

# Curriculum Vitae

**Name** : Gyanendra Prasad Kayastha

**Position** : CEO/Project Director

**Date of Birth** : 7 July 1956

**Nationality** : Nepalese

**Marital Status** : Married

**Address** : Bijayabasti, Sanepa, Lalitpur - 2, Nepal

**Phone** : Residence:: 5539527, Mobile: 9841225992

**Email** : [gkayastha@hotmail.com](mailto:gkayastha@hotmail.com)

**Education** : Masters in Construction Management, 2006,  
Pokhara University, Nepal

Bachelor of Civil Engineering, 1984,  
University of Roorkee, India

**Professional Membership** : Nepal Engineering Council  
Nepal Engineers Association  
Nepal Hydropower Association  
Nepal Council of Arbitration (Panelist Arbitrator)

**Work Experience** : 32 years' experience Design/Procurement and Contract Management including  
Construction Supervision and Operation of Hydro Electric Projects)

**Training**

**Training on Contracts Management and FIDIC In Hydropower Projects (Kathmandu, 2014)** : Attended the Training Program on Contracts Management and FIDIC in Hydropower Projects organized by Nepal Hydropower Association (NHA) in collaboration with World Bank from 27 to 28 March, 2014, Kathmandu, Nepal

**Training on Water & Hydropower Development and Management (South Korea, 2013)** : Attended the Training Program on Water & Hydropower Development & Management organized by Korea International Cooperation Agency (KOICA), South Korea from 29 November to 13 December 2013

**Procurement & Contract Management** : Attended the Training of Trainers program on "Procurement and Contract Management", Lalitpur, Nepal organized for Officials of the Government and Public Organization of

**(Kathmandu,2013)**

Nepal by Center for Procurement Management, Nepal Administrative Staff College (NASC) in collaboration with Public Procurement Monitoring Office (PPMO) from 26 Aug to 16 Sept 2013

**Training on Advance Arbitration and Mediation ( Washington D.C, USA, 2012)**

Attended the Training Seminar on Advanced Arbitration and Mediation organized by International Law Institute, Washington D.C. USA from 30 April to 11 May 2012

The training covers the following topics:

- Pros and Cons of International ADR
- The Negotiation Process
- How Mediation Works
- Mediation Tools and Principles
- The Role of Advocate and Litigant
- Legal Issues in International Arbitration
- The Arbitral Process

**Training on FIDIC 1999 Conditions of Contract ( Austria, 2010)**

: Attended the Training Course “The Management of Claims and Resolutions of Disputes under FIDIC 1999 Contracts and MDBs’ Construction Contract” held in Vienna, Austria(26/27 April 2010) organized by FIDIC/CCM/ECV

The training covers the following topics:

- Project Risks & Causes of Claims
- Claims & Contractual Procedures
- Time Related Entitlements
- Additional Payment Claims
- Establishment of Dispute Adjudication Boards(DAB)
- DAB Procedural Rules
- DAB Decisions
- Engineer as DAB, Amicable Settlement & Arbitration

**Training on FIDIC 1987 Conditions of Contract ( England 2001)**

: Attended the training course "Contract and Contract Procedures and the FIDIC Conditions" held at Chartered Institute of Building (CIOB), Englemere/Ascot, United Kingdom from 15 August to 24 August 2001 organized by Thomas Telford Training.

The Training covers the following courses:

Contract and Contract Procedures and the FIDIC Conditions

The FIDIC Conditions of Contract 1987

Foundation Course in Contract Law & Contracts Modern Approaches to Construction Management

**Training on Hydropower Development ( Germany, 2000)**

: Attended the training course “Training program within the framework of the project - Middle Marsyangdi Hydroelectric Project” held in Germany from 11 October to 10 November 2000 organized by FICHTNER, Consultant for Middle Marsyangdi HEP.

Main Topics covered by the Course:

- Hydraulic model tests of spillway and flushing channel with practical applications conducted at Institute of Hydraulic Engineering and Water Resources Management, Aachen University of Technology
- General Principles and design of hydraulic structures
- Courses on mechanical and electrical equipment of hydropower stations general approach and specific installations at MMHEP
- Environmental Impacts and concerns arising from hydro stations Environmental Impact Assessment

**Training on  
Hydropower  
Development  
( Norway, 1999)**

- : Attended the training course "Hydropower Resources Development and Management" held at Trondheim, Norway from 31 May to 17 June 1999 organized by International Centre for Hydropower (ICH)

Main Topics covered by the Course:

Energy needs and planning requirements  
Legal and institutional frameworks  
Environmental Impact Analysis  
River System and Simulation Model  
Hydropower in mixed supply system  
Planning Methods  
Economical and Financial Assessments of projects  
Financing of Hydropower Development  
Design Cost Estimates  
Management and Operation  
Project Management

**Participation**

**Conferences/Seminars/Workshops/Symposiums/Adjudication/DAB/Arbitration/Contract Expert Services**

- : Participated in the "International Symposium on Snow and Glacier Hydrology" held in Kathmandu from 16 Nov. to 21 Nov. 1992 organized by Snow and Glacier Hydrology Project, Department of Hydrology & Meteorology.
- : Participated in the Workshop Acceptance Test for the Gantry Cranes for Marsyangdi Hydropower Station at Contractor NOELL's factory, Augsburg and Wutzberg, Germany from 28 November to 10 December 1993.
- : Participated in the 6<sup>th</sup> International Conference on Development of Hydropower – A Major Source of Renewable Energy held at Kathmandu from 7 to 9 June, 2005 organized by International Association on Electricity Generation, Transmission and Distribution (Afro – Asian Region) in association with Nepal Electricity Authority & Central Board of Irrigation and Power, New Delhi, INDIA.
- : Participated and Contributed in the “Residential Workshop on formulation of Design Guidelines for Headwork of Hydropower Project” held at Bhaktapur from 2 to 4 July, 2006 organized by Electricity Development Department, Ministry of Water Resources, Government of Nepal.
- : Participated in the “National Seminar on Investment in Hydropower Projects - Issues and challenges” held at Kathmandu from 6 to 7 March, 2007 organized by Nepal National Committee.
- : Participated in the Afro – Asian 7<sup>th</sup> International Hydro Conference on “Speedy Development of Hydropower in Developing Countries – Issues & Challenges” held at Kathmandu from 3 to 5 March, 2011 organized by International Association on Electricity Generation, Transmission and Distribution (Afro – Asian Region) in association with Nepal Electricity Authority
- : Participated in the National Seminar on Challenges of Power Sector of Nepal held at Kathmandu from 18 to 19 March 2010, organized by International Association on

Electricity Generation, Transmission & Distribution(Afro-Asian Region) in association with Nepal Electricity Authority

- : Participated in Brief Presentation and Interaction Programme on “KfW Carbon Fund Mission” held at Kathmandu on 13 March 2011 organized by Nepal German Chamber of Commerce and Industry & KfW Local Office
- : Participated as Contract Expert by providing assistance to the Sole Dispute Board Member for conducting hearings and delivery of DB Decision for the Dispute between Department of Road and the Contractor CGGC-Lama Construction Company for the construction of Kakarvita Inland Clearance Depot, Sub-regional Transport Facilitation Project, Contract No.STFP/ICB/KB (Disputed Amount NRs. 85,724,307.76)
- : Participated in Seminar on Ethics in Arbitration held at Kathmandu on 5<sup>th</sup> September 2011 organized by Nepal Council of Arbitration
- : Participated in DRBF Kathmandu Colloquium held on 5<sup>th</sup> November 2011 organized by Dispute Resolution Board Foundation
- : Participated in the High Level Meeting between NEA and Lot C: Civil Works Contractor DDC JV of Middle Marsyangdi HEP (70 MW) for full and final settlement (MoU signed on 25 January 2012)
- : Participated in the High Level Meeting between NEA and the Contractor M/S Sino Hydro for the resumption of Works due to Termination of the Kulekhani III HEP by the Contractor on 9 January 2012 (MoA signed on 18 February 2012 for resumption of works)
- : Participated and presented a technical paper “Importance of Contract Administration in the Construction of Hydropower Projects” on ASIA 2012 – Fourth International Conference on Water Resources and Renewable Energy Development in Asia held at Chiang Mai, Thailand from 26 to 27 March, 2012 organized by Hydropower and Dams.

Participated as Adjudicator as per the appointment by Nepal Council of Arbitration (NEPCA) on 23 September 2012 & Delivered Adjudicator’s Decision on 31 December 2013 for the Disputes related to Claim No.1 & Claim No.2 under the Contract No.:KUKL/DNI/02/04 between the Employer “Kathmandu Upatyaka Khanepani Limited” and the Contractor “Sharma and Nepal Adarsha Joint Venture” (Disputed Amount NRs.7,395,983.87)

- : Participated in Seminar on Drafting Dispute Resolution Clauses And Adjudication In Construction Contract held at Kathmandu on 28<sup>th</sup> February 2013 organized by Nepal Council of Arbitration (NEPCA)
- Participated in Consultative Meeting for SASEC Energy in Candy Sri Lanka Sept.2012, organized by ADB

Participated in SASEC Energy Working Group Meeting in Thimpu, Bhutan November 2012 organized by ADB

Participated in the High Level Meeting between NEA and the Contractor M/S IVRCL, India in relation to the negotiation on the issues raised by the Contractor for accepting

NTP issued by the Engineer for Rahughat HEP (32 MW) (MoA signed on 10 May 2013 for resumption of works)

Participated in Two Day Seminar on “Claim Management and the Arbitration” held at Hotel Yak Palace, Kathmandu on 17<sup>th</sup> and 18<sup>th</sup> December 2013 organized by Nepal Council of Arbitration (NEPCA). The Resource person was Mr. Mark Entwistle, International Arbitrator based in London,U.K

Participated as Arbitrator as per the appointment by Road Department, Government of Nepal for the dispute related to DBST materials under Contract STEP/NCB/CK-02 with the Contractor M/S MG CONTRACTORS-ASHISH JV. Other Arbitrator was Mr. Mr. Deepak Bhattarai. Both have appointed Mr. Udaya Nepali Shrestha as Chairman of the ARBITRATION TRIBUNAL & Delivered Arbitral Award on 13 February 2014 for the Disputes related to the above dispute. Disputed Amount NRs.25, 427,991.94

Participated as a Resource person and delivered lecture on the topic “Role & Responsibilities of Employer, Engineer and Contractor in FIDIC Contracts” on the training program on Procurement and Contract Management in the context of Dispute Settlement” organized by Nepal Arbitration Council (NEPCA), 20-25 April, 2014, Kathmandu, Nepal.

Participated in Two Day International Conference on “Role of Arbitration in Engineering Contracts” held at Bigyan Bhavan, New Delhi, 7-8 November 2014 organized by Indian Institution of Technical Arbitrators (Delhi Center).

Participated in Two Day Seminar on Advanced Topics in Arbitration on held in Lalitpur, Nepal on January 11 - 12, 2015 organized by Nepal Council of Arbitration (NEPCA)

Participated as Resource Person & Delivered a lecture on “Claim Preparation and Evaluation in Construction Contract” on the Training program “ Construction Management and Dispute Settlement” held on Lalitpur, Nepal on January 18 – 23, 2015 organized by Nepal Council of Arbitration (NEPCA)

Participated as the Arbitrator appointed by H & B Development Bank Ltd. in the disputes between the Employer (Bank) and the Contractor M/S Danfe-Tirupati JV for the construction of Commercial Complex Building of Birgunj Finance Limited at Birgunj. Other Arbitrator is Mr. Sanjeev Koirala and the Chief Arbitrator is Mr. Bipulendra Chakrabaty. Delivered Arbitral Award on 03 February 2015.

Participated as the DAB member appointed by Hetauda 132 kV Substation & Transmission Line Project (NEA) in the disputes between the Employer (NEA) and the Contractor M/S Dalian Guagning Mechanical & Electrical Installation Co. Ltd. and Mudbhary & Joshi Construction Co. P. Ltd. (JV) for the construction of Substation and Transmission Line. Other member is Mr. Jayandra Shrestha and the Chairman is Mr. Lekh Man Singh Bhandary. DAB decision provided on 14 June 2015.

Participated as the Arbitrator in the disputes between Hetauda – Bharatpur 220 kV Transmission Line Project, NEA (Employer) and the Contractor M/S ICOMM Tele Ltd. for the Supply & Installation of Hetauda – Bharatpur 220 kV Transmission Line. Other Arbitrator is Mr. Chet Nath Ghimire and the Chief Arbitrator is I.C.Sharma. Delivered Arbitral Award on 27 January 2016.

Participated as Adjudicator as per the appointment by Nepal Council of Arbitration (NEPCA) & Delivered Adjudicator's Decision on 06 September 2015 for the Disputes related to Running Bill for Work Done between the Employer "M/S Prithvi Narayan Campus, Pokhara-01, Kaski" and the Contractor" M/S Indreni/Fewa/Gauchan JV, Pokhara-07, Kaski " (Disputed Amount NRs. 89, 04,415.60)

Provided Contract Expert Services on September 2015 on the following issues for Budhigandaki Hydroelectric Project Development Committee (BGHPDC).

- Review of Main Consulting Agreement with Tractbel Engineering, France(TEF)
- Review of Tripartite Agreement signed by NEA/ BGHPDC/TEF
- Review of the delay and costs due to Transfer and Assumption Agreement

Provided Contract Expert Services on October 2015 on the following issues for Budhigandaki Hydroelectric Project Development Committee (BGHPDC).

- Review of Tender Documents of Lot 1-Preparatory Works
- Review of Tender Documents of Lot 2-Dam & Appurtenant Structures
- Review of Tender Documents of Lot 3- Power Plant & Waterways

Participated as Adjudicator as per the appointment by Nepal Council of Arbitration (NEPCA) & Delivered Adjudicator's Decision on 26 June 2016 for the Disputes related to Price Adjustment under the Contract No.: 51-2067/68 between the Employer " M/S Division Road Office, Damauli" and the Contractor " M/S Adventure/Engineering/Ishan JV, Bharatpur-4, Chitawn" (Disputed Amount NRs.98,08,354.82)

#### **Job Descriptions:**

**August 2015 to till date**

Working as Contract/Claim Expert with SMEC, the Consultant to Sanjen (Upper) and Sanjen Hydropower Projects

**From April 2014 to July 2015**

Worked as Contract Expert in Tanahu Hydropower Project (144 MW)

**From June 2011 to March 2014**

Worked as Contract Expert in Managing Director's Secretariat, NEA

Assisted the project team in the contractual issues of the hydropower projects undertaken by NEA (14 MW Kulekhani 3 HEP, 60 MW Trishuli 3A HEP, 30 MW Chameliya HEP and 32 MW Rahughat HEP)

Contributed in the contractual matters in different committee formed by NEA Board in relation to amicable settlement of claims/ contract negotiation and dispute resolution of the various contracts

**From June 2001 to May 2011**

: Worked as Chief of Contract Administration Division/Claim Division of Middle Marsyangdi Hydropower Project(70 MW)

Responsibilities Includes:

- Day to Day Contract Administration
- Conducting Monthly Progress Meetings
- Conducting Headwork and Powerhouse Coordination Meetings
- Conducting Panel of Expert's Meetings
- Conducting Crisis Management (CMT) Meetings
- Conducting Environmental Monitoring Meetings
- Conducting Neighborhood Support Program (NSP)Meetings

- Finalizing Projects under NSP in consultation with the stakeholders
- Support and Facilitate the Consultant/Contractors, Suppliers and Manufacturers for obtaining necessary permits/license/approval as part of the Employer's obligation under the contract
- Processing of Invoices of Consultant and the Contractors
- Processing of Variation Orders
- Claim Assessment/Management
- Managing all contracting activities of the Contracts in close association with the Engineer Fichtner JV
- Preparation of disbursement schedule based on Contractors' cash flow
- Preparation of procurement plan for project related works
- Estimation of annual required budget for local portion
- Working Closely with Finance Division for Financial Management
- Working Closely with Planning/Scheduling/Monitoring Division in relation to the Project Monitoring and Control
- Participating in the meetings with the local administration/custom department, energy ministry/finance ministry and planning commission
- Establishing good relationship with the stakeholders for the success of the project during pre and post meetings
- Encouraging the stakeholders for visit to the project site to understand actual situation of the project.
- Preparation for Amicable Settlement Meeting with Lot C4 Contractor M/S Tundi Lama JV for Employer's and Engineer's Camp(FIDIC Contract 1987)
- Preparation for the Arbitration Proceedings in the dispute with Lot C4 Contractor: Disputed Amount = Nepalese Rupees 27 million

Employer "Middle Marsyangdi HEP/NEA" and Contractor "Tundi Lama JV"

1. Chief Arbitrator: Mr. Kedar Nath Acharya
2. Co-Arbitrator: Mr.Ganesg Raj Sharma
3. Co-Arbitrator: Mr.Chitra Dev Bhatta

Actively involved in preparation counterclaims and different documents including Respondents' Statement of Defense in close association with Legal Counsel

- Preparation for Amicable Settlement Meeting with Lot C Contractor for Civil Works M/S Dywidag-Dragados-CWE JV (FIDIC Contract 1987)
- Preparation for the Arbitration Proceedings in the dispute with Lot C Contractor: Disputed Amount Euro 44.7 million & NRs 38.4 million (ICC/ICA Case No.14169/JB/JEM)

Employer "Middle Marsyangdi HEP/NEA" and Contractor "Dywidag-Dragados-CWE JV"

4. Chief Arbitrator: Mr. P.A Gelinias
5. Co-Arbitrator: Mr.B.B.Deuja

6. Co-Arbitrator: Mr.M.Schneider

Actively involved in preparation counterclaims and different documents including Respondents' Statement of Defense in close association with Legal Counsel

Participated as witness in three Evidentiary Hearings in Nepal (2008/2009) and Two Post Brief Oral Closing in Zeneva, Switzerland (January 2009) and France (August 2009)

Actively involved in the review of tender documents prepared by Consultant M/S Nor Consult-Lahmeyer for Upper Tamakoshi HEP(456 MW) based on FIDIC 1999

Actively involved in the review of tender documents of Kabeli Hydroelectric Project (37.5 MW) being developed by Kabeli Energy Limited under Butwal Power Company

Actively involved in the review of tender documents of Lower Solu Hydroelectric Project (82 MW) prepared by M/S Lahmeyer International, India, being developed by Essel Clean Solu Hydropower P Ltd.

Actively involved in the review of tender documents of Upper Sanjen (14 MW), Sanjen (42 MW) , Rasuwagadhi (111 MW) and Bhotekoshi (102 MW) HEPs

Actively involved in the review of Prequalification Documents of Rasuwagadhi (111 MW) and Bhotekoshi HEP (102 MW)

Actively involved in the review of EoI Evaluation Criteria and RFP for Sanjen, Rasuwagadhi and Bhotekoshi HEPs

Actively involved in the review of tender documents of Upper Solu Hydroelectric Project (23 MW) prepared by M/S ITECO Nepal P. Ltd. in Joint Venture with Total Management Services (P) Ltd. being developed by Upper Solu Hydro Electric Company P. Ltd..

**From April 2000 –  
May 2001**

: Assigned to Middle Marsyangdi Hydropower Project (70 MW)  
Responsibilities includes:

- Procurement Planning of Different Lots
- Coordination of the preparation of the following tender documents:
  - Lot C – Main Civil Works based on FIDIC 1987(Red)
  - Lot C4 – Employer & Engineer's Camp based on FIDIC 1987(Red)
  - Lot C5 – Furniture & Furnishings
  - Lot C6 – Appliances

Assisted in the preparation of , and reviewed the technical and contractual aspects of the following additional tender and contract documents:

- Lot E – Electrical Works based on FIDIC 1987(Yellow)
- Lot M – Mechanical Works based on FIDIC 1987(Yellow)
- Lot SS1 – Main Substation Works based on FIDIC 1987(Yellow)
- Lot HSS – Hydraulic Steel Structure Works based on FIDIC 1987(Yellow)
- Lot TRL – Transmission Lines based on FIDIC 1987(Yellow)

**From Sept. 1989 -**

Worked as a Chief of Headwork at the Marsyangdi Hydro Power Station(69 MW)



**March 2000**

**Responsibilities includes:**

- Assisting in the Operation of Weir, Reservoir and Settling Basin
- Assisting in Monitoring and Maintenance of Civil Structures
- Implementation of the Sediment Monitoring Program
- Contract Administration of Weir Control Building
- Assistance in the implementation of recommendations for the Marsyangdi Rehabilitation Project
- Production of Yearly Report on operation and maintenance of Headwork and Powerhouse Activities.

**From Jun 1987-Aug 1989**

- : Worked in Marsyangdi Hydro Power Project (69 MW) under Consultant M/S Lahmeyer International, Germany, for the supervision of the construction works of:
- Headrace Tunnel: 6.4 m diameter concrete lined 7,100 m long excavated by NATM method and concreted by Telescopic formwork
  - Surge Tank: 20.5 m diameter and 50 m in height concrete lined shaft with throttle
  - Drainage Gallery: 130 m long around the surge tank shaft with
  - holes – fan
  - Post Tensioned Anchor: Assembly, drilling holes, installation and tensioning ins surge tank slope for their protection
  - Also involved in quality control on rock bolts, shotcrete and concrete
  - Involved in the dam instrumentation

**From Aug. 1984-May 1987**

- : Worked as a Design Engineer cum Hydrologist in the design of hydro power projects under taken by NEA.

**CERTIFICATION:**

I, the undersigned, certify that, to the best of my knowledge and belief, this bio-data correctly describes my qualifications, my experience and myself. I understand that any willful misstatement described here in may lead to my disqualification or dismissal, if employed.



Gyanendra Prasad Kayastha  
Kathmandu, Nepal