

Experience Summary

Stephen is an experienced construction professional with significant international experience as an accredited General and Evaluative Mediator, a registered Dispute Avoidance and Resolution Adviser, a certified NEC ECC Professional and Expert Testifier for quantum and delay.

He also has over four decades of experience in commercial and project management, claim preparation, defence and advocacy, the preparation of expert reports and testimony and alternative dispute resolution across global projects with a particular focus on Far Eastern construction.



Highlights

- Over 40 years' experience in construction consultancy management, including over 25 years with international contractors and several years with project owners and consultancy.
- Multi-billion dollar project experience.
- Stephen has undertaken seven mediation appointments as mediator for construction disputes.
- Party Appointed Expert Witness and cross-examination in litigation and arbitration including "hot tubbing" under various rules, specialising in matters of quantum, delay and construction management.

Qualifications and Associations

- FRICS (Fellow of the Royal Institution of Chartered Surveyors).
- FCInstCES (Fellow of the Chartered Institution of Civil Engineering Surveyors).
- MAIB (Member of the Australian Institute of Building).
- Certified NEC ECC Professional.
- Expert Testifier – Quantum, Delay, Construction Management, Earnings Impairment.
- Accredited General Mediator, Hong Kong International Arbitration Centre, Hong Kong Mediation Accreditation Association Limited.
- Accredited Evaluative Mediator, Royal Institution of Chartered Surveyors.
- CICES Certified NEC ECC Professional.
- Registered Dispute Avoidance and Resolution Adviser (DARA), Hong Kong Housing Authority.
- Registered Dispute Resolution Advisor (DRAd) Hong Kong Special Administrative Region Government.

Sectoral Experience

- Highways and large-scale tunnels.
- Mass transit railway systems.
- Container ports.
- Reclamations.
- Deep basements/heavy foundations.
- Water treatment plants.

Geographical Experience

- Asia.
- Europe.
- Middle East.
- Africa.

- District cooling.
- Coal-fired power station and power distribution networks.
- Universities, schools, 5/6 star hotels and integrated gaming resorts.
- High-rise apartments, office towers and multi-storey shopping centres.

Post-Contract Appointments

From 1999

- **Expert Report Quantum - Government Civil Engineering.** Appointed by Hong Kong Government for one of its Departments to prepare an expert quantum report for arbitration concerning the valuation of the main contractor's final account for the performance of a substantial elevated steel and concrete walkway with lifts, staircases and associated works including road and drainage, mechanical and electrical, landscaping, structural modification and utility diversions. The 26 heads of dispute presented by the contractor totalled some US\$ 16 mn excluding interest and contract price fluctuation. Instructing Solicitors – MinterEllison.
- **Dispute Avoidance and Resolution Adviser – Hong Kong Housing Authority General Conditions of Contract for Foundation.** Jointly appointed by the Hong Kong Housing Authority and the main contractor for a basement and foundation contract for a 31-storey residential apartment block to be constructed under a separate contract. Located on a small site formed on reclaimed land with a high-water table, adjacent to the seawall wall. The period for completion was short and subject to programme constraints.
- **Expert Report Quantum - HKCA Standard Form of Domestic Sub-contract.** Appointed by a main contractor to prepare an expert quantum report following the issuance, by a marine works sub-contractor, of a notice of arbitration concerning the valuation of his final account for the performance of marine works forming part of an iconic Hong Kong Government project. An amount of US\$ 8.8 mn not including interest and contract price fluctuation was claimed by the claimant. Following the arbitration hearing there was a successful outcome for the client. Instructing Solicitors – Wong & Lawyers Counsel James Neihorster.
- **Expert Report Delay - First RICS (Hong Kong Branch) Conditions of Contract.** Appointed by a project owner to prepare an expert delay report arising from the main contractor's issue of a notice of arbitration proceedings for a high-rise apartment complex in Hong Kong. Matters included disputed extension of time awards and remaining extension of time entitlements. Instructing Solicitors – Hogan Lovells.
- **Expert Report Quantum - First RICS (Hong Kong Branch) Conditions of Contract.** Appointed by a project owner to prepare an expert quantum report arising from the main contractor's issue of a notice of arbitration proceedings for a high-rise apartment complex in Hong Kong. Matters included loss and expense claims under contract and at common law from the main contractor, disputed final account and the project owner's counter claim. Instructing Solicitors – Hogan Lovells.
- **Quantum Assessment and Liabilities Review - First RICS (Hong Kong Branch) Conditions of Contract.** Appointed by a project owner to undertake an assessment exercise arising from the main contractor's issue of a notice of arbitration proceedings. The assessment included reviewing a Scott Schedule prepared by the project team and advising on possible quantum and liabilities in respect of claim and counter claim, disputed final account, EoT awards and allegations of non-compliance with specification. Leading a Plus Three team of three persons. Instructing Solicitors – Hogan Lovells.

- **Claim Preparation – Bespoke contract.** Appointed by a main contractor for a major cable transmission tunnel in South East Asia to prepare multiple extension of time and loss and expense claims and valuation of major variations, including omissions for a lump sum design and build contract. Formulation of strategy to avoid going to arbitration, whilst obtaining satisfactory resolution. Leading a Plus Three team of two Directors and three consultants.
- **Commercial Adviser - Standard Form of Building Contract Hong Kong - without quantities.** Appointed by the incorporated owners of an estate to advise them on the commercial aspects of the contract they had entered into with a contractor for a substantial renovation of their estate, in particular the final account, awards of EoT, achievement of completion obligations including rectification of defects, and the architect's duties and obligations to the incorporated owners under his conditions of appointment and his fulfilment of the same. Instructing Solicitors – Hogan Lovells.
- **Quantum Assessment - First RICS (Hong Kong Branch) Conditions of Contract.** Appointed by a project owner to undertake an assessment of its liability to its former main contractor who had determined the contract with the project owner for a luxury housing development. The assessment included reviewing a Scott Schedule prepared by the project team and assessment of interest payable to the main contractor and valuation of loss of overheads and profit, with a view to providing a foundation for a negotiated commercial settlement, outside of arbitration.
- **Independent 3rd Party Appraiser – Bespoke contract.** Appointed by a project owner to carry out an independent third party appraisal of the project management team's recommendation to terminate the main contract for an iconic building project located in Asia and identification of alternatives. Instructing Solicitors – Bryan Cave Leighton Paisner.
- **Dispute Resolution Adviser – Hong Kong Government Civil Engineering Conditions of Contract.** Jointly appointed by Hong Kong Government and main contractor for a large infrastructure contract at commencement of works to assist and advise on the resolution of disputes and project management issues, before the matters need to be referred to formal dispute resolution.
- **Expert Report Delay - First RICS (HK Branch) Conditions of Contract.** Appointed by a main contractor to provide an expert report and testimony for arbitration on his entitlements arising from multiple extension of time claims and a counter claim of non-completion from the project owner arising from a luxury housing development in Kowloon. Matter resolved before hearing took place. Instructing Solicitors – Wong & Lawyers; Counsel James Neihorster.
- **Expert Report Project Management – Bespoke contract.** Reviewing and reporting to the end user on the performance of a project manager in its standards of project management for the design and construction of a ground transportation centre, being entrusted works managed on behalf of the end user, under the terms of an entrustment agreement. Dispute resolved outside of arbitration.
- **Expert Report Negligence - HKIA Second Edition Conditions of Contract.** Reporting to the owner on allegations of negligent contract administration (made by a funding agency) against an architect in respect of a foundation contract. Dispute was settled outside of court.
- **Expert Report Negligence.** Advising an owner on possible negligence of architect and project manager in respect of administering various contracts for a high-class retail shopping development. Dispute was settled out of court.
- **Expert Report/Contract Performance - HKIA Second Edition Conditions of Contract.** Concerning the determination of a nominated sub-contract. Dispute was settled outside of arbitration.

- **Expert Report Quantum – Insurance policy.** Advising a receiver in connection with a contractor’s insurance claim. Instructing Company – PWC.
- **Expert Report Quantum - Standard Form of Building Contract - without quantities.** Appointed by the incorporated owners of an estate comprising four high rise residential tower blocks, car parks and other communal areas to prepare an expert quantum report for arbitration concerning the valuation of the main contractor’s final account and the incorporated owner’s counterclaim for defects and outstanding work arising from the renovation works to the estate. Instructing Solicitors – Hogan Lovells.
- **Expert Report – Liability and Quantum - Government Civil Engineering Conditions of Contract.** Advising a Government Department, in mediation with a contractor, concerning liability and quantum arising from alleged omitted items from the bills of quantities. Dispute settled in mediation. Legal Advisory Division (Works) Hong Kong Special Administrative Region Government.
- **Expert Report – Liability and Quantum – Bespoke contract.** Advising an employer, in mediation with an engineering consultant, concerning liability and quantum arising from additional fees claimed. Dispute settled in mediation. Legal Advisory Division (Works) Hong Kong Special Administrative Region Government.
- **Expert Report – Quantum. First RICS (HK Branch) Conditions of Contract.** Preparation of a quantum report for a contractor arbitrating against the employer concerning the disputed final account for a high rise block of luxury apartments in Mid-Levels, Hong Kong. Arbitration proceedings commenced. Counsel Paul Darling QC.
- **Expert Report – Earnings Impairment.** Preparation of a report on employment prospects and potential lost earnings for a personal injury claim in the Royal Courts of Justice, Queens Bench Division, UK. Case settled out of court. Instructing Solicitors – Greenwoods Solicitors.
- **Expert Report and Testimony – Quantum. HCCT 40/1999.** Dispute between electrical contractor and electrical sub-contractor over termination and repudiation of US\$ 9.9. mn sub-contract involving several high-rise apartment blocks. Quantum evaluation of claim, defence and counterclaims in own and joint reports. Examined and cross-examined in High Court. Assisted in Civil Appeal No. 1120 of 2000. Instructing Solicitors – Denton Wilde Sapte, Counsel Ian Pennicott QC, SC.
- **Expert Report Quantum – HCCT45/2000 and 54/2000.** Dispute between foundation contractor and foundation sub-contractor over termination and repudiation of multi-million design and build foundation sub-contract for high-rise apartment buildings. Quantum evaluation of claim, defence and counterclaims and production of report. Dispute was resolved outside of court. Instructing Solicitors – Denton Wilde Sapte.
- **Neutral Evaluation Quantum – Bespoke contract.** Neutral evaluation of disputed cost claim between South East Asian Government and international contractor arising from construction of a Ministry headquarters building.
- **Dispute Resolver Quantum – Bespoke contract.** Dispute between IT main contractor (in receivership) and IT sub-contractors, all based in New Zealand. Matter resolved with receiver.
- **Contractual Advice - MTR Corporation Conditions of Contract.** Advice as to whether or not employer’s requirements had been varied in a design and build contract and the contractor’s entitlement to additional monies.

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- **Contractual Advice - First RICS (HK Branch) Conditions of Contract.** Advice concerning contractual entitlements arising from a design and build piling contract.
- **Contractual Advice and Advocacy – Hong Kong Government Building Form of Contract.** Preparation of claims for a main contractor concerning changed employer’s requirements for a design and build building contract.
- **Contractual Advice and Advocacy – Bespoke contract.** Preparation of an extension of time for a sub-contractor against the main contractor on an elevated highway contract.
- **Contractual Advice and Advocacy - Kowloon Canton Railway Corporation West Rail, Hong Kong Conditions of Contract.** Investigation, preparation (for main contractor), presentation (to KCRC) and agreement of substantial extension of time entitlements to key dates on an elevated and at grade rail project.
- **Contractual Advice – Bespoke contract.** Advising a specialist sub-contractor undertaking a design and build sub-contract as to the contractual implications of various instructions issued by the main contractor/architect.
- **Joint Venture Facilitation – Various forms of contract.** Jointly appointed by parties in joint venture to facilitate improved operations and effectiveness of joint venture in undertaking its obligations.

Pre-Contract Appointments

- **Strategic Procurement Adviser – Bespoke contract.** Retained by a developer of Integrated Gaming Resorts (IGR) to develop the procurement strategy for a multi-million square feet IGR in Asia and then work with the developer’s legal team to prepare contract documentation for early contractor involvement, management contractor, works package contractors, purchase agreements, consultant agreements and direct contractors agreements. Working with the developer’s insurance advisers to review risk management for the IGR and develop a robust owner-controlled insurance programme.
- **Contracts Management - Design, build and operate main contract.** Seconded to an International contractor to act as his Contracts/Commercial Manager for the tender of a multi-billion dollar organic waste treatment facility. Duties including procurement of consultancy, sub-contracting, plant manufacturing services, supply contracts and off take agreements, as well as drafting the consortium agreement for the construction and 15-year operating period. Other duties included commercial risk assessment of main contract conditions, insurance arrangements, bonding and the development of standard forms and procedures.
- **Contract Negotiation - Sub-Consultancy Agreement.** Advising an international consultant on the implications of the terms of an offered sub consultancy agreement for Middle Eastern projects and assisting that consultant with the negotiation of a more equitable agreement. Advising that consultant on professional indemnity insurance and an improved methodology for procuring such insurance.
- **Project Management - FIDIC Dredging (modified).** Managing on behalf of the project owner, the negotiation and award of a multi-billion dollar design and build dredging and reclamation contract to an international contractor.
- **Project Management** - Advising an incorporated owners committee on selection and appointment of consultants and main contractor for renovation of external envelope and

internal and external public areas for high-rise apartment building in Hong Kong. This included a value engineering exercise to bring tenders back into project owner's budget.

- **Project Management - Development Agreements.** Advising client on project management implications of proposed drafts of agreements with government as they developed to conclusion for a multi-billion dollar GDV.
- **Interim Management - Tender Documents Express Rail Line MTR Corporation Ltd, Hong Kong.** Tender Manager for a main contractor. Managing the team producing the tender, including method statements, management plans, programme, pricing documentation, handling post tender questions and answers from Mass Transit Railway Corporation and attending tender interviews.
- **Master Planning Competition – Bespoke contract.** On behalf of Project Owner, performing pre-qualification exercise for appointment of master planners including appointment recommendation. Subsequently organising Master Planning Competition between two finalised international consultants.
- **Agency Agreement - Bespoke contract.** Drafting of an agency agreement between an overseas manufacturer and the local Agent (jointly appointed), reviewed by lawyer prior to execution. Subsequently facilitating the resolution of occasional differences between the parties over the years.
- **Contract Documentation – NEC.** Preparation of NEC conditions of contract for use on a luxury low-rise housing development.
- **Conditions of Engagement - Bespoke contract.** Advising various consultants on conditions of engagement.
- **Procurement – multiple jurisdictions.** Advising various employer organisations on procurement philosophy and strategy for large-scale civil engineering projects.
- **Procurement – multiple jurisdictions.** Advising various contractors on the philosophy and strategy of bidding for design only and design and build mega projects.
- **Procurement – Institution of Engineers, Malaysia.** Advising an employer in respect of a Harbour redevelopment.
- **Insurance Procurement -** Advising a project owner on the benefits, structure and operation of an Owner Controlled Insurance Programme (OCIP) and the procurement of same for a multi-billion dollar project. Advising on the contractor's and consultants controlled insurance programmes and their interfacing with the OCIP.
- **Prequalification Preparation - Kowloon Canton Railway Corporation East Rail, Hong Kong.** Leadership of the contractor's team to prepare a successful prequalification application. Specific responsibility for preparation of project management plan, IT and insurance plans.
- **Joint Venture Agreement – Bespoke contract.** Drafting of joint venture agreements for main and sub joint ventures for four international contractors for a multi-billion dollar dredging reclamation project.
- **Joint Venture Agreement – Bespoke contract.** Advising on a joint venture agreement prepared by others.
- **Joint Venture Agreement, Malaysia – Bespoke contract.** Preparation of joint venture arrangements for contractors in connection with a telecommunications tower.
- **Pre-bid Agreement – Bespoke contract.** Preparation of a pre-bid agreement between two potential joint venturers.

- **Pre-bid Agreement – Bespoke contract.** Preparation of an exclusive design and build pre-bid agreement between an international joint venture and a major European specialist contractor.
- **Tender Assistance - Kowloon Canton Railway Corporation Lok Ma Chau Spur Line, Hong Kong.** Preparation of outline environmental management plans for the tender submission.
- **Tender Review of Commercial Risk/Opportunity - Modified Airport Core Programme, Hong Kong.** Review of general and special conditions of contract and preparing a commercial risk/opportunity assessment report for a contractor tendering for a multi-billion dollar civil engineering project.
- **Tender Review of Commercial Risk/Opportunity - Kowloon Canton Railway Corporation East Rail, Hong Kong.** A commercial review of the issued general conditions of contract, special conditions of contract, instructions to tenders, form of tender and appendices, pricing make up, and the preliminaries section of the particular specification.
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- **Tender Review of Commercial Risk/Opportunity - Government Civil Engineering Form 1999, Hong Kong.** Review of general and special conditions of contract and preparing a commercial risk/opportunity assessment report for a contractor tendering for a multi-billion dollar site formation project.

Career History

2013 – Present

Managing Director – Plus Three Consultants (HK) Ltd, Hong Kong and Asia – Quantum Partner

2000 – Present

Managing Director – Steve Tennant Consultancy, Hong Kong and Asia

2010 – 2013 and 2007 – 2008

Project Director/Chief Executive Officer - South-Eastern Corridor (PMC) Sdn Bhd, Malaysia

2006 – 2007

Technical Director/Contracts - Melco Crown Entertainment (Macau) Ltd

1995 – 2000

Director - Nishimatsu Sintec Construction Ltd.



1981 – 2000

**Senior Commercial Manager/Site Based Quantity Surveyor
Nishimatsu Construction Co Ltd, Hong Kong Branch**