



## Rob Palles-Clark

Director

### **Blackrock PM Ltd.**

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### **Education**

- BSc (Hons) in Quantity Surveying:  
Southbank University
- MSc in Construction law and  
arbitration: Kings College London  
(Merit)
- MBA in Business Administration:  
Kingston University

### **Employment**

- Blackrockpm – *Director*
- FTI Consulting (after acquisition of  
Brewer Consulting) - *Senior Managing  
Director*
- Brewer Consulting - *Director*
- James R Knowles - *Associate Director*
- Stanley Griffith & Partners - *Quantity  
Surveyor*
- C R Wheeler & Partners - *Junior  
Quantity Surveyor*
- Cementation Construction - *Trainee  
Quantity Surveyor*

### **Professional associations**

- Fellow of the Royal Institution of  
Chartered Surveyors (FRICS)
- Fellow of the Chartered Institute of  
Arbitrators (FCIArb)
- Member of the Society of  
Construction Law

### **Adjudicator**

- Adjudicator on RICS, TeCSA, and RIBA  
panels of adjudicators

### **Articles**

- Delay analysis, Facts are King; ICES  
Construction Law Review 2010
- Various articles on Delay analysis

Rob Palles-Clark is a construction delay analyst and quantity surveyor with some 27 years of experience with construction programming, cost and contract consultancies. His experience as a quantity surveyor has involved the preparation of estimates and bills of quantities and the post-contract financial administration of commercial projects, and extensive experience in delay and cost claim preparation, analysis, management and resolution. This experience has included working on a wide range of live project job sites preparing or analysing extension of time and cost claims. He has developed a recognised expertise in the use of critical path delay analysis techniques for the analysis of project delay.

Mr. Palles-Clark is regularly appointed as an independent expert witness in connection with delay analysis and/or quantum matters. He has given expert evidence in the Technology and Construction Court in the UK on quantum and programming matters. His appointments include the independent analysis of the causes of delay to projects leading to the resolution of commercial disputes. He has been awarded the Cardiff University Law School Bond Solon Expert Witness Certificate (CUBS).

He has extensive experience in the analysis and resolution of commercial and contractual problems on major building, civil engineering, mechanical and electrical, highway, rail and petrochemical contracts in the UK, Europe and other international locations. Mr. Palles-Clark is a specialist in commercial and contractual audits on major projects. He has advised clients about best practice procurement and procurement procedures and has drafted several procurement guides for Government.

Mr. Palles-Clark is an adjudicator on the RICS, TeCSA, RIBA panels of adjudicators.

### **Representative Engagements**

Selected examples from Mr. Palles-Clark's body of expert work include the following:



- Appointed as delay expert on two 170MW combined cycle gas power plants in Moscow, Russia.
- Appointed as delay expert on £100m rail upgrading and extension project.
- Appointed as delay expert on road and cut and cover tunnelling project in Europe.
- Appointed as quantum expert by water company to prepare report in connection with street works claims for charges incurred in connection with water metering framework contracts.
- Appointed as delay expert in connection with delays to frame of pool hall to a major leisure centre project including presentation at mediation.
- Appointed as delay expert by an energy company to evaluate delay claims in connection with a 425MW combined cycle gas turbine power plant in Europe.
- Appointed as delay expert by defendant ground water lowering contractor in connection with a claim by the main contractor for the time and cost consequences of a partial tunnel collapse as part of a major sewer infrastructure project in Ireland.
- Appointed by Turkish contractor as delay expert in connection with delays to an eastern European airport with a contract value of £150m and a sum in dispute of £45 million.
- Appointed as quantum expert by water company to evaluate additional cost claims by mains and meter connection framework contractor, including giving evidence in adjudication.
- Appointed by city authority to undertake independent expert analysis of causes of delay focussing particularly on mechanical and electrical delays to a £90million office development.
- Appointed by waste management company as delay and quantum expert in connection with claims under ICE 6<sup>th</sup> edition relating to lining and capping civil works to a major waste landfill site. (See recommendations at the end of this CV).
- Appointed by Academy School as expert on delay and quantum to investigate and prepare an independent report evaluating the merits of an extension of time and loss and expense claim in relation to delays to an Academy School project
- Appointed by developer to prepare delay expert report reviewing extension of time claim and advising on contractor's entitlement to additional time in connection with a major inner city hotel and apartment block.
- Appointed by major national contractor to undertake independent delay analysis of delays to the sub-structure and basement superstructure on an £80million inner city office development in order to determine liability for claims from the groundworks sub-contractor.
- Appointed as quantum and programming expert in the case of *Co-op v John Allen Associates [2010]* on behalf of defendant engineer in a claim by the supermarket operator in connection with works required to remedy a subsided slab in a supermarket in Kent. Gave evidence in the TCC before Mr. Justice Vivian Ramsey (See recommendations at the end of this CV).
- Appointed as technical expert assistant to adjudicator to undertake quantity surveying task of valuing an interim payment on a £20m leisure centre.
- Engaged by major national contractor to examine the effect of certain key events on the progress of £100m PFI hospital project.
- Appointed planning expert by a civil engineering contractor in arbitration with its employer to assess liability of employer for delay in respect of claim under ICE 5<sup>th</sup> in connection with an inner city road project.

- Appointed expert by civil engineering contractor in arbitration with its structural concrete sub-contractor to assess liability for time and quantum in respect of claim under the FCEC Blue Form from sub-contractor in connection with an inner city road project.
- Assistant expert on behalf of a mechanical piping contractor in connection with a UK process plant. Analysed disruption claim and developed a basis for quantifying lost productivity.
- Appointed as expert to act on behalf of Dutch mechanical piping contractor on process plant in the Netherlands. The matter concerned an arbitration with the EPC contractor conducted through the Netherlands Arbitration Institute.
- Appointed as expert on quantum on behalf of The Secretary of State for Transport involving the assessment of the estimated tender and final costs of a highways scheme for the purpose of calculating a fee entitlement in respect of a claim for additional fees from a consultant.

### **Other representative Experience**

- £40m hotel fit out project in London, delay analysis and claims management.
- Highway scheme (100km) in Eastern Europe, delay analysis and claims management.
- Academy school project, delay claim analysis, and giving evidence in adjudication.
- Rail project €162m realignment, upgrading and electrification scheme to mainline railway in Europe. (See recommendations at the end of this CV).
- Major London hotel refurbishment schemes, delay analysis and claim management.
- Inner city shopping centre - delay analysis and claim preparation.
- Major hospital extension and refurbishment contract, delay analysis and claim preparation.
- Factory unit – Analysis of delays associated mechanical and electrical sub-contractor works.
- \$ multi-billion dollar bitumen upgrading facility in Canada cost audit and claims relating to electrical heat tracing and insulation works.
- £70m office / leisure complex – independent delay analysis reports.
- £40m bridge re-painting project – established progress measurement model
- Floating Production, Storage and Offloading vessel – progress and contract audit of JV liabilities.
- Oil refinery Netherlands - analysed claims prepared by Dutch piping contractor.
- Pernis Oil refinery NLG multi-billion extension- engaged by US management contractor based on site evaluating and negotiating major programme and cost claims from steelwork, mechanical and electrical contractors.
- Rail bridge construction project under the ICE 5<sup>th</sup> edition contract involving jacked box construction technique through existing railway embankment – delay analysis.
- Major hospital extension projects – delay analysis and claims management.
- Military re-housing new town project in Russia – delay analysis and time and money claims preparation and evaluation.
- Key role in assisting with the preparation for arbitration on a £16m building project, under JCT80 form of contract, concentrating on mechanical and electrical issues including factual analysis, preparation of pleadings, advising on offers, proofing witnesses, collation of witness statements and bundle and assisting counsel throughout the hearing with examination, cross-examination and re-examination.
- £20m shopping centre P - £7m dispute - prepared supporting submissions in arbitration.
- £35m tunnel boring machine supply contract with £15m in dispute – delay analysis.
- £120m building development - analysis and presentation of the time claim using critical path analysis computer software.



### Adjudications

- As an adjudicator on the RICS, TeCSA and RIBA panels, Mr Palles-Clark is an experienced adjudicator and has provided decisions in relation to extension of time and commercial disputes on building, M&E, and engineering disputes.

### Seminars and speaking engagements

- In-house training webinar for client on delay analysis in the context of FIDIC Silver book
- Co-presenter on two or three day public courses on 1999 editions of the FIDIC, Red, Yellow and Silver books, focussing on extension of time and cost provisions.
- May 2010 – talk to RICS members, JCT 2005 Rev 2 update; Adjudication 14 years on; future changes to Adjudication arising from the Local Democracy etc. Act.
- April 2009 – RICS one day conference, avoiding disputes, and common causes of claims
- Various in-house training programmes on programming and delay analysis techniques.

### Recommendations

- Jeremy Nicholson QC, 4 Pump Court, leading counsel for John Allen Associates referring to *expert reports and evidence given by Rob before Mr Justice Vivian Ramsey in the successful defence of an action in the Technology and Construction Court in 2009/2010*:  
*Very many thanks for your evidence, and all the work you have done on the case, which I think has been absolutely first-class.*  
*. . the short answer to what you did well is pretty much everything, and what could be improved, very little!*
- Martin McKervey, Partner at Nabarro in connection with quantum and delay expert work concerning a land fill site (May 2010):  
*We instructed Rob Palles-Clark on short notice to review a substantial delay and cost claim referred to adjudication. The documentation was substantial and the timescale very tight. We found Rob and his team to be very efficient, thorough and helpful. Rob got to grips with the issues quickly and produced a very user-friendly expert report which was critical in securing for our client a very favourable outcome in the adjudication. I would be very happy indeed to recommend him to others as an expert witness.*
- Ed Corbett of Corbett & Co (July 2010):  
*I first met Rob Palles-Clark in mid-2009 when he and a member of his team attended an interview for an assignment requiring claims assistance to the main contractor engaged to construct an international railway project. He impressed at the interview and was the successful one of 5 firms considered.*  
*Since then Rob and his assistant have been providing claim preparation and advisory services to the contractor. Rob has produced detailed narratives supported by simple factual programme analyses to explain what is a complex design submission and approval process.*  
*Rob is a clear and articulate presenter and well able to put across concepts relating to delay and quantum matters in a simple and understandable way.*  
*Rob has worked very well with me and my legal team and I would have no hesitation in recommending him.*
- Graham Street, Partner Withy King, Bath (July 2010):



*I have worked with Rob Palles-Clark in recent years as an expert witness on a technically complex construction dispute and his contribution to a successful outcome was much appreciated.*

*Rob provided excellent critical path delay analysis determining the causes of delay in relation to the main contract and establishing whether the contractor was entitled to an extension of time and if so, what extension of time was fair and reasonable. His report was well thought through, succinct and effective. The report met all the requirements necessary for dealing with potential claim/adjudication from a contractor for extension of time.*

*Rob possesses a commanding knowledge of technical quantity surveying issues and the construction process. His expertise in critical path delay analysis techniques for the analysis of project delay is exceptional.*

*I very much enjoyed working with him and would certainly instruct him again as an expert where a dispute has given cause for an expert delay analysis.*