



## CARL SIMMS

BSc (Hons) LL.B (Hons) FCI Arb FPD  
Associate Director

### QUALIFICATIONS

RICS Certified Independent Expert Determiner  
Advanced Professional Award Accredited Mediator  
LL.B (Hons)  
BSc (Hons)  
BTEC

### MEMBERSHIPS & ASSOCIATIONS

FCI Arb  
Fellow of Prime Dispute ("FPD")  
Member of the SCL  
Member of the Adjudication Society  
APC Member of the RICS

### SECTOR EXPERIENCE

Rail  
Buildings  
Oil & Gas  
Infrastructure  
Energy  
Industrial & Process

### GEOGRAPHIC EXPERIENCE

United Kingdom  
The Netherlands  
Germany  
Sweden  
Australia  
Canada  
Oman  
Singapore  
China  
Dubai

### CORE SKILLS & SERVICES

Quantity Surveying  
Commercial & Contract Management  
Dispute Resolution & Avoidance

### KEY FACTS

- Over 20 years' experience in the construction industry
- Dual qualified
- Advanced Professional Award in Expert Witness Evidence
- RICS Certified Independent Expert Determiner
- International Mediation Institute ("IMI") qualified mediator; and RICS accredited mediator
- Assisted quantum experts in adjudication, arbitration and litigation

### SUMMARY

Carl is a legally qualified quantity surveyor, an accredited mediator and independent expert determiner with over 20 years' experience in the construction and engineering industries. Carl has worked on a wide range of projects in a variety of geographical locations.

Carl is also a Fellow of the Chartered Institute of Arbitrators, and Prime Dispute ("FPD"); and a member of the Society of Construction Law ("SCL") and the Adjudication Society. Carl also has an Advanced Professional Award in Expert Witness Evidence.

Carl has comprehensive quantity surveying experience and whilst acting on behalf of clients, he has undertaken tasks such as: the commercial management of construction projects, contract administration, procurement and tendering, project financial control and reporting, quantification and costing of works, risk management, and conducting various on and off-site audits.

Within Carl's work experience he has been exposed to and has dealt extensively with contractors, sub-contractors and suppliers, defining specific work packages, setting up and maintaining project processes that assist in the commercial administration of the contract, compiling all necessary and relevant documentation to either support or defend project changes and claims, and he has experience in negotiating and closing out final accounts.

Carl also provides support in adjudication, arbitration and litigation, as well as, preparing and defending claims.

In addition, Carl regularly assists quantum experts in adjudication, arbitration and litigation. He has experience of the case management process and has assisted party appointed legal teams in the preparation and management of witness evidence and cross-examination questions.

## SECTOR EXPERIENCE

---

### RAIL

---

#### **ROLLING STOCK SUPPLIER, STOCKHOLM, SWEDEN**

Carl was responsible for the day-to-day operations of the claims team and assisted the client in strategy, and settlement negotiations. The claim was based on changes made to the design, design review process and design requirements by the customer which led to significant delays being incurred.

#### **ROLLING STOCK SUPPLIER, DERBY, UK**

Carl was tasked with preparing several claims due to variations in the contract which have fundamentally affected the way in which the rolling stock supplier carried out its planned works. Carl was responsible for the day-to-day management and operations of the claims team and assisted the client's senior management team in strategy, negotiations, financial forecasting, as well as, providing additional support to the claim review board.

#### **ROLLING STOCK SUPPLIER, DERBY, UK**

Carl was tasked with preparing a claim in respect of a change in law which fundamentally effected the way in which the rolling stock provider's on-board signalling and train controls systems interfaced. Carl was responsible for the day-to-day operations of the claims team and assisted the client team in strategy, settlement negotiations, financial forecasting and providing additional support to the project commercial manager/director.

#### **RAIL PROJECT, CIVILS PACKAGE, OXFORD, UK**

Carl carried out the re-measure of the constructed works in order for the contractor to fulfil his obligation under the contract and claim for the addition extra over works undertaken. Carl prepared fully detailed take-offs for each element of the work and prepared bills in accordance with the contract and CESMM4.

#### **RAIL SIGNALLING PROJECT, WEST MIDLANDS, UK**

Carl was appointed by a signalling subcontractor to provide advice on quantum and time for his client which involved numerous rail signalling projects. This involved the collation of all contemporaneous records in support of claims, attendance in meetings with the main contractor and client staff, as well as, providing a detailed illustration and supporting position papers on claims to be submitted to the contractor.

#### **RAIL PROJECT, LONDON, UK**

Carl provided dispute resolution advice on quantum and time for a client involved in the Stockley Flyover rail project in connection with London Heathrow and Crossrail. This involved the collation of all contemporaneous records in support of claims, attendance in meetings with project and client staff, and providing a detailed illustration and supporting position papers on claims to be submitted to the employer.

---

### ENERGY

---

#### **ICC ARBITRATION, HYDROGEN PLANT, BAGHDAD, IRAQ**

Carl worked as the assistant to the quantum and delay expert witnesses analysing the quantum for an international arbitration.

#### **ICC ARBITRATION, HYDROGEN PLANTS, TEXAS & LOUISIANA USA**

Carl was instructed by the supplier to produce a quantum assessment of the supplier's costs in relation to the wrongful termination of multiple contracts. Carl worked closely with the supplier's internal finance and commercial teams as well as internal and outside counsel in order to produce his report.

#### **GREEN HYDROGEN SYSTEM, DONALDSONVILLE, USA**

On behalf of the Subcontractor, Carl was tasked with preparing claims against the Contractor based on breaches of contract by the Contractor with the Contractor's design and engineering of equipment specifications not being in accordance with the requirements set out in the main contract. The claims were made in respect of delays caused by, and the financial implication of, the Contractor's lack of design and over-engineering the equipment.

**OFFSHORE WIND FARM PROJECT, PAPENDRECHT, HOLLAND**

Carl was assigned to the contractor's design and development team. The wind farm comprised eleven turbines which had the capacity of 92.4 MW. Apart from generating electricity, this project was also a centre for testing and developing new technologies for offshore wind power generation. It was Carl's role to assist commercially with the design and development team ensuring that the contractor identified its entitlements under the contract. Carl also provided contractual advice and engaged in the project's administration duties developing existing practices to ensure robust commercial procedures were in place and followed.

**OFFSHORE WIND FARM PROJECT, SASSNITZ, GERMANY**

Carl was posted in Germany to work alongside an already established international project team. His role was to gather and interpret information and prepare claims totalling €75M.

---

**OIL AND GAS**

---

**SUBSEA SYSTEM - FLOATING PRODUCTION STORAGE AND OFFLOADING UNIT ("FPSO"), CHINA & SINGAPORE**

The client's contract covers the design, procurement, construction and installation of the complete subsea system, FPSO, 90 kilometres offshore that will enable the tieback of the gas field, the pipeline system, and the onshore pipeline and valve station at the receiving station. Due to COVID-19 restrictions there have been various delays to production in China, and assembly and commissioning in Singapore. Carl was instructed to review the merits of the client's claims (force majeure, changes in law, and instructed variations) and draft the necessary supporting narratives.

**LNG CANADA**

Carl was tasked with providing independent contractual and quantum opinion on a multitude of contractor claims. LNG Canada represents one of the largest energy investments in the history of Canada totalling CAD\$40B.

**OIL REFINERY PROJECT, OMAN**

Carl undertook the review and independent assessment of claims relating to COVID-19 and changes in law from a contractual and quantum perspective.

**EMISSIONS REDUCTION PROJECTS, SCOTLAND, UK**

Carl was part of the award-winning Emissions Reduction Team, winners of the 2014 outstanding Achievement Award, presented by NCE/ACE. As part of the commercial department Carl had full responsibility for one of the three sites and was the lead quantity surveyor reporting directly to the commercial and project directors. The aim of the project was to install a 35MW compressor along with the associated balance of plant and equipment as part of the client's and the UK's promise to reduce carbon emissions. This project also involved the upgrading and modification of various site components and gas monitoring systems.

**COMBINED HEAT AND INTELLIGENT PLANT (CHIP), BECKTON AND SOUTHALL, LONDON, UK**

Carl worked as part of the project service team supporting a new energy technology to build two Heat and Intelligence Power Plants in London. Unfortunately, due to a change in legislation the main funder of these projects was forced to withdraw and, therefore, the projects were terminated. Carl assisted in the preparation of the termination and apportioning the appropriate damages as per the contractual provisions.

**GAS PIPELINE PROJECT FINAL ACCOUNTS, SOUTH WEST REINFORCEMENTS PROJECT, SOUTH WEST ENGLAND, UK**

Carl undertook a contractual review in defence of claimed variations arising from the contractor's final account submissions in relation to a £125 million 36 kilometres, 48 inch gas pipeline.

**GAS PIPELINE PROJECT, WORMINGTON TO SAPPERTON, MIDLANDS, UK**

Carl undertook the role of quantity surveyor as part of the detailed design phase of a £90 million, 32 kilometre, 48 inch gas pipeline project. Carl's main duties were overseeing the forecasting and budgetary procedures, conducting various commercial and contractual reviews, providing advice on the proposed form of contract, and the identification and auditing of potential project risks prior to the construction phase of the project.

**GAS PIPELINE PROJECT, ISLE OF GRAIN TO SHORN TO GRAVESEND, KENT, UK**

Carl undertook the role of quantity surveyor carrying out commercial and contractual duties on a £80million LNG terminal expansion pipeline. Carl's main role was the preparation of the final account for the main works contractor and project services team within the joint venture.

---

**INFRASTRUCTURE**

---

**DERDGING & RECLAMATION PROJECT, MAKASSAR, INDONESIA**

Carl assisted the quantum expert witness in the preparation of the quantum analysis and prepared report narratives in support of the expert's assessments.

**HARBOUR EXPANSION PROJECT, SCOTLAND, UK**

Carl assisted the quantum expert witness analysing the quantum for several adjudications relating to the termination of the subcontractor by the main works contractor. Carl assisted in the preparation of the quantum analysis and prepares report narratives in support of the expert's assessments.

**HIGHWAYS, CUMBRIA, UK**

Carl worked as part of an expert witness team analysing the quantum for the TCC. Carl assisted in the preparation of the quantum analysis and prepared written quantum statements in support of the expert's assessments. Carl also attended court to assist counsel and prepared cross-examination questions for all the elements of work that he had been involved within.

**CRITICAL NATIONAL INFRASTRUCTURE PROJECTS, UK WIDE**

Carl undertook the role as quantity surveyor on a critical national infrastructure project, overseeing multiple design and construction projects, interfacing with multiple contractors and implementing multiple contracts on numerous project sites.

**SECURITY UPGRADES TO KEY UK GAS AND ELECTRICAL FACILITIES, UK WIDE**

Carl was part of an adjudication team preparing and defending a total of 21 no. adjudications, working alongside leading industry and legal experts. His duties included, under guidance: advising the client on their dispute options that have arisen throughout the lifecycle of a project at completion and termination; preparation of interim payments; review of contractor final accounts; assessment of extensions of time; assessment of the variations to the contracts; position statements and; assistance in the preparation of adjudication responses.

---

**INDUSTRIAL & PROCESS**

---

**IRON ORE MINING PROJECT, NEWMAN, WA, AUSTRALIA**

Carl worked as part of an expert witness team analysing the quantum for an international arbitration based in Singapore. Carl assisted in the preparation of the quantum analysis and prepared written quantum statements in support of the expert's assessments.

**PROCESS PLANT / FOOD PROCESSING INSTALLATION, DEVON, UK**

Carl was tasked to manage a small team of mechanical and electrical quantity surveyors whose remit it was to re-measure, re-assess and narrate over 180 no. compensation events prior to the employer issuing adjudication proceedings.

---

**BUILDINGS**

---

**SUPER-TALL TOWER (APPROX. 340M), MIXED-USE, DUBAI, UAE**

On behalf of the Contractor, Carl produced with the assistance of a delay analysis an extension of time and prolongation claim on a super-tall tower (approx. 340m), mixed-use building that comprises of: Grade A / Class A commercial offices, a 5-star hotel, branded residence, ballroom facilities, and food and beverage outlets.

#### **REFURBISHMENT PROJECTS, LONDON, UK**

Carl was appointed by the main contractor to undertake a contractual review of the liquidated ascertained damages ("LAD") being levied by the employer. Carl was also instructed to review potential extension of time claims and any associated costs, as well as review the implications of levying LAD on the contractor's subcontractors across multiple contracts. Carl has also been tasked with drafting the relevant documents for adjudication purposes and managing the process on behalf of the client.

#### **PREMIER LEAGUE FOOTBALL CLUB, £100M TRAINING GROUND COMPLEX, UK**

Working as part of an independent expert witness review, Carl was tasked with reviewing an extension of time claim as direct result of COVID-19.

#### **THE ROYAL LIVERPOOL UNIVERSITY HOSPITAL, UK**

Carl and others were instructed on behalf of the non-performance bond holder. Carl was principally assigned to oversee the remaining mechanical, electrical and plumbing ("MEP") work packages.

#### **HIGH SCHOOL AND SPORTS FACILITIES, UK**

Carl prepared the quantum information in the reply to an adjudication referral. The main works contractor claim approximately £989k in claims to which Carl re-assessed on behalf of the client/employer.

#### **COMMERCIAL AND RESIDENTIAL NEW BUILD, AND REFURBISHMENT PROJECTS, UK**

Carl worked on an array of commercial and residential new build, and refurbishment projects in the Northwest of England as a tradesperson. Carl began his career as a construction apprentice undertaking various aspects of building works, and latterly worked as a time-served plasterer before beginning his career as a quantity surveyor.

### ADDITIONAL INFORMATION

#### **PUBLICATIONS**

'The future is light, the future is green, the future requires detailed design', (Better coordination and upfront planning can help avoid major project disputes | International Railway Journal (railjournal.com)); published in the **International Railway Journal** July 2021.

'The inevitability of change and how to manage it', published in the **Rail Professional** June 2021, pg. 29 & 30, ([https://issuu.com/railpro/docs/rp\\_june21\\_issue\\_273\\_issuu\\_2\\_](https://issuu.com/railpro/docs/rp_june21_issue_273_issuu_2_)); and republished in the **Africa Rail Magazine**.

'Liquidated Damages', published in the **Rail Professional** April 2021, pg. 31 & 32, ([https://issuu.com/railpro/docs/rp\\_apr21\\_issue\\_271\\_issuu\\_\\_1\\_](https://issuu.com/railpro/docs/rp_apr21_issue_271_issuu__1_)); and republished in the **Africa Rail Magazine**.

'The Importance of Extension of Time Provisions', published in the **Rail Professional** November 2020, pg. 45 & 46, ([https://issuu.com/railpro/docs/rp\\_nov20\\_issue\\_267\\_issuu](https://issuu.com/railpro/docs/rp_nov20_issue_267_issuu)); and republished in the **Africa Rail Magazine**.

'The importance of Records and making a claim', published in the **Rail Professional** September 2020, pg. 51 to 53, ([https://issuu.com/railpro/docs/uk\\_sept\\_issuu](https://issuu.com/railpro/docs/uk_sept_issuu)); and republished in the **Africa Rail Magazine**.

'Changing contracts through variations', published in the **International Railway Journal** August 2020, (<https://www.railjournal.com/opinion/changing-contracts-through-variations>).

'The Importance of Contractual Notices', published in the **Rail Professional** July 2020, pg. 61 to 63, ([https://issuu.com/railpro/docs/july\\_2020\\_issue](https://issuu.com/railpro/docs/july_2020_issue)); and republished in the **Africa Rail Magazine**.