

David Falkenstern

Director

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Education

- BSc, Civil Engineering, Tufts University (Boston, MA)

Employment

- Blackrockpm – *Director*
- Navigant Consulting – *Associate Director*
- Jacobs Engineering – *Civil Engineer*

Professional associations

- Member of the Society of Construction Law

Articles

- “*Ending it all*”; Building Magazine, 23 September 2016
- “*Delay and Disruption Protocol: Easy Rider*”; Building Magazine, 20 August 2015
- “*Delay Analysis, Window of Opportunity*”; RICS Construction Journal, June-July 2012

David Falkenstern is a Civil Engineer with over 20 years of experience in the construction industry. He specialises in providing consultation and expert advice on construction projects in the areas of planning, productivity, delay, and disruption with a focus in resolving disputes.

Mr. Falkenstern had initially gained his expertise as a planner, cost engineer, and civil engineer for Jacobs Engineering, a large engineering and construction company. In this capacity, Mr Falkenstern worked as a planner during the construction of an underground rail project, underground pipeline and pump station project, and other large civil engineering projects.

Subsequently, he has assisted clients with their planning and dispute related needs as a consulting professional for over 15 years. Within this capacity, he has assisted his clients by producing/maintaining live construction programmes, analysing construction delays, and providing expert evidence in relation to planning and delay. While focusing on expert forensic delay analysis, Mr Falkenstern has also had the opportunities to further his planning experience, including planning the construction works related to combined cycle power station, a 50-story residential high-rise, and an urban light rail project.

Mr. Falkenstern has worked with owners, engineers, and contractors from all over the world to consult on matters related to project management, project controls, construction programming & scheduling, contract disputes, and claims. Mr. Falkenstern has worked in a broad range of industries including: power, commercial property development, process plant, oil & gas, petro-chemical, and transportation.

Mr. Falkenstern has been appointed as an independent expert giving both written and oral evidence on matters of programming and project delay on construction disputes in arbitrations, adjudications, and mediations.

Representative Engagements

Selected examples from Mr. Falkenstern’s body of work include the following:

Power

- Appointed as a delay expert in an ICC Arbitration to provide an opinion regarding the causes and extent of delay to a 410Mw combined cycle power station in Russia. The total amount in dispute was nearly €50 million and the parties agreed to a settlement a few weeks prior to the scheduled hearing.
- Appointed as a programming and delay expert in an ICC Arbitration to determine the sources and magnitude of delay experienced during the construction of a 1200Mw combined cycle power station in Spain. The total amount in dispute was approximately €100 million. This dispute was settled one week prior to the scheduled hearing.
- Appointed as a delay expert by the owner of a multi-billion-euro nuclear research facility in working to resolve approximately €300 million in claims related disputes through a dispute advisory board.
- Appointed as a delay expert in relation to two 40MW biomass power stations constructed in North America. This expert opinion as to the causes of critical delay to these projects was required by an insurer as part of the contractor's insurance claim.
- Appointed as a delay expert on disputes regarding a 4000MW coal-fired plant in Europe.
- Appointed as a programming and delay expert in a dispute involving the expansion of an existing UK power station including the construction of a new steam turbine and generator.
- Senior planner in the development of the baseline programme and subsequent programme updates for a 380 Mw combined-cycle power station in the United States. As part of this project, Mr. Falkenstern developed and maintained an interdisciplinary resource loaded, CPM network based programme.
- Analysed delay to a power station in Madagascar which consisted of 3 coal fired circulating fluidised bed boilers with corresponding steam turbines and generators.
- Analysed delays to a project which included a 600 MW combined cycle power station and 30 MIG per day water producing facility in Qatar. The project comprised of three combined cycle gas turbines and two desalination units.
- Analysed delays to a coal-fired power station in Wales. As part of this assignment, Mr Falkenstern provided an analysis and expert peer review of a colleague's work in relation to this project.
- Developed the delay and disruption analysis for an independent report between two JV partners in relation to the design, build and operation of 2 CHP power stations in Russia.
- Analysed cost overruns and project disruption incurred during the engineering design phase of a nuclear power plant in Europe. As part of this project, Mr. Falkenstern analysed the engineering cost overruns, delays and disruptions as well as the follow-on effect to construction.

Oil & Gas

- Appointed as a delay expert on an oil and gas project involving six initial production facilities to process crude oil, water and gas from wells on three different sites to increase the oil producing capacity of an oil field development in the Middle East. The project has a construction value of nearly 1 billion USD.
- Appointed as a delay expert in an ICC arbitration involving the construction of a methane extraction barge on a lake in Africa on which the contractor was terminated midway through the project.
- Appointed as a delay expert in an \$150 million dispute involving an EPC contract for a hydrocracker unit within a refinery and terminal project in Saudi Arabia.
- Appointed as a delay expert to determine the sources and magnitude of delays experienced during the construction of a \$360 million sulphur handling facility in the Middle East. As part of this appointment, Mr. Falkenstern provided an analysis of the actual delays on the then live project as well as projected the effect of these delays on the remaining work yet to be completed. This dispute was settled prior to the scheduled hearing.
- Assisted in the preparation of an expert report relating to delays in the construction of two FPSO vessels for litigation proceedings.
- Analysed delays to the mechanical installation works on a gas-recovery and ethylene conversion plant in South Africa for the production of an expert report to be served in ICC arbitration.
- Analysed delays encountered during the construction of a multi-billion dollar LNG process train in the Middle East. As part of this project, Mr. Falkenstern provided an analysis of the actual delays on the then live project as well as projected the effect of these delays on the remaining work yet to be completed by incorporating productivity analyses for various trades.
- Assisted in the preparation of a programming report regarding a \$100 million dispute on a gas processing plant project in North Africa. As part of this project, Mr. Falkenstern's analysis was submitted in an expert report for an ICC Arbitration.

Industrial

- Appointed as a programming and delay expert to determine the causes of critical delay during the construction of a urea/ammonia fertilizer project in North Africa with a construction value of approximately 1 billion USD.
- Appointed as the delay expert in a dispute involving the £120 million expansion of a food processing facility within the United Kingdom.
- Appointed as the delay expert in an arbitration involving the construction of a canning plant in Europe.

- Assisted an owner in analysing and responding to several contractor delay and disruption claims relating to a \$3.2 billion petrochemical facility in China. As part of this project, Mr. Falkenstern assisted the owner in responding and negotiating claims received from the 7 prime contractors involved with the Project.

Buildings & Construction

- Appointed as a programming and delay expert to determine the sources and magnitudes of delay experienced during the construction of a 12-story mixed use building in the United Kingdom.
- Appointed as a delay expert in relation to a dispute regarding a 40-million-pound refurbishment of a listed central London residence which involved several years of delay.
- Appointed as a delay expert in an adjudication regarding cladding installation delays on a 12-story central London office building. The Adjudicator accepted Mr Falkenstern's analysis in its entirety.
- Appointed as the delay expert on a dispute involving the cladding installation of a 36-floor high rise building within the city of London.
- Appointed as a delay expert in relation to the construction of a restaurant in the Tower of London.
- Appointed as a delay expert to determine the causes and extent of delay incurred during the construction of a large government building in central London.
- Appointed as a delay expert to determine the causes and extent of delay incurred during the construction of a high-end retail development in the United Kingdom.
- Appointed as a delay expert in a dispute involving the construction of a television studio in the United Kingdom.
- Analysed the delay incurred and failures of a construction manager in the construction of a mixed office, retail and residential development in Guernsey. The analysis assessed the effects of the construction manager's failings, trade contractor insolvency, termination, owner instructed changes, among other issues.
- Developed and implemented a new project programme on a 52-floor luxury high-rise condo combination hotel building in Florida. As part of this project, Mr. Falkenstern modified an existing programme during the construction phase so that the project could have a phased opening, with several parts of the building achieving completion and turnover on different dates.
- Analysed project delays and disruption issues in relation to the contractor's termination on a high-rise mixed use building in Dubai, for the purposes of an ICC Arbitration.

- Assisted in the preparation of an expert report for litigation in relation to the delay experienced during the construction of a multi-billion-dollar casino, hotel, and resort project in Las Vegas. Mr. Falkenstern's efforts were focused on analysing delays to the 33-story hotel tower structure.
- Analysis of delays to the steel manufacturing and erection on the Shard skyscraper in London.
- Produced a delay analysis for a commercial development in Moscow involving a detailed analysis of the structural steel design process and complex subsurface construction techniques.

Transport Infrastructure

- Appointed as a programming and delay expert in an arbitration to determine the sources and magnitudes of delay related to the design submissions on a motorway project in the United Kingdom.
- Provided expert advice during mediation in relation to delay and disruption experienced during the construction of a 56-kilometre new motorway in the Republic Ireland. The amount in dispute was over €60 million.
- Appointed as a delay and disruption expert and provided expert oral and written evidence in an adjudication involving a roadway improvement and re-alignment project in the United Kingdom.
- Appointed as a delay expert in a dispute involving the extension of an existing tramway in the United Kingdom.
- Appointed as a programme expert to provide an opinion on the acceptability of the contractor's baseline programme for the construction of a new airport terminal and baggage handling facility in the UK.
- Provided owner and legal counsel with expert advice in regards to the programming aspects of a contractor's claim for £80 million for impacts suffered on a major airport runway project in the United Kingdom. As part of this project, Mr. Falkenstern produced delay analysis which included a detailed productivity analysis of the heavy civils work.
- Analysed project delays and disruption during the construction of a 30km guided bus scheme in the United Kingdom.
- Developed, maintained, and updated the project programme on a multi-billion-dollar rail project in the metropolitan New York City area. As part of this project, Mr. Falkenstern worked full time with the contractor's construction team on all programming related matters.
- Provision of expert opinion to assist a contractor, client, and counsel in arbitration involving the construction of a new 20km motorway project in the Republic of Ireland.
- Provided analysis of Contractor's claims in relation to delay and disruption involving the widening of a major road project in the Republic Ireland.

- Analysed the delay incurred during the construction of an airport terminal building in the Middle East. This analysis was primarily focused on delays to the systems and commissioning works.
- Produced several delay analyses for a series of adjudications under an NEC2 contract in relation to the construction of a canal section including a lock and water control structure within the United Kingdom.
- Assisted in the preparation of an expert report for adjudication relating to delays on the construction of a high-speed rail project in the United Kingdom.
- Produced the baseline programme and cost estimate for the construction of two underground subway stations. This work was part of the 2 billion dollar Tren Urbano subway project in Puerto Rico.
- Assisted in the preparation of an expert report for litigation proceedings relating to the programme and delay of a dam project in West Virginia.
- Produced and managed the programme for the construction of the Quarry Hills Golf course. As part of this project, Mr. Falkenstern planned the heavy civil works and the daily deliveries of soil delivered from Boston's Big Dig project used to fill the quarry and create the golf course.
- Assisted with the detailed construction sequencing and planning for one of the prime contractors working on several of the underground sections of the Big Dig project in Boston.
- Produced the baseline programme and cost estimate for the construction of a large underground aqueduct which provides water from western Massachusetts to the eastern part of the state.