

## PROFILE

NAME **Prof. Indrawansa Samaratunga**

NATIONALITY **SRI LANKAN (with British, American and Australian Qualifications)**

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PROFESSION **CHARTERED QUANTITY SURVEYOR & REGISTERED ARBITRATOR / ADJUDICATOR / CONTRACT SPECIALIST / EXPERT**

### ACADEMIC & PROFESSIONAL QUALIFICATIONS

- Doctor of Science Degree in Surveying Sciences - Contract Administration (DSc)
- Fellow of the Royal Institution of Chartered Surveyors, England.(FRICS) (equivalent of a UK Master's Degree)
- Fellow of the Australian Institute of Quantity Surveyors. (FAIQS)
- Fellow of the Institute of Quantity Surveyors, Sri Lanka (FIQSSL)
- Fellow of the Chartered Institute of Arbitrators, England. (FCIArb)
- Fellow of the Chartered Institute of Building, England (FCIOB)
- Fellow of the Chartered Management Institute, England. (FCMI)
- Fellow of the Chartered Association of Building Engineers, England. (FCABE)
- Fellow of the Architecture and Surveying Institute England. (FASI)
- Arbitrator/Mediator registered with the London Court of International Arbitration (LCIA), England
- Arbitrator/Expert registered with the Commercial Conciliation and Arbitration Centre (now Dubai International Arbitration Centre - DIAC) of the Dubai Chamber of Commerce and Industry, UAE.

### OVERSEAS EXPERIENCE

49 Years in the Middle East - 22 years in Oman and 27 years in Dubai, United Arab Emirates, as a Contracts Advisor, Contract Drafting Specialist and Dispute Resolver. (9 Years in Sri Lanka prior to that)

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**RICS**



Fellow

**CI Arb**

### Prof. Indrawansa Samaratunga DSc

FRICS, FAIQS, FIQSSL, FCIArb, FCIOB, FCMI, FASI, FCABE  
Chartered Surveyor, Chartered Manager, Chartered Building Engineer,  
Chartered Construction Manager, Chartered Quantity Surveyor  
Arbitrator / Mediator - London Court of International Arbitration  
Arbitrator / Expert - Dubai International Arbitration Centre, UAE  
Ex Middle East Rep. of the Australian Institute of Quantity Surveyors  
Ex Board Member of the Construction Law & Dispute Resolution Advisory Board of the British University in Dubai, UAE

## EXPERIENCE / COMPETENCE IN DISPUTE RESOLUTION / DISPUTE AVOIDANCE / DRAFTING CONTRACTS / SUBCONTRACTS

- Over 100 Independent Expert Opinion assignments.
- 28 appointments as Arbitrator, Adjudicator or Mediator.
- Competency in Law and Practice of International Commercial Arbitration.
- Arbitrator and Mediator registered with London Court of International Arbitration (“LCIA”)
- Arbitrator and Expert registered with Dubai Chamber of Commerce – Commercial Conciliation and Arbitration Centre. (Now, Dubai International Arbitration Centre – “DIAC”)
- Fellow of the Chartered Institute of Arbitrators, UK.
- Lecturer on dispute resolution topics, and on UAE Law regarding the formation of contracts and administration of contracts
- Construction Law & Dispute Resolution Advisory Board Member of the British University in Dubai (BUiD) - 2015 to 2018

### Typical Appointments as Arbitrator (examples) :-

Arbitral Institution Name and/or Case Ref. No.	Nature of dispute	Approximate amount in dispute (USD)
DIAC – Case 106/2014	Defects, Delays, Variations etc	USD 49,110,902
DIAC – Case 296/2010	Disputed Variations, non-certifications	USD 2,173,913
DIAC - Case2/2011	Non payments under 4 contracts	USD 3,804,348
DIAC - Case34/2007	Termination etc.	USD 14,945,652
DIAC - 138/2016	Measurement issues, delays etc.	USD 3,260,870
ICC -22365/ZF/AYZ	Termination, delay damages etc	USD 2,600,000

### Typical Appointments as Adjudicator (DAB Member), Negotiator or Case Manager (examples) :-

- DAB Member under a FIDIC MDB (Multilateral Development Bank) Harmonized Edition, 2010 Contract between the Government of an Asian Country and a Foreign Contractor for construction of an additional Terminal Building and Taxiways etc. of an Airport project – Accepted Contract Amount is USD 1.3 Billion.
- Negotiator of a claim (to avoid the dispute proceeding to arbitration) under a FIDIC contract for an

airport project in the Middle East – Contract Price USD 18 Million – Amount in Dispute was USD 7 Million.

- Case Management of an Arbitration related to a dispute under a FIDIC contract for an airport project – Contract Price was USD 270 Million – Amount in dispute was USD 98 Million.

## Typical Assignments in Drafting / Amending Standard Forms of Contracts (examples) :-

- M/s. Wasl LLC (Drafting a new Standard Form of Contract and Subcontract)
- M/s. TECOM (Upgrading the existing Standard Form of Contract and Drafting a new Standard Form of Subcontract)
- M/s. Dubai Properties (-Ditto-)
- M/s. Mohammed Bin Rashid Housing Establishment (Drafting a new Standard Form of Consultancy Agreement)
- M/s. Emaar (Drafting amendments to the existing Standard Form of Contract)

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## EXPERTISE

### Delay and Quantum

### Dispute Resolution

### Contract Drafting

**Adjudication** of liability and quantum issues under construction contracts (Building, Civil Engineering, MEP, Fit-Out, Landscaping, Infrastructure etc.) based on FIDIC – Old & New Red and Yellow Books and MDB Harmonized Edition (or bespoke forms such as DM, RTA, DREC, TECOM, JAFZA, EMAAR, DCA, MPWH, Dubai Properties, WASL etc. used in Dubai, UAE, Government White Book used in Oman, Ashgal / PWA, NDIA etc in Qatar and ICTAD conditions of Sri Lanka), in respect of :-

- commencement delays, completion delays, possession issues and prevention issues.
- disruption, acceleration and prolongation costs.
- de-scoping, suspension and termination of contracts / subcontracts.
- issues related to ambiguities, discrepancies and inconsistencies in contracts / subcontracts
- variations and valuation of “varied work”.
- Non-certification and non-payment issues.
- CESSM3/4 and POM(I) measurement principles.

مؤسسة ذات مسؤولية محدودة تأسست طبقا للنظم المعمول بها بالمنطقة الحرة برأس الخيم **درسام م م ح**

- contract administration and quality issues (including Decennial Liability issues).
- design obligations and liability issues.
- cost under-recovery/over-recovery under FIDIC forms of contract (Clause 52.3 issues).
- construction contracts, subcontracts, consultancy agreements (Design/Project Management/ Quantity Surveying), supply/purchase agreements, MOUs, joint ventures, novations, consortia, etc.
- letters of intent, absence of signed agreements and *quantum meruit* matters.

## PROFESSIONAL/ PERSONALITY DEVELOPMENT

- Regular Lecturer at RICS, AIQS, CICES CPD events on the topics of Contract Formation, Contract Administration and Dispute Resolution
- Conducted over 300 CPD and training seminars
- Author and lecturer of the following 65 hr training trilogy ( visit [www.drsamfze.com](http://www.drsamfze.com) ) :-
  - Be a Sound Contract Administrator in 10 Sessions (“SCA”) – 25 hr
  - Contract Administration – Advanced Course (“CA-AC”) – 15 hr
  - Contract Administrator – Master Class (“CA-MC”) – 25 hr
- Lecturer / Trainer on Methods of Measurements and Measurement Disputes
- Lecturer / Trainer on Pre-Contract Documentation and Tender Process
- Lecturer / Trainer on Standard Forms of Contracts and drafting contracts

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## PUBLICATIONS

- Doctoral thesis “Contract Administration in the Middle East under FIDIC – 4<sup>th</sup> Edition”
- Articles on the topics of contract formation, contract administration and dispute resolution

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## CURRENT & PREVIOUS OCCUPATION / EMPLOYMENT

Currently providing services to construction industry stakeholders on matters related to tender documentation, contract formation, contract administration, claims preparation/determination and



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dispute resolution, in addition to accepting nominations/appointments as Arbitrator / Adjudicator / Expert / Mediator / Conciliator.

Also conducting in-house training and public classes for contract administrators.

1997 to 2022 - with Italconult, Dubai UAE

- Contracts Adviser / Commercial Manager.

- Group Contracts Advisor to Depa United Group (On secondment from Italconult). Jan 2001 to 2017.

- Head of Branch Manager's office, Italconult. November 1998 to January 2001.

- Chief Quantity Surveyor of Italconult's roads project, DM Contract R488 – Sheikh Zayed Road (on secondment from D.G. Jones & Partners, Dubai). January 1997 to October 1998.

- Also a visiting lecturer at Universities.

1994 - 1996 Amiantit Oman, Sultanate of Oman, as a Claims Surveyor.

1986 - 1994 Diwan of Royal Court, Sultanate of Oman, as Area Quantity Surveyor.

1983 - 1986 Chartered Quantity Surveying Private practitioner in Sri Lanka. (Also visiting lecturer at Educational Institutions).

1976 - 1983 Chief Quantity Surveyor of M/s. Qurum Contractors, Sultanate of Oman.

1966 - 1975 Senior Quantity Surveyor at State Engineering Corporation of Sri Lanka.

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Born on 1<sup>st</sup> July 1946 in Sri Lanka.

At present living in Dubai, United Arab Emirates for the past 27 years (Golden Visa Holder).

Regular visitor to Sri Lanka, Oman, Bahrain, Qatar and the UK (10 year multiple visit visa holder to UK).

Proprietor of DRSAM FZE, an Engineering and Management Consultancy practice in the United Arab Emirates – [www.drsmfze.com](http://www.drsmfze.com)

Previous Middle East Representative of the Australian Institute of Quantity Surveyors – 2006 to 2013.

Previous Construction Law & Dispute Resolution Advisory Board Member of the British University in Dubai ([www.buid.ac.ae](http://www.buid.ac.ae)) - 2015 to 2018.



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