
**KEYNOTE SPEAKER**

**Sir Vivian Ramsey QC**

Recognized as one of the world’s foremost construction lawyers, Sir Vivian was the head of Keating Chambers before being appointed as a High Court Judge (Queen’s Bench Division) of England and Wales from 2005 to 2014, including a period as Judge in charge of the Technology and Construction Court from 2007 to 2010. He has been an International Judge of the Singapore International Commercial Court since 2015 and acts as an arbitrator, mediator, expert and dispute board member around the world. His academic contributions include being the co-editor of several editions of Keating on Construction Contracts and many years’ teaching at King’s College London, where he is a Visiting Professor.

**OUR SPEAKERS**

- **Adv. Patrick Lane SC**, 39 Essex Chambers, The Maisels Group, Johannesburg
- **Abdul Jinadu**, Keating Chambers, London
- **Gerhard Rudolph**, Allen & Overy, Johannesburg
- **Dawson Jenner**, HKA, Johannesburg
- **Don Ruhukwa**, Chief State Counsel, Botswana
- **Christopher Ennis**, Time | Quantum Expert Forensics Ltd, London
- **Rob Morson**, Pinsent Masons, Johannesburg
- **Patrizia Pelmitsessa-Savric**, Ginder-Pelmitessa, Botswana
- **Rob Scott**, Clyde & Co, Johannesburg
- **Uwe Putlitz**, CEO JBCC, Johannesburg
- **Luca Sommariva**, K&L Gates, London & Milan
- **Dawid Weigemoed**, Keating Chambers, The Maisels Group, Cape Bar
- **Tengo Rubadiri**, Attorney, Botswana
- **Stoffel Ackermann**, STBB, Cape Town
- **Jonathan Ripley-Evans**, Herbert Smith Freehills, Johannesburg
- **Stuart Davey**, International Dispute Services, London
- **Michelle Kerr**, MDA Consulting, Johannesburg
- **Tommy Wakefield-Smith**, Synel Consulting, Johannesburg
- **Chloe de Jager**, Pinsent Masons, Johannesburg
- **Sean Gibbs**, Hanscomb Intercontinental Ltd, London
- **Rob Schultz**, Alstom, Saudi-Arabia
- **Pieter van Rooyen**, ABInBev Africa, Johannesburg
- **Kailash Dabeesingh**, Kailash Dabeesingh Arbitration Chambers, Mauritius
- **Damian James**, Delay & Quantum expert, Johannesburg
- **Sameer Amod**, Bigen Group, Pretoria
- **Zama Ngcobo**, LNP Attorneys, Johannesburg
- **Retselisitsoe Motlojoa**, Independent Expert, Lesotho
Tuesday 20 November 2018

07:30 – 08:30 Registration and Light Refreshments
08:30 – 08:35 Welcome by SCL Africa Chairperson – Adv. Johan Beyers
08:35 – 09:15 Keynote address: Sir Vivian Ramsey QC
09:15 – 09:40 Adv Patrick Lane SC – “Developments in International Arbitration”
09:40 – 10:05 Abdul Jinadu - “Disputes Under FIDIC 2017”
10:05 – 10:30 Dawson Jenner - “Are Contractors failing to adequately particularise contractual claims for additional payment?”
10:30 – 10:55 TEA
11:20 – 11:45 Christopher Ennis - “Entitlement to time-related costs in prolongation claims – what needs to be considered?”
11:45 – 12:10 Adv Johan Beyers - "Adverse Subsurface Conditions and FIDIC’s ‘experienced contractor’ test: should contractors expect the worst and hope for the best?”
12:10 – 12:35 Jonathan Ripley-Evans - "Urgent relief in International Arbitration – are state courts becoming redundant?"
12:35 – 13:00 Damian James - The symbiotic relationship between the expert and the tribunal
13:00 – 14:00 LUNCH
14:00 – 14:25 Uwe Putlitz - "The Origin of Disputes in standard form contracts"
14:25 – 14:50 Stoffel Ackermann – “Trends in Africa Infrastructure”
14:50 – 15:15 Luca Sommariva - "International perspectives on time-barring clauses (overview of the state of the art on time-bar provisions)"
15:15 – 15:40 TEA
15:40 – 16:05 Stuart Davey - “Disruption – Pitfalls in Establishing Liability”
16:05 – 16:30 Rob Scott – “An update on the law relating to calls on construction guarantees”
16:30 – 17:15 BREAK
17:15 – 19:15 COCKTAIL FUNCTION
Wednesday 21 November 2018

08:30 – 08:50   Light Refreshments

08:50 – 09:15   Don Ruhukwa – “Enforcement of adjudicators decisions and Arbitral Awards in Botswana”

09:15 – 09:40   Christopher Ennis – “The role of the expert witness in international disputes – cultural differences explored”

09:40 – 10:05   Rob Morson – “Building Plan Approval – Employer or Contractor risk? Silence may not be golden”

10:05 – 10:30   Patrizia Palmitessa-Savric – “The origins and development of Dispute Boards”

10:30 – 10:55   TEA


11:20 – 11:45   Sean Gibbs – “Adjudicator Nominating Bodies”


12:10 – 12:35   Tommy Wakefield-Smith – “Subjective Objectivity – As built critical path analysis”

12:35 – 13:00   Rob Schultz – “Managing claims in the Middle East – a Contractor’s perspective”

13:00 – 14:00   LUNCH

14:00 – 14:25   Michelle Kerr – “Statutory adjudication: a necessary transfusion for the South African construction industry?”


15:15 – 15:45   TEA


16:10 – 17:00   PANEL DISCUSSION: AFRICAN PROCUREMENT ISSUES chaired by ARMANDO AGUIAR

Retšelisitsoe Motlojoa - “The Complexities of Bilateral Projects: Understanding the Crux of the conflict between Basotho Contractors and Lesotho Highlands Water Project Authorities”

Zama Ncobo - “Procurement and the type of contract to choose for certain projects”

Sameer Amod - "Participation in Public Sector Procurement – Can we Cope?”

17:00 – 17:05   CLOSURE OF CONFERENCE
SIR VIVIAN RAMSEY

Recognized as one of the world’s foremost construction lawyers, Sir Vivian was the head of Keating Chambers before being appointed as a High Court Judge (Queen’s Bench Division) of England and Wales from 2005 to 2014, including a period as Judge in charge of the Technology and Construction Court from 2007 to 2010. He has been an International Judge of the Singapore International Commercial Court since 2015 and acts as an arbitrator, mediator, expert and dispute board member around the world. His academic contributions include being the co-editor of several editions of Keating on Construction Contracts and many years’ teaching at King’s London, where he is a Visiting Professor.

ADV PATRICK LANE SC

Prior to being called to the Bar in 1977, Patrick served his articles of clerkship at a leading Johannesburg firm of Attorneys during which time he passed the Attorney’s admission examinations and qualified and was admitted as an Attorney.

Patrick is a member of 39 Essex Street Chambers in London and practices internationally in the United Kingdom, Europe and Africa. He has received numerous appointments to act as arbitrator in relation to both domestic and international arbitrations both in South Africa and abroad and has chaired and been a member of a number of Dispute Adjudication Boards.

The fields of practice comprehend a specialization of Construction and Arbitration Law and generally in Contract, Commercial Insolvency, Professional Negligence, Banking, Insurance, IT, Landlord and Tenant and Mining Law. A specialization in Construction Law has involved all aspects of Construction Claims and Contracts including disputes in relation to dams, roads, power stations, airports, air force Bases, harbours, pipelines (offshore and onshore), buildings, bridges, aluminium refractories, hospitals, railway lines, cement filtration plants, sports stadiums, hotels, conveyors, heap leach pads, electrical installations, acid plants, crushing plants, paving, tunneling, water reticulation, water proofing, geotechnical and geological issues, mechanical engineering contracts, sulphuric acid plants, trains, dredging, issues relating to concrete, piping and instrumentation, elevators, reinforcement, post-tension slabs, foundations, factories, multi project terminals and design.
ABDUL JINADU
Keating Chambers, London
“Disputes Under FIDIC 2017”

Abdul specialises in infrastructure, construction, energy and related professional negligence disputes, mainly in domestic and international arbitration (including ICC, LCIA and ad hoc). Disputes arising from projects in Africa are prominent in Abdul’s practice. Recent cases include acting on behalf of clients involved in projects in Kenya, Sierra Leone and Nigeria, with the governments of Ghana and Malawi, as well as for clients from the Far East investing in West Africa. Abdul has strong experience in the Middle East, with recent work including two Dubai based arbitrations in respect of projects in Iraq and one in Saudi Arabia.

Abdul has “a strong adjudication element to his practice” and is a TECBAR accredited adjudicator. In addition to acting as an adjudicator and giving papers and seminars on the subject, he has acted for clients at all stages of the adjudication process (advising, drafting, and representation at enforcement proceedings) and at all levels up to the Court of Appeal. Abdul is Secretary Pro Tem of the Society of Construction Law Nigeria and is a member of both the Court of the Lagos Chamber of Commerce International Arbitration Centre and Lagos Court of Arbitration, as well as a Fellow of the Chartered Institute of Arbitration. Abdul has contributed chapters to the leading texts Keating on Construction Contracts, Keating on Offshore Construction and Marine Engineering, and Oil and Gas Contracts: Principles and Practice. He is a member of the editorial board for LexisPSL Construction and has written articles on a range of subjects including on the NEC 3 and the Nigerian Oil and Gas Industry.

DAWSON JENNER
HKA, Johannesburg
“Are Contractors failing to adequately particularise contractual claims for additional payment?”

Dawson Jenner is a Director of Claims and Consulting with HKA, based in Johannesburg, South Africa. He has over 7 years’ experience in preparation and defence of contractual claims. Dawson holds an LLM in Construction Law and Arbitration, and is a Fellow of the Chartered Institute of Arbitrators.

He has held a number of positions throughout his career, with particular focus on legal roles including that of general counsel, contract administrator, and claims consultant. This experience has enabled Dawson to become a specialist within the field of construction law and dispute resolution. His experience portfolio includes many prestigious projects throughout South Africa such as, large scale engineering production plants, electronic tolling projects, coal fired power stations, and underground mining facilities.
GERHARD RUDOLPH
Allen & Overy, Johannesburg

“Managing Business Rescue and Insolvency in the performance of a construction contract”

Gerhard Rudolph is head of Litigation, Arbitration and Dispute Resolution in Allen & Overy’s South African office. Prior to joining Allen & Overy, he was the Joint Managing Partner and Head of Dispute Resolution at Baker McKenzie South Africa. Gerhard has extensive experience in representing and advising both domestic and multinational corporate clients in a broad range of contentious matters, both within South Africa and across a variety of other African jurisdictions. He specialises in major disputes within the Energy, Mining and Infrastructure sectors and is regarded as one of the leading construction law specialists in South Africa.

Gerhard also has a strong following amongst both local and multinational financial institutions, representing and advising clients on contentious transactional and regulatory disputes with a strong focus on insolvency and restructuring, as well as compliance and investigations. With an impressive track record in handling large and small disputes across all disciplines in the building and infrastructure sector, Gerhard has advised clients in South Africa, across the rest of Africa and in the Middle East, including in respect of proceedings under ICC, LCIA and UNCITRAL rules.

Gerhard has been ranked as a leading dispute resolution lawyer in legal directories for more than a decade along with separate, consistent recognition for his work in the mining and construction sectors.

CHRISTOPHER ENNIS
Time | Quantum Expert Forensics Ltd, London

“Entitlement to time-related costs in prolongation claims – what needs to be considered?”

“The role of the expert witness in international disputes – cultural differences explored”

http://tqef.uk.com

Chris is Director of Time | Quantum Expert Forensics Ltd. (“TQEF”), a niche practice based in London, UK, specialising in construction dispute resolution consultancy. Following early experience gained in building trades, Chris has over 45 years’ experience in the Construction Industry and has been a Chartered Quantity Surveyor for over 35 years. He has been a Director in a property development and architectural consultancy, was Managing Director of Northcrofts Management Services Ltd., a Partner of Davis Langdon LLP (later a Director of AECOM following merger with Davis Langdon), before founding TQEF in November 2012.

Chris specialises as an expert witness (quantum), and as Adjudicator, Mediator, Arbiter, Expert Determiner and DAB member, and has been retained in one or other of these capacities on some very large and well-known international and UK construction disputes. He is immediate past Chair of the UK Society of Construction Law, and is Vice-Chair of the Anglo-German Construction Law Platform and Vice-Chair of the International Construction Law Association. He is a visiting professor at Stuttgart University; he frequently speaks at international conferences and a number of his papers on construction legal topics have been published by SCL and leading legal journals.
ADV JOHAN BEYERS
Keating Chambers, The Maisels Group, Cape Bar

"Recovering additional time-related costs in terms of the JBCC standard form building contract"

Johan Beyers is an international member of Keating Chambers in London, a leading set of barristers’ chambers specialising in Construction, Energy, Procurement, Professional Negligence & International Arbitration. He has held chambers as an advocate at the Cape Town Bar in South Africa for more than 25 years, specialising in domestic and international arbitrations relating to construction, engineering, energy, mining, information technology and commercial disputes.

He is admitted in the Courts of both South Africa and the Kingdom of Lesotho and has held acting positions as High Court judge and magistrate in the Magistrate’s Court, and appointments as appeal arbitrator, arbitrator and legal expert. He has advised international and South African contractors, subcontractors, consultants and employers on large engineering, construction, energy, mining and information technology projects in South Africa, Lesotho, Namibia, the Middle East, Scotland and South America.

He is a co-founder and the chairperson of the Society of Construction Law for Africa 2013-2018, holds an MSc degree in Construction Law and Dispute Resolution from King’s College London, during which he was the recipient of the “Arbitration Club ‘Philip Raner’” prize for the best arbitration exam script, and BA LLB degrees from the University of Stellenbosch.

JONATHAN RIPLEY-EVANS
Herbert Smith Freehills, Johannesburg

"Urgent relief in International Arbitration – are state courts becoming redundant?"

Jonathan Ripley-Evans is a Director based in the Johannesburg office. Jonathan has considerable experience in general commercial litigation and alternative dispute resolution. Jonathan has extensive experience in High Court litigation including civil trials, applications (both urgent and ordinary), Anton Piller type applications as well as applications for declaratory relief.

He is an Arbitration Foundation of Southern Africa (AFSA) accredited mediator and arbitrator, having acted as mediator and as advisor in both mediations and arbitrations, domestic and international.

He is an accredited member of the Chartered Institute of Arbitrators (CIarb) and currently sits on the board of the local CIarb branch committee.

He is also the vice-chair of the Young Member’s Group of the CIarb.

Jonathan also sits on the committees of both AFSA International and AFSA Construction, two specialist divisions of AFSA.

Jonathan's practice is largely geared towards alternative dispute resolution, in particular arbitration and mediation. He specialises in the resolution of commercial disputes in a wide range of sectors including energy, mining, tourism, hospitality, property, manufacturing and engineering.
SCLAFRICA SPEAKER BIOGRAPHIES

DAMIAN JAMES
Delay & Quantum expert, Johannesburg

“The symbiotic relationship between the expert and the tribunal”

Damian is a delay and quantum expert with 30 years of experience in construction projects. He has extensive direct experience of working on contractual disputes for contractors, subcontractors and employers which provides a sound basis for more than 60 expert commissions.

Damian has worked on projects internationally and has been appointed as an expert for disputes across Africa, Europe and the United Kingdom. Damian has particular expertise in large scale power stations (both coal and solar powered), oil and gas, mining, rail, roads, stadia and commercial buildings.

Damian is strong working with forensic planners and quantity surveyors, he is a strong team leader and team player who focuses his strategy on the most appropriate solution for the matter at hand. Damian’s particular experience is in delay analysis and complex disruption valuation, disentangling global claims to establish the relationship of particular cause and effect, particularly in matters of dominancy and concurrency.

Damian is client facing and is an exceptional quantity surveyor who presents his determinations in an expert manner by using detailed analysis that integrates the delay and quantum assessment to determine the entitlement of submissions. Damian’s experience is as a party-appointed expert, tribunal-appointed expert and as a mediator in large dispute resolution.

Damian continues to be highly regarded by the barristers and solicitors that he has worked with in the UK and Africa and receives particular commendation on his ability to understand his brief, present concise written reports and provide an erudite articulation of matters under examination to the tribunal.

UWE PUTLITZ
CEO JBCC, Johannesburg

“The Origin of disputes in standard form contracts”

Uwe Putlitz was born in Johannesburg, went to the Deutsche Schule (primary) and Parktown Boys High School, qualified as an Architect at Wits 1976 and awarded 1st M Sc Building in 1986, attended various project and financial management courses, member of the Institute SA Architects, Gauteng Institute for Architecture, SA Institute for Architectural Technologists, SA Council for the Project and Construction Management Professions & the Association of Arbitrators. Past member of the Royal Institute of British Architects, Fire Protection Association. Worked for the SABC for ±11 years at the start of television in South Africa to design and build ±150 transmitter facilities countrywide, then involved with various studio complexes to suit changing and new requirements for television and expansion of radio services Worked for
(Cont... Uwe Putilitz) Bannie Britz and Michael Scholes Architects on the Bophutha
swana Government building in Mmabatho.

One year of product marketing in the subsidised housing market with Everite during one of the dips in the SA building industry. Various office and industrial buildings whilst working for MLH & Partners (Associate) Various office and industrial buildings (+original Sunninghill Hospital) whilst working for Osmond Lange & Partners (Partner) Started Building Strategy Network in 1992 - various office and industrial buildings (+ 20 radio stations) + Gautrain Hatfield Station until end 2010 Part time lecturer at Wits ‘Construction Economics & Management’ 2009-2011 (three courses = 55 lectures), run out of time with JBCC position. One of a team of four lecturers for Wits Enterprises for the annual SAPOA Property Management Programme. From 01 January 2011 CEO of the Joint Building Contracts Committee.

Presented short papers at various industry conferences on dispute avoidance in building contracts, the building contract as a risk management tool, the building contract as a project management tool, the importance of proper project definition to reduce disputes during construction, etc.

Trustee and vice chair of the Endangered Wildlife Trust; Founder chairman of the Buskaid board of Trustees - until 2005, succeeded by Jill Richards.

Attended the Association of Arbitrators inaugural LSM Mediation Course during March 2015 as an ‘accredited mediator’.

Stoffel Ackermann is a director, the head of litigation as well as the head of the Construction Law Department at STBB | Smith Tabata Buchanan Boyes. He specialises in commercial and construction law, litigation and has extensive experience in domestic and international litigation and arbitration disputes. He is also a co-founder and the current vice chairman and international liaison of the Society of Construction Law for Africa.
LUCA SOMMARIVA  
K&L Gates, London & Milan  
“International perspectives on time-barring clauses (overview of the state of the art on time-bar provisions)”

Luca Sommariva is a partner in the firm’s Milan office, where he is a member of the Construction and Infrastructure practice group. Luca’s practice focuses in international and domestic construction projects, advising employers, architects/engineers, contractors and sub-contractors in:

- negotiating and drafting a broad variety of construction-related contracts;
- managing claims for extra time and/or extra costs during the performance of the works; and
- representing clients in highly complex disputes.

Prior to joining the firm, Mr. Sommariva was a partner in the Milan office of an Italian law firm.

In 2003 Luca attended the Program on Negotiation at Harvard Law School, Cambridge, MA, and earned a Master of Laws degree (LL.M.) in International Legal Studies at Georgetown University, Washington, D.C. He graduated from the University of Genoa in 1997 (score: 110 out of 110), and he was admitted to the Italian Bar in 2001.

He is member of the Society for Construction Law and the International Construction Law Association and he is registered as European Lawyer at the Solicitor Regulation Authority.

STUART DAVEY  
International Dispute Services, London  
“Disruption - Pitfalls in establishing liability”

Stuart started his career as a quantity surveyor working for large international civil engineering and infrastructure contractors across a portfolio covering, airports, tunnels and motorways. During his time working for contractors he developed an interest in the management of claims.

Stuart then enrol on the MSc for Construction Law and Arbitration, King’s College London. Since graduating in 1999 he has provided expert advice and representation on quantum issues for major international power, building and civil engineering projects in the UK, Eastern Europe, Tanzania, South Africa, South America, Qatar and Oman.

He has run his own consultancy firm for 21 years which provides claims support and quantum expert services to both employers and contractors internationally.
ROB SCOTT
Clyde & Co, Johannesburg

"An update on the law relating to calls on construction guarantees"

Rob has substantial experience in general commercial, insurance, construction including construction insurance and mining disputes (the latter in both national and cross-border contexts).

He has 30 years of experience, has worked in the insurance industry and is experienced in the application of both the common and civil laws.

Rob has been involved in a number of high-profile cases in the fields of auditors’ liability, tendering and administrative justice and defamation.

He has a depth of expertise in construction insurance claims and he acts for a large segment of the construction bond market, in relation to both national and cross-border securities.

Rob holds the following qualifications, appointments and memberships:

- Attorney of the High Court of South Africa.
- Attorney-at-Law of the Supreme Court of Seychelles.
- Accredited Commercial Mediator and Member of the President’s Panel of Mediators (Construction) of the Royal Institution of Chartered Surveyors (RICS).
- South African Dispute Settlement Accreditation Council Commercial Mediator (DISAC).
- Course leader for the development of the RICS construction adjudication accreditation course.
- Associate Member of the Insurance Institute of South Africa (AIISA).
- Member of the Chartered Institute of Arbitrators (MCIArb).
- Bachelor of Arts and Laws (University of the Witwatersrand).
- Diploma in Insurance (Dip CII) of the Chartered Institute of Insurers and member of the Institute.
- Course Certificate in Construction Project Management (University of Columbia in the City of New York).
- Diploma in Marine Insurance (Practical Maritime Studies).
- Diploma in Human Rights (Rand Afrikaans University).
- Member of the South African Association of Engineering Insurers (SAAEI).
- Member of the Society for Construction Law South Africa.
- Co-author of the Insurance Institute of South Africa’s “Construction Insurance” and “Engineering Insurance” training books.

Rob is included in the 8th Edition (2017) of “Best Lawyers (South Africa)” for litigation, is recognised by Chambers & Partners 2017 for construction, is a recommended construction practitioner by Legal 500, and is an Acritas Star Lawyer entitled to use the credential “Acritas Stars – independently rated lawyer”.

DON RUHUKWA
Chief State Counsel, Botswana
"Enforcement of adjudicators decisions and Arbitral Awards in Botswana"

Over 8 years of experience with resolution of predominantly international disputes involving major Civil Engineering Construction Standard Forms of Construction Contracts and litigation in Botswana and South Africa predominantly gained as in-house Construction Attorney for Government of Botswana.

Specialities:
• Avoidance or resolution of or opinions /decisions/awards upon disputes arising from all types of Civil Engineering and Building Contracts.
• Experience of a wide range of construction claims involving Standardized international construction contracts.

Dispute Resolution Experience
• Party Representative on at least 10 FIDIC Red Book DABs
• Appeared as instructing Counsel on two high profile ICC Tribunals Arbitrations.

ROB MORSON
Pinsent Masons, Johannesburg

Rob specialises in construction law focusing on front-end and non-contentious legal issues. Rob has advised comprehensively across both the public and private sectors and has extensive experience in the use of both bespoke and standard form construction and professional consulting contracts (including FIDIC and the NEC), and in-depth practical knowledge of construction law and infrastructure development.

He has acted for employers, contractors and consultants (both local and international) on projects, disputes and other matters in connection with energy, port, mining and process plant projects, and also industrial and commercial property transactions. Chambers and Partners awarded Rob "Star Individual in 2016" (the first such ranking in the Construction area in South Africa). Chambers remarks that Rob has "an outstanding reputation in this arena, with a wealth of experience in construction matters" and quotes sources as saying "one of the top guys in the country - his commercial acumen is beyond reproach".
PATRIZIA PALMITESSA-SAVRIC  
Ginder-Palmitessa, Botswana  
“The origins and development of Dispute Boards”

Patrizia holds a Master of Science in Construction Law & Dispute Resolution from King’s College London and a Master of Architecture from University of Belgrade. She also holds a Specialization in Construction Law and a Diploma in Arbitration from Association of Arbitrators (Southern Africa).

Patrizia serves a Director – Africa on the Region 2 Board of Directors of Dispute Resolution Board Foundation, a non-profit organization dedicated to promoting the avoidance and resolution of disputes worldwide using Dispute Boards method. She is an internationally accredited FIDIC trainer and a friendly reviewer of the FIDIC 2017 Red, Yellow and Silver Books. Patrizia acts as arbitrator, adjudicator, dispute board member or party advisor and representative.

CHLOE DE JAGER  
Pinsent Masons, Johannesburg

Chloe de Jager is an Associate in Pinsent Masons’ Johannesburg office. She qualified as an attorney in 2013 and holds an MSc in Construction Law and Dispute Resolution from Kings College London. As an attorney, Chloe specialises in construction law and insolvency law and advises clients in the energy, construction and mining industries, focussing on construction dispute resolution.

She has extensive experience in construction disputes, as well as dispute adjudication and resolution under the FIDIC Suite of Contracts, the NEC Family of Contracts and the South African Joint Building Contracts Committee (JBCC) and South African Institution of Civil Engineering General Conditions of Contract for Construction Works (GCC) standard forms.

Chloe has represented a number of multinational construction, mining, mining equipment and materials handling service providers, as well as technology infrastructure companies on various commercial litigious matters and projects involved in the energy sector with specific focus on solar and coal power generation.
SEAN GIBBS
Hanscomb Intercontinental Ltd, London
"Adjudicator Nominating Bodies"

Sean has held directorships and senior commercial positions with contracting and consultancy firms in the United Kingdom and Internationally. With over 30 years’ experience in the onshore and offshore construction and engineering industries across the globe Sean has worked across the continents of Europe, Asia, Middle East, Africa and the Americas.

He has acted as quantum expert before various dispute resolution tribunals including adjudication, dispute board, expert determination, arbitration. Sean holds a current Cardiff University Bond Salom accreditation as an expert witness and is on the Dubai International Arbitration Centre and the Arbitrators Association panels of experts.

Project experience includes major airport developments, industrial process plants, commercial developments, military and police installations, heavy engineering in respect of onshore and offshore Oil & Gas facilities and pipelines, highway interchanges, tunnels, leisure resorts, nuclear, waste to energy, biomass, onshore and offshore windfarms, renewables, mines, ports, hospitals and rail/metro projects.

Projects have been based on numerous standard and be-spoke Conditions of Contract, including the NEC/ECC Suite of Contracts, JCT Suite of Contracts, ICE Suite of Contract, FIDIC Suite of Contracts, I Chem E Suite of Contracts, ICC Suite of contracts and other EPC / Split EPC / EPIC / FEED / EPCM forms.

He is actively involved with other construction law institutes and organizations including The Adjudication Society, Society of Construction Law (UK & Gulf), The International Bar Association, The Dispute Resolution Board Foundation, UK Adjudicators and HK Adjudicators.

Sean also sits as an arbitrator and adjudicator and through this experience better understands what the tribunal expects from those giving evidence.

PIETER VAN ROOYEN
ABInBev Africa, Johannesburg

"An Employer’s perspective on risk management and risk distribution in African construction projects"
TOMMY WAKEFIELD-SMITH  
Synel Consulting, Johannesburg  
'Subjective Objectivity – As built critical path analysis'

Tommy Wakefield-Smith is a Civil Engineering Technician with over 20 years’ experience on engineering and construction projects across South Africa, UK the Middle East and Australia in the resources, rail, energy and construction sectors.

He is an international expert in project planning, programming and the analysis of delay and disruption and a member of the Academy of Experts, Gray’s Inn London. He has undertaken numerous expert appointments, been instructed as expert determiner, testified in the ICC Courts in London and been ‘hot tubbed’.

Rob Schultz  
Alstom, Saudi-Arabia  
"An update on the law relating to calls on construction guarantees"

MICHELLE KERR  
MDA Consulting, Johannesburg  
“Statutory adjudication: a necessary transfusion for the South African construction industry?”

Michelle Kerr is a non-practising attorney and senior associate at MDA Consulting (Pty) Ltd, providing legal support and advice to clients in the construction industry. Michelle’s work focuses on the administration of claims made in terms of the standard form, as well as bespoke, construction contracts and the resolution of disputes arising out of and/or in accordance with such contracts.

Education
- LLB (Bachelor of Laws), University of KwaZulu-Natal (Howard College), 2002 – 2005
- LLM (master of laws) (medical law), University of KwaZulu-Natal (Howard College), 2006 – 2007
- Cambridge Construction Law Summer School, 2013
- Programme of Construction Adjudication (Continuing Education), University of Pretoria, 2013
- King’s College London: MSC (Masters in Science) in Construction Law and Dispute Resolution, 2015 – 2017
Welgemoed is an Advocate in South Africa (Cape and Johannesburg Bar, at 56 Keerom Street Chambers and Maisels Group, Sandton) a Barrister in the United Kingdom (Middle Temple) and an International Member of Keating Chambers, London.

He specializes in all aspects of Engineering, Construction and related issues. He has extensive domestic and international experience in high value and complex disputes in High Courts, Arbitrations and Adjudications. He has been Counsel on matters, amongst others, relating to Power Stations, a Diamond Mine, a Desalination plant, Pipelines, Nuclear material, Roads construction, a Sports stadium, Locomotive repairs, Racing cars, Shipbuilding, Genetics, a Floating harbor, High value residential houses, Housing developments, Credit models, Banking electronics, Bridge Construction, Electricity software, Professional Indemnity claims, multi discipline engineering disputes, International fishing quotas and fishing rights, and several mining matters in the value of $ many millions.

He has been counsel of choice for the family of a Nobel Peace prize winner and several international high value clients. He has been a guest lecturer on aspects of construction law and arbitration in several countries. Acted for British, Chinese, Singaporian, German, Japanese and Swiss International clients.

He was Counsel in numerous Professional Indemnity Claims for Architects, Engineers and Contractors. General Commercial works includes, amongst others, Cross border Swiss Trust litigation and advising on a credit model.

**Career**

Advocate of the High Court of South Africa – Member of the Cape and Johannesburg Bar (admitted in 2000); Called to the Bar of England and Wales (Middle Temple – 2003); Arbitrator of the South African Arbitration Forum – Commercial Panel and Construction panel, a Chairperson of the Tax Dispute Board of the South African Revenue Services. Member of the Construction Committee of AFSA. Arbitrator of the Botswana Institute of Arbitrators.
KAILASH DABEESINGH  
Kailash Dabeesingh Arbitration Chambers, Mauritius  
“Evolution and trends in resolving construction disputes. A Mauritian experience.”

Kailash Dabeesingh is a construction law expert specialising in arbitration. Kailash Dabeesingh is a Chartered Arbitrator and a Chartered Quantity Surveyor. He has practised as a Civil Engineer before embarking on Quantity Surveying as a career. He has pursued post graduate studies in architecture and has expertise in Construction Law and Arbitration.

ARMANDO AGUIAR  
ENS AFRICA, JOHANNESBURG  
PANEL DISCUSSION: AFRICAN PROCUREMENT ISSUES  

Armando Aguiar is a director in ENSafrica’s dispute resolution department. He specialises in general commercial dispute resolution, and construction and engineering law, including the drafting of contracts (such as FIDIC, NEC, JBCC and GCC), claims and dispute resolution.

Armando’s experience includes advising clients on contract-based commercial litigation, both locally and internationally, as well as on varied commercial litigation. He has acted for a number of major construction companies, national governments, parastatal entities and various listed multinational companies.

Armando is a director and fellow of the Association of Arbitrators (Southern Africa), a fellow of the Arbitration Foundation of Southern Africa, and is a CEDR-accredited mediator. He has been appointed as an adjudicator and arbitrator in a number of construction disputes.

Armando is recognised as a leading/recommended lawyer by:

- The Legal 500 EMEA 2018, 2017, 2016 – Litigation/Dispute Resolution and Construction (South Africa)
- Best Lawyers® 2018, 2017 – Construction (South Africa)
**SCLAFRICA SPEAKER BIOGRAPHIES**

**RETSELISITSOE MOTLOJOA**  
**Independent Expert, Lesotho**

"The Complexities of Bilateral Projects: Understanding the Crux of the conflict between Basotho Contractors and Lesotho Highlands Water Project Authorities"

Retšelisitsoe has Diploma in Civil Engineering TTS (Les), Post-Graduate Diploma in Information Management RAU (SA) and MBA De Montfort University (UK).

He is a freelance Consultant and owner of RM OD Consultancy providing expert services in Corporate Governance, Organisational Development, Human Resources Management and Information Management.

Currently his main client is Consortium of Lesotho Contractors (CLC) and he is a member of Human Resources and Remuneration Board Committee of Lesotho Communications Authority (LCA).

He was previously MD and Director at SM Consulting Engineers, CEO and Director at Senqu Engineering Environment and Development Consultants, Director Lesotho Electricity and Water Authority (LEWA), HR Specialist Population Services International (PSI), Staff Training and Development Manager Lesotho Highlands Development Authority (LHDA) and Staff Development Manager Ministry of Public Works. Of importance to this conference is that he has been a associated with Lesotho Highlands Water Project (LHWP) for the past 30 years as follows:

- 1988 to 2006: Senior Official in the Lesotho Highlands Development Authority
- 2007 to 2011: CEO of SEED Consult (Part of C4 SEED JV that did Feasibility Study of LHWP Phase II)
- 2011 to 2013: Company Secretary for Lesotho Association of Consultants Joint Venture (LAC JV) consolidating capacity for Basotho Consultants participation in Implementation of Phase II of LHWP
- 2014 to 2018: Providing OD consultancy services to CLC consolidating capacity for Basotho contractors to participate in Implementation of Phase II of LHWP.

**ZAMA NGCOBO**  
**LNP Attorneys, Johannesburg**

"Procurement and the type of contract to choose for certain projects"

Zama Ngcobo is a Director in LNP Attorneys’ Construction, Infrastructure & PPPs department. Her focus is on contentious and non-contentious construction and engineering legal matters. She is well known for her cradle-to-grave expertise in complex infrastructure projects and has vast experience in drafting and advising on the standard form and bespoke construction contracts, including EPC, EPCM, Design & Build, O&M, BOOT, as well as professional appointments.

Zama has advised and trained private and public sector clients on the use of FIDIC, NEC and JBCC agreements. She is also experienced in mediations, adjudications, arbitrations and superior court proceedings arising from construction contracts.
SAMEER AMOD
Bigen Group, Pretoria
“Participation in Public Sector Procurement – Can we Cope?”

Sameer is a Project Manager with over 8 years experience in project commercial management and project management. Having managed the contract administration team since its infancy at Transnet Capital Projects, he has gained valuable experience in implementing contract management methodologies in managing projects using the NEC3 suite of contracts. Having a background in property development and project management has been of great importance in developing his skills in project commercial management. Challenges in NEC3 contracts in the past have highlighted the need for engineering commercial skills in projects rather than pure supply chain skills.

He has managed various specialist areas within Contract Lifecycle Management such as development of departmental policies and procedures; advisory in NEC3/FIDIC contracts; lead in rectifying irregular expenditure; advisory to senior counsel; claims consulting; dispute resolution; contract negotiations and managing procurement lifecycle within African Development Bank (AfDB) policies and procedures.

He is dedicated to his work with abilities to work at both operational and strategic levels. He is comfortable working independently and as a team member.