

## Patrick Waterhouse

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### Profile

Patrick is a construction adjudicator and accredited mediator. He advises clients, contractors and consultants on all aspects of contracts including procurement, claims and dispute resolution. He is a chartered civil engineer and a chartered surveyor.

### Key skills

- Dispute resolution – adjudication, mediation, expert determination, party advice.
- Construction Adjudicator
- Accredited Mediator
- Expert Determiner
- Contracts – PFI/PPP, JCT, ICC, IChemE, ACE, NEC3/4.
- Workshop facilitation
- Published author – NEC contracts

### Dispute resolution accreditation

Academy of Experts – Accredited Expert Determiner

Association for Consultancy and Engineering – Panel of Adjudicators

Association of Northern Mediators – Panel of Mediators

Chartered Institute of Arbitrators – Panel of Construction Adjudicators

ConstructionAdjudicators.com – Adjudicating Panel

Construction Industry Council – Register of Adjudicators

Institution of Chemical Engineers – Panel of Adjudicators

Institution of Civil Engineers – Register of Adjudicators & Register of Mediators/Conciliators

Mediate Legal – Panel of Mediators

## Dispute resolution accreditation (cont'd)

Royal Institute of British Architects – Panel of Adjudicators

Royal Institution of Chartered Surveyors – Panel of Adjudicators

Technology and Construction Solicitors' Association – Panel of Adjudicators

UK Adjudicators – Panel of Adjudicators

## Recent experience (more details available on request)

**Various clients** - contract advice and dispute resolution – adjudication & mediation. Consultancy services in standard form contracts (NEC, JCT), claims and dispute resolution.

**PFI projects** – 25+ years of experience in PFI/PPP in UK and Far East advising on commercial and dispute resolution issues to local authorities, investors and contractors in healthcare, waste treatment, highways, street lighting, criminal justice, rail and housing.

**Training services** - provision of training in contract law and contract procedure. Client base includes leading international consultants and contractors. Tutor and examiner for the NEC Project Manager, Supervisor and Service Manager accreditation programmes. Examiner for the Institution of Civil Engineers' law and contract management examinations.

**Adjudication** – appointed as adjudicator on (typically) 20 construction/engineering disputes per year in claims of value from £10k to £20m. Assessment of each Party's case, management of process and production of legally-enforceable decision.

**Mediation** – appointed jointly by parties and panels to mediate and assist parties to reach their own resolution of commercial disputes. Amounts in dispute typically £50k to £5m.

**Expert witness** – assessment of claims under construction industry contracts and conduct of professionals involved therein.

**Expert determination** – appointment as single expert to provide opinion or decision in respect of contract disputes in construction and engineering.

### Examples of recent contract advisory work –

- (i) Advice to PFI management services provider after its client (a PFI Project Company) had fared badly in an adjudication with an NHS Trust. Assessment of adjudicator's decision and advice on likely liability of our client.
- (ii) Appointed as lead negotiator for three PFI project companies to arrange high value contract changes allowing retrofitting of LED lights and central management systems.

- (iii) Advice to PFI project company in large waste treatment PFI project re claims (£5m+) received from design & build contractor and impact of adjudications in supply chain.
- (iv) Advice to local authority regarding its preparation for expiry of a highways management PFI project.
- (v) Advice to owner & operator of petro-chemical works on likelihood of success in £800k NEC3 dispute with contractor over refurbishment of stainless steel cross-country pipeline.
- (vi) Advice to financial guarantor (as sub-consultant to a third party) on the likely success or otherwise of claims made by a street lighting contractor against its client under an NEC3 subcontract. Advice related to entitlement and quantum and adjudication process.

## Work history

- Bowdon Consulting Ltd, Director. 2002 – present.
  - Dispute resolution and contract advisory services.
- Marconi Communications Ltd. Business Development Director. 1999 – 2002.
  - Business development in rail, highways & property sectors.
- Alstom Transport. Business Development Manager. 1997 – 1999.
  - Development of international privately-financed rail projects.
- Tarmac plc Private Finance Unit. Development Manager. 1995 – 1997.
  - UK PFI business development & bid management.
- Wimpey Construction Limited. Various engineering & management positions. 1987 – 1995.
  - Civil engineering, building, offshore fabrication, design management.

## Academic

- BEng(Hons) Civil Engineering. City University London.
- MBA. Durham University Business School.
- Diploma in Construction Adjudication, Chartered Institute of Arbitrators

## Professional

- Chartered Engineer, Engineering Council
- Fellow, Institution of Civil Engineers
- Fellow, Chartered Institute of Arbitrators
- Fellow, Chartered Institution of Civil Engineering Surveyors
- Member, Royal Institution of Chartered Surveyors
- Dispute Resolver Member – Academy of Experts
- Institution of Civil Engineers. Member - Dispute Resolution Panel
- Chartered Institute of Arbitrators. Chair – Professional Conduct Committee

## Publications

- NEC4 Resolving and Avoiding Disputes. Joint author with Robert Gerrard. 2019.
- The NEC4 Term Service Contract. Joint author with Kelvin Hughes. 2018.
- NEC4. Defined Cost and Compensation Events. Author. Published 2021.
- NEC4. The Professional Service Contract. Author. Publication expected early 2024.
- NEC4. Practical Solutions. Joint Author with Robert Gerrard. Publication expected early 2024.
- Regular contributor to industry magazines and online blogs.
- Regular presenter in webinars on construction law and dispute resolution.