

Sean Sullivan Gibbs

ARBITRATOR-ADJUDICATOR-EXPERT DETERMINER-DB MEMBER

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POSITION

DISCIPLINE

Quantum
Contracts

QUALIFICATIONS

BSc Construction Management
LLB (Hons)
Post Graduate Diploma Arbitration
Post Graduate Diploma Bar Studies
RICS Diploma Adjudication
LLM
Barrister
Direct members exam (QS) SCS
Member ICE
Assoc Fellow ICHEME
Fellow RICS
Fellow CIARB
Fellow Assoc Arb
Fellow CIOB
Fellow CICES
Fellow BIARB
Bond Solon Accredited Expert Witness

Sean has held directorships and senior commercial positions with contracting and consultancy firms in the United Kingdom and Internationally. With over 30 years' experience in the onshore and offshore construction and engineering industries across the globe Sean has worked across the continents of Europe, Asia, Middle East, Africa and the Americas. In particular he has extensive project and dispute resolution experience in the GCC region working on D&B and EPC projects in Kuwait, UAE, Qatar, Saudi Arabia and Oman.

He has acted as quantum expert before various dispute resolution tribunals including adjudication, dispute board, expert determination and arbitration.

Sean holds a current Cardiff University Bond Solon accreditation as an expert witness and is a Practising Member of the Academy of Experts.

Project experience includes major airport developments, industrial process plants, commercial developments, military and police installations, heavy engineering in respect of onshore and offshore oil & gas facilities and pipelines, highway interchanges, tunnels, leisure resorts, nuclear, water treatment and desalination plants, waste to energy, biomass, onshore and offshore windfarms, renewables, mines, ports, hospitals and rail/metro projects.

Projects have been based on numerous standard and be-spoke Conditions of Contract, including the NEC/ECC Suite of Contracts, JCT Suite of Contracts, ICE Suite of Contract, FIDIC Suite of Contracts, I Chem E Suite of Contracts, ICC Suite of contracts and other EPC / Split EPC / EPIC / FEED / EPCM /LSTK forms.

He is actively involved with construction law institutes and organizations including The Adjudication Society, Society of Construction Law (UK), The International Bar Association, The Dispute Resolution Board Foundation, UK Adjudicators and HK Adjudicators. Sean also sits as an arbitrator and adjudicator and through this experience better understands what the tribunal expects from those giving evidence.

Sean is a Liveryman of the Worshipful Company of Arbitrators of the City of London.

Sean is an Associate Member of the Royal Institute of Naval Architects and listed as an expert by the Offshore engineering Society.

Sean is currently listed as an arbitrator on the following panels:

- Hunt ADR
- Botswana Institute of Arbitrators

Specialisms/skills

Expert Advisory / Witness



- Chartered Institute of Arbitrators BAS
- ADR-ODR International
- Association of Arbitrators

Sean has sat as a sole arbitrator and also a three person tribunal.

Sean is familiar with and regularly works with various arbitral rules includes those of the ICC, LCIA, DIFC, DIAC, DIAC, UNCITRAL, HKIAC, SIAC, AAA, ICDR, KLRCA, SCC, ASA and ICSID.

Sean is listed as an adjudicator with the following panels:

- CIARB Chairman's Panel (Scotland)
- UK Adjudicators
- HK Adjudicators
- Construction Industry Council (CIC)
- CICES Contract & Dispute Resolution Panel
- Hunt ADR
- Botswana Institute of Arbitrators
- ADR-ODR International
- Association of Arbitrators
- Dispute Resolution Board Foundation (DRBF)
- ICC (UK)

Sean has been recently instructed as an expert witness / advisor by:

- CMS
- Amey
- Driscoll Kingston Solicitors Limited
- Knights Plc

ADJUDICATOR / ADJUDICATION EXPERIENCE

- **Party representative** in over 400 adjudications in UK, South Africa, Hong Kong, Ireland, UAE
- **Adjudicator** in over 200 adjudications in UK, South Africa, Hong Kong, Ireland, UAE

ARBITRATOR / ARBITRATION EXPERIENCE

- **Sole Arbitrator** in over 50 arbitrations
- **Three-person arbitral tribunal** in over 20 arbitrations

EXPERT WITNESS EXPERIENCE

- **Metro, UK** – Instructed by in house counsel for contractor to prepare quantum report on disputed variation account, appear before tribunal.
- **Offshore Wind Farm, UK** - Instructed by lawyers acting for developer
- **University Campus, UAE** – Instructed by in house counsel for contractor to prepare quantum report on disputed variation account, appear before tribunal.
- **Onshore Wind Farm, UK** - Instructed by lawyers acting for landowner in dispute with adjoining land owner to prepare capital cost report for approved onshore wind scheme in order to reach settlement for loss of shooting rights.
- **Residential Conversion, UK** – Instructed by director of contractor to provide expert report for costs of remedial works in county court action.
- **Water Pumping / Treatment Station, UK:** Instructed by in house counsel prepare quantum report on variations and delay and disruption costs for civil engineering contractor, appear before adjudicator and be cross examined by adjudicator and solicitor under ICHEME Red Book
- **New Build Hotel, UAE** - Instructed by in house counsel prepare quantum report and appear before arbitral tribunal in UAE, cross examination by counsel.
- **Dairy Process Plant, UK** - Instructed by director of contractor prepare quantum report on variations and delay and disruption costs for, appear before adjudicator and cross examination by solicitor.
- **Coal Fired Power Station, RSA** – Instructed by in house counsel to prepare quantum report on design changes and appear before dispute board, cross examination by counsel.
- **Hospital, Qatar** – Instructed by lawyers acting for parastatal company to prepare report on cost of non-approved design changes made by designer.
- **Powers station / Desalination Plant, Kuwait** – instructed by in house lawyers to report on value of claims for variations, loss and expense, delay and disruption from EPC contractor.
- **Biomass Plant, Germany** – instructed by in house counsel of subcontractor to prepare expert report for arbitration in respect of claims for variations, loss and expense, delay and disruption.

EXPERT ADVISOR APPOINTMENTS

- **Offshore Wind Farms, UK and Europe**- Instructed by in house counsel to advise developer on multiple claims arising from projects in Europe
- **Waste to Energy Plant, UK** – Appointed by board of EPC contractor to express opinion on likely value of recovery of claims.
- **PFI Waste to energy scheme, UK** – Appointed by directors of specialist contractor to provide contractual advice on process to change.

- **Energy from Waste Plant, UK** – Appointed by the Contractor as Delay Expert to provide independent opinion regarding project delay.
- **Port Relocation, Azerbaijan** – Appointed by in house counsel of Azeri developer to comment on value of claims received from contractor.
- **Steel, India** - Appointed as Expert Advisor by Japanese corporation to provide contract and claims strategy report.
- **Gas to grid, UK** - Appointed by EPC contractor to advise on compensation events arising from works on project involving biomethane being injected into National Grid.
- **Oil and Gas, Kuwait** – Seconded from PMC to NOC advising on claims, claims prevention on programme of works.
- **Oil and Gas Abu Dhabi** - Seconded from PMC to NOC advising on claims, claims prevention on programme of works.

CLAIMS / DISPUTE RESOLUTION APPOINTMENTS

- **Copper mine expansion, Peru** – Prepare cost and time claims against employer for contractor in respect of force majeure, delay and disruption, scope change on HV and LV packages, pipelines, tunnel and waste water treatment stations.
- **New Town, Libya** – prepare force majeure claims due to outbreak Libyan civil war.
- **Underground Gas Storage Facility, Germany** Advise EPCM on claims from package contractors including civils, structural steel, piping, pipelines.
- **Party representative adjudications, UK** – represent employing company in over 60 adjudications in United Kingdom.
- **M4 Motorway, UK** – instructed by civils contractor to produce claim for employer delay and associated costs.

PROFESSIONAL APPOINTMENTS

- **Council Member** Society of Construction Law
- **Regional Convenor** Society of Construction Law – Arrange speakers for regional events in the United Kingdom including speakers from Keating, Atkins, Crown Office, Hardwicke and 4 New Square.
- **Committee Member** Western Region Chartered Institute of Arbitrators
- **Associate Tutor** University College Estate Management
- **Committee Member** South West & South Wales Western Region Chartered Institute of Civil engineering Surveyors
- **Adjudicator** UK Adjudicators
- **Mediator** ADR-ODR International
- **Committee Member** ICE Cheltenham & Gloucester City Club

- **Committee Member** Gloucestershire Constructing Excellence
- **Past Chairman** Gloucestershire branch Chartered Institute of Building
- **Past Gulf region Committee Member** Dispute Resolution Board Foundation

PUBLICATIONS / SPEAKING

- **Chair**- UK Adjudicators 2019 Edinburgh Adjudication & Arbitration Conference
- **Sponsor** - Society of Construction Law International Conference Auckland
- **Speaker** - Society of Construction Law / CIARB I Conference Delhi
- **Speaker & Panellist**-International Construction Contracts Conference, Prague May 2019
- **Chair** – Day 2 Dispute Resolution Board Foundation conference Bucharest
- **Tutor** – Dispute Resolution Board Foundation Advanced practitioner workshop
- **Speaker & Track Host** - Society of Construction Law International Conference Chicago
- **Speaker** - Society of Construction Law International Conference South Africa
- **Speaker** – Chartered Institute of Civil Engineering Surveyors SWSW branch
- **Table Host** – Adjudication Society Conference Bristol
- Gibbs, *MACOB 21 years on*, Civil Engineering Surveyor, 2019
- Gibbs et al, *Use of FIDIC Contracts in the UK and European Offshore Wind Industry*, CICES Construction Law Review, 2018
- Gibbs et al, *Possible Standard Forms of Construction and Engineering Contracts for Use in Offshore Wind Farm Construction in Irish Territorial Waters*, Irish Construction, Engineering and Energy Law Journal, 2018
- Lee, Gibbs et al, *International Construction Contract Law*, 2nd Edition, Wiley-Blackwell, 2018
- Gibbs, *FIDIC 2019 – The World Bank and the Emerald Book*, CICES Construction Law Review, 2019
- Gibbs, *UK adjudication*, CICES Construction Law Review, 2019
- Gibbs, *The Status of the Society of Construction Law Delay and Disruption Protocol*, Civil Engineering Surveyor, November 2019