



# Qubist Dispute Resolution and Expert Witness Capability

*Providing decision makers with accurate and commercially astute contractual and dispute resolution analysis.*

*Qubist Pty Ltd is an advisory business that provides expertise to clients with utility and infrastructure assets. We help clients create greater value, new possibilities and superior outcomes for their assets and organisations.*

*Qubist provides solutions across the entire project lifecycle. We understand the specific challenges involved in running an organisation and call upon decades of industry experience to assist our clients – ensuring strategic, practical, and commercially orientated results.*

*Our private and public sector clients include government agencies, contractors, and legal organisations.*

## Qubist Dispute Resolution and Expert Witness

Our approach to independent dispute resolution advisory and expert witness services is bolstered by a wealth of industry experience and understanding client needs.

We understand reliable and good advice requires a thorough understanding of the matters, contractual entitlements, claims drivers, contract management and risk allocation by practitioners with subject matter expertise.

Our personnel and partners are recognised leaders in dispute resolution, and the provision of expert witness services for major infrastructure and resource assets.

## Qubist's Approach

We are subject matter experts in cost, schedule, and large-scale commercial management. We have built our expertise over decades of experience dealing with commercial issues. We offer industry leaders experienced in drafting expert reports and understand the painstaking work that is required for success.

For our experts, good commercial resolution comes from a robust knowledge of the contract, technical documentation, the project facts, risk allocation, contract management mechanisms and how they have been managed. Some of our experts contribute to the published industry standards our work is often based upon. Wherever appropriate, our approach is based on first principles, which for us means:

- Understanding the project objectives;
- Understanding the commercial framework, development process, funding, operational, customer, client and other relevant stakeholders' needs in order to understand the fundamentals driving the contractual matters;
- Understanding contractor and client view of risk, how risk is allocated on a contractual basis, and why commercial differences arise;
- Understanding the tender documentation and the commercial history that underpins the issues;
- Relentless drive for evidence and facts to support a claim; and
- Assisting with resolving these matters, acting independently and in a fair and reasonable manner.





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## Capability

### Evaluating commercial strategies

Develop, model and assess commercial outcomes, includes both avoidance and resolution.

### Expert estimates for dispute resolution

From high-level assessments to detailed forensic analysis and cost determination.

### Schedule analysis

Identify key schedule drivers. From acceleration, suspension of work, and extensions of time.

## Relevant Project Experience

Below is a selection of relevant Dispute Resolution and Expert Witness experience of our team:

Capability	Sector	Sample Experience of our Team
<b>Claims and Dispute Resolution</b>	<i>Transport – Rail</i>	<ul style="list-style-type: none"> <li>Major Rail Claim – Tier 1 Construction Company – Strategic and Commercial advice to Global CEO regarding major commercial dispute</li> <li>PI insurance claim – major rail project</li> </ul>
	<i>Transport – Road</i>	<ul style="list-style-type: none"> <li>Client-side claims assessment and evaluation for major urban motorway</li> </ul>
	<i>Utilities – Water</i>	<ul style="list-style-type: none"> <li>Advisory services and resolution of complex claims which were outside water utility staff experience</li> </ul>
	<i>Power</i>	<ul style="list-style-type: none"> <li>Confidential lump sum turnkey power generation project EPC Contract, Qld</li> </ul>
	<i>Mining</i>	<ul style="list-style-type: none"> <li>Claims advice for the contractor of an underground coal mine development, Illawarra NSW</li> </ul>
<b>Expert Witness and Advice</b>	<i>Transport – Rail</i>	<ul style="list-style-type: none"> <li>Railway station emergency help point response system – Expert Witness Report</li> </ul>
	<i>Utilities – Ports</i>	<ul style="list-style-type: none"> <li>Confidential port project involving risk management of construction in the context sensitive marine environments</li> </ul>
	<i>Utilities – Power</i>	<ul style="list-style-type: none"> <li>Risk management practices for large EPC power industry contractor</li> </ul>
	<i>Utilities – Gas</i>	<ul style="list-style-type: none"> <li>GLNG Pipeline construction completion dispute (QLD) – Expert Witness Report and Evidence</li> <li>QGC Gas Pipeline Construction dispute (QLD) – Expert Witness Report</li> </ul>
	<i>Other</i>	<ul style="list-style-type: none"> <li>Independent review of infrastructure project highlighted the appropriate risk management requirements in sensitive environmental area</li> <li>Due diligence reviews and risk management practices of an acquisition, and subsequent operation of an engineering and construction services company</li> <li>Major construction firm advice in preparation for sale, identifying and reviewing relevant documents for prospective buyers</li> </ul>