



Curriculum Vitae of John G. Davies, B.Arch., C.Arb.



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PROFILE & BACKGROUND:

President and CEO:	John G. Davies, Architect, Incorporated.
President and CEO:	JGD Resolutions.
International Corporate Panel Member:	Dispute Board Federation (Geneva, Switzerland).
Panelist Member:	Dispute Resolution Board Foundation (Seattle, WA USA).

John G. Davies is a licensed architect and a chartered arbitrator. He began his career as an apprentice design-draftsman in the UK in 1957. Since immigrating to Canada in 1966 he has been involved in the design, construction and administration of projects, ranging in size and complexity, in the Residential (R); Institutional, Commercial and Industrial (ICI); and the Heavy Civil (HC) Sectors of the Construction Industry. For over fifty-five years his experience has included work on projects located in Italy, France, Lebanon, Jamaica, South Korea, the UK, the US and Canada. In recent years his practice has focussed mainly on the preparation and delivery of 'Front-end' consultation services as well as the provision of forensic architectural analysis, expert witness, ADR, Dispute Adjudication/Advisory Boards, and various other forms of litigation support services. Currently, he is Chair of the TYSSE Vaughan Dipute Resolution Board (DRB); a member of the TYSSE Finch-West DRB and the Project Neutral for the Toronto Union Station Restoration Project.

AREAS OF PRACTICE:

- Dispute Board Panellist; Expert Determination; Project Neutral; Third Party Neutral Evaluation;
- Forensic Architectural Analysis; Code Consultations; Claims/Disputes Analysis and Evaluation;
- Expert Witness Services and Design, Bidding and Construction related Litigation Support;
- Arbitration, Negotiation, Mediation, Adjudication and Fairness Monitoring;
- Independent Third Party Peer Review/Project Compliance Verification, Payment Certification;
- Design-Build, Construction Management, and Cost-Plus counselling;
- Procurement and Custom Front-End Document Preparation.

EDUCATION:

- International Chamber of Commerce/International Court of Arbitration. (ICC/FIDIC): *International Construction Contracts and the Resolution of Disputes:* 2008
- Harvard Law School, Program for Instruction of Lawyers (Fisher and Patton): *Negotiation:* 1997
- University of Wisconsin, Department of Engineering & Applied Science: *Principles of Construction Specifications Writing:* 1981



- Carleton University School of Architecture, Ottawa: 1977
Bachelor of Architecture with Minor in Legal Studies:
- City of Liverpool College of Building and Architecture: Liverpool UK: 1962
Intermediate Certificate RIBA:

SPECIAL DESIGNATIONS / MEMBERSHIP / AFFILIATIONS:

- Ontario Association of Architects: licensed architect; holder of a Certificate of Practice: 1977 - date
- Ontario Bar Association: affiliate member - ADR and Construction Law Sections: 2008 - date
- The Dispute Board Federation (Geneva, Switzerland): int'l corporate panel member: 2008 - date
- The Dispute Resolution Board Foundation (Seattle, Washington): individual member: 2011 - date
- ADR Chambers: arbitrator, mediator, neutral evaluator and fairness monitor: 2008 - date
- The ADR Institute of Canada, Inc.: past director: 1990 – 1992; member: 1988 - date
- The ADR Institute of Ontario: member: 1988 - date
- The ADR Institute of Canada, Inc.: chartered arbitrator (C.Arb.): 1992 - date
- The Canadian Design-Build Institute: intergrated member: 1996 – date; Fellow (FCDBI): 2009 - date
- The Canadian Construction Documents Committee: Chair: 1981–1986; member: 1979 – 1986
- The Ottawa Construction Association: member: 2011 - date

TEACHING:

- Faculty, Osgoode Hall Law School, Continuing Professional Development:
Construction Law Certificate Program: 2011-date
- Adjunct Professor of Architecture, Carleton University Azrieli School of Architecture and Urbanism:
Tort and Contract Law for Architects: 1986-2005
- Lecturer, Admission Course for the Ontario Association of Architects:
General Conditions CCDC 2&3: years 2000 and 2001
- Lecturer and Course Examiner, Royal Architectural Institute of Canada, Syllabus Courses on:
Building Economics and Construction Contract Administration: 1992-2002
- Carleton University, School of Continuing Education/ADR Institute of Ontario:
Design, develop and deliver con-ed course meeting academic requirements for the designation of Chartered Arbitrator: 1993-1995
- Adjunct Professor of Architecture, Carleton University Azrieli School of Architecture and Urbanism:
Professional Practice for Architects: 1979-1985

PUBLICATIONS:

- **Construction Law Reports:**
 - 95 C.L.R. (3d) 16-42: *Conflicts of Interest, Impartiality and Adapting the Role of The Consultant as Contract Administrator in Canadian Construction Contracts;*
 - 91 C.L.R. (3d) 6-18: *Alternatives to the Alternatives – A Review of ADR Procedures Currently Available to the Construction Industry in Canada.*
- **Construction Comment – Viewpoint:**
 - May 2013: *Liquidated Damages Demystified;*
 - Nov 2012: *Supplementary Conditions Demystified;*
 - May 2012: *“Time of Essence” Demystified;*
 - March 2012: *Interference Drawings - Whose Responsibility?;*
 - Feb 2012: *My ‘unreasonable instructions to bidders’ rant;*



- Sept 2011: Expediting Payment;
- May 2011: Allowances Demystified;
- Feb 2011: Contractual Changes Demystified;
- April 2010: Coordination – Whose Job is it?;
- Nov 2009: As-builts Demystified;
- Sept 2009: Stepped ADR v. Dispute Boards;
- April 2008: Shop Drawings Demystified.
- **Ontario Bar Association, ADR Section, Vol. 17, No.3: June 2009:**
 - June 1999: The “Stepped ADR” Process v. DABs.
- **The Canadian Design-Build Institute: Design-Build Handbook of Practice:**
 - Manual of Practice Series 100, 200 and 300 (Author/Ghost Writer)
- **The Canadian Handbook of Practice for Architects:**
 - Sept 1999: Section 1.2.2 “The Construction Industry”
- **Committee Publications during my tenure as Chair of the CCDC Committee (1978 through 1986):**
 - Canadian Standard Stipulated Price Contract: CCDC 2 – 1982
 - Canadian Standard Cost Plus Contract: CCDC 3 – 1986
 - Canadian Standard Unit Price Contract: CCDC 4 – 1982
 - A Guide to Supplementary Conditions: CCDC 20 – 1980
 - A Guide to Construction Insurance: CCDC 21 – 1982
 - A Guide to Construction Surety Bonds: CCDC 22 - 1986
 - A Guide to Calling Bids and Awarding Contracts: CCDC 23 - 1982

SEMINARS:

An accomplished public speaker and educator, Mr. Davies has delivered seminars throughout Canada and the US.

Sponsoring Organizations include:

- The Canadian Bar Association – 2010 National Construction Law Conference.
- The Canadian Design-Build Institute.
- The Royal Architectural Institute of Canada.
- The Prince Edward Island Institute of Architects.
- Dalhousie University (Daltech) – 1991 through 2003 a series of cross Canada 2 day seminars delivered in Canada’s major cities from Victoria BC to St. John’s NL on a biennial basis addressing: The bidding and award of construction contracts and the administration of the resulting construction and warranty phases of the work.
- The Ontario Bar Association – Construction Law Section.
- The Canadian Construction Association.
- The ADR Institutes of Canada and Ontario.
- Toronto Construction Association (*Gold Seal Program*).

PAPERS:

- Dispute Boards, Their Use in Canada
- Comparative Overview of Procurement Alternatives
- Bidding and Contracting for Defence Contracts
- Effective Bidding, Award & Administration of Construction Contracts
- Design-Build Teaming Strategies
- Design-Build Variants and Supplements
- Implications of Bidding
- Construction Budgeting, Estimating and Cost Control



PROFESSIONAL COMMUNITY ACTIVITIES:

- Committee for writing Canadian Standard Design-Builder/Consultant Contract (Doc. 15 - 2000): Member
- Committee for writing Canadian Standard Design-Build Contract (Doc. 14 - 2000): Member
- Committee for writing a Guide to Construction Management (CCA 26 - 2000): Member
- Committee for writing the Canadian Standard Construction Management Contract (CCA 5 -1988) Contributing Member (at large)
- Ontario Court of Justice and the Ontario Ministry of the Attorney General:
Committee for the preparation of Supplementary and Final Reports entitled Civil Justice Review: Contributing Member (OAA)
- Ontario Ministry of the Attorney General:
Working Group of Construction Dispute Resolution Alternatives: Contributing Member (OAA)
- Joint Industry/Government of Canada: *Design-Build Task Force:* Contributing Member (RAIC)
- Canadian Construction Documents Committee: Chair and Past Member (CSC)

CURRENT ENGAGEMENTS:

- **Chair, three-person Dispute Resolution Board** (HC Sector):
Vaughan Subway Station (\$211.5M) sector of the Spadina Subway Extension (\$2.6Bn) to Toronto's subway system; ... and/
- **Member, three-person Dispute Resolution Board** (HC Sector):
Finch West Subway Station (\$127.5M) sector of the Spadina Subway Extension (\$2.6Bn) to Toronto's subway system.
- **Project Neutral** (ICI/HC Sectors):
\$715.4M component of the \$1.6Bn Union Station Revitalization Project in Toronto;
- **Ongoing Specialist Consultant to Morguard Investments Limited** (ICI Sector):
With regard to establishing, implementing, applying and recording building standard and custom tenant area leasing measurements to BOMA standards for their various properties in Ottawa.

RECENTLY COMPLETED:

- **Historic Restoration, Library of Parliament, Ottawa, Canada - \$136M (CAD):** (ICI Sector):
Third Party Project Neutral Services concerning issues arising between Public Works and Government Services Canada (PWGSC) and various contractors/subcontractors over changes in the work and the entitlement thereof.
- **Integrated Building Trades College Facility and Light Rapid Transit Terminal (Cut 'n Cover), Ottawa, Canada - \$94.5M (CAD):** (ICI/HC Sectors):
Expert Contractual Advocacy Services with regard to specialized contractual procurement provisions; Preparation of custom Design-Build Procurement and Front-End Documentation; Mid-stream HST conversion Consultation Services and Provision of proposal evaluation assistance and proposal related counselling and support services.



- **Replacement of curtain wall façade, Bank of Canada Building, Wellington Street, Ottawa, Canada - \$15M (CAD):** (ICI Sector):
Expert Contractual Advocacy Services with regard to the selection of appropriate procurement methods; Preparation of R&D/Design-Build/Clean/5-year Maintenance, Prequalification, Bidding, Procurement and Front-End Documentation; Provision of bidding, bid evaluation assistance and support services; Provision of Independent Third Party Payment Evaluation and Certification Services throughout construction.
- **Institutional Building, Rome, Italy - €5M (Euros):** (ICI Sector):
Preparation of Design-Build and Turnkey, Prequalification, Procurement and Front-End Documentation services; Provision of bidding and proposal evaluation assistance services; Delivery of proposal related counselling and support services during the procurement phase; and the Establishment of Dispute Adjudication Board (DAB) rules and services to be employed during the construction phase.
- **LeBreton Flats Infrastructure and Toxic Brownfield Remediation Project - \$65.7M; Champlain Bridge Reconstruction - \$25.5M (CAD):** (ICI Sector):
Preparation of custom Procurement and Front-End Documentation for the National Capital Commission (NCC).

REPRESENTATIVE PREVIOUS DISPUTE BOARD WORK:

- Construction of laboratory building, Ottawa, Canada - \$6.5M (CAD): Independent Third Party Neutral Evaluation (Single Person Dispute Advisory Board) Services concerning issues arising between PWGSC and various contractors and subcontractors over changes in the work, the value thereof and payment for such changes.
- Infrastructure wharf construction project supporting to the Hibernia Oil Platform, St Johns NF: Chair 3 party Dispute Advisory Board.
- Infrastructure docking facilities project Argentia Bay NF: Chair 3 party Dispute Advisory Board.
- Construction of Water Treatment Plant, Gananoque, Ontario, Canada: Panelist 3 party Arbitration Panel (Contractor selected party).

LITIGATION SUPPORT SERVICES RELATING TO BIDDING AND PROCUREMENT MATTERS:

- **Bidding dispute** (ICI Sector):
Expert Witness Services including the preparation of an expert report and opinion relating to a question of 'privilege'. (*Ed. Brunet and associates Inc. v. 154469 Ontario Inc., 2002 Can LII 28959 (ON SC) Docket: 99-CV-10636 – Honourable Mr. Justice J.D. Cunningham presiding*).
- **Proposal Stage Conflict of Interest dispute** (ICI Sector):
Algonquin College Student Commons Project - \$40M (CAD) and ACOV Pembroke Project - \$26M (CAD): Co-consultation (in conjunction with Owner's legal counsel) regarding conflicts of interest arising from the takeover of an Invited Proponent by a company providing advocate consulting services to the Owner during the Proposal Call period (*matter settled prior to close of proposals*).



- **Bidding dispute** (HC Sector):
Rideau Canal, Retaining Wall Restoration Project, Ottawa, Canada: Expert Witness Services through the Department of Justice acting on behalf of PWGSC re jurisdictional matters between the Federal Court and the Ontario Superior Court of Justice regarding the hearing of a matter related to the disqualification of a non-compliant bidder. (*G-Civil v. Canada (PWGSC) 2006 Can LII 42655 (ON SC) Docket: 04-CV-26714 Mr. Justice Dennis Power presiding*).
- **Bidding dispute** (ICI Sector):
Expert Witness Services and the preparation of an expert opinion and report relating to ambiguities contained in the bidding documents and the alleged wrongful award of a contract for a project entitled: HMCS Cabot Armory, St. John's, NF, Canada - \$6.4M (CAD) (*Olympic Construction Limited v. PWGSC – matter settled in pre-trial negotiations following delivery of Mr. Davies' expert report and opinion*).
- **Wrongful award** (HC Sector):
Expert Witness Services and the preparation of an expert opinion and report with regard to a dispute arising from the award of a contract to an allegedly non-compliant bidder for a pipeline infrastructure project in western Canada (*matter settled by mediation following delivery of Mr. Davies' expert report and opinion*).
- **Wrongful award** (HC Sector):
Expert Witness Services with regard to a dispute arising from the award of a contract for a highway transportation infrastructure project to an allegedly non-qualified bidder in western Canada (*currently sub-judicae*).
- **Substantial Compliance** (HC Sector):
Expert Witness Services involving a test of the *Double N Earthmovers* decision with regard to a central Ontario procurement irregularity involving the alleged wrongful rejection, by an Owner, of an allegedly compliant pre-qualified low bid for a railroad infrastructure project (*currently sub-judicae*).
- **Wrongful Award** (HC Sector)
Expert Witness Services with regard to a dispute arising from the wrongful award of a construction contract to install a pipeline and pumping station in western Canada based upon a qualified and incomplete bid from a contractor who was also significantly involved in the design of major components of the project as well as performing part of the consultant's role during the bidding process (*matter settled by mediation following delivery of Mr. Davies' expert report and opinion*).
- **Wrongful Award** (ICI Sector)
Expert Witness Services involving the analysis of a contractor's claim for damages resulting from a wrongful award of a security upgrade project for a major Canadian international airport facility, and an analysis of the owner's activities with regard to the same in the context of current bidding procedures (*matter settled by negotiation following delivery of Mr. Davies' expert report and opinion*).



LITIGATION SUPPORT RELATING TO NEGLIGENCE AND BREACH OF CONTRACT DISPUTES:

- **Breach of Contract dispute** (Residential Sector):
Expert Witness Services and the preparation of an expert opinion and report relating to a dispute between an owner/architect and contractor with regard to the interpretation of a Cost-Plus Contract with Guaranteed Maximum Price and Incentives for a 162 unit Condominium Project, Toronto, Canada - \$10.5M (CAD) (*matter settled by mediation following delivery of Mr. Davies' expert report and opinion*).
- **Negligence and Breach of Contract dispute** (Residential Sector):
Expert Witness Services including the preparation of an expert opinion and report and the delivery of expert testimony at trial. (*Ian Bruce Macaulay and Cheryl Lynn Macaulay v. Edward Wagorn, Yvonne Wagorn, and Her Majesty the Queen in Right of Ontario; Ontario Court General Division, [1991] Court File 14023 – Honourable Madam Justice Louise Charron presiding*).
- **Negligence and Breach of Contract dispute** (Residential Sector):
Expert Witness Services including the preparation of an expert opinion and report and the delivery of expert testimony at trial. (*C. Ken Chew and Patricia Chew v. James Voornveld and Z. Matthew Stankiewicz; County Court of the Judicial District of Ottawa-Carleton [1979]*).
- **Negligence and Breach of Contract dispute** (Residential Sector):
Expert Witness Services including the preparation of an expert opinion and report relating to a dispute between an owner and contractor with regard to inferior workmanship. (*David Craig v. Triple AAA Design and Construction Inc., Jabara Interiors Inc., AND Omar Jabara; Ontario Superior Court of Justice; [2012] Court File 08-CV-45384*) (*Matter settled during trial following delivery of Mr. Davies' expert report and opinion and immediately prior to Mr. Davies delivering Expert Testimony at trial*).
- **Breach of Contract dispute** (ICI Sector):
Expert Witness Services including preparation of expert opinion and report and the delivery of expert testimony at trial. (*Edward J. Cuhaci and Associates Architects v. Rochester Holdings Ltd., Ontario Court of Justice General Division, [1994] Court File 51,002/91 - Honourable Justice J. Bell presiding*).
- **Negligence and Breach of Contract dispute** (ICI Sector):
Expert Witness Services and the preparation of an expert opinion and report relating to allegations of: incompetence, failure to design to known humidity standards, errors and omissions contained in construction documentation and failure to conduct adequate field services during construction of a fire station by an architect and allegations of failures by the contractor to follow construction documents and the delivery of substandard workmanship (*City of Ottawa v. Cole and Associates Architects Inc., Frecon Construction Limited and third parties*) (*Ontario Superior Court of Justice , Court File 08-CV-41992 A1*) (*Matter settled by Mediation after delivery of Mr. Davies' expert opinion - No rebuttal opinions issued*).



- **Alleged Negligence and Breach of Contract dispute** (ICI Sector):
Expert Witness Services including the preparation of an expert opinion and report with regard to alleged issues arising out of disputes between the contractor, consultant, and the owner over alleged deficiencies in construction of a Construction of Recreation Centre, Northern Ontario, Canada - \$12.5M (CAD) (*currently sub-judicae*).
- **Alleged Negligence and Breach of Contract dispute** (Residential Sector):
Expert Witness Services and the preparation of an expert opinion and report relating to alleged errors and omissions arising from, and the delivery of alleged substandard architectural services by an architect with regard to the design, documentation, field services and timely securing of permits from authorities having jurisdiction for a 163 unit retirement home with amenities in Eastern Canada (*currently sub-judicae*).
- **Alleged Negligence and Breach of Contract dispute** (Residential Sector):
Expert Witness Services and the preparation of an expert opinion and report relating to alleged errors and omissions in the provision of architectural field services during the failed construction of a significant extension to an existing property. (*currently sub-judicae*)

PROVISION OF ADR SERVICES RELATING TO GENERAL CONTRACTOR AND SUB CONTRACTOR DISPUTES:

- During the past 25 years Mr. Davies has conducted over 200 ADR procedures involving arbitration, mediation, expert determination, adjudication, neutral evaluation, fairness monitoring and project neutral services including:
 - Arbitration of issues arising under the *Ontario New Home Warranties Plan Act* following the TARION Builder Arbitration Forum Procedural Rules, Ontario, Canada.
 - Various single or consolidated Arbitrations addressing construction disputes between subcontractors, general contractors, owners and architects.
 - Various Mediations concerning construction disputes between owners, architects, general contractors and subcontractors.
 - Various Mediations concerning design and management disputes involving owners and architects and architect/architect disputes.
 - Etc.