



Name: Philip Loots
Date of Birth: 14 December 1945
Nationality: Australian/ South African
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Email: philip.loots@westnet.com.au

Qualifications

- 2012** Lawyer, NSW, admitted to practise as Solicitor in WA, Australia
 - 1990** Construction Insurance Certificate, Munich Re
 - 1987** Executive Negotiation Programme, Harvard University, Boston, USA
 - 1977** Programme for Management Development, Harvard University, Boston, USA
 - 1976** Higher Diploma in Tax Law, University of Witwatersrand, South Africa
 - 1972** Advocate of the Supreme Court of South Africa
 - 1970** Property Development Programme , Graduate School of Business University of Cape Town, South Africa
 - 1970** Notary Public
 - 1970** Attorneys Practice Certificate
 - 1967** LLB. University of Stellenbosch, South Africa
 - 1966** B Com. University of Stellenbosch, South Africa
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Current Memberships and Professional Appointments

- Statutory Adjudicator (Construction Contracts Act Western Australia 2004)
 - Statutory Adjudicator (Construction Contracts Act Northern Territory Australia)
 - Arbitrator, Institute of Arbitrators and Mediators Australia, Mediator
 - The Dispute Resolution Board Foundation (Foundation Member)
 - Fellow of the Australian Centre of International Commercial Arbitration
 - International Bar Association (Construction Contracts)
 - Member of FIDIC
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Past Memberships and Professional Appointments

- The Dispute Resolution Board Foundation Representative for Southern Africa
- Chair of the International Bar Association Subcommittee on Construction Project Management.
- Swiss Society of Arbitrators
- Honorary Foundation Member of and Advisor to South African Association of the Shaft Sinking Companies
- Member of Panel of Mediators for the Settlement of Disputes – South African Institute of Civil Engineers Committee
- Member of Documentation Committee of South African Federation of Civil Engineering Contractors.
- Consultant to the South African Core Drilling Association
- Consultant to South African National Committee of Tunnelling
- Consultant to South African Association of Plate-Laying Contractors
- Advisor and Pro-Forma Prosecutor of the South African Council for Professional Engineers – Disciplinary Enquiries
- Companion of the South African Institution of Civil Engineers
- International Associate of the American Bar Association
- Associate of the Institute of Arbitrators, London

Summary of Key Experience and Responsibilities

After admission as an attorney in 1970 Philip Loots worked initially on a large construction site for a major general contractor; his duties being legal advice, contract administration, management and avoidance of disputes, insurance matters, claims, negotiations, interacting with subcontractors and suppliers, and dispute resolution. He was later appointed Group General Counsel for the same company and in that capacity gained considerable international experience in the management of risk in construction contracts, in international joint ventures, in international litigation and in general commercial matters.

In 1984, Philip was appointed partner in charge of the Construction Law division of a large law firm and in 1988 founded his own multi-disciplinary firm, specialising in engineering and construction contract services. Here he succeeded in attracting some of the world's leading mining houses, major oil companies and contractors as his clients. As these clients expanded their operations internationally Philip felt that a greater critical mass, wider international infrastructure and multi-disciplinary skills were required to provide the desired level of service.

- **FIDIC Contract Document Review Panel 1999 Suite of Standard Contracts.**

Philip Loots merged his firm in January 2001 in order to create a synergy between global presence, expansion, specialist skills and local expertise in the field of construction contract services.

In 2003 Philip migrated to Australia and established his own firm consulting in infrastructure and resources project development and construction.

His fields of special competence cover:

- Dispute Boards, adjudication, mediation, conciliation and arbitration;
- Independent reviews and risk analysis, strategic capital procurement policy and project delivery strategies, contracting strategies, risk management and project implementation;
- Conditions of Contract for Engineering and Construction Contracts of all kinds including Civil Engineering, Building, Mechanical, Electrical and Instrumentation, Turnkey Process Plants, EPC and structuring of EPCM Contracts, Technology Transfer and License Agreements and all subcontractor and supply contracts and land-based and marine oil, gas and mining contracts, appointment of consultants and insurance issues;
- Major resource transactions involving the purchase and sale of assets, due diligence and contract risk evaluations.

Dispute Resolution Experience in addition to Court Litigation

2015

- Arbitrator and Statutory Adjudications(appointed by IAMA) (over 50 Statutory Adjudications to date)

2014

- Statutory Adjudications(appointed by IAMA)

2013

- Statutory Adjudications(appointed by IAMA)

2012

- Arbitrator and Statutory Adjudications(appointed by IAMA)

2011

- Statutory Adjudications(appointed by IAMA)

2010

- Statutory Adjudications(appointed by IAMA)

2009

- Arbitrator and Statutory Adjudications (appointed by IAMA)

2008

- Statutory Adjudications (appointed by IAMA)

2006

- Statutory Adjudications (appointed by IAMA)

2005

- Statutory Adjudications (appointed by IAMA)

2001

- Arbitrator – Construction of Shopping Centre Complex, Extension of Time and Costs. Settled.
- Arbitrator – Hotel Construction, Contractor default and termination. Settled.

1999

- Adjudicator – Large Hydro-Electric Scheme (Nepal) adverse physical conditions force majeure latent conditions.
- Mediator – Bridge Construction, Defective Design. Engineering contract. Determination of Liability. Settled.

1997

- Mediator – Mining Contract. Revision of Rates dispute. Quantum. Settled.

1993

- Conciliator – Petrochemical Plant. Site-run Piping dispute. Rates and Prices. Quantum. Settled.

1992

- Arbitrator – Builder's claim for extras. Building Contract – Time and Money claim. Award accepted.

1990

- Mediator – Adverse physical conditions. Engineering Contract – Time and Money claim. Award accepted.

1989

- Mediator – Defective work – Railway Plate-Laying. Interpretation of specification – Money claim. Settled on Structured Negotiation.

1988

- Mediator – Design dispute. Mechanical Plant – Money Claim. Settled on Structured Negotiation

1987

- Arbitrator – Construction of Water Purification Works. Extra Works – applicability of Rates and Prices. Quantum. Award accepted.
- Arbitrator – Abattoir Construction. Engineering Contract. Extension of Time and Money Claims. Award accepted.

1986

- Arbitrator – Abattoir Construction. Engineering Contract. Extension of Time and Money Claims. Award accepted.

Dispute Board (DB) Experience

(Member of DB, Advisor to Party or Drafted Clauses)

2008

- Gorgon Project – three train 15mt pa LNG plant and infrastructure (\$25-30 billion) structuring dispute resolution procedures including DB's (Management - USA, Engineering and Procurement – UK; Execution – Australia)
- TWP – BHP Billiton Perseverance Deep Shaft, Leinster (+A\$500m)
- Java Constructor Pipelay and Subsea Tie-ins, Intraline for Newfield and Talisman, Malaysia
- Shallow Water Pipelaying Contract, Vietnam

- Timbara (Pakar) Coal Development Contract, PT ILTHABI Bara Utama (IBU), Kalimantan (+\$300m).
- Bontang Coal Terminal – Expansion (Stage 1), Laing O’Rourke Joint Venture, Indominco Mandiri, Kalimantan
- Bualang Field Project Fabrication, Pre-Commissioning and Load Out of One Wellhead Platform Contract No. C3012006801 between GRI Oil & Gas USA Inc and Clough (Thailand) Company Limited
- Contract Pipelaying for the Ca Ngu Vang Facilities between Joint Venture “Vietsovetro” and Clough (Thailand) Company Limited for Block 9-2 Offshore the Socialist Republic of Vietnam.
- Contract for Fabrication of one Wellhead Platform and one Process Platform for the Songkhla Field Development Project, Thailand between NuCoastal (Thailand) Limited and Clough (Thailand) Company Limited.

2007

- Maari Development Agreement for Contract No. MA-CO003 between OMV New Zealand Ltd and Clough Projects International Pty Ltd.
- Coogee Resources Contract No. MDP-2007-50-09 WHP Deck Fabrication Clough (Thailand) Company Limited Montara Development Project between Coogee Resources (Ashmore Cartier) Pty Ltd and Clough (Thailand) Company Limited.
- Form of Agreement between Vetco Aibel AS and Clough (Thailand) Company Limited for Fabrication of Modules M10, M30, M50, M70, M71 for Etterick FPSO Project.

2006

- Etterick FPSO Modules, Vetco Abel AS, Thailand
- Basker Manta Subsea Installation, Upstream Petroleum, Bass Strait

2003

- Mining Project, Mozambique – drafted contract incorporating DB Clauses
- Smelter Project, Zambia – drafted contract incorporating DB Clauses
- Major Office and Residential Development, Angola – drafted disputes clauses incorporating (standard) FIDIC DB clauses.

2002

- Large Steelworks Expansion, South Africa – drafted clauses incorporating DB clauses.

1999

- Pipeline Project, Botswana – **member** of Disputes Board
- New Diamond Mining Projects – drafted contracts incorporating DB clauses for various construction contracts.

1998

- Large Dam, Botswana – **member** of Disputes Board together with Chairperson of International Commission on Large Dams (ICOLD). All DB recommendations accepted.
- Personal involvement in the establishment and development of the Dispute Board concept (personal invitation from the President, Disputes Review Board Foundation to attend Chicago Conference, October 1998, of the Disputes Review Board Foundation Inc, Seattle, WA, USA). (*Attachment 1*).

1994

- New Mine Development, Mali – drafted contracts incorporating DB clauses on various construction contracts.

1992

- Large Dam, Tunnels and Infrastructure, Lesotho – various FIDIC Conditions of Contract. Advised clients on structuring and administration of Dispute Boards for multiple contracts. Drafted contracts incorporating DB clauses on contracts including main Dam Contract and three major Tunnel Contracts. (*Attachment 2*).

Negotiation and Litigation Experience

- Under ICC, UNCITRAL, LCIA and other Rules of Arbitration
- Under World Bank, FIDIC
- ECC and other conditions
- Drafting contractual provisions and procedures for mediation, adjudication and dispute boards.
- Represented Employers, Contractors, Architects and Engineers in numerous negotiations aimed at reaching amicable settlements of disputes and differences.
- Represented parties in disputes in court, arbitration and mediation.
- Acted as party adviser in adjudication
- Statutory Adjudicator under the Construction Contracts Act 2004 (Western Australia and Northern Territory)

International Project Experience and Project Advice

2012

- Seconded to Bechtel (Western Australia) Pty Ltd as Legal Counsel on the \$37Bn Wheatstone Project (Construction)

2008

- Wheatstone Project, Liquefied Natural Gas (LNG) extraction, processing and liquification project Western Australia for Chevron (Construction).
- Gorgon Project, Barrow Island, Western Australia - \$25-\$30 billion Liquefied Natural Gas (LNG) extraction, processing and liquification project including all infrastructure for Chevron/Mobil/Shell (Construction).

2007

- GFI Offshore Development Project, Fabrication, A.R.V. Offshore, Thailand
- Murray Basin Mineral Sands Development – DFS, Iluka Resources Ltd, Victoria
- Kogan Creek Power Station – Maintenance Services, CS Energy, Queensland
- Contract Mining, Indonesia [+\$300m]
- KRA South Gas Development Subsea Tie-In, Star Energy (Kakap) Ltd, Indonesia

2006

- Hurricane Repair Works, Apache, Gulf of Mexico
- Montara Development Project – Fabrication, Coogee Resources, Thailand
- Kalgoorlie 400ML Reservoir, Water Corporation, Western Australia
- SBM Belanak CALM Buoy and Mooring Installation, SBM-Imodco Inc., Indonesia
- Origin Energy – BassGas Arbitration, Victoria, Australia

2005

- Maari Field Development Design and Construction of Offshore Oil & Gas Platform , OMV New Zealand Ltd
- Angel Tipsides Floatover, Aker Kvaerner Joint Venture – Woodside Energy Ltd, Western Australia
- British Gas India, Panna Mukta and Tapti Field Development PH PJ and STD Well Head Platform and Pipelines Project
- Boddington Gold Mine Project – EPCM, Aker Kvaerner Joint Venture, Western Australia
- Sanga Sanga Coal Mining, PT Pinang Coal, Kalimantan
- Cibaliung Gold Project, Austindo Resources, Java
- Woodside LNG Jetty – Train V, Interbeton Joint Venture, Woodside Energy Ltd, Western Australia – advice on tendering and negotiation of contracts for Clough Ltd.
- Maleo – EPCI Pipeline, Santos, Indonesia – advice on contracts for Clough Ltd.
- Interoil – Napa Napa Oil Refinery, Papua New Guinea – advice on contractual disputes for Clough Ltd.
- Woodside Engineering Services Contract (ESC), AMEC Joint Venture, Western Australia - advice on drafting contracts.
- Lumwana Copper Project, Zambia – project implementation processes including drafting contracts for Equinox.

2004

- Langer Heinrich Uranium Project, Namibia Project – implementation including advising on and drafting contracts for Paladin Resources.
- Sunrise Dam – Roche Open Pit Mining Contract – advice on contractor’s claims for AngloGold.
- Mauritania Offshore Oil & Gas Project – contracts advice for Woodside Australia.

2003

- Mutineer Exeter Field Development Australia – offshore FPSO procurement and contracts advice for Santos.
- Olympic Dam Fire Insurance SX Plant Australia – material damage and business interruption claim advice and negotiations for Western Mining Resources Corporation.
- Mineral Sands Project, Mozambique – carry out commercial and contractual Risk Assessment for Multiplex Australia.
- Kansanshi Copper Project, Zambia – draft EPCM and construction contracts for GRD Minproc, Australia.
- Kenmare Moma Mineral Sands Project, Mozambique – advice following loss of offshore drilling rig.

- Potgietersrust Platinum and other Platinum Mining Expansion Projects – defending contractor’s claims for Anglo Platinum.
- Magnesium Extraction Plant, Dead Sea, Jordan – termination of main contractors, defending contractor’s claim and preparing employer’s claim for Jordan Magnesia (Arab Potash Company).

2002

- Lonmin Mining Process Plant – advice on contractor’s claim.
- Konkola Copper Mines, Zambia – advice re early termination of shaft sinking and construction contracts for Anglo Base metals.
- De Beers Head Office – advice re procurement and documentation for new Global Support Services Head Office, South Africa.
- Design and Construct Contracts, – advice on international dispute re Aircraft Maintenance facilities for South African Airways
- Maputo Holiday Inn – defending contractor’s claims for Southern Suns Hotels.
- Torres Atlantico 40 storey office, residential and parking development, Luanda, Angola – draft contract documents for developers.
- ACP and other Process Plant Projects – defending contractor’s claims for Anglo Platinum.

2001

- New Johannesburg International Airport Domestic Terminal – advice re contractor’s claims for Airports Company.
- Johannesburg International Airport Intercontinental Hotel – advice re construction dispute, calling of performance guarantees and completion of project for Southern Suns Hotels.
- Benguela Railway Concession – advice on strategies and actions on conclusion of concession period for Government of Angola.
- Sasol/Chevron Qatar Petroleum Joint Venture – all license, technology transfer, infrastructure, and process plant contracts for construction of Gas to Liquid for Sasol Synfuels.

2000

- Review of corporate contract documentation with regard to capital procurement of mining projects, contract administration and claims management for Anglo Platinum.

1999

- Cape Town Convention Centre – procurement of project team for developer; review of construction contracts.
- Potgietersrust Platinum Mine – advice to client re termination of R1.5 billion open pit mining contract for Anglo Platinum Ltd.
- No.3 Shaft BCL Mine, Selebi Phikwe, Botswana – advice on commercial and contractual matters on sinking of tertiary sub-incline shaft, contractor termination and conduct of arbitration for Shaft Sinkers (Pty) Ltd.
- Concession Tollroad N4 West, South Africa – retained by National Roads Agency re procurement of services.

- 499KV Electricity Line from RSA to Namibia – defending contractor’s claims for Nampower (formerly Swawek).
- Dept of Public Works, Strategic Fuel Fund – Commissioner – One-Man Commission of Inquiry into transactions involving the purchase and sale of oil on behalf of the State.
- Two Privately Financed DBFO Maximum Security Prisons, Dept of Public Works – Govt of South Africa – retained from inception to completion by Dept of Public Works, RSA.

1998

- TransAlp Tunnel Project, Switzerland – advice on JV and contractual matters for Shaft Sinkers (Pty) Ltd.
- Chicago Bridge and Iron – representation in legal matters.
- Pulp and Paper Mill Capital Expansion and Refurbishment Projects, Durban, South Africa– review and revise all capital project procurement documents for Mondi Ltd.
- Caltex Refinery – preparation of standard construction contracts.
- De Beers Diamond Mines – advice re procurement of capital projects and standard documents (international).
- Emergency Power Supply Project, Tanzania – contractual advice for Roshcon (Eskom).
- Cross-border Maguga Dam, RSA and Swaziland – advice on construction contract conditions and appointment of consultants for Komati Water Authority.
- Concession Tollroad DBFO N3 between Johannesburg and Durban – advice on procurement strategy, drafting and negotiating contracts for South African National Roads Agency.

1997

- 90km Canal Design and Construction, Namibia – advice on claims preparation and litigation including design and insurance issues for Group 5 Contractors.
- Cape Town Olympic Bid – retained on contractual issues for Olympic Bid Committee.
- Namakwa Sands Projects Mineral Sands Development, Namibia – draft consultants and contractor’s conditions of contract and contract administration for Anglo Base Metals
- St Anne Island Resort Development, Seychelles – project development and construction of championship golf course - advice for Golden Bear (Jack Nicklaus).
- Siemens – advice on commercial terms and installation disputes.

1996

- Development of V & A Waterfront, Cape Town, South Africa – retained as Core Consultant on commercial and contractual issues for Victoria and Alfred Waterfront Company.
- Goose Valley Golf Resort, Plettenberg Bay, South Africa – drafting and negotiation of consultants and contractor’s construction contract for championship golf course and housing estate for Gary Player.
- Yatela Gold Mine Project, Mali, West Africa – all contractual and contract administration for AngloGold.
- BMW IMAX Centre, V&A Waterfront, Cape Town, South Africa – all construction contractual issues and construction project management for BMW.
- Western Deep Levels Gold Mine, South Africa – deep level mining development contracts and wider issues for Anglo American Corp.

- Cross-border Concession Tollroad N4 Contract including Design Build and Operations and Management Contracts – advice on RSA / Mozambique protocol (N4), procurement strategy and process, drafting and negotiation of concession and construction contracts for Department of Transport, Government of South Africa and DNEP Government of Mozambique.

1995

- New Gold Mine, Sadiola, Mali, Africa – documentation and contract administration for Anglo American Corporation.
- Durban Convention Centre – contract documentation and dispute resolution adviser for developer.

1994

- Vaal Reef Mine Underground Development – defending contractor’s claim for Anglo American Corporation.
- Petrochemical Plant De-bottlenecking, Secunda – defending contractor’s claims for Sasol.
- High Speed Rail Prototype Project for Siemens.
- Total - Petroport on N1 North – contracting strategy, documentation, project management, procurement and construction including all contractual issues for Total Africa.

1993

- Mossgas Onshore and Offshore Project – preparation and litigation of claims for International Combustion.

1992

- Offshore Mining Vessel and Equipment – procurement strategy, contract documents and contract execution for De Beers Marine.

1991

- Kruger National Park – contesting contractor’s claims on extensions at Skukuza Camp for South African National Parks Board.
- Botswana Power Corporation Thermal Power Station Dry-Cooling System – claim formulation for GEA, Germany

1990

- De Beers Consolidated Mines, Jwaneng, Botswana – defending contractor’s claims on behalf of De Beers.
- Pullman Hotel, Mauritius – audit re construction costs and time overruns for International Finance Corporation.

1988

- Umgeni Water Shafts and Tunnelling Contract – adverse physical conditions claim for Murray & Roberts.
- Lesotho Highlands Water Project (US\$2 billion) – drafting main contract documents for Katse Dam, Delivery Tunnels and Transfer Tunnel. (On retainer to TCTA for 11 years.)

1987

- Hoechst New Head Office Building Construction – resisting contractor’s liens and claims for Hoechst.

1986

- Moss gas Offshore Platform, Accommodation Module and Module Support Frame – negotiation of contracts for Sandock Austral.

1985

- Sun City Otis Skytrain Mass Transit Systems – advising and negotiating on design and construction dispute for Otis, North America.

1984

- Soweto Electrification Project – defending contractor’s claims (R200 million) for Siemens and General Electric (GE).

1983

- Umgeni Water Tunnel Boring Project– preparation of contractor’s submissions and claims negotiation for Marti, Switzerland, Clifford Harris JV.

1982

- Palmiet Hydro-Electric Pumped Storage Scheme Construction – construction contracts, contract administration and claims, preparation and negotiation for Hochtief, Germany and Marti, Switzerland.

1981

- Canal Construction, Rand Water Board – negotiation, claims and final accounts for contractor.

1979

- Upington Airfield and Infrastructure Construction, South Africa – preparation of contractor’s claims, negotiation and litigation.

1978

- Army Battleschool and Civil Engineering Infrastructure – adverse physical conditions, litigation for contractors.
- Military Forward Defence Runways and Airport Infrastructure, Namibia – construction contracts and claims for contractor Clifford Harris.

1977

- Two coal-fired Power Stations (Matla and Tutuka) 6x600MW each, South African Electricity Supply Commission for Babcock.

1976

- Majes Irrigation Project, Peru – negotiating export finance and credit guarantee, and construction contracts for Concor, Hochtief, Entrecanales, Tarmac and Skanska Consortium.
- Salima-Ncala Cross-border Railway, Malawi/Mozambique –finance and design contract for Murray & Roberts.
- Liongwe-Mchinji Railway, Malawi –finance, design and construct contract for Murray & Roberts.

- Shire River Hydro Scheme, Malawi –negotiating contracts with host government, export financiers and credit guarantee insurance agency for Murray & Roberts.
- Sishen Saldanha Railway Line, South Africa –contractors JV contracts, main construction contract and claims for Murray & Roberts.
- Design and Construction of Sugar Mills and Canals, Nchalo, Malawi – export finance and construction contracts for Lonrho.

1975

- Pulp Mill, Angola – JV contracts with St Gobain Techniques Nouvelles, France; EPCM design and construction contracts for CCUP, Portugal
- Iscor Steel Mill Electrical and Mechanical Engineering, South Africa and Japan – JV contract, claims and interparty close-out for JV with Toshiba.
- Richards Bay Coal Line – preparation of claims for Roberts Construction and Clifford Harris.

1974

- Molonglo Tunnel, Canberra, Australia – JV contracts, construction contracts and claims for contractor Roberts Construction/John Holland JV.
- Potts Hill Tunnel (TBM) Sydney, Australia – JV contracts, construction contracts and claims for contractor Roberts Construction/John Holland JV.

1973

- Mount Lyall Incline Shaft, Queenstown, Tasmania (Goldfields) – JV contracts and construction contracts for RUC Mining Contracting.
- Greenvale Railway, Townsville, Australia (Freeport Exploration and Minerals) – JV contracts, construction contracts and claims for contractor Roberts Construction/John Holland JV.

1972

- Bandar Abbas Railway Line and Kerman Copper Project, Iran – draft JV and negotiate construction contracts for contractor.

1970

- Carlton Centre 50 Storey High-Rise Office Development, Johannesburg, South Africa – contract administration, claims and final account negotiations for Murray & Roberts.

Employment Record

2012 to present	Counsel, Bechtel, Wheatstone Project, WA
2008 to 2012	Major Capital Projects, Contracts Counsel, Chevron
2005-2008	Group General Counsel, Clough Limited
2001-2005	Director, Turner & Townsend Contract Services Own company merged

1988-2001	Multi-discipline specialist consultants providing international commercial and contract services to the engineering, construction, mining and oil and gas industries. Director/Shareholder own company.
1984-1988	Practicing Attorney major law firm, Partner and Director in Charge of Construction Law Department
1978-1984	Regional Construction Company – Legal and administrative affairs. Director/Shareholder
1976-1978	Group Legal Advisor - major international Power Contractor. Owned and licensed technology, M&E Contractors.
1969-1976	Group Legal Advisor, major international general contractor.
1968	Practising Attorney and Notary Public

Presentations at public conferences and Universities on Construction Law

Topics

- Speaker at Gastec Conference, Singapore – ‘Does \$50/bbl Oil Require a New Approach to Delivering Successful Projects?’ (2015).
- Speaker at Legalwise seminar ‘Managing Post-Completion Claims’ (2015).
- Speaker at seminar ‘Contract Administration and Claims’ – Malaysia (2014).
- Speaker at AMPLA Conference , ‘Construction of Major Infrastructure Projects in the Energy Sector: Controlling Spiralling Development Costs’ Adelaide 2013.
- Speaker at Engineers Australia meeting: ‘ EPC and EPCM Contracts – Worlds Apart’ (2007) .
- Speaker – ‘Dispute Boards, Statutory Adjudication and Employer’s Security’ - presentation at the Lexis Nexis Annual Contracts Conference, Perth, Western Australia.
- Speaker at Commercial Negotiations Workshop on “Defining Risk During Contract Drafting and Negotiations” and “EPC and EPCM – Risk Issues and Risk Allocation” (2007).
- Speaker at ‘Contract Mining Asia’ Conference, Singapore on ‘Mining Contracts’ (2007).
- Speaker at Lexis Nexis ‘Major Construction Issues’ Seminar ‘Dispute Boards Statutory Adjudication and Employer’s Security’, Perth Western Australia (2007).
- Speaker at ‘Contract Risk Management in China’s Oil & Gas Industry’, Beijing, China – EPC and EPCM Contracts. (2005).
- Speaker at: Lexis Nexis Resources and Infrastructure Conference, Perth, Western Australia “Minimising Cost and Damages through Effective Dispute Management”
- Organiser and speaker at Construction Law conference with AON and Jackson McDonald, Solicitors: ‘Commercial Current Best Practices in Procurement Strategies and Risk Management in Developing and Delivering Major Capital Projects’ (2004).
- Speaker at Seminar “Engineering and Construction Claims”, Kuala Lumpur (2003).
- Speaker at Institute of Arbitrators and Mediators Australia – “Adjudication and the WA Construction Contract Bill (2003)”.
- Speaker at Allens Arthur Robinson, Solicitors, Perth, Australia – in-house seminar ‘How Dispute Review Boards Work (2003)’.
- Global Construction Super-Conference, London – speaker on “Dispute Resolution in International Construction Contracts” - (2001) including on ‘Dispute Boards’.

- Organiser, official host and presenter at FIDIC 2 day seminar launching the 1999 Suite of Contracts in Southern Africa together with FIDIC Drafting Committee and African Development Bank representatives (opened by Minister of Public Works) (1999).
- Speaker on 'Legal Aspects of Tendering' –'Successful Tendering' Seminar (1992).
- Speaker, Seminar on World Bank Procurement Procedures and FIDIC Contract Documents with representatives of World Bank and representatives of International Finance Corporation , (1988).
- Speaker on " Engineering and Construction Disasters", Kuala Lumpur, Malaysia - guest of Association of Consulting Engineers of Malaysia (ACEM) (1988).
- Presentation to the Chamber of Commerce, Lisbon, Portugal on FIDIC Conditions of Contract for Construction (simultaneous translation in Portuguese) (1987).
- Organiser and speaker at Anglo American Corporation Central Training Unit, Maccauvei, Project Management Programme, 'Construction Contracts' including use of FIDIC documentation for mine construction and expansion projects (1986-1999).
- Organiser and speaker - Seminars on Contract Administration, Pratt & Whitney Division, Otis North American Operations, Farmington, Connecticut , USA (1984).
- University of Cape Town (Engineering Faculty) – guest lecturer – Construction Contracts Course (1983, 1984, 1985).
- Presenter at numerous Seminars on FIDIC Documentation in South Africa, Botswana, Namibia, Mozambique, Lesotho, Swaziland and Portugal for Philip Loots & Associates.
- Numerous in-company bespoke seminars including Siemens, Bi-Water, De Beers Diamond Corporation, Anglo American Corporation, AngloGold, Anglo Platinum, Anglo Base Metals, Otis Elevator Corporation, Industrial Machinery Supplies, Grinaker-LTA, Caltex Oil, ABB, Eskom, Murray & Roberts, Sasol and Chevron.

Publications

- "Engineering and Construction Law" (431p) published by Juta & Co, Cape Town, South Africa (1987) - author: Philip Loots.
- "Construction Law and Related Issues" (1213p) published by Juta & Co, Cape Town, South Africa (1995) - author: Philip Loots.
- "Practical Guide to Engineering and Construction Contracts" (458p) published by CCH Australia (2009) - co-authored with Dr. Donald Charrett.
- In preparation: "International Oil and Gas Construction Contracts".
- In preparation: update of "Construction Law and Related Issues" (1213p) published by Juta & Co, Cape Town, South Africa (1995) - author: Philip Loots.
- Legal Article: "Worlds Apart : EPC and EPCM Contracts : Risk Issues and Allocation", Philip Loots and Nick Henchie, International Construction Law Review Vol 24, Part 3, July 2007.
- Legal Article: "Being Held to Ransom or 'Wielding the Whip or the Rod – Economic Duress", Philip Loots and Dr Donald Charrett, The International Construction Law Review [2014] at 211.
- "Construction of Major Infrastructure Projects in the Energy Sector: Controlling Spiralling Development Costs" AMPLA Yearbook at 173.
- "Alternative Dispute Resolution (ADR) in Practice in South Africa" (in conjunction with Chief Engineer Robert Fraser) : Dispute Review Board Foundation Forum, Seattle, WA, USA Vol. 3 July 1999.

Other Construction Law-Related Publications

Numerous articles and presentations on various Construction topics including:

- Special supplement on “Construction in South Africa” – Author of entire supplement – Engineering News Record – McGraw Hill.
- Monthly legal contributor - summary and commentary on latest Construction Law cases in “Construction in Southern Africa” magazine.
- Founder and Editor of “Engineering and Construction Claims”, South Africa.
- Founder and Editor of “Engineering and Construction Law Review”, South Africa.
- Commentary on McAlpine v Transvaal Provincial Administration case published in a series of “Construction in Southern Africa” magazine.
- Commentary on Hex River Tunnel dispute published in “Construction in Southern Africa” magazine .

University Courses

- University of Western Australia, Centre for Mining, Energy and Construction Law: “Oil and Gas Project Development” Adjunct Professor (2014, 2015)).
- University of Stellenbosch (Engineering Faculty) – guest lecturer – Construction Management Programme (1979-1999) [From 1983 the Construction Management Programmes were combined at the University of Stellenbosch].
- University of Pretoria (Engineering Faculty) – guest lecturer- Construction Management Programme, Construction Law including FIDIC documentation (1976-1983).
- University of Cape Town Business School – guest lecturer – Construction Management Programme, Construction Law including FIDIC documentation (1976-1983).
- University of Witwatersrand Business School – guest lecturer – Construction Management Programme, Construction Law including FIDIC documentation.

ATTACHMENT 1.

The Dispute Review Board Foundation, Inc.

4758 University Village Place N.E. #478

Seattle, WA 98105-5021 USA

(206) 632-8488 Office

(206) 632-8384 Facsimile

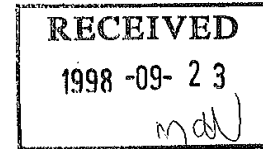
E-mail home@drb.org

(888) 523-5208 Toll-free USA

www.drb.org/home/

22 September 1998

Mr. Phillip Loots
Phillip C. Loots & Associates
P. O. Box 650907 Benmore
Johannesburg, Gauteng 2010 South Africa



Dear Mr. Loots;

Al Mathews suggested that I write and personally invite you to our Annual Meeting and Conference to be held in Chicago October 3 and 4. We are anticipating a great turnout and a good time to share concerns to make the DRB process even more productive.

We have several members coming from other countries and looking forward to Peter Chapman's panel on Worldwide Perspective and Issues. I'm sure you could add to this discussion.

If you need more information please contact the DRB office in Seattle or contact me.

Sincerely,


Douglas A. Johnson
President, Disputes Review Board Foundation

Fostering common-sense dispute resolution for the construction industry worldwide.

ATTACHMENT 2

Foundation Forum

VOLUME 3, ISSUE 3

JULY, 1999

ALTERNATIVE DISPUTE RESOLUTION IN PRACTICE IN SOUTH AFRICA

by

PHILIP LOOTS B.Com**LL.B. Attorney**

**FIDIC Mediator & Arbitrator
Legal and Commercial Advisor, Phase
1 Lesotho Highland Water Project
and**

ROB FRASER Pr Eng

**Chief Engineer Delivery Tunnel North,
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"A most important question is whether the recommendations of the DRB should be merely advisory or final and binding on both parties. Any tendency to give the DRB the power to make 'recommendations' which are final and binding on both of the parties should be resisted."

Large engineering contracts have shown themselves prone to complex contractual disputes not easily resolved in the conventional processes of arbitration or litigation. The introduction of alternative disputes review/resolution techniques to avoid such formal legal routes has been a welcome development over the last 12 to 15 years.

Prior to this, certain of the large infrastructure contracts in South Africa such as the Drakensberg Pumped Storage Scheme, the Richards Bay Line, the Sishen-Saldanha Railway Line, Koeberg Nuclear

Power Station and the Hex River Tunnel Contract and others had given rise to major disputes. In some cases these had become extremely acrimonious, been drawn out over many years at great cost to both parties and were eventually settled out of court to neither party's satisfaction. In addition, the growing international controversy surrounding the Engineer's role in adjudication of disputes and the need in civil law countries for a neutral adjudicator illustrated the need for radical revision in the approach to dispute resolution.

For any concerned and contractually involved professional in South Africa observing these events, it became imperative to investigate and apply appropriate alternative dispute resolution processes in the major projects being planned. More recently, the World Bank has adopted a policy requiring the appointment of Dispute Review Boards on its larger projects, and FIDIC¹ has adopted Dispute Adjudication Boards (DAB) with similar provisions for

(Continued on page 7)

In this issue of the Forum

ALTERNATIVE DISPUTE RESOLUTION IN PRACTICE IN SOUTH AFRICA	1
DISPUTE REVIEW BOARDS - A BETTER WAY TO GO?	4
BOARD OF DIRECTORS BUSINESS — FIND OUT WHAT'S GOING ON WITH THE BOARD	11
ANNUAL MEETING ANNOUNCEMENT	14
NEW FOUNDATION MEMBERS	18