

Curriculum Vitae

ICE-SA Panel of NEC Adjudicators

Mr Francois Spies

Personal Details:

Forenames: Francois**Surname:** Spies**Gender:** Male**Language:** English

Contact Details**Email:** Francoiss@spdconsulting.co.za**Cellphone:** 082 338 7379**Home:** 082 338 7379**Work:** 082 338 7379**Location****Province:** Gauteng**Country:** South Africa**Town:** Roodepoort

Professional

Company Name: SPD Consulting (Pty) Ltd**Job Title:** Executive Director**Career Overview:**

- 2016 to Present- I am a shareholder and Director of SPD Consulting (Pty) Ltd, which duties as related to our offering to our clients include contract drafting and negotiations, contract commercial support, construction claims consulting, dispute management and co-ordination.
- 2015 to 2016 - He was employed by Basil Read Ltd, as a Contract Commercial Manager under the Civils Division, which duties included for contract commercial support, claims

compilation, evaluation and determinations, as well as dispute resolution procedures management on various civil and building projects.

- 2014 to 2015 - He was employed by Basil Read Ltd as a Snr Project Manager, as well as being appointed as a Director of a Basil Read incorporated JV Renewable Energy Company.

For the purpose of dealing with various project disputes as both the Employer and Contractor.

- 2013 to 2014 - He was employed by Matomo Projects (Pty) Ltd (a wholly owned Basil Read company) as a Snr Project Manager and Solar PV Portfolio Manager. For the execution of a 66MW Solar PV project under the REI PPP programme.

- 2010 to 2013 - He was employed by TWP Projects (Pty) Ltd (which later became

WorleyParsons SA), as a Snr Project Manager, responsible for the multi discipline management of various base metal and coal minerals processing projects located in both South Africa, Zambia and the DRC. Projects were executed for the likes of Anglo American, ENRC, etc

- 2009 to 2010 - He was employed by Metorex Ltd, on its Ruashi Copper and Cobalt operation located in the DRC, his position was Head of Electrical and Manager Projects. Which included the management of the electrical maintenance department as well as the project department responsible for all maintenance and optimisation projects.

- 2006 to 2009 - He was employed by TMP Projects (a TWP and Materna incorporated JV) as a Snr Electrical Engineer and Electrical HOD. At the time TMP was executing various green and brown fields projects for the likes of Lonmin, Anglo Platinum, Impala Platinum, Metorex, ENRC, etc

- 2004 to 2006 - He was employed by Alstom SA (now Actom) as a Contracts and Commercial

Manager, with projects executed for the likes of BHP Billiton, Kumba Resources, etc.

- 2001 to 2004 - He was employed by EHL Consulting Engineers (Pty) Ltd as a E&I Project Engineer, responsible for the design, execution and commissioning of various electrical, control and instrumentation projects for the likes of Analo Platinum, Imoala Platinum, Barrick

Gold, Armco, etc. The works included for both MV, LV & C&I activities, and were executed both on surface and underground.

NEC Experience:

I am a construction adjudicator, accredited mediator and arbitrator. Over the last decade I have held positions such as Snr Project Manager, Commercial Manager and Contracts Director, all within the project and construction industry.

I have worked for, and executed projects for the likes of TWP Projects, WorleyParsons, Basil Read, etc. As such, I have acted as Employer, Engineer, Contactor and Subcontractor on numerous occasions, some of which were governed by the NEC3 - ECC set of contract conditions. In addition to this, I have also been responsible for the drafting and negotiations of various NEC3 contracts making use of main and secondary option clauses, as well as various Z Clauses.

At times, such projects and roles have ended in various disputes either with the Employer or Subcontractor. During such instances, I have coordinated and managed legal teams of construction experts, attorneys and advocates for the purpose of dealing with the related arbitrations and litigation matters. These included for various contractual disputes as well as High court proceedings for including, builder's liens, spoliation orders, urgent interdicts, performance guarantee protection,

liquidations, etc.

I have directly mobilised and appointed Adjudicator's (in accordance with NEC3 Option W1), and coordinated and drafted referrals to these Adjudicators, as well as represented my clients at the various hearings and in loco site visits.

Furthermore, in conjunction with Alusani Skills & Training Network (Pty) Ltd, I have in 2018 drafted, compiled and presented a two day Advanced NEC3 course to Transnet National Ports Authority.

(see Attachment 1)

In addition to this and related to my ADR experience. I have previously taken various appointments as mediator and arbitrator for the resolution of construction related disputes.

Built Environment Experience:

I am currently an Executive Director of SPD Consulting (Pty) Ltd, a construction consulting company specialising in project delivery and construction commercial matters ranging from the drafting of contracts through to the compiling and determinations of claims, including the resolution of any related disputes.

During my 24 years of employment, I have worked in various related engineering, construction & project fields. As such I have vast experience and related understanding of the projects, construction, mining & renewable energy industries.

Between the various industries, I have managed the execution of projects in both the green and brown fields' arenas, completed various feasibility studies, from concept to bankable feasibility level, and also completed projects from execution, through commissioning and ramp up, on to facility optimisation and de-bottlenecking.

The following is a simplified list of experience (some overlapping due to industries and location), measured in years and sorted into related groups.

- Electrical/Project Engineering Field -

± 12.5 years

- Project/Contract Manager -

± 8.5 years

- EPCM Project industry -

± 9 years

- Contracting industry -

± 4 years

- EPC Project industry -

± 1 year

- Physical mining operations -

± 8 years

- Project & Contract Consulting -

± 2 years

Other Professional Activities and Publications

I am currently a member of, and active as follows:

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I am a fully-fledged and registered Professional Construction Project Manager (for the last 13 years) as recognized by the SACPCMP (South African Council for Project and Construction Management Professions), in terms of Section 18.(1)(a) of the Project and Construction Management Professions Act (Act No 48 of 2000). (see Attachment 2)

- I am listed as a dispute resolution practitioner with CAASA (Construction Adjudication Association of South Africa), and furthermore am the standing Deputy Chairman of CAASA.
- I am a Fellow of the Association of Arbitrators (SA), (see Attachment 3) .
- I am a Fellow of the Chartered Institute of Arbitrators (UK), (see Attachment 4) .
- I am a listed as a dispute resolution practitioner with AFSA (Arbitration Foundation of Southern Africa), (see Attachment 5).
- I am a listed as a dispute resolution practitioner with the MBAN (Master Builders Association North).
- I am a member of the SCL (Society of Construction Law) .