



Commercial in Confidence

Presented by Quantum Global Solutions

Career Résumé for

Tom Kapapa BSc (Hons); MSc; MBA; MRICS.



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Personal Details

Full name : **Tom Kapapa**

Nationality : British



Professional Details

Position : **Operations and Technical Director**

Qualifications: BSc. (Hons) Civil Engineering and Commercial Management (1998)

MSc. Eng. Construction Management & Engineering (2001)

Diploma in Surveying (2003)

MBA Business Administration (2009)

MRICS Qualified Professional Surveyor (2005)

Personal Profile

With a background in commercial, contractual, building, civil engineering and oil and gas infrastructure covering a career in excess of 18 years, Tom can call on wide-ranging experience in several different areas of expertise in a variety of environments including: UK, Qatar, Dubai and Zambia including:

- Major City Developments
- Road and Motorway Construction
- Rail and Station Construction
- Power Station Construction
- LNG Complex Development
- High Rise Tower Buildings
- Oil and Gas Development
- Infrastructure Drainage
- Water and Wastewater
- Mech. and Elec. Infrastructure
- Major Structural Steelwork
- Leisure Developments

Able to work and communicate to the highest standards and at the highest levels and commanding the highest respect from clients, opponents, peers and staff, Tom is a logical, thorough and accurate exponent who has the ability to pinpoint the key issues in the shortest time that not only changes the way issues are presented and discussed, but also unlocks obstructions to issue resolution. Tom is also capable of taking the most hopeless of situations and finding key elements that have been overlooked and that have the potential to turn a negative situation into a positive one for his clients.

Arbitration & Expert Appointments

2016 – Waste Energy Plant (Qatar) as Quantum Expert, in ICC dispute, instructing solicitors **Derrains & Gharevi** - ongoing

2016 – 5* Hotel Development and Townhouses, the Pearl, Qatar – **appointed as Co-Arbitrator on a Termination Dispute**

2016 – 5* Hotel Development, Westbay, Doha – **appointed as Co-Mediator**

2015 – NDIA Main Passenger Terminal, ICC Arbitration, Doha – Party Appointed Quantum Expert (Claimant) – **instructing solicitors Orrick, Herrington & Sutchcliffe LLP** - ongoing

2014 – Artificial Island Development (Bahrain) as Shadow Quantum Expert for local dispute, instructing solicitors, **Towers & Hamlins** – **ongoing**

2012 – SIDRA Hospital Qatar – Delay and disruption analysis report for MEP Works – **instructing solicitors Kennedys, Dubai**

2011 – Effluent Treatment Plant (ETP) (Oil & Gas) Qatar – EPIC Final Account Dispute – Quantum Expert for Expert Determination process - **instructing solicitors Towers & Hamlins**

2010 – Pearl GTL (Oil & Gas) Qatar – Delay and Disruption quantum analysis report for mediation – **instructing solicitors Towers & Hamlins**

2006 - Golden Square Shopping Mall Warrington, England - Delay and Disruption quantum analysis report for Adjudication – **instructing solicitors Hammonds UK**

Presentations to Industry Professionals

- 2 days lecturing at Sungkyunkwan University Law School, Korea 23/24 November 2016 – Global Commercial Course: Lecture 1 – Procurement and Tendering; Lecture 2 – Pricing and Claim management; Invited by Bae, Kim & Lee (BKL) Korea
- 1 day workshop Seoul 23 March 2016 – EPC Contracts – Challenges of Preparing and Managing Successful claims; Invited by the International Contractors of Korea (ICAK)
- 1 day workshop Mumbai 5 June 2015 – EPC Contracts – Risks, Claims and Conflict Management; Invited by the Consulting Engineers Association India
- Spanish Business Council Doha 24 Sep 14 – *“Contracting Tricks and tips”*

- Korean Business Council Doha 25 Mar 15 – invited by the then Ambassador to present common problems faced by Korean contractors in Doha, following my success with a Korean Contractor

Articles

- **Cost Entitlement for Subcontractor Prolongation claims** – who is responsible? Qatar Construction News Mar 2015; <http://www.qatarconstructionnews.com/magazine-archive/>
- **Back to Back contracts – Can they truly exist?** – Qatar Construction News July 2015; <http://www.qatarconstructionnews.com/magazine-archive/>
- **Demonstrating Extension of Time – Do we need P6?** – Qatar Construction News September 2015; <http://www.qatarconstructionnews.com/magazine-archive/>
- **Disruption Claims: Counting the Cost** – Qatar Construction News February 2016; <http://www.qatarconstructionnews.com/magazine-archive/>



Professional History

February 2009 – present

Quantum Global Solutions, Doha, Qatar

- In this period Tom joined a small but dynamic claims consultancy where he provided advice and assisted local and international contractors to successfully conclude their contracts and achieve just returns. Tom was also instrumental in developing this consultancy into 100-strong and growing diverse consultancy expanding operations into Asia.

Sept 2012 - Present

Operations and Technical Director - Quantum Global Solutions, Doha, Qatar

- In this period Tom was promoted to this executive role to manage over 80 consultants (contractual and delay analysts) and covering the whole Middle East Region and beyond.
- He was responsible for establishing the strategies for on-going assignments including managing client relationships during and after completion of assignments.
- He advised Contractors on strategy and led discussions / negotiations of claim settlement and resolution. The claims included delay, disruption, prolongation, and acceleration and mitigation costs.
- He has conducted project workshops with clients to establish key issues facing projects and provide recommendations for pursuing entitlements by establishing opportunities available through the contracts / sub-contracts particularly identifying threats and moving them to opportunities.
- He is responsible for business development and strategy including resourcing for assignments to meet requirements of tasks and clients.

Feb 2009 – Aug 2012

Senior Contractual / Commercial Claims Consultant - Quantum Qatar WLL:

- In this period Tom provided expert, practical, hands-on professional advice to a number of major national and international contractors: researching, analysing, preparing and submitting often complex entitlement submissions, using both traditional written and cutting-edge media forms of demonstration of entitlements that not only satisfied his clients but also led to the negotiating table and satisfactory settlements. Those included major disputes where he:
 - Advised a contractor on strategy and led discussions with Ashghal to reach amicable settlement of raised disputes (claims) for delay, disruption, prolongation, acceleration and mitigation costs with a total value of \$150 million for a \$400 million Sewage (tunnelling) and triple Rising Main project.

Professional History (Cont'd)

- Tom's had responsibility to lead and advise the contractor on the processes available and conditions/prerequisites to put in place to ensure its entitlement rights were safeguarded.
- Led a team of 6 senior commercial and planning consultants and media experts to advise a contractor on its rights and entitlements and ensure those were safeguarded following receipt of a suspension notification covering same 50% of the project for an undefined period on a \$300 million Government project.
- Led team of 3 senior commercial and planning consultants and media experts to fully research and prepare a delay, disruption and acceleration claim that included preparation of loss and expense, for a \$250 million design and build project. He prepared the strategy and established the structure of entitlement documents and included investigation and forensic review of detailed design engineering stages for works and established a risk profile. Tom prepared the strategy and presentation to Contractor's senior management advising on the approach for the way forward to demonstrate extension of time for over 36 months of delays and over \$200 million loss and expense including the staying of liquidated damages.
- Led a team of 5 senior commercial and planning consultants and media experts to carry out full research and preparation of a delay, disruption and acceleration claim that included preparation of loss and expense for an MEP Subcontractor on a Design and Build Contract valued at \$450 million. The investigation and forensic review included detailed design engineering stages for works and establishment of a risk profile. Tom prepared the strategy and presentation to board members their entitlement to over 26 months' delays and over \$100 million loss and expense and included staying of liquidated damages. He was assigned responsibility for the establishment of the strategy and he participated in discussion and negotiated on behalf of the sub-contractor to achieve amicable settlement.
- Led a team of 2 senior commercial and planning consultants and media experts to fully research and prepare a delay and disruption claim including preparation of loss and expense for a Dry Dock and Ship Repair Yard project under a re-measurement contract valued at \$680 million. The investigation and forensic review included engineering and design of temporary works requirements. He prepared the strategy and presentation [including presentation to the project Client] of the entitlement document covering over 12 months' delays and over \$110 million loss and expense including the staying of liquidated damages of \$30 million. Tom was responsible for establishing the strategy and he participated in discussions and negotiated on behalf of contractor to achieve amicable settlement.

Professional History (Cont'd)

- Fully researched and prepared a delay and disruption claim including preparation of loss and expense on a highly complex Liquefied Natural Gas project for an EPC consortium. The investigation and forensic review included engineering and design to verify changes to the Front End Engineering Design process. Tom prepared the strategy and presentation [including presenting to Client] the consortium's entitlement to over 18 months' delay and over \$130 million loss and expense. He prepared the Statement of Claim for Mediation and participated in discussions and negotiated on behalf of the consortium and was instrumental in the amicable settlement reached with Client through the mediation process.
- Prepared the defence document [rebuttal] for costs levied against his client for alleged breach of contract, and prepared a counter-claim for delay and disruption that included loss and expense for a Qatari sub-contractor on a Gas Onshore pipeline project against a multi-national UAE-based contractor. Tom prepared the strategy and presentation [including presenting to the project Client] of rebuttal of the alleged breach of contract and the case for the sub-contractor's claims for over 13 months' delays and over \$10 million loss and expense. Tom was instrumental in bringing about a settlement reached with Client without going to any other dispute process.
- Fully researched and prepared a loss and expense entitlement submission for a concrete supplier, responsible for supplying over 800,000m³ of concrete to several EPC contractors on a highly complex LNG project [full contract value (re-measurable) of \$150 million). The investigation and forensic review included establishment of contractual entitlement arising from events causing additional loss. Tom was responsible for preparation of strategy and presentation [including presenting to Client] of entitlement for over \$20 million loss and expense. He was responsible for preparation of the Statement of Claim presented to the senior Client management team and was instrumental in bringing about the amicable settlement reached with Client through negotiation process.
- Fully researched and prepared a delay and disruption claim included preparation of loss and expense for a Qatari contractor undertaking construction of two schools for the Public Works Authority (Ashghal) to be determined by the Qatar Financial Centre Civil and Commercial Courts. Tom prepared the strategy and presentation [including presenting to Client] of entitlement for over 16 months' delays and over \$12 million loss and expense. Tom liaised with legal experts and prepared the formal Statement of Claim document which is currently being translated into Arabic for submission to the court.
- Has on-going permanent, part-time secondment to a large multi-national contractor undertaking a wide range of activities including:
 - Commercial management such as advising of final account settlements with subcontractors, JV partners and clients.

Professional History (Cont'd)

- Advising and preparation of JV agreements and involvement in negotiations with potential JV partners; providing focal point for dealing with international lawyers when contractual advice is sought.
- Other responsibilities include providing tendering, contractual/legal advice and assistance, contractual letter writing, claims preparation, negotiation pre and post contract and at final account. All concerning a wide range of sub-contracts and main contracts as both main contractor and sub-contractor with a variety of standard and bespoke contract forms.
- Analysed and reviewed the contractual position that included: the identification of contractual entitlement to an extension of time and associated prolongation costs, disruption and material escalation costs for an EPIC contractor on a complex LNG project. Tom's duties included the preparation of a 'Position Document' that identified findings and recommended a strategy upon which to move forward.
- Analysed and reviewed the contractual position that included: the identification of contractual entitlement to an extension of time and associated prolongation costs, disruption and material escalation costs for a \$60 million earthworks package sub-contractor that included the preparation of a 'Position Document' that identified findings and recommended a strategy upon which to move forward.

August 2007 – January 2009

Chief Surveyor – Al Nekhreh Contracting (ANC), Dubai:

- In this period, Tom was employed by one of the UAE's leading high-rise building contractors, and was involved at senior level on several major Contracts including negotiations of contracts for potential projects and closing off all 'bad' jobs existing at time of appointment. He was assigned duties and responsibilities in which he:
 - Developed a commercial department, reporting procedures and structure in alignment with the aggressive turnover requirement from AED 600 million to AED 2.5 billion over a 2-year period.
 - Headed a team of up to 14 surveyors [3 managing/area surveyors] administered the contractual and commercial aspects of several high-rise buildings in Dubai, that included working closely with the clients and their Engineers and commercial staff on all aspects of projects having a total book value of over AED 1.5 billion.
 - Reported to the General Manager on all commercial and contractual aspects of the work, the advance and final evaluation of major claims, variations and reported on the anticipated final values of the various Packages.

Professional History (Cont'd)

- Prepared staff recruitment plans and was responsible for recruitment of quantity surveyors. Tom carried out employee performance reviews and appraisals and provided recommendations to senior management for payment remunerations etc.

March 2005 – August 2007

Regional / Managing Surveyor – John Doyle Construction – North West England

- In this period, Tom was employed as Regional/Managing Surveyor by one of the region's most prominent concrete frame specialist subcontractors on several projects in the North West including the development and extension of the existing Warrington shopping centre and bus station with total value of over £80 million for Bovis Lend Lease. Subcontract works included ground works, and full concrete frame where, reporting directly to the Commercial Director he:
 - Implemented reporting procedures on all projects for cost control and monitoring and,
 - Provided support and assistance in the analyses and review of claims including the identification of contractual entitlement to an extension of time and associated prolongation costs, disruption and material costs.
 - Reported to the General Manager on: all commercial and contractual aspects of the work, the advance and final evaluation of major claims and variations and reported on the anticipated final values of the various packages.
 - Administered contractual correspondence.
 - Managed the sub-contract procurement process, prepared tender documents, invitations to tender, analysis of bids, interviewed negotiated, selected sub-contractors and prepared contract documentation.
 - Managed sub-contractors during the construction phase through to final account.

October 2000 – March 2005

Senior Surveyor - Kier Construction

- In this period, Tom was employed by one of the UK's prominent construction groups of companies. In his appointed role as Senior Surveyor he was assigned to various companies within the group with commercial duties and responsibilities. In the 5-year period of his employment he was quickly assigned to take up an increasing amount of commercial and contractual responsibility with limited supervision due to his proven abilities and performance in delivery projects:

Professional History (Cont'd)

2003 – 2005

Senior Surveyor – Kier Construction Ltd.:

- In this period, Tom was assigned to work on several water and wastewater treatment plants being constructed under a framework agreement of £300 million over 3 years with a joint venture of major UK contractors (Kier, Murphy, Interserve – KMIJV). Works included the full design and build works and/or refurbishment and upgrading of existing facilities to meet EU legislation and requirements on wastewater disposal to sea.
- Tom had responsibility for the day-to-day contractual and commercial aspects of the various projects sited around the north west of England ranged in value from GBP 5 million to GBP 30 million. Tom dealt directly with different project management teams and client's consultants to ensure delivery of the projects.
- He produced cost and value reconciliations to track contract performances and reported directly to the framework commercial and operations directors.
- Tom established a process for tracking design deliverables with M and E design teams and developed a procurement program for the works; managed sub-contractors from procurement to final account. He was assigned to deal directly with clients with responsibility for agreement and signing-off of individual package costs. Tom administered contractual correspondence and supervised quantity surveyors on site.

2002 – 2003

Senior Surveyor - Tag McLaren Research Development Centre - Kier Build:

- In this period, Tom was assigned to the building are of the Kier Group of companies where he:
 - Had responsibility for managing several sub-contract packages on a project with total value of GBP 300 million. Those sub-contract packages included block work, tiling, painting and decoration, fireproofing and all external works and landscaping.
 - Reported directly to the project commercial manager having duties including:
 - Agreement of sub-contract variation accounts; and administration of contractual correspondence.
 - Consideration of alternative specifications and working methods to improve profit levels.
 - Preparation of final cost forecasts for individual packages and respective cost/value reconciliations.

Professional History (Cont'd)

2000 – 2002

Project Surveyor – Kier Rail, Euston - North West Train Line:

- In this period, Tom was assigned to the rail arm of the Kier Group of companies where he:
 - Had responsibility for managing several sub-contractor packages on the Wembley Station Works Project which included train-wash facilities, rail tracks and all M and E and Signalling works with total value of GBP 10 million.
 - Reported directly to the project commercial manager having duties and responsibilities that included:
 - Review and assessment of sub-contractor monthly valuations and preparation of payment certificates.
 - Agreement of sub-contract variation accounts and preparation of variations to be submitted upstream to the project client.
 - Preparation of final cost forecasts for individual packages and respective cost/value reconciliations.

July 1998 – August 2000

Project / Site Manager – Turner Construction Zambia – Infrastructure, Earthworks and Roads:

- In this period, Tom was employed by one of the World's leading project management and construction companies and was assigned duties and responsibilities included managing several projects across Zambia, which included road construction and infrastructure and earthworks projects with a combined total book value of over \$35 million.
 - He reported directly to the Managing Director, and was also responsible for resource planning, interfacing with clients and design teams including specialist sub-contractors, municipality departments etc.
 - He was additionally responsible for business development by identifying clients and increasing opportunities for more work with the employer. Tom was responsible for securing over \$5 million worth of road contracts for Turner.
 - Tom provided training required for the labour workforce to meet the requirements of the projects' funders for rural area projects.

Other Relevant

Tom has been an assessor for the RICS for over 8 years, assessing candidates aiming to become MRICS in the Middle East and is preparing for his Fellowship (FRICS) to the Institute. Tom provides training and often acts as counsellor or mentor for several quantity surveyors and contract administrators in Qatar.



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