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SoCLA - Webinar

MAJOR PROJECT RISK ALLOCATION IS BROKEN - WHO IS TO BLAME? WHAT CAN BE DONE?

presented by Veno Panicker (Blackstone Waterhouse), Pedram Danesh-Mand
(KPMG) and Julian Hemms (ConnellGriffin)

Tuesday 1 September 2020 - 12:30 pm AEST

Many major projects often suffer from poor risk assessment and allocation whereby the Clients tend to 'pass down' the poorly assessed risk to its Contractor/s through various standard disclaimer (exculpatory) clauses. Notwithstanding the current volatile market with COVID-19, we have seen many examples of such consequences of poor risk allocation over the past decade and the corresponding fallout to all parties and the public.

Using the example of risks and uncertainties associated with delivery of major projects, this webinar will examine the key issues with risk assessment and allocation in the current market. The discussion will then address this issue from a risk engineering perspective to what can be done to change the culture of 'fingers crossed' as a risk assessment and allocation mantra, as well as the required supporting quantitative risk analysis and Integrated Project Controls practices.

Finally, this webinar will address these issues from a claim and contractor's perspective to highlight the issues with 'passing down' of risk. Is the solution smaller projects, more relational models or something else? Ultimately, what is clear is the present system is not working, and despite client initiatives aimed at more collaborative contracting, 'pass it down' always seems to be the path reverted back to in major projects.

Chaired by Sean Brady, SoCLA Director and Chair of our Events Subcommittee.

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Veno Panicker – Partner at Blackstone Waterhouse

Veno is a Partner and leads the Construction and Infrastructure team at Blackstone Waterhouse. The practice is focussed on assisting major private sector head contractors and developers across the project life cycle. With more than 18 years' experience from tender, project delivery through to claims and completion, Veno has advised on transactions involving residential and commercial developments, as well as road, rail, defence, renewable energy and social infrastructure projects. Veno is an expert in dispute resolution and has strong experience in facilitated negotiation, mediation and alternative dispute resolution, cross-border arbitration, adjudication, litigation and expert determination.

Pedram Danesh-Mand – Director at KPMG

As a Director of KPMG from the major projects advisory team, Pedram helps clients in developing and delivering of their major infrastructure projects and portfolios. Pedram is a Gateway and Deep Dive Reviewer on cost estimation, project schedule and risk/contingency through INSW Investor Assurance Framework and a member of Engineers Australia Infrastructure Advisory Panel, a prestigious panel of 15 industry experts representing EA views and inform infrastructure policy work by Australian Governments.

Prior to joining KPMG, Pedram was Technical Director of Jacobs Infrastructure across APAC and the Head of Planning & Risk with UGL Engineering, led project planning, risk and assurance function to the engineering business in scheduling, estimation, project controls (commercial/time/cost) and forensic planning across Utilities, Transport, Coal, Oil & Gas, Water, Power Generation and Power Systems from bid to close as well as variations and EOT claims.

Pedram is an innovation award winner from Roads & Maritime Services (RMS) and CPB Contractors for his exceptional knowledge and practical applications of quantitative risk analysis and Oracle Primavera solutions for project peer reviews and management of project commercial risks. Pedram has been the NSW President of the Risk Engineering Society (RES) since 2013 and the key author of RES national Contingency Guideline.

Julian Hemms – Director at ConnellGriffin

Julian is a Chartered Quantity Surveyor, Chartered Builder, Chartered Civil Engineering Surveyor and a Member of the Chartered Institute of Arbitration with 26 years' experience working in both the public and private sectors on major civil engineering, infrastructure and construction projects in Australia and Europe. He has held senior commercial and leadership roles in both contracting and consulting organisations and is also an accredited Expert for Expert Determination with the RICS.

Julian undertakes expert determination and reports quite regularly and contractual claims (time and cost), commercial and contract strategic work as the expert or as an advocate on complex commercial Matters. He also was with various tier one contractors involved in the pre tender work of bids and negotiations on contract terms over his career. As a multi-disciplined practitioner qualified in Quantum, Delay, Programming and Civils, he has a 21 year experience in Contracting on the ground and the last five years with clients and owners helping to resolve or defend issues through an extensive understanding of the industry.

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