on podium (after raising several 'time at large' issues, a consolidated claim submission and negotiation, LD liability eliminated by HK\$ 180 million);
- > Tai Hang Tung – Foundation and Building contract (HK\$ 298 million), for HKHA – Two small household residential tower blocks (LD liability reduced by HK\$ 6 million);
- > Tin Shui Wai Area 3 Phase 4 – Building contract (HK\$ 838 million) HKHA – Five residential tower blocks and associated external works (LD recovered HK\$ 2 million);
- > Tin Shui Wai Area 31, Phase 3 – Building contract (HK\$ 859 million) for HKHA – post contract (LD recovered HK\$ 2 million);
- > Tsing Yi Area 10 Phase 2 – Building contract (HK\$ 800 million) for HKHA – Four residential tower blocks (LD liability reduced by HK\$ 5 million, loss and expense claim submitted for HK\$ 16 million); and
- > Tsing Yi Area 10, Phase 3 – Building contract (HK\$ 177 million) for HKHA – School, sports facilities and car park (LD liability reduced by HK\$ 1 million).

1996 – 2000: Contracts Claims Surveyor with Chun Wo Construction and Engineering Co. Ltd, Hong Kong

Chun Wo is a major Hong Kong construction and engineering contractor with a turnover in excess of HK\$ 3 billion. Chun Wo employed an in-house claims team to resolve contentious issues for all group companies.

Projects involving arbitration, High Court action and mediation proceedings include:

- > M R – Foundation contract, assisted and prepared for an arbitration against employer. Prepared delay, loss and expense, damages and cost claims. Assisted in and attended the arbitration hearing. Settlement was reached after first three week hearing, quantum in the sum of HK\$ 15 million;
- > C P R – Building Frame contract, assisted and prepared for an arbitration against the main contractor. Prepared loss and expense and damages claims, assisted in the preparation of witness statements and appeared as a Witness of Fact;
- > L R – Road contract, assisted and prepared a consolidated delay claim for the Engineer's Decision. Prepared, re-submitted and agreed all contentious variations with the Engineer (additional quantum recovered in the sum of HK\$ 1.3 million), prepared and agreed a loss and expense claim (quantum in the sum of HK\$ 1.8 million). After initiating arbitration proceedings the remaining disputes were settled in the sum of HK\$ 9 million;
- > S O – Foundation contract, assisted and prepared for an arbitration against the main contractor. Prepared loss and expense, delay, and damages claims and as-built programme. Settlement of the dispute was through mediation in which David assisted (quantum in the sum of HK\$ 5 million); and
- > K M – Maintenance contract, assisted in the preparation of a defence in a litigation. Assisted in the preparation of witness statements.

Projects for the preparation, defense and negotiation of contractual claims include:

- > Kwai Shing Estate – Foundation contract, prepared a loss and expense claim (quantum in the sum of HK\$ 1.6 million) for the Project Manager's Decision, and assisted in the "documents only" arbitration;
- > Peak Tower – Building contract, prepared delay claims for consolidated submission to the Architect and assisted in the preparation of an as-built programme;
- > Connaught Road – Building contract, prepared as-built programme for submission to the Architect; and
- > Des Veoux Road – Foundation and Building contract, prepared delay claims for consolidated submission to the Architect.

Career Summary (Cont'd):

1996 – 1996: Project / Quantity Surveyor with Franki Contractors, Hong Kong

- > Holzmann-Franki-Dredging International Joint Venture: Strategic Sewage Outfall - Stage 1 (HK\$ 537 million) – Evaluation of sub-contractors' claims and preparation of main contractor's claims and insurance claims. Responsible for the contractual and financial management of all subcontractors. Compiling regular financial data and accounting reports for the Joint Venture Board. Implementation and enforcement of cost control systems
- > Aoki-Tobishima-Franki Joint Venture: Yam O Interchange (HK\$ 850 million) – Preparation and negotiation of three insurance claims (quantum in the range of HK\$ 300,000 to HK\$ 1,500,000).

1996: Quantity Surveyor with Leighton Contractors (China) Ltd, Hong Kong

- > Hainan Brewery, China (RMB 220 million) – Preparation of re-rate claim due to the increased complexity of the works.

1994 – 1996: Quantity Surveyor with Leighton Contractors (Asia) Ltd, Hong Kong

- > Leighton - Lama Joint Venture: Pipeline from Tai Lam Chung to Ta Pang Po (HK\$ 350 million) – Preparation and agreement of variations (agreed quantum totaling HK\$ 22 million), active participation in the preparation of claims. Procurement of subcontracts, preparation of Subcontract Agreements, preparing Bills of Quantities. Responsible for the management of all subcontract packages, involving continual cost monitoring and cost prediction, final account preparation and agreement. Reporting on, and evaluating contractual issues. Preparation of cost data and cost reports reporting to a Senior Quantity Surveyor.

1993 – 1994: Assistant Quantity Surveyor with Taylor Woodrow Civil Engineering Ltd, England

- > Ashford Common Water Treatment Works (£ 55 million) – Preparation of major variations (largest in excess of £ 0.5 million), procurement and management of subcontracts, cost planning and preparing of costs budgets, management of all site plant, and *ad hoc* material purchasing.

1992 – 1993: Sponsored Student with Taylor Woodrow Holdings Ltd, England

- > Liverpool John Moores University.

Career Summary (Cont'd):

1991 – 1992: Student Quantity Surveyor with Taylor Woodrow Management Contracting Ltd, England

- > Mortimer Reservoir (£ 3.2 million) – The overall financial management of the project reporting to a Senior Quantity Surveyor.

Academic Qualifications:

- > PgD, Commendation..... The University of Hong Kong and Manchester Metropolitan University, 2002
- > BSc(Hons), Upper Second Class Honours Liverpool John Moores University, 1993

Professional Qualifications:

- > Member The Chartered Institute of Arbitrators, 1999
- > Associate Member The Institute of Civil Engineering Surveyors, 1999
- > Member The Royal Institution of Chartered Surveyors, 1997

Service on Technical / Professional Bodies:

Member, The Lighthouse Club, Hong Kong Branch, since 1997. Trained volunteer for the C.I.T.B. Schools Presentation Campaign (1994).

Publications and Presentations:

- > Longbottom, D.S., (2009), *Mediation and Civil Justice Reform*, ADR Digest, Winter 2010;
- > Longbottom, D.S., (2009), *Principles of Cost Claims Under GCC Clause 63*, ADR Digest, Spring 2009;

Publications and Presentations (Cont'd):

- > Longbottom, D.S., (2008), *Performance Bonds: The Devil is in the Detail*, ADR Digest, Summer 2008;
- > Longbottom, D.S., (2007), *The Risk of Being Different: Alternative Designs*, ADR Digest, Autumn 2007;
- > Longbottom, D.S., (2006), *Extension of Time Provisions – Retrospective or Prospective Assessments*, The BERA Bulletin, Autumn 2006;
- > Longbottom, D.S., (2006), *A Variation or Not a Variation? That is the Question ...*, The BERA Bulletin, Winter 2005/6;
- > Longbottom, D.S., (2006), *Basic Business Letter Writing*, Presentation to main contractor; and
- > Longbottom, D.S., (1994): Various seminars and presentations for C.I.T.B. Schools Presentation Campaign (promoting careers in the construction industry to students).

Languages:

- > Chinese: Speaking - basic Cantonese