

David Coates

MSc FCI Arb PGDipAdj
Associate Director



Profile

David is a Quantity Surveyor with a unique focus having worked for both clients and contractors during his career. He is a Fellow of the Chartered Institute of Arbitrators, holds a Masters' degree in Construction Law and Dispute Resolution and a Diploma in Adjudication. David is currently undertaking adjudication pupillage with the Worshipful Company of Arbitrators where he is shadowing Matthew Malloy.

David is an adjudication panel member of the CI Arb Low Value Disputes panel and UK Adjudicators.

David is an experienced contract and commercial consultant with 20 years' experience in the construction industry. David started his career working for two of the UKs largest construction companies before moving into a consultancy role and has worked on a range of projects in the roads, rail, and utilities sector. David is familiar with several different contract forms including the NEC, IChemE, JCT, and FIDIC. He has provided impartial and independent advice to assist parties to understand the strengths and weaknesses of their claims as well as preparing and defending claims on behalf of clients.

David has represented Sub-Contractors and main contractors in adjudication proceedings, managing the entire process, on issues ranging from unlawful termination and complex final account disputes to simple payment issues.

Qualifications and Professional Membership

FCI Arb	Fellow of the Chartered Institute of Arbitrators
PG Dip	Post Graduate Diploma in Adjudication
MSc	Master of Science in Construction Law and Dispute Resolution
BA (Hons)	European Business Studies

Career History

2022 to date	Associate Director at Tudor Rose
2016 – 2022	Director in Private Consultancy
2014 – 2016	Associate Director in Private Consultancy
2007 – 2014	Senior Quantity Surveyor in Private Consultancy
2006 - 2007	Senior Quantity Surveyor at Contractor
2000 - 2006	Quantity Surveyor at Contractor

Assignments and Achievements

Quantum Analysis

- Engaged to produce a report in defence of a main contractor's claim for completion costs following insolvency of a Sub-Contractor. Was able to demonstrate the main contractor's claimed costs were over inflated and/or not supported by evidence. The Adjudicator in this instance agreeing with 98% of David's assessment.
- Assisted a main contractor prepare for negotiated settlement of sub-contract with c.£4m in dispute between the parties. Undertook a detailed investigation of compensation event entitlement and project delays and reported back to the contractor's directors. This enabled the parties to settle the dispute without resort to formal proceedings.

Commercial Management

- Prepared documentation to assist a main contractor in pursuance of a £10m plus claim against its designer on a road construction project in Essex.
- Commercial Manager overseeing a team of up to 5 Quantity Surveyors responsible for commercial management of innovative £50m Pyrolysis energy from waste scheme and an extension of the existing Thermal Hydrolysis Plant (THP) in east London. The project experienced issues in delivery which involved negotiating an agreed termination of a key subcontract, invoking step in rights under a collateral warranty and negotiation of revised terms and conditions with the main client.
- Commercial Manager overseeing a team of 4 Quantity Surveyors on a £40m water treatment works project in north London. This included monthly reporting on financial and commercial progress to the senior management team. Ensuring subcontract procurement is carried out in line with internal process and NEC best practice. Resolving commercial issues with the supply chain to avoid formal dispute resolution.
- Employed by the client as Commercial Manager overseeing a team of 3 Quantity Surveyors on a £220m Sewage Treatment Works upgrade where the project was suffering from delays and overspends. David was instrumental in implementing a rigorous cost audit to identify and challenge areas of disallowed cost as well as joint quarterly reviews of forecast outturn costs with the contractor to provide better cost certainty to the client. A complete review of the Contractor's obligations under the contract was undertaken to ensure the contract was administered correctly and Variations instructed and agreed in a timely manner.
- Working for the Employer, David was primarily responsible for change management on a £200m Sewage Treatment extension project. This involved a detailed review of the Contractors baseline, encompassing the programme, target cost build up and contract specifications Provided written advice to the client on the contractor's claims for Variations. Formulated and responded to all contractual correspondence. Negotiated savings in excess of £3m either through persuading the Contractor to withdraw its claim entirely or agreeing reductions in the value of claimed Variations.

Adjudication

- Representation of Sub-Contractor in adjudication proceedings against main contractor under NEC Option A. This included defence claims from the main contractor for defect rectification costs. Secured a six-figure positive payment to the Sub-Contractor.
- Representation of Sub-Contractor in adjudication proceedings under Irish law following non-payment of a number of invoices.
- Representation of Sub-Contractor in adjudication proceedings against main contractor under NEC option A contract in a claim regarding the correct assessment of the amount due following termination of the sub-contract. Responsible for managing the entire process on behalf of the Sub-Contractor including collation of all evidence, drafting submissions and dealing with the Adjudicator. Successfully secured a significant positive payment for the Sub-Contractor.
- Defence for a main contractor in adjudication proceedings commenced by Sub-Contractor under an NEC Option A contract. Compiled evidence with the client's team and drafted all submission documentation in conjunction with external legal advisors demonstrating the over inflated Sub-Contractor claim.
- Representation of a Sub-Contractor following termination of the contract after an accident on site. Successfully argued the sub-contract had been unlawfully terminated.

Training

- Developed and delivered 'change management' training as part of a £1b JV under a bespoke alliance agreement.

Contact Details

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