Provision of Expert Consultancy Services and Project Resourcing

Commercial, Contract and Risk Management

Project Controls and Program Management

Claims Consulting

Dispute Mitigation, Resolution and Expert Witness Services

“Commercial Thinking. Commercial Results”
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At Aston Consult, we pride ourselves in providing professional, commercial, contract management and project controls services to both public and private sectors. Our dynamic and driven team has experience across multiple industries including construction, infrastructure, rail, transport, marine, mining, oil and gas and aviation.

Our depth of talent and experience allows us to successfully provide a broad range of commercial services to meet the variable requirements of our clients, which fall into four distinct yet related elements of our service offering:

1. Commercial, Contract and Risk Management
2. Project Controls and Program Management
3. Claims Consulting
4. Dispute Mitigation and Resolution

At Aston Consult, we understand that the successful provision of our commercial services and human resources is built around our highly qualified and dedicated consulting staff. Our Directors and consultants are from multi-disciplinary and highly experienced backgrounds and are members of numerous professional organisations, including the Royal Institution of Chartered Surveyors, the Resolution Institute of Australia, the Risk Management Institute of Australasia and the Institution of Civil Engineers.

It is our people, our experience and pride in what we do that we offer, to ensure that all of our clients receive a truly high-end commercial service offering, and in-turn, outstanding commercial results.
Commercial, Contract and Risk Management

On the majority of construction and engineering bids and projects, the implementation of rigorous, robust yet practical commercial, contractual and risk management procedures is critical to success. This is Aston Consult’s core service activity. Our Commercial, Contractual and Risk Management Services include:

1. Bid / Tender Phase
   - Provision of experienced and competent human resources during bid and negotiation phase, Preparation and drafting of Memorandum of Understandings, Teaming Agreements, Joint Venture Agreements, Tender Services Deeds and similar
   - Review / Preparation of Head Contract terms and conditions, including specifications
   - Preparation of Commercial Risk Profiles in line with Corporate reporting requirements
   - Drafting of Mitigation measures and/or Contractual and Commercial qualifications
   - Review of Supply Chain qualifications and drafting responses
   - Preparation of Tender documentation including Risk and Opportunity Management Schedules
   - Cash-flow Forecasting and Analysis
   - Appointment of Design Consultants and Subconsultants including Design Joint Ventures

2. Delivery / Construction Phase
   - Provision of experienced and competent human resources throughout the delivery phase
   - Functional advice on commercial team structure, responsibilities and competency framework
   - Procurement advice, preparation, evaluation, recommendation and award
   - Budget setting, Work Breakdown Structure development and advice, Cash-flow Forecasting
   - Commercial Risk and Opportunity Management and Coordination (see below)
   - Preparation and implementation of contractual and commercial administrative systems including Change Controls (Corporate and Project specific)
   - Drafting of contractual and commercial correspondence (Head Contract and Supply Chain)
   - Commercial training and development at Project or Corporate level
   - Variation identification, valuation preparation, submission and negotiation
   - Representation at contract and commercial progress meetings
   - Contract and commercial management of sub-contractors and suppliers
   - Project Reviews and Reporting procedures
   - Insurance claim preparation, negotiation and settlement
   - Final account management.

3. Risk Management
   A growing area in complex engineering and construction projects and programs of work is Risk Management. Risk is inherent to varying degrees in all forms of construction. The assessment and effective management of risk is fundamental to the achievement of the project’s critical success factors. Risks that are not properly identified and managed are likely to lead to delay, cost overruns, conflicts and disputes. Our risk management services, which form part and parcel of our Commercial and Contractual Management Services are tailored to ensure that all risks are identified, analysed and appropriately managed at both Project and Corporate level.
We offer a range of Project Controls and Program Management support services aimed at reducing the time related risks and uncertainties inherent in construction projects.

Our Project Controls and Program Management Services include:

- Baseline schedule development and review
- Schedule analysis and critical path analysis
- Schedule risk identification, constructability analysis and mitigation
- Tender Scheduling
- Design, Procurement and Construction Scheduling
- Project Close Out and Systems Commissioning Scheduling
- Schedule Narrative Development
- Schedule Health Check Assessment
- Schedule Logic Network Development
- Work Breakdown Structure Development
- Process Mapping
- Planning Team Management and Training
- Construction and Logistics Phasing Plans
- Peer Reviews
- Progress Monitoring and Reporting
- Key Performance Indicators (KPI) Reporting
- Management Dashboard Reporting

Our highly competent Project Controls and Program Management Consultants have access to the very latest programming software products and services as and when requirements demand.
Claims Consulting

No matter how carefully a construction project is planned, conflicts and disputes can and often do arise. Our claims consulting services are tailored to achieve the best possible outcome for our clients by safeguarding their contractual position and in turn maximising commercial returns.

1. Claim Management

Aston Consult’s claim management service involves the formation of a structured claims strategy and tactical advice on the measures to be implemented in order to successfully prosecute or defend claims.

Our approach is to discuss the client’s specific objectives and desired outcomes and then formulate a recommended strategy to achieve them. Once a consensus is reached, the strategy is then implemented based on pre-agreed time-scales and resource levels.

2. Claim Preparation and Analysis

One of Aston Consult’s core business activities is the preparation and analysis of construction contract claims on behalf of contractors and employers. Our claim preparation and analysis services include:

- Contractual health checks and claims strategies
- Security of Payment Claims (and Payment Schedules in defence)
- Extension of time and prolongation claims
- Acceleration claims
- Disruption and loss of productivity claims
- Variation claims
- Advice on termination and suspension and remedies in regard to payment default
- Breach of contract and damages claims
- Other monetary claims
- Ex-contractual claims

In order to maximize the chances of success, our claim preparation process always adheres to the following distinct fundamentals:

- Identification of events and circumstances
- Identification of party liable
- Establishment of contractual entitlement and basis of claim
- Compliance with notice requirements and other procedural mechanisms
- Establishment and particularisation of cause and effect
- Preparation of delay analysis (for extension of time claims) using a suitable methodology
- Compilation of substantiation and all pertinent evidence.

Our Director’s are highly experienced in all forms of claims and hold various certifications including Adjudication and are Members on the RICS Accredited Expert Determiners Panel.
3. Delay, Disruption and Acceleration

Our delay, disruption and acceleration services include:

- Analysis of baseline programmes and review of their completeness
- Review of updated/as-built programmes
- Delay analysis using the most appropriate methodology
- Acceleration programme analysis and preparation
- Disruption evaluation, including analysis of production rates

In broad terms, the analysis of delays can be divided into two categories. Prospective methods, where the analysis predicts the effect of delay events based on the retention of the theoretical logic within the baseline programme and Retrospective methods, which are largely based on actual events. The selection of the most appropriate method is primarily dependent upon the point in the project life-cycle at which the analysis is undertaken. Aston Consult’s delay analysis services are therefore tailored to suit the status of the project as well as the specific requirements of the client.

4. Quantum

Our quantum preparation services include:

- Identification of contractual entitlement to recover cost and/or value
- Preparation of cost claims (including prolongation, acceleration and loss of productivity costs)
- Valuation of variations
- Analysis of tender rates and escalation costs
- Preparation of damages claims

When establishing the cost effect of contractual claims it is necessary to provide detailed evidence to support the amounts claimed. Aston Consult’s quantum services also include the detailed review and analysis of all available contemporaneous cost data and the presentation of such data in an auditable and logical manner.
Dispute Mitigation and Resolution

1. Amicable Settlement

Wherever feasible, we always urge our clients to resolve disputes amicably by means of negotiated settlement. As part of this process, Aston Consult can actively manage the amicable settlement process on behalf of clients. This involves the presentation of a synopsis of the client’s claim position to the opposing side and the participation in subsequent negotiation discussions.

We have facilitated the amicable settlement of numerous disputes on behalf of clients. However, it must always be recognised that in order to achieve the desired outcome, negotiations must commence from a position of strength. It is therefore vital that settlement discussions begin only once the claim preparation process is fully completed and the client’s bargaining power is determined.

2. Expert Witness

Our Directors and consultants are experienced in acting as independent expert witnesses in support of arbitration, litigation and other formal dispute proceedings, including the provision of expert evidence and opinion under cross-examination. The diverse professional backgrounds of our Directors and consultants coupled with their legal training allow us to bridge the techno-legal gap and facilitate a quick understanding of complex claim issues and the provision of comprehensive expert testimony.

Our expert witness services include:
- Strategic dispute management
- Independent analysis and review of disputes
- Preparation of expert reports
- Expert testimony
- Contract review and analysis
- Time analysis and expert evidence
- Quantum analysis and expert evidence
- Insurance Claims

3. Arbitration and Litigation Support

Aston Consult provides support to its clients during arbitration and litigation proceedings, which can often be a stressful and demanding period. Our services are aimed at ensuring that the proceedings, be they arbitration or litigation, are advanced in a cost-effective and efficient manner and include:

- Provision of tactical dispute management advice
- Implementation of dispute management strategy
- Management of claim preparation process
- Management of legal counsel, experts and factual witnesses
- Preparation of pleadings
- Preparation of factual witness statements
- Compilation and verification of all crucial evidence
- Attendance at hearings
4. Forensic Analysis

Part of Aston Consult’s dispute resolution services include the forensic analysis of both time and cost data in readiness for formal proceedings.

For cost or damages claims, it is vital that the actual expenses incurred are properly identified and claimed. This process involves detailed investigative analyses of accounting data and the careful consideration of correctly allocated overhead costs.

For all time related claims, our objective is to establish an actual as-built programme in order to identify all time related issues that affected (be it positively or negatively) the programme during the project lifecycle. The construction of the as-built programme is based on the raw data obtained through a forensic analysis of site records. Ultimately, this exercise serves to distinguish employer excusable delay, contractor culpable delay, concurrent delays, acceleration and disruption.

5. Acting as Arbitrator and other Dispute Resolution Panel Members

Aston Consult’s Directors also provide the following services:

- Acting as Arbitrator (either as sole arbitrator, chairman or co-arbitrator)
- Acting as Mediator, or a Facilitator in a Negotiation
- Dispute Review Board member
- Dispute Avoidance Board member
A selected list of diverse projects that we have been involved in is set out below:

<table>
<thead>
<tr>
<th>Project Overview</th>
<th>Outline of Services Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Light Rail</td>
<td>Provision of strategic commercial advice, mobilisation of Claims Team including delay and disruption analysts in order to support the contractors contractual and legal entitlements under a PPP Framework Agreement.</td>
</tr>
<tr>
<td>Sydney, NSW</td>
<td></td>
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<tr>
<td>New Ferry Hub Terminal,</td>
<td>Provision of senior commercial management support in Adjudication Response and provision of project commercial management services support during construction of lump sum construct only main contract.</td>
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<tr>
<td>Sydney Harbour, NSW</td>
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<tr>
<td>Pacific Highway Upgrade,</td>
<td>Review of potential head contract claims for delay and disruption and provision of claim strategy advice during delivery phase of lump sum design and build main contract.</td>
</tr>
<tr>
<td>Coffs Harbour, NSW</td>
<td></td>
</tr>
<tr>
<td>Pacific Highway Upgrade,</td>
<td>Production of detailed Contract Works Insurance claims, submission, negotiation and settlement with appointed loss adjuster during final stages of lump sum design and build main contract.</td>
</tr>
<tr>
<td>Byron Bay, NSW</td>
<td></td>
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<tr>
<td>International Convention Centre,</td>
<td>Provision of specialist procurement and contract administration resources to head contractor during delivery phase of major construct only integrated project development.</td>
</tr>
<tr>
<td>Sydney, NSW</td>
<td></td>
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<tr>
<td>Odour Management Program Alliance</td>
<td>Provision of Contract Administration resources during delivery phase of water services program alliance.</td>
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<tr>
<td>Airport Road Upgrade Program,</td>
<td>Provision of Senior Contract Administration and Procurement resources to Main Contractor during delivery phase of Lump Sum Design and Build Road Contract.</td>
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<tr>
<td>Brisbane, Queensland</td>
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<tr>
<td>Residential Communities Project,</td>
<td>Provision of long-term Senior Commercial Management resources to Main Contractor during delivery phase of construct only residential project in Western Sydney.</td>
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<tr>
<td>Sydney, NSW</td>
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<tr>
<td>Major Road Upgrade,</td>
<td>Provision of long-term Senior Commercial Management resources to Main Contractor during delivery phase of lump sum design and build main contract.</td>
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<tr>
<td>Toowoomba, Queensland</td>
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<tr>
<td>Major New Road Construction,</td>
<td>Provision of Senior Commercial Management resources to provide expert advice on major subcontract administration and variation claims during delivery phase of a lump sum design and build main contract.</td>
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<tr>
<td>Western Sydney, NSW</td>
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<tr>
<td>Bridge Rectification and Highway Upgrade Works,</td>
<td>Provision of specialist commercial and contract resources in final account stages of a lump sum design and build main contract.</td>
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<tr>
<td>Melbourne, Victoria</td>
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<tr>
<td>WestConnex M4 East,</td>
<td>Provision of specialist commercial resources to administer and negotiate subcontract and supplier variations. Provided advice on geotechnical risk (commercial).</td>
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<tr>
<td>Sydney, Australia</td>
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</tbody>
</table>
The capabilities of our Commercial, Contract, Claims and Disputes team are summarised in the below matrix:

<table>
<thead>
<tr>
<th></th>
<th>Expert Witness</th>
<th>Adjudication Advice/Support</th>
<th>Commercial, Contract and Procurement Management</th>
<th>Claims Management (Time and Cost)</th>
<th>Dispute Mitigation and Resolution</th>
<th>Project Controls and Program Management</th>
</tr>
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<tbody>
<tr>
<td>Executive Directors</td>
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<td>Senior Associate Directors</td>
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<td>Associate Directors</td>
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<td>Senior Consultants</td>
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<tr>
<td>Consultants</td>
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</table>
Our Directors Profiles

James Funge
Executive Director

Profile
James is a competent, highly motivated and diligent commercial professional with considerable experience gained in a wide variety of heavy civil engineering, mass transportation, infrastructure and building projects with Tier 1 Contractors, both in the United Kingdom, South East Asia (Singapore, Hong Kong, Malaysia and Thailand), the Middle East (Abu Dhabi and Dubai) and Australia (Brisbane, Perth, Sydney and various Regional Areas).

James is an expert across all commercial and contractual disciplines, specialising in functional commercial strategy and management, risk and opportunity management, claims management (time and cost quantum), insurances, expert determination, acting as expert witness, adjudication, mediation, arbitration support and dispute avoidance and resolution.

James has a total of over 22 years’ experience, with 15 years of ‘on-site’ major project experience, which includes senior commercial leadership positions on both the Singapore and Dubai Metro Systems and over 7 years of senior corporate experience including functional and regional commercial leadership positions with a number of Australian based Tier 1 contractors.

James combines his international major project experience with his corporate experience to provide best practice commercial advisory services from project inception to final account. A Fellow of the Royal Institution of Chartered Surveyors, James regularly participates in professional assessment panels and has recently been acknowledged by the RICS for his work associated with the publication of the RICS Professional.

James is an RICS Accredited Expert Determiner and an RICS Accredited Certified Adjudicator in NSW and ACT.

Joe Briers
Executive Director

Profile
Joe is an enthusiastic, highly dedicated and meticulous commercial professional with extensive experience working on major projects in the United Kingdom, United Arab Emirates, New Zealand and Australia. Joe is experienced in the both the Public and Private Sectors and has been involved in a diverse range of projects across sectors including Infrastructure, Tunnels, Heavy Rail, Light Rail, Stadia, Hotels, Residential, Retail and Water.

Joe is a subject matter expert across the commercial and contract management function, specialising in the leadership of the commercial function in both the pre and post contract phases of projects, major project tendering, commercial & contract management, risk and opportunity management, claims management (time and cost quantum), insurances, and dispute avoidance, mitigation and resolution.

Joe has a total of over 16 years’ experience, which includes senior commercial leadership positions on both the South West Rail Link and Sydney CBD and South East Light Rail programs of work and senior corporate experience including regional commercial positions within international Tier 1 contractors.

Joe will integrate seamlessly into any project team and effectively take leadership of the commercial function. Utilising his international major project and corporate experience to ensure that all commercial and contractual aspects of the project are managed to an effective outcome. Currently undertaking his assessment to become a Chartered Member of the Royal Institution of Chartered Surveyors, Joe continuously seeks opportunities to develop his skill set to better service the needs of major projects.

Summary
• BSc (Hons) Quantity Surveying
• Associate of the Royal Institute of Chartered Surveyors

James Funge
Executive Director

Profile
James is a competent, highly motivated and diligent commercial professional with considerable experience gained in a wide variety of heavy civil engineering, mass transportation, infrastructure and building projects with Tier 1 Contractors, both in the United Kingdom, South East Asia (Singapore, Hong Kong, Malaysia and Thailand), the Middle East (Abu Dhabi and Dubai) and Australia (Brisbane, Perth, Sydney and various Regional Areas).

James is an expert across all commercial and contractual disciplines, specialising in functional commercial strategy and management, risk and opportunity management, claims management (time and cost quantum), insurances, expert determination, acting as expert witness, adjudication, mediation, arbitration support and dispute avoidance and resolution.

James has a total of over 22 years’ experience, with 15 years of ‘on-site’ major project experience, which includes senior commercial leadership positions on both the Singapore and Dubai Metro Systems and over 7 years of senior corporate experience including functional and regional commercial leadership positions with a number of Australian based Tier 1 contractors.

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James is an RICS Accredited Expert Determiner and an RICS Accredited Certified Adjudicator in NSW and ACT.

Summary
• BSc (Hons) Quantity Surveying
• Fellow of the Royal Institute of Chartered Surveyors
• Member of the Resolution Institute
• RICS Accredited Expert Determiner and Panel Member
• RISC Accredited Adjudicator (NSW/ACT)
Our Directors Profiles

Simon Lowe
Executive Director

Profile
Simon is a proficient, diligent and enthusiastic construction professional, with considerable claim and dispute resolution related experience on a wide variety of building, civil engineering and oil and gas projects in the United Kingdom, the Middle East, the Far East and Sub-Saharan Africa.

Simon’s main area of expertise is in the provision of Expert Witness Services on matters of quantum in formal dispute proceedings, primarily arbitration. He has had numerous appointments as an Expert Witness and has given oral evidence before tribunals at hearings multiple times.

Simon is also highly proficient and experienced in claims management, arbitration management (as party representative), adjudication proceedings and dispute resolution and/or avoidance and contract and commercial management. He has held several positions as Contract and Commercial Manager on several large-scale civil engineering projects, including mass rapid transit systems, roads, tunnels and bridges. He also has considerable experience in a variety of building projects including airports, hotels, hospitals, offices, industrial units and residential developments and has managed claims and disputes on oil and gas projects.

Simon frequently sits on dispute boards/adjudication panels and has also delivered numerous seminars on contract and commercial management and dispute resolution best practices.

Summary
- MSc Construction Project Management
- Diploma Quantity Surveying
- Fellow of the Royal Institution of Chartered Surveyors
- Fellow of the Chartered Institute of Arbitrators
- Fellow of the Chartered Institute of Building
- Post Graduate Certificate in Arbitration