

THE VINDEN PARTNERSHIP

ADJUDICATION, EXPERT DETERMINATION, MEDIATION AND ARBITRATION RESUMÉ

MANAGING DIRECTOR:

PETER VINDEN BSc(Hons), Dip ICArb, FRICS,
FCI Arb, FCI OB, FCInstCES, MAICA



NATIONALITY:

British

DATE OF BIRTH:

11 June 1963

RESUMÉ:

A very experienced dispute professional with particular expertise in construction and development disputes involving monetary and time claims between Main Contractors and Employers, Sub-Contractors and Main Contractors, Consultants and Employers.

Has been appointed as Adjudicator, Expert Determiner and Arbitrator in excess of 200 occasions (as at June 2013) typically receiving between 15 and 25 appointments per calendar year since 1998 on monetary disputes ranging from as little as £10,000 to in excess of £100 million.

Formerly Group Commercial Director of The Caunce Group of Companies (Main Contractor, Specialist Structural Steelwork and Cladding companies) and senior roles in The Snape Group (Morgan Sindall) and Balfour Beatty Building.

Significant experience of all quantity surveying matters together with the commercial management of contracting organisations. Skilled in claims preparation, the drafting of expert reports and the writing of contractual and commercial procedures.

Experienced Mediator (separate CV available) qualified in UK, Europe and USA and listed on all major panels. Completed in excess of 100 cases as Mediator (as at June 2013) since qualification.

Experienced seminar presenter, contract drafter, adjudicator, mediator and advisor on alternative dispute resolution techniques and business strategy generally. Specialist experience gained in "fast track" industrial building trades.

CONTACT DETAILS:

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EDUCATIONAL QUALIFICATIONS:

1981-1985 Nottingham Trent University (Formerly Trent Polytechnic)
BSc (Hons) Quantity Surveying – First Class Division

KEY PROFESSIONAL QUALIFICATIONS AND TRAINING:

2012 Technology and Construction Solicitors Association
Registered Adjudicator

2008 Chartered Institute of Arbitrators
FCI Arb

2011 Diploma in International Commercial Arbitration
Dip IC Arb

2010 Globis / IDRS Workplace / Employment Mediation
Registered Mediator

2008 Chartered Institute of Arbitrators
Registered Adjudicator

2008 CEDR-Solve
Registered Mediator

2007 ADR Group
Registered Mediator

2007 Harvard Law School, Massachusetts, USA
Mediation for attorneys in the USA

2005 Adjudicator Collaborative Training
RICS, RIBA, ICE, CI Arb, AICA

2004 Institution of Civil Engineering Surveyors
FCInstCES

2004 The Chartered Institute of Building
FCIOB

2001 Centre for Dispute Resolution
Registered Mediator

2000 Centre for Dispute Resolution
Registered Adjudicator

2000 The Royal Institution of Chartered Surveyors
Registered Adjudicator

1999 Centre for Dispute Resolution
Accredited Mediator

1997 Association of Independent Construction Adjudicators
Registered Adjudicator

1994 Royal Institution of Chartered Surveyors
FRICS

PANEL LISTINGS:

The Royal Institution of Chartered Surveyors, Chartered Institute of Arbitrators, Centre for Dispute Resolution, Technology and Construction Solicitors Association, Construction Conciliation Group, International Mediation Institute, CEDR Solve, ADR Group, Northern Association of Mediators, Federation of Master Builders, Northwest Mediation Solutions, RICS Scotland, Consensus Mediation, Association of Northern Mediators, London Court of International Arbitration

Dispute Experience – Selection of recent cases

(Arbitrations, Adjudications and Expert Determinations shown in italics)

Construction and Property

- Hotel project delays, main contractor extension of time, loss and expense claim and damages. Value £1m (Mediation)
- Curtain walling dispute over critical delay, extension of time and loss and expense. Value £100k (Mediation)
- *Disputed piling sub-contractor's final account including extensions of time and loss and expense claim. Value £750k (Adjudication)*
- Contractor employer dispute over cost of refurbishment of domestic house. Value £150k (Mediation)
- Dilapidations at lease termination. Value £650k (Mediation)
- *Plastering, suspended ceilings and disputed dry lining final account, delays and set-off. Value £1.5m (Adjudication)*
- Design defects in football stadium, liability and costs of rectification. Value £2m (Mediation)
- Disputed final account on combined concrete and structural steel frame building on large office buildings. Value £750k (Mediation)
- Extension of time and loss and expense claims on large apartment scheme in city centre. Value £3.5m (Mediation)
- Final account value of runway construction for MOD project. Value £1m. (Mediation)
- Claim for loss of support from adjoining excavations work, local authority emergency demolition order, cost of replacement structures and consequential loss(?). Value £1.25m (Mediation)
- *Value of final account for stonework and brickwork to new supermarkets. Value £800k (Adjudication)*
- *Defects in new build houses, rectification works, liability and cost. Value £950k (Adjudication)*
- Delay and damages claim for late completion of hotel project. Value £1.5m (Mediation)
- Boundary wall collapse, causation, liability and costs. Value £150k (Mediation)
- *Extension of time and loss and expense on London hotel project. Value £750k (Adjudication)*
- Defects and disputed final account in refurbishment of vacant terraced housing to provide new social housing. Value £300k (Mediation)
- Disputed final account on structural steelwork and cladding elements of stadium. Value £850k (Mediation)
- *Final account dispute over payment of variations and loss and expense on major cold store project. Value £1.3m (Adjudication)*
- Design, workmanship and material defects in new design and build pre-school nursery. Claim for rectification and loss of income. Value £750k (Mediation)
- *Planned and re-active maintenance quantum dispute on large term contract for inner city social housing site. Value £2m (Adjudication)*
- Contractor's extensions of time and loss and expense claims on major convention centre. Value £5.5m (Mediation)
- Park fountains, lakes and external works quantum and value dispute. Value £1.5m (Mediation)
- *Mechanical and Electrical quantum dispute, counter claim for delay and damages. Value £800k (Adjudication)*
- *Contractor's extensions of time and loss and expense claims on green visitor's centre. Value £400k (Adjudication)*
- Class action, house owners and plc house builder, quantum of defects. Value £2m (Mediation)

- *Electrical rewiring of city centre car park and shopping centre. Value £750k (Adjudication)*

Engineering

- Tunnelling collapse, liability and costs. Value £2m (Mediation)
- Electrical component failure, control rooms, water treatment plant. Value £750k (Mediation)
- *Mechanical and Electrical compensation events claim on major university clean room project. Value £3.5m (Arbitration)*
- *Piling design, failures and costs liability. Value £1.2m (Adjudication)*
- Breakdown of re-conditioned paper making machinery. Value £350k (Mediation)
- *Final account of major civil engineering infrastructure works. Value £9m (Adjudication)*
- Directional drilling claims for additional costs and compensation events. Value £5m (Mediation)
- Mechanical and Electrical defects in student accommodation, delays and damages for late handover. Value £850k (Mediation)
- *Yorkshire schools roof replacement programme, quantum and value. Value £250k (Arbitration)*
- International dispute, engineering castings, title, licence to use, claim for damages, basis of contract, jurisdiction issues, substantive law. Value £2.5m (Mediation)
- *River diversion, permanent sheet piling, quantum and value dispute. Value £950k (Adjudication)*
- University clean rooms and fume cupboards installation defects and claim quantum. Value £2m (Mediation)
- *Design and construction of sewage control silos. Quantum and value dispute. Value £1.5m. (Adjudication)*
- *Inner city re-roofing programme for local authority. Quantum and value. Value £3m (Adjudication)*
- Design and manufacturing defects in an industrial carwash. Claim for rectification and loss of income. Value £150k (Mediation)

Infrastructure

- Bridge failure, remedial works, negligence and damages. Value £700k (Mediation)
- *Failure of harbour retaining walls, design liability, costs of rectification. Value £15m (Expert - Quantum)*
- *Failure of concrete retaining structures on major sewage plant. Value £6.5m (Expert - Quantum)*
- Directional drilling claim quantum, fibre optic cable positioning and access chambers. Value £1m (Mediation)
- *Major Scottish sewer renewals and associated services, claim quantum. Value £8m (Adjudication)*

Professional Negligence

- Fire damage, causation, liability of insurers, quantum and contributory negligence. Value £450k (Mediation)
- “Home buyer” survey, property defects and over valuation. Value £75k (Mediation)
- Architect’s incorrect certification of interim certificates and practical completion. Value £1.5m (Mediation)

- *Defective engineering design of underpinning scheme to inner city refurbishment project. Value £3.5m (Expert – Quantum)*
- Over certification by Architect, contractor insolvency, damages. Value £300k (Mediation)
- Claim for negligent architectural and structural engineering services provided on large design and build of flagship building for large plc. Value £8m (Mediation)
- Over valuation of office buildings, multiple property claims. Value £3.5m (Mediation)
- Claim for unpaid fees met with allegation of negligent cost planning and bills of quantities preparation on significant university project. Value £2m (Mediation)
- Negligent contract administration, loss of liquidated damages. Value £150K (Mediation)

Land

- Multi-party land contamination and remediation schemes. Value £7m (Mediation)
- Break up of land holdings, disputed valuations over planning gains and boundary treatments. Value £650k (Mediation)
- *Land purchase, contract price fixing after deduction of abnormal costs. Value £125m (Expert Determination)*
- Boundary dispute, land grab, acquired rights, compensation for loss of use. Value £1m (Mediation)
- Overage valuation of property enhanced by planning change of use. Value £750k (Mediation)
- Boundary dispute, retaining wall failure, loss of support compensation and access for repairs. Value £150k (Mediation)

Energy & Natural Resources

- Transportation costs of nuclear and other contaminated wastes. Methodology and cost. Value £2.5m (Mediation)
- Poor performance of PV panels, costs of installation and payback claims. Value £500k (Mediation)
- Planning dispute, siting of wind farm, property blight. Value £3m (Mediation)

Banking and Finance

- Breach of Asset Based Lending facility (“ABL”), fraud, loss of funds, call of personal guarantee. Value £450k (Mediation)
- Hedging products, wrongful selling, claim for repayment of charges and interest. Value £250k (Mediation)
- Claim for losses flowing from external underwriting of facility initial percentage and facility terms. Value £250k (Mediation)
- Plant and machinery finance dispute, conversion of charges assets, personal guarantee calls and creation of constructive trusts. Value £150k (Mediation)
- International dispute, confidential invoice finance, relevant place of jurisdiction, true contracting parties, credit insurance. Value £750k (Mediation)

Employment & Workplace

- Employment dispute, alleged wrongful dismissal. Value £50k (Mediation)
- Workplace conflict, harassment and nepotism. Value N/A (Mediation)
- Employment dispute, breach of partnership agreement. Value £500k (Mediation)

- Negotiation of newly appointed directors service agreement and shareholder agreement. Value N/A (Mediation)
- Partnership dissolution, equity split and client allocation. Value £1.5m (Mediation)
- Shareholders dispute, structure break up of subsidiary companies, disputed valuations and treatment of asset disposal. Value £2m (Mediation)

IT

- *Multi party telecoms dispute on infrastructure costs. Value £1.3m (Expert Determination)*
- Non-performance of bespoke software claim, failure to comply with specification, damages. Value £750k (Mediation)
- Design defects in system hardware and software, disputed consultant invoices and counter claims for damages. Value £250k (Mediation)
- Claim for replacement and loss of income. Failure of EPOS system in night club. Value £350k (Mediation)

OVERSEAS EXPERIENCE: Luxembourg, Germany, Spain, Italy

CURRENT EMPLOYMENT

THE VINDEN PARTNERSHIP

**MARCH 1994 TO PRESENT
MANAGING DIRECTOR**

Currently acting as consultant to a wide variety of clients, preparing, negotiating and defending claims for recovery of damages and/or loss and expense, writing contractual and commercial procedures manuals, presenting seminars, preparing expert reports, drafting contract terms, acting as expert witness in arbitration and litigation proceedings, acting as adjudicator, acting as mediator, representing parties in adjudication and mediation proceedings, reporting to banks on corporate recovery and business restructures.

CAUNCE GROUP

**MARCH 1988 TO MARCH 1994
COMMERCIAL DIRECTOR**

Worked as executive director for the commercial management of a main contractor and two specialist sub-contractors. Duties involved the preparing and negotiation of contractual claims, writing contractual and commercial procedures manuals, presenting internal training seminars, drafting management accounts (in conjunction with Finance Director), reports, negotiating contract terms, bonds and warranties.

THE SNAPE GROUP

**AUGUST 1986 TO MARCH 1988
SENIOR QUANTITY SURVEYOR**

Managed two teams of surveyors with a total of four personnel. Principal duties included negotiating contracts with employers and subcontractors, the financial and contractual management of all contracts and being responsible for the professional development of surveying staff.

BALFOUR BEATTY

**JULY 1985 TO JULY 1986
SITE SURVEYOR**

Worked as a site based quantity surveyor on two projects each with a construction value of approximately £3.5 million. Negotiated supplier and sub-contract orders, prepared external valuations and internal cost reports. Assisted in the preparation of claims for extensions of time and reimbursement of loss and expense.

PERRY AND PERRY CHARTERED QUANTITY SURVEYORS

**JUNE 1983 TO AUGUST 1984
ASSISTANT SURVEYOR**

Worked as an assistant to an associate, preparing bills of quantities, specifications and schedules of work, financial reports, tender reports and general post contract surveying duties.