



Summary CV

SHIRLEY A THOMSON

BSc FRICS MCI Arb IMA PS MloD



Shirley is a Director of BDG Thomson Gray Dispute Ltd. and Principal of BDG Thomson Gray Ltd.

She has over 30 years of experience in the construction industry working as a Chartered Quantity Surveyor, Employer's Agent and Construction Health and Safety Practitioner (CDM Advisor) on a vast range of projects ranging from demolition and remediation projects, small scale alterations and extensions, refurbishment and conservation projects, new build schools, university projects, retail and mixed use developments and residential developments for both public and private sector clients. These projects have ranged in value from £15,000 to £75M.

Shirley regularly provides advice and opinions on construction disputes, through adjudication, arbitration and other forms of dispute resolution. She provides expert witness reports on quantum, loss and expense, value, procurement and professional negligence to individual clients and to the legal profession. She has wide experience of all SBCC / JCT and NEC standard forms, and of the FIDIC suite of contracts.

She is appointed to the RICS Chairman's Panel of Adjudicators, and regularly represents parties in adjudication proceedings.

CONTACT DETAIL

☎ 01224 210422 / 0774 379 4185

✉ sthomson@bdgthomsongray.co.uk

QUALIFICATIONS

▶ BSc Quantity Surveying (BSc)

▶ Post Graduate Diploma Construction Law and Arbitration

▶ Fellow of the Royal Institution of Chartered Surveyors (FRICS)

▶ Member of the RICS Chairman's Panel of Adjudicators

▶ Member of the Chartered Institute of Arbitrators (MCI Arb)

▶ Incorporated Member of the Association for Project Safety (IMaPS)

▶ Member of the Institute of Directors (MloD)

▶ Member of the Society of Construction Law

ACCREDITATIONS

- ▶ I have a Post Graduate Diploma in Construction Law and Arbitration.

I am appointed to the RICS Chairman's Panel of Adjudicators, and regularly represent parties in adjudication proceedings.

- ▶ I am used to giving written and oral evidence. I have appeared in court and at hearings. I have acted in Adjudications, Arbitrations and Mediations. I am used to conducting Adjudication hearings and Expert Witness meetings and preparing Joint Expert Statements for court

ARBITRATION EXPERIENCE

End of Tenancy Defects Dispute

Represented the client in arbitration proceedings in respect of failure by tenant to carry out works under schedule of dilapidations at lease end. I prepared arbitration defences, established extent of repairs and prepared Quantum Report, reviewed opposing representative's submissions, attended meetings to establish areas of agreement. Value of Claim - £425,000. Settlement currently being negotiated.

RBG Limited –v- SGL Carbon Fibres Limited

Prepared quantum element of arbitration documents to be used in arbitration proceedings arising out of a project to construct a production line at a factory in the north of Scotland. This case generated many of the first reported decisions on the NEC3 form of contract.

INDEPENDENT DETERMINATION EXPERIENCE

Aberdeen Western Peripheral Route

Acting for a client (confidential) in the negotiation of land value and rectification works arising out of adjustments required to their property title because of the routing choice and subsequent construction of the new Aberdeen bypass

MEDIATION EXPERIENCE

Alterations to Amenity Housing Development

Appointed by Housing Association and Building Contractor to facilitate a mediation over claim for extension of time and associated prolongation costs arising out of a contract to provide major alterations and extensions to an amenity housing development. Providing initial instructions to parties on actions to be carried out prior to mediation session, chaired mediation meeting with parties, and writing and issuing of memorandum of final agreement.

EXPERT WITNESS EXPERIENCE

Commercial Development, Grampian

Acted as Expert Witness providing an independent opinion response on alleged defects, on the costs of rectifying aspects of poor workmanship and defects which had arisen at the building, and on the basis of the original contract. Drafted responses to several reports. Value of Claim - £125,000. Ongoing.

Professional Negligence of Project Manager and Quantity Surveyor

Appointed by Solicitors to act as Expert Witness providing an opinion on the alleged professional negligence of the project manager and Quantity Surveyor on a contract to reinstate fire damage at a commercial development in Aberdeen. Currently preparing reports, together with engaging sub-contractors to complete work to establish value of claim.

SSE Renewables (Ireland) Ltd -v- William and Henry Alexander Ltd and Aecom Limited

Appointed by Solicitors acting for Defenders to act as Expert Witness providing an opinion on the contractual arrangements and the alleged remediation costs arising out of a claim for professional negligence of an international Consultant Engineer whilst acting as Designer on a pair of Wind Farm developments in County Donegal, Southern Ireland. Preparation of reports and responses to pursuers' reports, meeting with Expert for Pursuers and preparation of Joint Statement for Court in February 2016. Value of Claim - €9.25M. Prepared for attendance at court in March 2016, case was settled out of court.

NHBC -v- IDJ Properties and Ian and David Suttie

Acted as Expert Witness providing opinion on validity of defects, suitability of procurement procedures and validity of resultant costs of rectification. Prepared reports covering these points, reviewed and commented on opposing Expert's Report, and prepared for court. Value of Claim - £825,000. Prepared for attendance at court in February 2017. Case was settled out of court.

Utilities Framework Contract

Provided advice on framework contract, and acted as Expert Witness providing opinion on validity of responses to payment applications, validity of costs submitted and compliance with contract mechanism. Prepared reports covering these points, reviewed and commented on opposing Expert's Report. Agreement reached between parties prior to court action being raised.

Divorce Case – Assessment of Value of Work in Progress of a construction company, Aberdeen

Appointed as Joint Expert by Court of Session, to provide opinion in respect of value of work in progress of construction works included in company accounts pertaining to a divorce case. Value of Claim - £1.2M. Prepared reports for issue to both parties, and provided justifications to questions raised by both. Case was settled out of court.

ADJUDICATION EXPERIENCE

Residential Development, Aberdeenshire

Acted as Referring Party's Representative in Adjudication.

Matter in dispute was amount of payment due. Prepared application for adjudicator to ANB, prepared Referral and Response submissions, and answered questions raised by the Adjudicator. Value of claim £90,000. Decision received was in mv client's favour.

Retail Development, Edinburgh

Acted as Responding Party's Representative in Adjudication.

Matters in dispute were basis of contract between the parties, and amount of payment due. Prepared Reply and Rejoinder submissions, together with advising client on and preparing format of witness statements, and answered questions raised by the Adjudicator. Value of claim £925,000. Decision received was in my client's favour.

Commercial Development, North Berwick

Appointed by RICS Scotland to act as Adjudicator on a dispute relating to payment terms under an NEC3 contract.

Gave instruction to Referring and Responding Party's Representatives. Examined the Referral, Response, Reply and Rejoinder submissions provided by parties, made my decision and delivered same to parties with reasons.

External Cladding Works, Dornie, Highlands

Appointed by RICS Scotland to act as Adjudicator on a dispute relating to non-payment of payment applications.

Gave instruction to Referring and Responding Party's Representatives. Examined the Referral, Response, Reply and Rejoinder submissions provided by parties, convened a hearing to allow me to question both parties on statements made by them, made my decision and delivered same to parties with reasons.

Commercial Development Refurbishment, Rothesay

Appointed by RICS Scotland to act as Adjudicator on a dispute relating to payment terms under an oral contract and validity of payment applications .

Gave instruction to Referring and Responding Party's Representatives. Examined the Referral, Response, Reply and Rejoinder submissions provided by parties, convened a conference call hearing to allow both parties to answer my questions, made my decision and delivered same to parties with reasons.

Window Replacement Contract, Dumbarton

Appointed by RICS Scotland to act as Adjudicator on a dispute relating to non-payment of payment applications.

Gave instruction to Referring and Responding Party's Representatives. Examined the Referral, Response, Reply and Rejoinder submissions provided by parties, made my decision and delivered same to parties with reasons.