

John C Donnelly

BSc (Hons) Quantity Surveying, Post Grad Diploma in Law, RICS, IAMA

Regional Director

Professional Profile

Dual-qualified in both technical and legal disciplines.

A Chartered Quantity Surveyor with over 30 years pre and post contract experience within the construction, engineering and power industries both in Australia and internationally.

Legally qualified with a Post Grad Diploma in Law, completed the Certificate in Arbitration course through the University of South Australia and has qualified as an Adjudicator and undertaken numerous Adjudication and Mediation submissions in relation to the resolution of construction and engineering disputes.

Extensive pre and post contract measurement and valuation experience and experience in the commercial and contractual aspects of construction management has been acquired by working on a wide range of projects.

John has also gained extensive experience in various aspects of construction dispute resolution through the medium of arbitration, mediation and adjudication and has acted as a quantum expert witness in both arbitration and litigation proceedings and been cross examined.

In addition to the provision of consultancy services related to resolving disputes on construction & engineering projects John also frequently presents external public seminars and provides specialist in-house training to construction and engineering organisations throughout Australia.

Core Skills

Quantum Expert Witness
 Claims Management
 Contractual Advice
 Commercial Management
 Risk Management
 Contract Administration
 Procurement Strategies

Sector Experience

Roads & Bridges
 Tunnelling
 Commercial Developments
 Energy
 Railways
 Hospitals & Healthcare
 Water Treatment
 Oil & Gas

SPECIFIC SECTOR EXPERIENCE

Roads / Bridges / Tunnels

- Freeway / Tunnel Project in Australia, Project Value \$6B, PPP Contract. Lead Assistant to Quantum Expert instructed by Corrs Chambers Westgarth.
- Freeway / Tunnel Project in Sydney, Project Value \$1.16B, PPP Contract. Lead Assistant to Quantum Expert as part of litigation proceedings in relation to design related dispute and costs. Instructed by HFW Lawyers.
- Melbourne East West Link PPP Project, \$8B, Capella Capital, Contract / Risk Review. The East West Link is a PPP project consisting of an 18 kilometre cross-city road connection extending across Melbourne from the Eastern Freeway to the Western Ring Road. Project includes road and bridge widening, driven tunnel construction, viaduct construction and traffic management. Roles and Responsibilities: Review D&C Contract in relation to key identified project risks, Review Project Agreement and comment on risks to be 'passed down' to the D&C Contract Review and comment on key clauses including payment, damages, defects liabilities, LDs, completion etc
- Outer Suburban Arterial Roads Contract - Western Victoria, PPP Contract. Engaged as Independent Claims Consultant to review and analyse various design related quantum and delay claims in relation to dispute between Head Contractor and Lead Designer.
- Clyde Road Duplication, \$14.85M, Vic Roads, Independent Expert Determination. Construction of Clyde Road duplication. Roles and Responsibilities: Review correspondence and contract documentation relating to disputes. Interview Contractor (BMD) and Superintendent to gain a full understanding of the differences. Preparation of a written report outlining the dispute. Provide report with determination of dispute.
- Southern Gateway Alliance Project, \$677M, Main Roads WA, Contract / Risk Review. The Southern Gateway Alliance Project included Leighton Contractors, GHD Consulting and the WA Government to design and construct a new Perth to Bunberry Highway in partnership with Main Roads WA. The project involved the construction of a 70km dual carriageway. Roles and Responsibilities: Review D&C contract and provide contractual advice to Main Roads WA in relation to key identified project risks. Provide advice in relation to additional costs incurred by the Contractor.
- Geelong Road Project – Roles and Responsibilities: Review and prepare various claims on behalf of John Holland.

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- City Link Project – Transfield & Obayashi Joint Venture: Roles and Responsibilities - part of the on-site Commercial Team based at Burnley Tunnel responsible for the identification of claims issues / events during the course of construction.

Railways / Metro / Tunnels

- Urban Metro Rail Design, Construct, Finance, Operate and Maintain project in NSW. Contract Value \$3.7B. Matters concerning additional costs incurred resulting from design changes. Instructed by King & Wood Mallesons.
- Regional Fast Rail Project. Victorian Rail Project, Project Value \$750M. Prepare independent review of project related time and cost claims on behalf of Victorian State Government.

Hospitals & Healthcare

- New Hospital Project (Australia) – PPP Contract, \$3.2B. Lead Assistant to Quantum Expert in arbitration proceedings. Instructing solicitors King & Wood Mallesons.
- Sunshine Coast Hospital PPP QLD, \$1.8B, Capella Capital, Financiers' Certifier. The Sunshine Coast Public University Hospital is being delivered as a PPP Project and will open with about 450 beds in 2016 and expand to 738 beds by 2021. Roles and Responsibilities: Cost reporting on behalf of security trustee. Monthly verification and certification of progress drawdown, Monthly Funding Review and cost to complete testing.
- VCCC – Victorian Comprehensive Cancer Centre, \$1B, MCP / Grocon, Contractual Advice. The VCC Project includes the development of a purpose built facility for patient treatment and care, cancer research and education. The facility provides over 25,000m² of specialised research space including operating theatres and over 200 inpatient beds. Roles and Responsibilities: Review \$5.5M D&C Sub-Contract in relation to key identified project risks. Prepare report outlining potential contractual recovery for delay, disruption and acceleration costs incurred by specialist fit-out sub-contractor.
- Victorian Neurological Rehabilitation Centre, \$2.35M, Australegal Expert Witness Services. Building alterations and additions to the Victorian Neurological Rehabilitation Centre. Roles and Responsibilities: Prepare expert report as part of court directed mediation in Supreme Court of Victoria matter, Provide opinion in relation to the tender process and procurement arrangements adopted which included direct negotiations with single contractor and cost plus contract arrangement. Review original budget reconciliation for project works. Measure to be

Curriculum Vitae

taken from project drawings / specification provided and market costs to be used to price the measured works including variations claimed.

- Box Hill Hospital, \$297M, Norton Rose Fulbright, Expert Witness Services. New build and redevelopment of Box Hill Hospital. Adjudication under Building & Construction Industry Security of Payment Act 2002 (VIC). Roles and Responsibilities: Prepare Expert Report as part of Adjudication. Provide expert opinion in relation to costs to complete of electrical services due to insolvency of sub-contractor.

Commercial Developments

- Cannonvale Shopping Centre Car Park, \$5.25M, Piper Alderman, Expert Witness Services. Design & Construct contract for car park as part of new Shopping Centre complex. Litigation in Supreme Court of Victoria. Roles and Responsibilities: Prepare expert report in relation to litigation in Supreme Court of Victoria, Verify the actual costs incurred by the contractor in relation to rectification of defects, Provide opinion as to whether the costs are fair and reasonable, Provided opinion as to likely future costs for further planned rectification works
- Essendon Fields Office Building. 14.25M, Corrs Chambers Westgarth, Expert Witness Services. Construction and fit-out of 3 storey Office Building – approx. 6000m². Roles and Responsibilities: Provide expert witness services in relation to variation costs for court directed mediation as part of litigation in Supreme Court of Victoria, Measurement and costing of variations relating to Mechanical, Electrical and Hydraulic services. Provide opinion on costs claimed in preparation for court appointed mediation. Matter Settled during mediation process.
- Monash University Building 27 Project, \$79.5M, MCP / Lend Lease, Contractual Advice. Design & Construction of 9100m² multi-level Green Chemical Futures facility to support academic and industrial research and provide new laboratories. Roles and Responsibilities: Review \$7.6M D&C Sub-contract in relation to key identified project risks. Prepare report outlining potential recovery for delay, disruption and acceleration costs incurred by specialist fit-out contractor.
- Commercial / Residential Apartment Building in Richmond. D&C Contract \$15M. Quantum Expert as part of Adjudication Proceedings in Victoria. Instructed by Pinsent Masons.

Energy

- Wind Farm Development in WA. Project Value circa \$125M. EPC Contract to build a 55MW Renewable Energy Wind Farm. Lead Assistant to Quantum Expert in Supreme Court of WA.

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Instructed by Clyde & Co.

- Neerabup Power Station WA | 2010 | \$1B | Baulderstone & Billfinger Berger Independent Claims Review. Balance of Plant Contract for Turnkey project [Design, Engineer, Procurement and Construction] for Neerabup Gas Fired Power Station in WA consisting of 4 x 165 MW open cycle gas turbines. Roles and Responsibilities: Provide review and advice in respect of contract claims. Monthly progress reviews site visit. Prepare and submit notices of delays / EOT including full assessment.
- Uranquinty Power Station NSW, \$1B, Baulderstone & Billfinger Berger, Independent Claims Review. Balance of Plant Contract for Turnkey project [Design, Engineer, Procurement and Construction] for Uranquinty Gas Fired Power Station in NSW consisting of 4 x 165 MW open cycle gas turbines. Roles and Responsibilities: Provide review and advice in respect of contract claims, Monthly progress reviews site visit, Prepare notices of delays including full assessment.

Water Treatment

- Sewage Treatment Plant in Melbourne, D&C Contract, \$66M. Lead Assistant to Quantum Expert in arbitration proceedings. Instructed by Clyde & Co.
- Tarago Water Treatment Plant Alliance Project, \$95M, Baulderstone, Contractual Advice. Construction & Commissioning of 70ML per day Tarago Water Treatment Plant and reconnection of the Tarago reservoir. The project was delivered through a collaborative contract between UGL, Melbourne Water and Baulderstone. Roles and responsibilities: Review contract and provide contractual advice and negotiation support in relation to additional costs incurred and advice on delays to project. Prepare report for subsequent negotiation.
- Toowoomba Pipeline Alliance Project, \$187M, Tirrawarra Construction, Contract / Risk Review. The Toowoomba Pipeline Alliance Project is an Alliance of the Queensland Government, Clough Projects, Diversified Construction Corporation and AECOM. The pipeline is 38km in length and has the capacity to transport 14,200ML of water per year from Wivenhoe Dam to Cressbrook Dam. The pipe is 762mm diameter and is made of mild steel reinforced with a concrete lining. Roles and Responsibilities: Review contractual terms and provide advice / interpretation of entitlements under sub-contract. Prepare report for subsequent negotiation.

RECENT EMPLOYMENT HISTORY

2019 - Present

DGA Group

Regional Director

2007 – 2019

CKS Training & Consulting

Managing Director

2013 – 2015

Aqenta Consulting (now Jacobs)

Manager, Contracts & Commercial

2001 – 2007

Knowles (Australia) Pty Ltd (now HKA)

Managing Director

1999 – 2001

Hinds Blunden Pty Ltd

Senior Consultant – Quantum & Delay

1996 – 1998

Knowles (UK) Ltd

Senior Consultant

1995 – 1996

Allot & Lomax Consulting Engineers

Project Quantity Surveyor

1993 – 1995

Galliford Try

Commercial Quantity Surveyor

1991 – 1993

Casey Group

Contracts Quantity Surveyor

1988 - 1990

Balfour Beatty Construction

Commercial Quantity Surveyor