

CURRICULUM VITAE

Name	:	Prof. Khem Dallakoti
Profession	:	Arbitration /Engineering / Management
Date of Birth	:	1 st Sep, 1960
Nationality	:	Nepali
Membership in Professional Societies	:	Life Member of Nepal Engineer's Association
	:	Member of Nepal Engineering Council (Regd. No 638, Civil, "A" Category)
	:	Life Member and enlisted Arbitrator of Nepal Council of Arbitration (NEPCA), Former Vice-president
	:	Founder vice-president and life/executive member, OSHO Tapoban

Key Qualifications

Has a total 33 years of professional experience in civil engineering and roads. Worked as Chief Arbitrator, Arbitrator, Adjudicator, Dispute Review Expert, BD/BAB member, Sole DB member, Trainer, Team Leader, Project Manager, Project Coordinator, Contract Specialist, and entrepreneur etc. since 1987 to date. Delivered lectures on master degree course on **Arbitration and Claim Management**, Construction Project Management etc. As a consultant and Procurement/contract expert major responsibilities shouldered are team leadership; project & contract management & coordination; contract interpretation, preparation of tender and contract documents; bid evaluations; preparation of specifications; quality and cost control; correspondence, etc.

Participation in trainings

- Computer Software: Microsoft Project, Microsoft Excel, Microsoft Word, MS Power point, Timeline. Resource person for MS Project trainings (>25)
- Participated or remained resource person in number of (about two dozen) **FIDIC, adjudication, arbitration, and claim related** trainings, workshops and seminars.
- Training on Construction Project Management (CPM) & Highway Maintenance Management (HMM) held at Dharan, Pokhara & Kathmandu from 21st November 1993 - 1st April, (Six weeks in total) 1994, conducted by University of Manchester(UMIST), UK and National Institute for Highway Engineers (NITHE), India;
- Training Course on **Civil Engineering Law and Contract Procedure, 1997** – six month course at UMIST, University of Manchester, UK
- Short course on 'Optimal planning and design of roads' jointly organized by IOE and University of Calgary and conducted by consortium of Canadian Universities October 4 – 14, 1993.

Resource person for training

- Resource person for more than two dozen FIDIC related and contract management training under-taken by different agencies.
- Resource person for the number of arbitration related trainings (a dozen plus) under taken by NEPCA
- Resource person for number of trainings on MS Project..
- Resource person for number of trainings (two dozen plus) related to quality management in construction.
- Resource person for number of trainings (three dozen plus) related to Construction management and contract administration.

Education

:M.Sc. in Engineering Project Management, 1st in the batch, 1997 University of Manchester (UMIST), UK
 : M.Sc.in Highway Engineering (with honors), 1st in the batch 1987, Byelorussian Polytechnic Institute, Minsk, USSR.

Employment Record

2005 to till date

Professor, Civil Engineering Department, Institute of Engineering, TU

2003 – 2005	Associate Professor , Civil Engineering, Institute of Engineering, TU
1987 – 2003	Lecturer , Civil Department, Institute of Engineering (IOE)
1999. – 2001	Project Management Advisor cum National Project Manager , Feeder Roads Project, UNDP/UNOPS
1997- 1999	Chief , Research and Training Unit, Civil Department, IOE
1992-1996	Chairman , Highway and soil Instruction Committee, IOE
1979 – 1981	Civil Overseer , Civil Aviation Department, HMG.

FROM 1987
EMPLOYER
POSITION HELD

: Till date
: Pulchowk Campus, Institute of Engineering, TU
Professor/Associate professor/Lecturer

Delivered lectures in a number of subjects in PCCE, Graduate and Post graduate levels mainly on transportation engineering and project/construction/contract management. Conducting elective courses named *Arbitration and claim management* and *Procurement and contract management, Construction Project Management* to MSc students of Construction Management at IOE and Nepal Engineering College. Delivered lectures on **Project and Contract Management courses** to MSc. in Urban Development, Environmental Engineering, Water Resources Engineering, Structural Engineering, Renewable Energy Engineering etc. at IOE. Worked as a thesis supervisor on contract issues for more than 40 MSc students. Worked for a number of manuals, thesis and publications as follows

- *How to make Adjudication more useful in construction contracts in Nepal – prospective and challenges – Half yearly bulletin 2014 vol: 21, November 2014 of Nepal Council of Arbitration.*
- *Prospective and problems of variation and adjudication in engineering projects in Nepal – MIRROR of Society of Consulting Architectural and Engineering Firms (SCAEF) – 2013.*
- *Basics of Dispute Resolution Mechanism in construction contracts considering a legal prospective. PPMO publication 2012*
- *Quality Management in developing countries – MSc. Thesis submitted to UMIST, UK, 1997*
- *Quality management that pays off: proceedings of South-Asian countries conference on challenges to architects and civil engineers during 21st century, 1999.*
- *Risk management in road and other construction projects in Nepal* proceeding of National Seminar on Management of Construction projects in Nepal, 2001
- *Course manual on Engineering Professional Practice* by B. Pahari, K. Dallakoti and S. Shrestha. 2061
- *Course manual on Project Planning and Management* for MSc in Renewable Energy Engineering, IOE, December 2003
- *Course manual on Construction management and Methods* for MSc. in Structural Engineering, IOE, 2004
- *Course manual on Quality and Reliability Management* for MSc in Construction Management, nec-CFAS, 2004
- *Course manual on Fundamentals of Project Management* for MSc in Construction Management, nec-CFAS, 2004
- *Report on Physical Assets Management Strategy for Nepal Health Sector Program*, prepared and submitted to GTZ-HSSP in August 2003
- *Training manuals (4 numbers) on trail bridges for Civil Engineer practicers, BE Civil engineering, Diploma in civil engineering etc.* RTU, Department of Civil Engineering, IOE, 2003/2004

FROM Feb 2001 : Till date
EMPLOYER : Building Deign Authority (P) Ltd.
POSITION: Director/ Contract expert

Procurement and Contract expert in more than two dozens of projects undertaken by BDA, a few of them;
• Project Director/Contract expert for DSC 4, KUKL, PID. Design and construction supervision of Kathmandu Valley Waste Water Management Project (DOHWA and ERMC-BDA).

- Contract expert for DSC 2, KUKL, PID. Detail Design and construction supervision of water supply main and distribution systems in Kathmandu valley for NJS Japan.
- Contract expert - Detailed Engineering Design and Construction Supervision of Secondary Town Integrated Urban & Environmental Improvement Project (STIUEIP) of Biratnagar Sub-metropolitan City.
- Contract expert - Detailed Engineering Design and Construction Supervision of Secondary Town Integrated Urban & Environmental Improvement Project (STIUEIP) of Birgunj Sub-metropolitan City.
- Procurement expert - Detailed Engineering Design and Construction Supervision of Urban & Environmental Improvement Project (UEIP) of Dhulikhel Municipality.
- Procurement expert - Detailed Engineering Design and Construction Supervision of Urban & Environmental Improvement Project (UEIP) of Hetauda Municipality.
- Contract expert - Re-Construction of Perimeter Boundary Wall and allied Road works at Indian Embassy, Lazimpat, Kathmandu, Nepal.
- Expert for Study on Physical Assets Management Strategy for Nepal Health Sector Programme – Implementation Plan
- Master Plan, Architectural Design Drawings and Documentation of Civil Homes, Phase –I at Bhainsepati, Lalitpur.

FROM Jan. 1999 to Feb 2001 EMPLOYER UNDP/UNOPS

POSITION: Project Management Advisor/National Project Manager for UNCDF financed Feeder Roads Project

Bardibas–Jaleswor, Janakpur–Dahanusadham (BJJD) Feeder Roads Project - Worked as a Project Management Advisor cum National Project Manager (PMA/NPM) of BJJD Feeder Roads Project to guide and assisted National Project Director of Executing Agency, Department of Roads in managing project implementation and contract administration of FIDIC model of contract for road and bridge construction. The project consisted of construction of feeder roads (black-topped) having lengths of 42 km road plus one RCC bridge in Mahottari district and 16 km road and two RCC bridges in Dhanusha district. **Four road contracts, one bridge contract and one consultancy contract** were awarded to complete the job during construction phase.

Experience in the field of adjudication and arbitration

Decisions given as an adjudicator for the following disputes in the year 2000 to 2010

- Silghadhi – Sanfebagar Road Project on disputes between CCECC-Sharma JV and DOR for RMDP/REHAB/SS-04
 - Silghadhi – Sanfebagar Road Project on disputes between CCECC-Sharma JV and DOR for RMDP/REHAB/SS-05.
 - Rehabilitation of Narayangargh – Muglin Road RMDP / REHAB / ICB / N M – 09
(**Claimant:** Adarsa – The Kanchanjangha – Lama Builders JV and **Respondant:** DOR)
 - Road Network Development Project, Pauwa-Phidim Road, RNDP/LCB/PP – 4 between ***Santoshi – Bhairab – Nagarjun JV and DOR***
 - Road Network Development Project, Pauwa-Phidim Road, RNDP/LCB/PP – 3 between ***The Kanchanjangha – Kailash JV and DOR***
 - Upgrading of Katari – Gahubari section of Mirchaya - Katari Sunkoshi Road RMDP / REHAB / ICB / MKS -12 between Tundi Construction (P) Ltd and DOR
 - Construction of Riu Khola RCC Vented Causeway between ***Amar-Lohani and Brothers JV and DOR***
 - Road Network Development Project, Road Improvement Component, Damak – Gaurigunj Road RNDP/LCB/DG – 01 between Lumbini - Mainachuli JV and DOR
 - Road Network Development Project, Road Improvement Component, Damak – Gaurigunj Road RNDP/LCB/DG – 01 between ***MK - ANK JV*** and DOR
 - Road Network Development Project, Road Improvement Component, Damak –
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Gaurigunj Road RNDP/LCB/DG – 01 between *Amar – Sunaula Khimti* JV and DOR

- Road Network Development Project, Road Improvement Component, Damak – Gaurigunj Road RNDP/LCB/DG – 01 between *MK - ANK Joint Venture and* DOR
- Adjudicator for a number of projects in Department of Roads, Dolidar etc.

2010 to till date

- Khodpe – Bajhang Road Project, Jay Prithibi Bahadur Singh marga KBRP – 21/057-058 Adjudicator for escalation claim and compensation claim, DOR, *KBRP Vs Pahad Shrinkhala Construction, Kailali, 2012*
- Khodpe – Bajhang Road Project, Jay Prithibi Bahadur Singh Marga KBRP – 22/057-058 Adjudicator for escalation claim and compensation claim, DOR, *KBRP Vs. Kedar Nirman Sewa, Bajhang, 2012*
- Construction of Baruwa Khola Bridge between DOR Vs. Lumbini Shanti JV
- Adjudicator for Contract No:01/SNB/067/068 – *Construction of Surahi Nala Bridget in the matter of dispute between Mahalaxmi – Pacific JV Contractor (Claimant) And Trail Bridge Section, DOLIDAR, GON, Employer (Respondent) On Construction of Surahi Nala Bridge at Hallanagar, Kapilvastu Contract No: 01/SNB/067/068 Disputes Related to Price adjustment - June 2014*
- Adjudicator for Pusphalal (Mid Hill) Highway Project Construction of Ghurmi-Chatara Koshi Corridor Sector (Contract No-KCHP/GC/01/068-069, Chainage 0+000 to 2+160) dispute between Sunaula Khimti – Dhruva & Tara JV, Claimant And Pusphalal (Mid Hill) Highway Project, DOR, Defendant on the issue of Termination of Contract and payment of IPC Contract No KCHP/GC/01/068-069, Chainage 0+000 to 2+160, August 2018
- Adjudicator for Pusphalal (Mid Hill) Highway Project Construction of Ghurmi-Chatara Koshi Corridor Sector (Contract No KCHP/GC/11/068-069) dispute between Kankai – Thapa – Jeevan J/V, Claimant And Pusphalal (Mid Hill) Highway Project, DOR, Defendant on the issue of Termination of Contract and claim for bank charges Contract No KCHP/GC/11/068-069, August 2018
- Adjudicator for Pusphalal (Mid Hill) Highway Project Construction of Ghurmi-Chatara Koshi Corridor Sector (Contract No- KCHP/GC/12/068-069, Chainage 0+000 to 2+160) dispute between Himdung & Thokar Construction (p) Ltd, Claimant And Pusphalal (Mid Hill) Highway Project, DOR, Defendant on the issue of Termination of Contract and claim of idle resources Contract No KCHP/GC/12/068-069, Chainage 16+920 to 18+880, August 2018
- Adjudicator for Pusphalal (Mid Hill) Highway Project Construction of Ghurmi-Chatara Koshi Corridor Sector (Contract No KCHP/GC/19/068-069) dispute between Diwa – Jagrit J/V, Claimant And Pusphalal (Mid Hill) Highway Project, DOR, Defendant on the issue of Termination of Contract Contract No KCHP/GC/19/068-069, August 2018

DB/BAB/DRE member

- Member of Dispute Adjudication Board (DRB – comprising of 3 members)) for Lamidanda – Melamchi pul bazar road upgrading project since September 2009 to 2011 for contract MDS/UAR/02 (Project cost NRS 500 Million), Melamchi Water Supply Project. Contractor Marushin Shitaka – Tundi JV and decision given on following claims

- New rate for stone masonry work A600-2 and C 600-2 (IPC 21)
 - Extension of time
 - Compensation for idle equipment and manpower
 - Over Axle Loading
- Member of Dispute Board for MDS/DT/01 (Project cost NRs 4250 million) – Head works and **Diversion tunnel construction (26km)** for Melamchi Water Supply Project from October 2010 to January 2013. Contractor - China Railway 15 Bureau Corporation (CRCC) and China CMIIC Engineering Corporation JV. Decision given on the following claims
 - ▣ Extension of completion time
 - ▣ Additional cost compensation of idle resources, counter bank guarantee
 - ▣ Insurance etc.
 - **Dispute Review Expert** for Tribhuvan International Airport Improvement Project (TIAIP) Vs. CREC – Tundi JV – various issues including custom tax refund, price adjustment, emergency work etc. 2014
 - **DB member** for Construction of Sunkoshi Bridge and approaches (Contract – RCSP/ICB/SB-01) under Road Connectivity Sector Project between Department of Roads and ANK-YP-Tundi JV, 2015
 - **DB member** for Sanjen (Upper) **Hydroelectric Project**, between Sanjen Jalbidhyut Project and *ECI-BGCCPL JV*, July 2015-2019
 - **DB member** for Bagmati Rehabilitation and Beautification Project (BRBIP), Guheshwori, Kathmandu HPCIDBC and Kalika-Ranken-Lama JV, April 2017 onwards.
 - **DB member** for Tanahu Hydropower Project (140MW), package 2 (150 + million USD): Nepal Electricity Authority and Sinohydro Corporation Ltd, 2021

Sole DB member

- Sole DB for ICB-01: Airside Infrastructure and landside Terminal Improvement at TIA, Simikot and Rara Airports (Contract cost ~ USD 60 million) for TIAIP and Constructora Sanjose S. A. Spain, May 2014 onwards till the end of 2018
 - Claim on reduction of tipper carry height
 - Claim on soil royalty on soil
 - Emergency decision issue on termination of contract after forfeit of advance guarantee and performance bond
 - **Claim related to Termination** – lawful vs unlawful and claim amount of claimant USD 100 million and Respondent's counter claim USD 100 mln.

ARBITRATION

As a chief arbitrator

- Chief Arbitrator for British School Vs. East West Engineering Services (P) Ltd. 2013
- Chief Arbitrator on the issue of termination of Power Purchase Agreement (PPA), Nepal Electricity Authority (NEA) Vs. Dupcheshwor Mahadev Hydro Company Pvt. Ltd. 201
- Sole Arbitrator *in the matter of disputes between Gorkha Construction – Swachhand Nirman Sewa JV – Contractor (Claimant) And Rahughat Hydroelectric Project, NEA, Employer (Respondent) For construction of infrastructure for camp facilities project* contract no.: RGHEP-NEA/02/2067-068 in June 2017 on
 - Claim for Liquidity damage,
 - rock cutting in foundation,
 - delay in decision of wooden frame and shutters,
 - new rate for B2 building site,
 - mobilization advance settlement by Bank Guarantee and
 - reduced actual work quantity of BOQ
- Chief Arbitrator in the matter of dispute between Global Construction Pvt. Ltd. and Small

Town Water Supply and Sanitation Project DWSS for contract Prithivinarayan Water Supply and Sanitation Project, contract no. STWSSSP/prithivinarayan/LCBO9 – January 2017

- Chief arbitrator (UNCITRAL Arbitration Rules) in the matter of dispute between ICOMM Tele Limited and Nepal Electricity Authority on contract Hetauda- Bharatpur 220 KV Transmission Line Project, 2019- 2020 (ongoing)

As an Arbitrator

- **Arbitrator** for Tansen – Shyanja road to settle dispute of Bonus between Department of Roads and CCECC-Sharma JV 2005
- **Arbitrator** for Bhalubang – Pyuthan Road Project for dispute between Departments of Roads Vs Rishi-Tundi JV 2015
- **Arbitrator** for disputes between M. K. Nirman Sewa and District Development Committee, Morang, 2015
- **Arbitrator** for Contract No. ESRP/MOE/CLPIU/073/074 – Nuwakot -03 – Construction of 5 school Building Complex in Nuwakot District. Mahadev Khimti Nirman Sewa Pvt. Ltd. Kathmandu Vs. National Reconstruction Authority (NRA), Central Level Project Implementation Unit (CLPIU). 2019
- **Arbitrator** for Contract No DWIDP-DOI/MRTP/AV1/05/2070-71 – construction of retaining wall with Counterfort and Service Road along left bank of Mahakali River. Mahakali Rivder Training Project, Department of water induced Disaster management Vs. M/S ANK-Bajraguru- Amar JV, 2020
- **Arbitrator** in the matter of disputes between Lama Construction Company Pvt. Ltd. - Contractor (Claimant) And Rahughat Hydroelectric Project, NEA, Employer (Respondent) For construction of infrastructure for camp facilities project contract no.: RGHEP-NEA/03/2067-068 in June 2017.
- **Arbitrator** for construction Contract RRRSDP/Mor/RR/NCB/004, CH – 22+500 to 30+901 Upgrading of Pathari – Dianiya – Sikti Road, Morang in the matter of arbitration between M. K. Nirman Sewa Pvt. Ltd, Contractor (Claimant) And DTO, RRRSDP for DDC, Morang, Employer (Respondent) On Unjust termination of Contract RRRSDP/Morang/RR/NCB/004, April 2016
- **Arbitrator** in the matter of Dispute on a Contract for the Upgrading of Bhaluwang-Pyuthan Road, Contract No. RIP/EXIM/BP-05 between Department of Roads, Babarmahal, Kathmandu, Nepal, Employer/ Claimant versus Rishi Builders (India) Pvt. Ltd and Tundi , Shanti Basti, Sanepa-3, Lalitpur -Contractor/Respondent 2015
- **Arbitrator** in the matter of dispute for Construction of Building of National Identity Management Center at Singhadurbar)Contract No. 05-069/70 (February 2019

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