

KHAWAJA HAMID MUSHTAQ

Director, Dispute Resolution Cell, NHA
B.E Civil, M Const Law, FCI Arb, PMP

A: H/No 329, St 49, G-10/3
Islamabad
E: hanny_khawaja@hotmail.com
+92 321 5593832

PROCUREMENT | CONTRACT ADMINISTRATION | DISPUTE RESOLUTION | ARBITRATION

Highly skilled **Engineer** and **legally** trained **Procurement, Contracts & Claims Specialist** with over 18 years of demonstrated experience in the successful procurement and contract management of various multimillion dollar **infrastructure & Hydropower projects**. Offer outstanding talents in **Public sector procurement, Public-Private Partnerships, end-to-end Contract Administration, Claim Management, Alternate Dispute Resolution and Arbitration**. Experienced in preparation of **Bidding documents & Claims** on Construct Only, Design Build, PPP and EPC/Turnkey project delivery models using various Standard Forms like **FIDIC Suite (including Red Book) 1987, 1999 & 2017**. Effectively contributes to and **leads teams**, with a focus on promoting a culture of collaboration and commitment. Communicates with finesse, negotiates with confidence and diplomatically tackles complex situations involving key **stakeholders**. Builds and maintains valuable **working relationships** with partner organizations that support organizational goals.

EXPERTISE OFFERED

- Project Procurement
- Contract Management
- Financial Management
- Contractual Claims
- FIDIC Contracts Trainer
- Leadership & Team Building
- Construction & Investment Arbitration
- Dispute Adjudication Boards
- Public Private Partnerships

KEY STRENGTHS

- **Project Procurement:-** Demonstrated experience in the Public procurement of Works and Services, preparation of bidding documents as required by donor agencies, experience of Public procurement regulations like PPRA rules, reviewed the TOR's and supported the establishment of E-bidding system in NHA.
- **Contract Management:-** Possess well developed knowledge of commercial and infrastructure Contracts and experienced in managing FIDIC Rainbow Suite, MDB forms, NEC & bespoke contracts, both in Pakistan & overseas. Member of FIDIC International Financial Institutions committee during 2020.
- **Construction Claims & Arbitration:-** Experienced in preparing, mitigating and evaluating all types of Contractual and quasi Contractual Claims from both Employer's and Contractor's perspective. Qualified International Commercial Arbitrator and currently engaged in various Commercial & Investment Arbitrations as in house counsel. Admitted as Fellow of the Chartered Institute of Arbitrators.
- **Trainer:-** Imparting professional trainings on FIDIC Contracts, Claims, Dispute Resolution & Arbitration in NHA Highway Research & Training Centre Burhan, IEP Pakistan and in NIT & PDC NUST Islamabad and Online.
- **Writer:-** Contributing author on the book published in December 2021, **The International Application of FIDIC Contracts**. Published Q & A series in **Construction Law International** on **Dispute Boards in Pakistan**

PROFESSIONAL QUALIFICATIONS

- **CIARB PGD International Commercial Arbitration:** Jesus College, Oxford University, United Kingdom, 2017-18.
- **PMP Certification:** Project Management Institute (PMI) USA, 2017
- **Master of Construction Law:** Melbourne Law School, University of Melbourne, Australia, 2013-14
- **Bachelor of Civil Engineering:** Mehran University of Engineering & Technology, Jamshoro, Pakistan, 2004

CAREER SNAPSHOT

Director: - Dispute Resolution Cell, NHA, Islamabad. September 2021- to-date

Deputy Director: - Procurement & Contracts Administration section, NHA, Islamabad. April 18-September 21

Senior Claims Consultant: Urban Lawyers Melbourne (Causal/Part time basis). March 2017- March 2018.

Multiple Operational Positions: Metro Trains Melbourne, Australia Feb 16th, 2015- March 18th, 2018.

Higher Education Break: To pursue a Master Degree from the University of Melbourne, Australia, 2013-14

Assistant Director: National Highway Authority, Pakistan, October 2006 – February 2013 (7 years)

CAREER NARRATIVE

Director, Dispute Resolution Cell, NHA

September 21-to- date

As a Team Leader, I am responsible to look after the Contract Administration, Dispute Resolution & Arbitration

function of NHA both nationally and internationally across multiple project delivery models including PPP, Construct Only and EPC.

Current Dispute Boards Appearances (As NHA In house Counsel)

- Appearing on behalf of NHA before DAB on Lahore-Abdul Hakeem Motorway which is an EPC contract, on 03 No Disputes, gross amounting to Rs 16 Billion
- Appearing on behalf of NHA before DAB on Multan-Sukkur Motorway which is an EPC contract, on 19 No Disputes, gross amounting to approximately Rs 40 Billion.

Dispute Boards Appointments (As Adjudicator)

- Acting as **Chairman, Dispute Board** on an ADB financed Irrigation Project of Khyber Pakhtunkhwa

Construction Arbitration Appearances (As Counsel/Departmental Representative)

- Bayinder Vs Islamic Republic of Pakistan, ICSID Investment Arbitration wherein the amount in Dispute is USD 733 Million. As of now, the bifurcation application of Pakistan has been successful.
- NHA Vs Karcon on Darra Adam Khel –Badbher Project
- NHA Vs MAZ on Multan-Sukkur M-5 service areas
- NHA Vs ZKB on Qila Saifullah Zhob Project
- NHA Vs A.M Construction on Alpuri Besham Project

As Public Private Partnership Expert

Negotiated along with a dedicated NHA team, the Concession Agreement for Construction of 6 Lane Hyderabad-Sukkur Motorway having an estimated project cost of approximately Rs 300 Billion and the project has recently achieved commercial close.

Deputy Director, Procurement & Contract Administration Section, NHA **April 18-to- Sep 21**

As a Deputy Director in Procurement & Contract Administration section at NHA HQ, I look after the Contract administration & procurement of multiple mega projects of NHA and undertake special assignments as required mainly in areas of construction disputes and claims. Key achievements include;

- Winning Rs 2.5 Billion Adjudication on Havellian-Thakot mega projects in Dispute 2 as NHA's Counsel
- Appreciation certificate from Chairman NHA for wining adjudication against Taisei Corporation Japan
- Challenged Rs 3.5 billion ICC award in Paris courts which led to Settlement negotiations
- Winning Rs 17 Billion Adjudication on Lahore-Abdul Hakeem mega projects in Dispute 2 as NHA's Counsel
- Amicable Settlement of Chakdra Bridge Project, Hassanbadal-Havellian Project, Sultan Bahu Bridge etc
- Completed Project Procurement of CAREC, Petaro-Sehwan Project

Contract & Arbitration Trainer

June 18- to-date

I have been actively involved in training local professionals at Highway Research & Training Centre (HRTC) Burhan, WAPDA Staff College, NED Karachi and National Institute of Transportation, NUST about **Public Procurement in Pakistan, Contract Management, FIDIC Standard Forms, Claims and Dispute Resolution** since 2018.

Senior Claims Specialist, Urban Lawyers Melbourne

March, 17-April, 18

Worked as Senior Claims Specialist with a Boutique Law Firm on casual/part time basis. Key responsibilities include preparation & presentation of different types of Claims before Superintendent, Dispute Boards and Arbitration Tribunals.

Multiple Operational Positions, Metro Trains Melbourne **(including the following)**

February 15-March 18, 2018

Project Engineer, Metro Trains Melbourne

August 5th-January 29th, 2016

Worked on \$ 66 million Ringwood Station Upgrade Project whose scope involves the construction of Station building, bus interchange, platforms and car park. **Key achievement include:-**

- **Design Management & Review of Ringwood Station Buildings:** Successfully managed & reviewed the drawings of Station buildings taking into the consideration the proposals of Customer services team. I coordinated with John Holland to ensure that the proposed changes are incorporated in letter and spirit.

- **Construction Supervision & Rehabilitation of Heritage listed building:-** Supervised all the construction activities of internal fit out, roofing, structural rehabilitation and facade. Ensured that best OH & S practices are observed in all construction activities.
- **Relocation of Heritage listed Signal Box and Kiosk:-** Supervised the relocation of heritage listed signal box and kiosk at Plat form -3. Ensured that the relocation may not damage the structure.

PREVIOUS EMPLOYMENTS- Key Highlights

Assistant Director, NHA Rawalpindi

Jan 2009-Feb 2013

a) Project Engineer on Construction of 20 km Rigid Pavement, Hassan Abdal-Attock, N-5

At the cost of Rs 50 million, the scope of this brown field construction project was to replace the existing flexible pavement with rigid pavement. The project was completed ahead of schedule due to better risk management and project governance.

Assistant Director, NHA Quetta

Oct 2006-Oct 2009

a. Quetta-Kalat-Chaman Dual Carriageway, NHA, N-25

This project involved up gradation of existing road and construction of 150 Km additional carriageway on an existing alignment. I ensured timely installation of pre-stress concrete girders for 03 bridges, Asphalt overlays & 275 no multi cell culverts.

JUNIOR ENGINEER, WATER AND POWER DEVELOPMENT AUTHORITY, PAKISTAN

Oct 2004-Oct 2006

Mangla Dam Raising Project, Mirpur, (\$ 01 Billion)

The scope of project included 30 feet raising of Earthen Dam and Spillway, construction of new city and 04 small towns, resettlement action plan for 150,000 people, Mirpur bypass road, and Grid station. Within the assigned project, accountabilities included control of works program, financial reporting, administration and procurement of suppliers and subcontractors.

Subdivisional Officer: Public Works Department, Muzaffarabad, Pakistan March 2004 – October 2004

Key Experiences during last 10 years :-

- **Project control:** Prepared cost estimates and evaluated progress using base line schedule, processed interim payments and variation orders. Supervised progress review meetings on regular basis on ensure timely execution of projects. Processing of Interim Payment certificates, pricing of variations, procurement of materials, evaluation of contractor claims and controlling all project costs like contingencies and establishment costs.
- **Resolved Difficult and Challenging Situations:** through effective communication, managed staff members to perform risk management activities, prompted teams to think about tasks before they commenced work, resulting in more efficient and safe work practice. Collaborated and gained support for all projects by establishing and developing constructive relationships with sister organizations, donor agencies and local community.

PROFESSIONAL DEVELOPMENT TRAININGS

Occupational Health and Safety: Metro Training Academy Melbourne as part of Certificate III qualification in Railway Customer Service.

Multiple On job trainings in areas of: project management, OH & S, performance management, change management, time management etc

PROFESSIONAL MEMBERSHIPS

- **Pakistan Engineering Council**, Registered as Professional Engineer Membership ID Civil/ 24455. <http://pec.org.pk/getpecno.aspx>

SOFTWARE EXPERTISE

MS Office Suit| MS Project | Primavera P5

PERSONAL ACHIEVEMENTS

- Third Position in the Faculty of Civil Engineering
- Gold Medal in Matriculation Examination
- Member of the First Youth Parliament in Pakistan.

REFERENCES

Can be furnished, if requested.