

MICHAEL A CONWAY

BSc (Hons) MSc DipArb MRICS MCIQB FCInstCES FCIARB

POSITION	DIRECTOR
DATE OF BIRTH	1956
EMAIL ADDRESS	michael.conway@driver-group.com



KEY FACTS

- ✓ Chartered Quantity Surveyor; Chartered Arbitrator; Registered Adjudicator; Accredited Mediator
- ✓ Over 30 years' experience in the Construction Industry
- ✓ Extensive experience in the preparation of Expert Reports
- ✓ Cross examined in Arbitration and other tribunals
- ✓ Practicing Adjudicator with over 40 appointments
- ✓ Registered with RICS, CIARB, TeCSA, CEDR, AICA and CPA
- ✓ International experience includes Far East, Canada and North America

SKILLS AND EXPERIENCE

Michael is a 30 years experienced Chartered Quantity Surveyor, Chartered Builder, Chartered Arbitrator, Registered Adjudicator and Accredited Mediator and is Operational Director responsible for Driver Consult's Manchester office.

Before becoming involved in commercial consultancy work, Michael worked for over 20 years in the UK contracting industry as a commercial manager on projects ranging from Nuclear Power Installations, Water Treatment Works, Bridges, Roads and Railways to Prestige Building Development Work and Refurbishment as well as Industrial and Housing Projects in both the private and public sectors.

Over the last 10 years Michael has gained extensive experience in the provision of Expert Reports and Expert Services. Michael has experience of cross examination and was recently appointed as an expert in a Construction Industry Training Board Appeal Tribunal where he provided a written report and was cross examined by the CITB Assessor and the Barrister representing the Appellant. Michael is certified as 'Competent' in cross examination under the Bond Solon Expert Witness Training Scheme.

Michael's particular specialisations are as follows:-

- ⊕ Provision of expert reports on Contract Interpretation, Quantum and Time disputes;
- ⊕ Resolution of disputes involving measurement and valuation of construction work;
- ⊕ Resolution of disputes involving defects in construction work;
- ⊕ Interpretation and procedural requirements of current JCT Forms of Contract together with JCT 80 and 98, IFC 84 and 98, JCT 81 and CD 98 With Contractor's Design, JCT 98 Management Contract, JCT 98 Minor Works Agreement, ICE 5th and 6th Edition, GC/Works/1 Editions 2 and 3, NEC/ECC and related standard forms of sub-contract or works contract;
- ⊕ Preparation of claim submissions in respect of variations and loss and expense;

- ⊕ Detailed knowledge of the adjudication process from experience of Party representation as well as acting as Adjudicator from householder disputes to complex claims in excess of £1.5M;

RECENT COMMISSIONS

- ⊕ Lead Consultant in a team of quantum and planning consultants on the preparation of delay and disruption claims including extension of time submissions;
- ⊕ Preparation of an Expert Report in anticipation of Arbitration proceedings regarding design responsibilities in connection with a 250m high broadcasting mast;
- ⊕ Preparation of an Expert Report on the validity of the liquidated damages provisions and interpretation of the Extension of Time provisions.
- ⊕ Preparation of expert report in respect of a contractor's entitlement to payment of variations in connection with a Design and Build contract for the provision of three care homes.
- ⊕ Preparation of expert report in respect of liability for the cost of a revised fire strategy on a Design and Build contract for a University Building and an alleged misrepresentation at tender stage.

RECENT ADJUDICATOR APPOINTMENTS

- ⊕ Householder/Contractor dispute regarding final account and alleged defective work in connection with a kitchen and bathroom installation;
- ⊕ Householder/Contractor dispute regarding an alleged defective architect's certificate and alleged defective work in connection with a new conservatory;
- ⊕ Fast Food Business/Contractor dispute regarding evaluation of work and alleged defective work in connection with a shop conversion;
- ⊕ Employer/Contractor dispute regarding alleged defective work in the installation of Fosroc Proofex 3000 Waterproofing Membrane to a basement;
- ⊕ Employer/Contractor dispute regarding damages in connection with alleged defective work in the installation of a lift in a nightclub in central Manchester;
- ⊕ Main Contractor/Subcontractor Final Account dispute in respect of fire/sprinkler protection system to a new car plant;
- ⊕ Employer/Contractor dispute regarding Architect's alleged failure to issue an Extension of Time in connection with a Nursing Home;
- ⊕ Main Contractor/Subcontractor dispute regarding alleged unlawful termination of the Contractor's employment and dispute regarding alleged amount due in respect of work to the London Underground Rail System;
- ⊕ Developer/Contractor dispute regarding alleged defective glazing system to a bespoke £5m development on the Solent;

- ⊕ Employer/Contractor dispute regarding Architect's alleged failure to correctly issue an interim certificate in line with the Quantity Surveyor's interim valuation and Employer's failure to make payment in connection with a city centre redevelopment in Glasgow;
- ⊕ Employer/Consultant dispute regarding design fees in connection with a development in central London;
- ⊕ Main Contractor/Subcontractor dispute regarding variations and the evaluation of final account regarding frame construction to a residential and commercial development in the midlands;

RECENT PARTY REPRESENTATION IN ADJUDICATION

- ⊕ Representative of Responding Party Contractor in a dispute regarding alleged unlawful termination of employment under the contract and a disputed claim by the employer for completion costs.
- ⊕ Representative of Referring Party Contractor regarding a dispute relating to alleged variations and interpretation of 'design development' obligations under the contract.
- ⊕ Representative of Referring Party Contractor in a dispute regarding alleged defective roofing works and alleged rectification costs.
- ⊕ Representative of Referring Party Contractor regarding a dispute relating to liquidated damages, extension of time entitlement and a disputed loss and expense claim on a hotel development.
- ⊕ Representative of Referring Party Contractor regarding a dispute relating to weather delays, a disputed entitlement to extension of time and recovery of loss and expense in connection with the earthworks and structures on a flood alleviation scheme.
- ⊕ Representative of Responding Party Contractor regarding a dispute relating to alleged defective work and an entitlement to a Certificate of Practical Completion.
- ⊕ Representative of Responding Party Contractor regarding a disputed final account and alleged defective work.

REPORTED CASES

- ⊕ Specialist Ceiling Services (Northern) Ltd v ZVI Construction Ltd [2004] BLR Part 9 page 403; Select Article 298 at: <http://www.tonybingham.co.uk/column/Default.htm> "The adjudicator who didn't avert his gaze".