

Specialist Project Team support services



ResoLex

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“ We believe that without **ResoLex** input we would have suffered in our efforts to stay on track to deliver the project on **time** and within **costs**. ”

Afzal Kahn

Project Director

Barnet PCT NHS Trust

1. Executive Summary

Background

So, what can ResoLex bring to the Team?

Does ResoLex have a complimentary ethos?

Does it have the necessary resources and ability to deliver?

In any event, what's the bottom-line advantage of involving ResoLex?

ResoLex's Ethos

We believe that the Project Team has all the resources it needs to achieve the desired outcome.

The challenge for the Project Team is to engage those resources in the most effective way.

ResoLex's intention is to support the Project Team in meeting their objectives and in doing so, the success of the Project.

Overview of Services

Enhancing relationships within and between organisations and people.

Supporting the Team in identifying potential risks and the team members best suited to manage those risks.

Creating a "safe" communication environments where team members can explore perceptions and articulate areas of concern and opportunity.

Enhancing value in deals, reducing the time taken to reach agreement and facilitate the creation of strong enduring relationships.

Culture development. Creating and maintaining constructive and committed environments.

Securing anonymous feedback of perceptions from individuals or groups.

- underlying concerns
- Ideas and opportunities to do things better

Facilitating enhanced communications.

Active management of any disputes that may arise. Neutral facilitation of special meetings. Interim briefing and active involvement of mediator based on pre-agreed protocol to swiftly deal with any disputes. Non-binding evaluation

Executive Summary

Service overview

ResoLex offers a range of opportunities to the Project Team.

ResoLex see it as vital to create an attitude and culture of 'enquiry' where team members seek to understand the perception, needs and concerns of others. How do you see things?

This culture is a million miles from the attitude of 'message delivery' being one which precludes people exploring different and better ways of reducing risk .

Perhaps one of the most vital ingredients of the ResoLex service is its overt and subliminal respect for people.

- Respecting their skills.
- Implicitly respecting all that they do and all that they can offer those around them and the Project.
- Respecting that they are different and appreciating the advantages that those differences offer.

ResoLex services will include assisted deal making, neutral risk monitoring and dispute avoidance techniques aimed at increasing communication and understanding and reducing risk.

People

We have selected a world-class team of individuals with diverse experience and expertise and common attributes such as vision, dedication , personal drive and commitment. Most importantly, excitement at the prospect of delivering their talents through ResoLex .

Whilst recognising that it is a subjective observation, in our view, no other UK organisation has available to it the combined calibre and skills of the unique and respected team brought together by ResoLex.

2. Service Detail

Some key aspects

A key feature will be the involvement of ResoLex as an independent organisation, neutral facilitation, and if required, mediation.

- An organisation with an ethos of improving communication and relationships for common good, its primary purpose will be to contribute to the success of the Project through the people involved.
- ResoLex will help create a safe and productive environment in which both the people involved and their respective organisations reap rewards for their input.

The processes by which this will be achieved will include facilitating:

- Enhanced communication within and between organisations;
- Improved risk management and value creation opportunities and avoidance of misunderstanding and differences

Participants

So who are concerned or may be affected by the project? They are likely to include:

- Individuals;
- Groups
- Project Teams
- Public Authorities / Government bodies
- Local community
- The General Public

ResoLex's neutral role enables it to elicit in confidence common and diverse goals. Thus creating a valuable agenda for internal management and, with agreement, potential external exchange.

Needs and concerns

Each person or group will have its own needs and concerns. Many will be common to most or all. Some will be different. Some may create tensions. So, it may be important to explore those needs and interests and, with the party's co-operation, to understand and manage these.

ResoLex can assist in identifying these needs and interests. Experience has shown that parties who have been willing to be more open about potentially conflicting interests have benefited by creating pro-active communications to manage the same.

Successful Project

Successful outcomes demand clarity as to goals. What does a 'Successful Project' mean?

What are these goals? The only way to determine these is to ask those concerned.

Trading differences

Each of the people and groups involved also have different things to contribute. They may be skills, ideas, and co-operation. A wide range of attributes – all of which, in a sense, compliment their needs and concerns. So great opportunities to 'trade' such contributions and needs have been and will be created.

This situation links with ResoLex's **Assisted Deal Making** (ADM) service where a ResoLex facilitator is engaged not only to deal with any 'bottlenecks' in negotiations but also to seek value creating opportunities that may otherwise have been 'left on the table' by the parties.

Service Detail

The early stages

During the early stages, there are complex relationships and the number of stakeholders is often not fully appreciated. This is why it is important to understand and map the needs of individual stakeholders.

Many key things may be in place such as land acquisition, planning approvals, funding and broad design. However, many key steps still lay ahead. Measures and decisions that will have a considerable impact on the Project. Facilitating the exploration of ideas, risks and opportunities at this stage can be extremely rewarding.

Cultural issues

The management of cultural issues will be vital to the Project. Divergent cultural perceptions of so many people, most of whom have never worked together previously again creates both a challenging and potentially rewarding situation.

The opportunity for misunderstanding is considerable. Partly because of differing perceptions as to 'facts'/'reality'. Also, arising from different perceptions as to such things as intention and 'what's OK and what's not OK'.

It's right to observe that managed tension can be and usually is a positive ingredient in the recipe of getting things done. It may be regarded as part of 'appropriate pressure'. However, cultural differences, particularly those that are not recognised, can pervade a project with significant adverse effects.

Culture change to support those involved and the Project as a whole is increasingly recognised as a vital ingredient in successful project management and one which ResoLex's involvement will support and enhance

Risks and rewards

The very nature of development projects gives rise to many uncertainties. Whilst these will be extremely demanding, they will also create numerous opportunities to create value.

This is simply a reflection of risk/reward feature of commercial life. The greater the risk, the greater the opportunity to identify, manage and create additional value.

So what are the risks?
What are the opportunities?

Major construction projects typically create and manage a single Project Risk Register. That will usually be created from what may be described as the Employer's perspective. This raises the question of whether there may be advantage in project groups creating and managing their own Risk Registers. Importantly, that they may, so far as they feel able, share this information with others in the project team, in order that the risk spectrum may be broadened and managed more effectively.

Service Detail

Human resources

Major projects involve a wide range of human resources within the central 'Project Team' as well as the supply chain generally. The need to co-ordinate their contributions will be a key feature.

One of the common aspects linking all parties and people is, of course, the Project itself. In a sense, the Project is neutral and this creates a great opportunity in terms of identity and common goals.

Neutral risk monitoring

The X-tracker service elicits feedback provided via the X-Tracker system to explore the changing perceptions of individuals and project groups involved with the project. The privileged view enabled by the anonymity of the system gives a thoroughly unique view of the manner in which different people view different potential risks.

ResoLex will use this unique view to understand the underlying nuances of the team's relationships and provide early warning when perceptions/opinions start to diverge or become negative.

The extensive project experience of the ResoLex Team enables them to identify with many situations they themselves have faced on projects but have only found out about too late. Via a monthly report and interim workshops ResoLex will direct the project team towards any areas that need investigation and attention.

Dispute resolution

ResoLex's perspective is that dispute resolution is best started with dispute avoidance.

Now that may appear to be a contrary statement. However, it stems from an approach which predicts that if a dispute should arise, the chances of it being successfully managed and resolved will be significantly improved if the parties have a project track record of co-operation.

And that starts at the outset, when parties are invited to agree a contracted mediation provision at the outset of their involvement. This will set out a dispute resolution protocol. The process is easy to follow and has been designed to enable parties to resolve disputes quickly and minimise adverse effects on the Project

The mediator(s) will meet with project participants as soon as they are appointed so that they quickly become familiar with the project and the individual personalities and can be 'parachuted' effectively in very quickly should they be required.

3. People



An Example ResoLex Team

The ResoLex Team represents an extraordinary team combining to create a market leading group with expertise in:

- Project and risk management
- Facilitation
- Negotiation
- Mediation
- Law

Overall Team

Stephen Woodward

John Burgess

Patrick Watson

Ralph Dando

Richard Bayfield

David Cornes

Sir Philip Otton

Stephen Woodward

Stephen Woodward is Director of PFI at Trett Consulting, a director of its project management subsidiary, Trett Manly and a non executive director of ResoLex.

His specialism is in achieving financial close on major projects and complex deals involving stakeholder engagement and managing multi party negotiations whether acting on behalf of developers, funders, investors, third parties or stakeholders.

For 10 years he was commercial director of the project management subsidiary of Kumagai Gumi and for over 15 years has worked on behalf of funders undertaking due diligence, fund monitoring and technical adviser roles. He has advised the Office of Government Commerce and Government Departments on procurement.

A commercial mediator, Stephen has considerable experience in the design of project based dispute prevention and resolution systems and was one of the key project management professionals in the design and development of ResoLex's Contracted Mediation.

Recent assignments undertaken by Stephen include:

Risk profiling over **£1 billion of loans** for the property finance team at **Barclays**

A lead role in taking the **New Wembley Stadium** project to financial close, working closely with the Football Association, banks, lawyers, sponsor and end users.

Strategic planning, stakeholder and business change management in directing the Additional Storage Programme for the **British Library**

A **cross Government evaluation** of the construction procurement criteria which led to OGC adopting the NEC suite of contracts as the preferred form for Government construction procurement

Ralph Dando - What does Stephen bring to the team?

Stephen has an intuitive grasp of his Client's needs, aims and objectives. He is adept at dealing with lawyers and funders. He has extensive experience in the delivery and management of capital projects, risk evaluation and deal funding which means that Stephen and the team are a formidable combination in support of clients.

To summarise Stephen; "Contrary to the cliché, genuinely nice people most often finish first" – Malcolm Forbes



John Burgess

Profile

Improving performance through people.
Facilitating change.
Avoiding and resolving problems.
Creating opportunities and value.
Creating better deals

Management and financial consultant.
Risk management/Dispute avoidance
Facilitator and Mediator
Communication
Negotiation
Training.

Expertise:

General management, financial control, project and change management;
Procurement - drafting and negotiation of contracts (domestic and international);
Dispute avoidance – cultural, process and documentation;
Differences and disputes. Problems and opportunities;
Team Facilitation
Negotiation and Mediation;
Communication, Negotiation and Facilitation training;

Honorary Member and Past [Chairman of the Society of Construction Law](#).
CEDR Accredited and MATA Mediator
[Harvard Law School Negotiation](#)

Passion: empowering people

David Cornes - What does John bring to the team?

I have known and admired John Burgess for many years. He has a clarity of thought and exudes a calmness that is remarkable. He brings that clarity to his work as a consultant in the field of construction. He brings his excellent skills to bear before disputes escalate by very carefully listening to the issues and suggesting better ways forward.



Patrick Watson

Patrick is a Project Director with Buro Four and is a member of ResoLex's Innovation Panel.

He is a front-end risk specialist who has steered a significant number of projects to a successful conclusions, expertise that Patrick has utilised helping ResoLex with the development of the project monitoring & risk management tool, [X-Tracker](#).

A senior project management professional with over 15 years experience of working with funders, consultants and developers in the successful delivery of major, complex multi-disciplinary building projects on time and to budget. Utilising his acute inter personal, communication and leadership skills along with a high level of enthusiasm and motivation to provide and ensure total client satisfaction.

He is adept at problem solving utilising the available resources with a clear preference for hands on involvement. His strength lies in his ability to motivate and influence large numbers of people, all who have different needs and business objectives. Patrick has particular experience in managing the expectation of lawyers and stakeholders pre-project stage.

Included within Patrick's recent assignments are:

Project Director on the Boldrewood campus development, [Southampton University £100m](#)

Project Manager for [Colchester garrison PFI £2.0bn](#) to Financial close

Risk Manager for [New Wembley Stadium £860m](#) to Financial close

Design Manager [T5 Development](#) – pre-planning

Design Manager for [Copenhagen Mini-metro Rail link](#), Denmark c. £600m

Risk manager for [Manoel Island & Tigne' Point Development](#), Malta (£225m)

Risk Manager for Foundation for Medical Services [New Malta Hospital](#) (£210m)

Stephen Woodward - What does Patrick bring to the team?

Word class with remarkable perception and tenacity. Has the unique skill of translating complex project data into easily understood flowcharts and visual images for truly effective risk management. Fun to work with. Our relationship through work on major projects put the concept of "stakeholder engagement" into the project management lexicon.



Ralph Dando

Ralph is the Managing Director of Trett Manly, a development and project management company, whose experience ranges from the Broadgate and Ludgate Developments in the City of London, to Trafford Park in Manchester and Southend Urban regeneration as part of the Thames Gateway zone to large residentially under-pinned mixed-use schemes in Malta, Mauritius and Mexico.

Ralph has particular experience in managing projects involving substantial co-ordination and complex input, both in the UK and overseas. He undertakes strategic roles on schemes for all management activity, ensuring efficient and proactive management throughout the project, obtaining, disseminating and monitoring information and ensuring co-ordination between all parties. He is an enthusiastic and highly motivated Manager with particular experience in managing projects involving substantial co-ordination and complex input. He combines an imaginative and innovative approach to problem solving with hard work and a professional attitude.

Ralph has always demonstrated a strong commitment to clients and is a good communicator at all levels and across all project disciplines.

Recent experience

- Project Director - **Mater Dei Hospital**, Birkirkara, Malta (£210M)
- Development & Project Manager - Ipswich Riverside Development (£55M)
- Strategic Development & Project Manager - **Portomaso Development**, St Julians, Malta (£100M)
- Project Director - **Suffren Hilton, Paris** - Phased Refurbishment (£25M)
- Programme Manager - **RBG Kew**- Millennium Seed Bank Project (£81M)
- Project Manager – **Regeneration Bedford Town Centre** – (£70M)
- Development Manager – **Southend Seaside Urban Regeneration** (£700M)
- Risk Manager – **Nomura Bank HQ**, London ((£25M)
- Risk Manager – **Bank of America** – Office rationalization, Alie Street, West End & Canary Wharf (£30M)

Patrick Watson - What does Ralph bring to the team?

Our review panel have worked closely for the last 5yrs. A key player in the team dynamics is Ralph. His skills are predominantly on the soft side, understanding the project politics on complex deals. He rapidly focuses the team on the key drivers and identifying the true person behind the company face.



Richard Bayfield

Richard is an Independent Consultant and acts as Construction Consultant, Facilitator, Mediator, Lecturer, Construction Adjudicator and Expert. He has wide “hands on” experience within the UK Construction Industry and currently reports at Board level to several high profile Client and Contractor organisations.

His consultancy assignments often involve two opposite and complementary strands. The first typically involves investigating or troubleshooting “failed” projects, and reporting on key technical and legal issues and risks to the board representatives. The second involves strategic advice on changes and innovations that will lead to improvements and sustainability, often followed by implementation role. For most Construction Client organisations significant improvements result from a clear focus on Client project leadership.

Richard is a past **Chairman of the Society of Construction Law** and last year was appointed to the Construction Minister’s sounding board of 6 “**key industry figures**”

Recent experience:

Honda of the UK, Swindon

Honda’s new £130M+ European Plant opened. This project was the winner in the Building category of the British Construction Industry Awards.

University College London

Ongoing advice on construction procurement. Appointed “Client’s Project Sponsor” in respect of two key construction projects.

3DM Worldwide

Providing strategic advice to a non-Construction business on UK Construction industry and UK supply chain. Assisting with strategy to introduce new innovative environmentally friendly products and sustainable methods to UK Construction industry.

Sir Philip Otton - What does Richard bring to the team?

Richard has enormous experience within construction. In addition to his practical experience, as past Chairman of the Society of Construction Law, he has a firm grip on legal concepts. Richard is fair minded, very conscientious and enthusiastic and will be a delight to work with.



David Comes

David is a full-time Commercial Mediator and is ranked in the **top ten UK mediators** by Legal 500. Before becoming a full time mediator he was Senior Partner of Winward Fearon, Solicitors, with very extensive experience of negotiation and disputes, particularly in the fields of building and civil engineering.

David began his professional life as a Chartered Civil Engineer before becoming a Solicitor. He has had very wide experience of acting for parties in construction disputes in the Technology and Construction Court in London, in arbitration in the UK and in LCIA and ICC arbitrations overseas as far apart as South America, the Middle East, Nigeria and Europe.

He has acted as Adjudicator in construction disputes and as an early neutral evaluator in Early Neutral Evaluations. He has just completed a 5-year term as Deputy Chairman of the Dispute Review Board on a major UK project, where there were substantial disputes in relation to which the Dispute Review Board was required to make decisions.

David has extensive experience in the negotiation of new projects, both as to apportionment of risk and contract drafting, in relation to large projects, including Private Finance Initiative projects.

Included in these projects is the conversion of County Hall in London by a Japanese client into various mixed uses, including two hotels, restaurants, offices, exhibition space and the **London Aquarium**.

John Burgess - What does David bring to the team?

One of the UK's leading mediators. Delia Smith would have difficulty in creating a better recipe of skill, experience and personality. A smile and a keen sense of how best to engage with people. Especially, how to help them move on from looking back at 'rights' to looking forward to 'solutions'.

A challenging, flexible and persuasive style that simply works for David and it certainly works for the Construction and Engineering Industry which is fortunate to have people like David amongst them.



Sir Philip Otton

Sir Philip retired as a **Judge of the Court of Appeal** in 2001. He was appointed a High Court Judge (Queen's Bench Division) in 1983, to the Court of Appeal in 1985 and to the Court of Appeal in Gibraltar in 2004. He still continues to sit in the Privy Council and the Court of Appeal (on occasions).

Sir Philip was President of the Personal Injury Bar Association and is an Honorary Fellow of the Institute of Judicial Administration Birmingham University and was the past **President of the Society of Construction Law**.

He is a Fellow of the Chartered Institute of Arbitrators and an Accredited Mediator by the Institute. He is an Appointed Arbitrator to the NASD, a Member of the American Law Institute, of the American Bar Association and has served on the Faculty of NITA.

His experience covers a wide range of cases, principally in the general commercial, insurance, oil and gas ,energy and construction fields as Arbitrator and Mediator.

Richard Bayfield - What does Sir Philip bring to the team?

Sir Philip is eminent and able to communicate with all. He understands business as well as the law

He is a strategic leader – for example Sir Philip's period of 8 years as President of the Society of Construction Law coincided with the Society moving from being a learned UK Society to one which is now consulted by UK Government on policy matters and which has also established a significant international reputation in the sphere of construction law.

4. Example Resourcing of key service elements

	Stephen Woodward	John Burgess	Patrick Watson	Richard Bayfield	Ralph Dando	David Cornes	Sir Philip Otton
Pre- close needs mapping	1	1	2				
Pre-close risk identification	1		1	2			
Assisted Deal Making		1	2	2		2	
Pre-close X-Tracker analysis	1	2	1	2			
Cross culture facilitation	2	1	2	1	2		
X-Tracker analysis		2	1	1	1		
Early neutral evaluation						2	1
Dispute Mediation	2	2		2		1	2

- 1- Primary resource
- 2- Secondary resource

Appendix A - Assisted Deal Making

ADM is one of ResoLex's special pre-construction services.

Albeit unusual, the potential input of a neutral 'deal facilitator' during the pre-contract stage can be readily perceived. In principle, it's akin to the involvement of a mediator helping parties resolve a dispute. Whereas Mediation involves 'looking back' as well as forward, ADM primarily involves 'looking forward'.

During a pre-contract phase, potential parties are resolving conflicting invitation/bid offers and counter offers and creating potential contract provisions. The feature common to both normal Mediation and ADM is that both parties want, if possible, to negotiate an acceptable solution with binding effect.

ADM also provides an unusual post contract opportunity to create value for the parties. By way of example, the Client may have entered into a £multi m contract with, a major contractor.

They had endured the traditional negotiation process and both parties were happy to have signed a supply contract. However, as commonly happens, though neither opposite party knew the details, both parties would have been willing to make certain concessions or 'do something more' in return for something from the other party. They had both 'left value on the table'. If only they knew, they could both have got more.

So here's where the ADM Facilitator comes in. In confidence, he or she learns from each side all about that 'value on the table'. With shuttle diplomacy and/or mediation style joint meetings, he/she then effectively facilitates a second round of negotiations aimed at improving the value of the existing supply contract to both parties. The provisions of the contract are then varied pursuant to a negotiated agreement.

ADM therefore covers a range of skills including facilitation (quasi mediation), inter party negotiation and internal/client management/relationships. The applicable principles certainly cross the non-contentious/contentious arena boundaries.

The public, community and external organisations:

Any Project the size of Biota! is significant not only to its promoters and participants, it is also of great importance to the community within which it is sited and indeed the nation. In these circumstances, the creation and maintenance of support from interested parties within Government, statutory bodies and the local community will contribute to the success of the project.

ResoLex's facilitation Services have been designed to readily embrace the involvement of a wide range of interested parties outside the Project team:

- facilitating consultation and managing meetings and other communication routes providing a voice for local people and organisations who may otherwise feel unheard
- assisting negotiations with approving and other authorities.

Appendix B - X-Tracker

X-Tracker is a tool that allows the Project Team to track intangible areas of the project that are often overlooked.

The tool works by confidentially asking team members' their personal perception of different areas of the project and tracks changing perceptions as the project progresses.

A panel, trained in the analysis of X-Tracker results, views the results on a monthly basis and looks for changing patterns on the project or divergence between the perception of individuals or project groups that can indicate a potential problem area.

The anonymous results from these reports are presented back to the project on a monthly basis and give the team an insight into areas that may need attention.

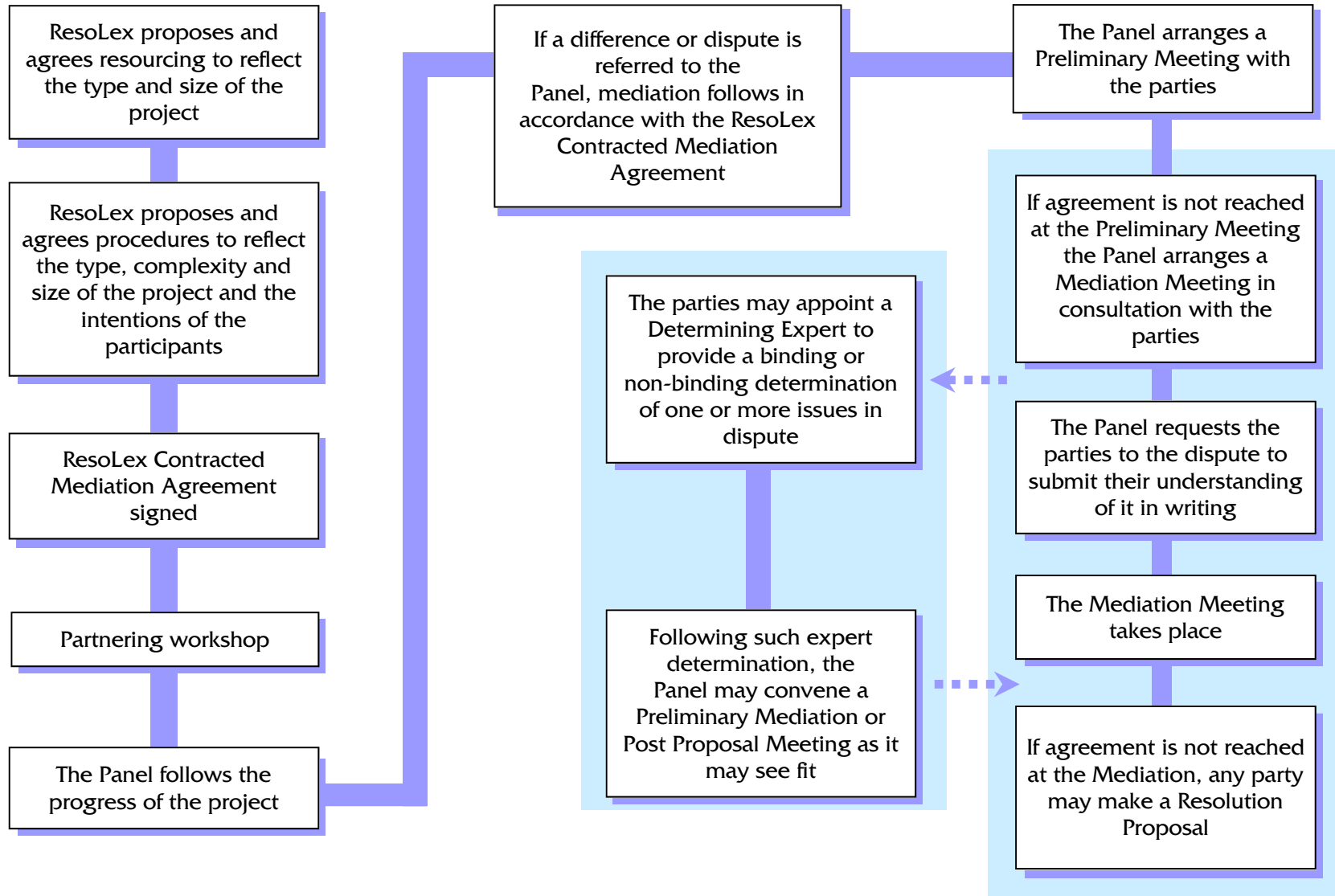
Benefits of using X-Tracker

The overriding benefit that X-Tracker brings to a project is creating an environment in which it is "ok" to communicate process, interpersonal or inter project group issues as they arise. This initially starts within the "safe zone" provided by the anonymity and confidentiality of the X-Tracker evaluation exercises, but soon spreads to the general project relationships. The project team can then proactively manage issues as they arise.

The adoption of X-Tracker on a project leads to:

- More effective relationships on the project
- Better understanding of diverse needs of the stakeholders
- Individual and team positions still asserted but differences resolved by negotiation
- Minimised uncertainty
- Early identification and resolution of issues / concerns
- Risk Mitigation

Appendix C - Contracted Mediation Process



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