

# Capability Statement

## Forensic Engineering & Dispute Resolution Service



**SVM Consulting Engineers**

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## Company Background

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SVM is a building services company of consulting engineers founded in 1933 in Denmark. The UK office was opened in 1957 and has undertaken many prestigious projects.

There are thriving practices in Copenhagen, Dublin, London, Birmingham, Edinburgh and Sydney. Close liaison is maintained between the companies who have been responsible for the engineering services in many notable buildings. These include the Sydney Opera House, Le Grande Arch, Tate Britain and The British Library in London.

Directors of SVM have acted as Expert Witnesses in a number of major construction industry disputes. The company now has a small but specialist section to undertake this type of work. SVM believe that experts should be well qualified, have extensive experience but also should still be actively involved with the principal activities of building services engineering.



## The SVM Group

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- Is a group at the forefront of building services engineering, rather than a company of professional experts.
- Has a wealth of knowledge of building services accumulated over forty-five years.
- Expresses views that represent the current state of awareness of the industry.
- Is experienced in dealing with relationships between engineers, clients, architects, contractors, and other groups concerned with construction projects.
- Has substantial experience of legal work accrued over the past 20 years. The combined experience of the core legal team exceeds 75 years.
- Possesses the appropriate connections across all disciplines to obtain additional specialist services and advice as required to support our opinions.
- Has technical in-house and clerical support readily available to collate large quantities of information typically generated during the legal process.

The principal business of SVM is the production of design and management information for the construction of engineering services installations on site.



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## Services Provided

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For Mediation, Arbitration, Adjudication and Full High Court Hearings.

- Analysis of Fact and Provision of Engineering Opinion
- Provision of Expert Opinion
- Reporting to Clients and Insurers
- Negotiation of settlements
- Preparation of Documentation for Discovery and use in Hearings
- Preparation of evidence based databases
- Attendance and negotiation at Mediation
- Giving Evidence as an Expert Witness
- Technical Support for Solicitors and Counsel
- Technical Auditing and Due Diligence



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## Resources

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### Technical Team

At SVM there are some thirty engineers specialising in the following areas:

- Mechanical engineering
- Lighting
- Heating, ventilation and air conditioning
- Electrical engineering
- Lift engineering
- Public health engineering
- Management and operation of engineering plant

### Support Team

- IT specialists
- Paralegal
- Financial
- Administrative
- Secretarial

### Key Personnel

The core team consists of:

- Michael Carver
- David Liptrot
- Paul Rushmer
- Melanie Sewell-Rutter
- Douglas Burford

The engineers within the forensic team have significant experience in the design of engineering services for a wide variety of buildings and can advise on engineering disputes of all types, but particularly in relation to mechanical and electrical engineering.

### Approach

Our people are aware of the need to:

- Have clarity of thought to identify relevant engineering issues in a dispute.
- Have the ability to express themselves clearly in technical and non-technical language as required.
- Consider each problem thoroughly and with an open mind to avoid 'pigeon-holing'.
- Honestly assess the situation and inform the client to aid the decision process of continuing or settling the case.
- Possess the mental attributes that cope with the unique challenges and demands of litigation.

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## Brief Personnel Backgrounds

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**Michael Carver BTEch (Hons) CEng FRSA MCIBSE, FCONSE****Director**

Michael has considerable experience of the design and management for a large number of engineering projects and has acted in the resolution of some 15 disputes in a variety of capacities. Michael continues to be involved with the design and management of commercial, residential and arts projects and has investigated a number of significant fires where the performance of the engineering services was thought to be a contributory factor.

**David Liptrot BSc (Hons)****Director**

David is a director within the group, having a wide range of experience in the design and supervision of engineering services for buildings. David is the project director for several major projects, responsible for running multi-disciplinary design/supervision teams and is currently engaged in dispute resolution.

**Douglas Burford MCIBSE****Regional Director**

Douglas has a wide range of mechanical and electrical engineering experience and has worked for SVM for 17 years. He has recently been involved with a major dilapidation's dispute acting for the tenant in relation to public buildings. He is currently working on a professional negligence claim in relation to air conditioning in a university building.

**Melanie Sewell-Rutter BA(Hons)****Legal Case Administrator**

Melanie has an Honours Degree in Law and was initially employed by SVM to work on a litigation case to the value of £17m. Since then she has been involved in the analysis and preparation of documentary evidence often spending time in court assisting experts, solicitors and counsel.

**Andrew Hayman BSc (Eng) CEng MIMechE****Consultant**

Andrew has significant experience in the management of large projects during both the design and construction stages. Prior to his appointment as Director of SVM he was the leader of a multi-disciplinary team at Arup.

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## Some Recent Cases

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### Delay and Cost Overruns

1. SVM carried out research into and assessment of the actions of the main M&E Contractor and its Subcontractors in relation to time delay and cost overruns for a large Ministry of Defence complex. This included the preparation of reference material for solicitors and other experts along with the drafting of Scott schedules for 6 of the 40 claim heads including builders work co-ordination and commissioning management. The value of the total claim was approximately £35m.
2. SVM carried out a major audit of the construction and project management of a large pharmaceutical plant. The construction of a number of new buildings on this site had suffered programme and cost overruns initially estimated to be in excess of £90m.
3. SVM undertook a review of the programme and resource allocation sections of a £14.5m claim associated with time and cost overruns experienced during the construction of a Chemical Process Development Facility.

### PFI Projects

1. SVM were the Expert Witness for the Defendant in the original action brought against the Contractor by the client in relation to a major dispute associated with the construction and installation of an incineration and energy facility at a major London Hospital. This was an early PFI Project and the original dispute and the ensuing action against the Part 20 parties were subsequently settled at mediation.
2. SVM were the Expert Witness for the Defendant in a dispute associated with time and cost overruns during the construction of two new PFI Hospital projects.
3. Major hospital litigation, relating to time and cost overruns that had occurred during the construction of a PFI Hospital in Essex. SVM were the Building Services Expert Witness for the Part 20 Party.

### Multiple Engineering Defects

SVM was appointed as the M&E expert acting for the main contractor in a case concerning alleged multiple defects in the engineering installations in an eight storey office building in London. The value of the claim with consequential costs was in excess of £5m.

### Current Edinburgh Cases

1. In this case, SVM were appointed on behalf of the designer's insurers in relation to a professional negligence claim regarding the design of air conditioning at a University building.
2. SVM are acting for the tenant of public sector buildings in relation to a major dilapidation's dispute.

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## Some Recent Cases

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### Major Fire

Appointed as an M&E expert to the insurers acting for a firm of architects, the action involved a major fire loss with a claim exceeding £15m with alleged negligence with respect to fire compartment design. Duties include investigating the facts of the case in relation to engineering issues and the preparation of a comprehensive expert report.

### Escalation of Costs

SVM were appointed as M&E expert in relation to significant over-runs and loss and expense claims arising from the construction of two theatres. The volume of evidence required the systematic analysis from assistant engineers and two paralegals, resulting in the preparation of a 4 volume report for the Arbitrator. The case was settled after 6 months of arbitration.

### Major Sub-Contract Dispute

SVM were appointed as an expert to assist a large main contractor in settling a dispute by means of arbitration with the engineering sub contractor in relation to a design and build contract. The potential value of the claim exceeds £10m but is fragmented under many headings requiring systematic preparation of evidence.

### Hospital Design

SVM is acting for the defendant engineering services consultant in an ongoing litigation case concerning the design and construction of a major acute hospital in the Home Counties. SVM were involved in the analysis of documentation for inclusion in the Draft Expert witness Report on alleged liability. The value of the claim is approximately £2M.

### Final Account Disputes

SVM have also been involved in analysing the technical and financial issues surrounding final accounts and have acted for a number of clients where those closely involved in the construction works have not been able to resolve the account during the normal process.

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## Additional Information

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### Conflict of Interest

SVM is very much aware of the need to identify and deal with potential areas of conflict. To assist in this process a comprehensive database of all parties in relation to design and dispute resolution projects is maintained.

### Information Technology

SVM has designed and uses a database for the management of evidence in larger cases. Facsimile copies are always available to researchers direct on the screen or in hard copy printed form so that hand written evidence and comments are not lost.

In addition SVM is able to design and construct bespoke databases to suit the analysis evidence in any format or to link with existing systems. This is often very useful when establishing trends and quantum evaluation. Facilities are available for critical path analysis as well as the normal range of information management.

While we make extensive use of IT and scanning facilities it is our experience, that this is no substitute for appropriate reading of the originals.

### Instructing Solicitors

SVM have received instructions from a variety of sources and listed below are those firms of solicitors that have instructed us.

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|------------------------------------|-----------------------------|
| ◆ Beale & Co                       | ◆ Lee Crowder (Birmingham)  |
| ◆ Bradly Arant Rose and White (US) | ◆ Masons (London)           |
| ◆ Berrymans Lace Mawer             | ◆ Masons (Leeds)            |
| ◆ Cameron McKenna (Bristol)        | ◆ Merricks (Birmingham)     |
| ◆ Davies Arnold Cooper             | ◆ Speachly Bircham          |
| ◆ Decherts (London)                | ◆ S J Berwin                |
| ◆ DLA Edinburgh                    | ◆ Taylor Wessing            |
| ◆ Field Fisher Waterhouse          | ◆ Alistair Thompson & Ptnrs |
| ◆ Herbert Smith                    | ◆ Vizards Oldham            |
| ◆ Lovells                          | ◆ Wragge & Co (Birmingham)  |