



Simon Nightingale

MSc, LLM, FRICS, MCI Arb

Independent quantum expert and project advisor

Summary

Simon Nightingale is a sole practitioner and owner of NCL Nordic, an independent consultancy registered in Denmark. He is a Chartered Quantity Surveyor with over 30 years' experience providing expert advice to engineering and construction projects both on and offshore. He is a Fellow of the Royal Institution of Chartered Surveyors and expert in matters relating to quantum as well as matters relating to the commercial and contractual management of projects.

He has had a wide and varied career in the areas of quantity surveying, commercial and contract management making him a highly experienced practitioner in his field. He has undertaken roles and provided advice to both client and contractor organisations across multiple industry sectors and geographical locations notably in Europe, CIS, Middle East and SE Asia. He is a permanent resident in Denmark and has significant experience in providing consultancy advice in the UK and Nordic regions.

As an independent consultant he regularly acts as an expert advisor, supporting clients and their legal teams in dispute resolution proceedings. In this capacity he has also authored expert statements and reports and given oral evidence under cross examination. He is also registered as Technical Arbitrator by the Danish Building and Construction Arbitration Board.

Areas of Expertise

- Contracts & commercial management, quantum, final accounts, variations and claims, measurement, cost analysis, disruption, acceleration, prolongation, value & risk, procurement, negotiations, dispute avoidance & resolution and expert services.
- Experienced in working with a range of standard contract form suites including FIDIC, LOGIC, AB (Danish forms), NTK (Norwegian forms) and numerous bespoke contracts for on and offshore engineering and infrastructure works.
- Specific project experience includes pharma projects, metros, light rail, tunnels, roads, harbours, steel structure fabrication (jackets & topsides), marine installations & commissioning, offshore drilling, offshore decommissioning, renewables and oil & gas production operations.

Education & Professional Memberships

MSc Construction
Financial Management

LLM Oil & Gas Law

FRICS Chartered
Quantity Surveyor

MCI Arb

Member of the Society of
Construction Law (UK)

Member IDA,
Ingeniørforeningen
Danmark

Member Det Danske
Selskab for Byggeret

RICS Accredited
Evaluative Mediator

SRF BTEC Level 7
Advanced Professional
Award in Expert Witness
Evidence

RICS Certificate in
Mediation & mediation
advocacy

Selected Energy Experience

- Offshore Floating Wind Project - Expert Advisor to an EPCI renewables contractor in Norway for the fabrication of a floating wind turbine for installation on the UKCS. Provided analysis of final costs and submission of claims for additional costs and support through negotiations.

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- UKCS Field Development Project – Expert advisor to an EPCI contractor in Norway in relation to a jacket and topside construction and installation contract. Provided analysis and development of quantum claims for additional cost and delay including in relation to the impacts of the War in Ukraine. Advised on the development downstream claims towards major LQ subcontractor.
- Onshore gas processing facility, Norway – Expert adviser to an EPCI contractor. Produced delay and disruption claim including development of quantum submission eventually resulting in negotiated settlement.
- Onshore Oil Field Expansion Project, Iraq – Project review and production of expert report for an oil company evaluating EPC contractor claims quantum and potential counter claims.
- Cormorant A Mobile Drilling Project, UK – Advised a drilling contractor on the valuation of final account and variations, resulting in final negotiated settlement.
- Yme Mærsk Inspirer Modifications, Norway – Advisor to the engineering and construction contractor on contractual claims and quantum.
- Yme Wellhead Module Fabrication, Norway – Contract support to the engineering and construction contractor.
- Tanker to FSO Conversion, Singapore - Engaged as independent Expert Witness on quantum including submission of expert report on valuation of variations and final account.
- Advisor to a Norwegian contracting company on commercial negotiations to form a JV in Saudi Arabia.
- Flyndre Cawdor Development, UK - Expert Adviser to the contractor, provided evidence on quantum and was cross examined in the case of HSM Offshore BV v Aker Offshore Partner Ltd [2017] EWHC 2979 (TCC).
- Contracts and procurement responsibilities for operator in Brunei involved in offshore field developments including jacket and topside construction and subsea umbilicals.
- Contracts and procurement activities for operator on the circa \$50Bn Kashagan Development, involved in the tendering and execution of engineering and construction service contracts for offshore operations activities including engineering services, geotechnical surveying and intelligent “smart” pipeline pigging.
- Contract Manager for a Norwegian contractor responsible for all contractual matters and claim management on a USD 2Bn offshore project hook-up and commissioning contract.
- Frigg Field Decommissioning Project, UK/ Norway continental shelf - Consulting expert in relation to the decommissioning of the topsides and jackets for the Frigg Field and MCP01 installations, including claims development and final settlement of disputes.

Selected Infrastructure & Process Project Experience

- Pharmaceutical plant, Kalundborg, Denmark – Expert advisor to an EPC contractor installing new complete chilled water and heating system. Development of claim for delay and disruption and supported through negotiations with the Client.
- Construction of two high rise structures in Copenhagen – Expert advisor to the legal team on matters of quantum in relation to issuing queries to the sole technical expert appointed by the Danish Building and Construction Arbitration Board.
- Copenhagen Metro Sydhavn Line, Denmark – Expert advisor to civil works contractor on contract/ commercial matters including Subcontractor dispute resolution and Client delay claims. Drafted claim submission documents resulting in settlements for delay and disruption and acted as lead advisor in settling subcontract disputes including arbitral proceedings.
- Fehmarn TEM contract, Denmark – Expert advisor to the mechanical and engineering contractor for Denmark/ Germany link project on contract/ commercial matters. Drafted documentation resulting in settlement relating to delay and prolongation costs. Advised on procurement processes including drafting standard subcontracts.
- Odense Letbane, Denmark – Contract management and claims support to track works contractor on an urban light rail project, provided quantum evaluation and acted as expert advisor in resulting arbitration case.
- Mixed civil engineering and building development in Malta – Consultant commercial manager to the Developer including management of the cost plan, procurement processes and post-contract management of contractors.
- Copenhagen Metro Construction, Phases 1 & 2A - Commercially responsible for deep underground stations including cost and contract management, subcontractor management, including final account collation and the preparation, development, and submission of claims for inclusion in arbitration.

Education & Courses

- RICS Accredited Evaluative Mediator (2024)
- RICS Certificate in Mediation & mediation advocacy (2024)
- RICS Accredited Expert Witness for Construction Disputes in accordance with the RICS EWAS scheme (2017 – 2024)
- SRF BTEC Level 7 Advanced Professional Award in Expert Witness Evidence, Legal Experience Training/ Pearson, UK
- Master of Laws (LLM) (Awarded with Distinction), Oil and Gas Law, Robert Gordon University, Aberdeen – dissertation topic “Kazakhstan’s Oil Industry: Legislative Development vs. the Sanctity of Contracts”
- Master of Science (MSc), Construction Financial Management, Heriot Watt University, Edinburgh – dissertation topic “Cost Management Practice in Danish Construction Firms”

Professional Membership & Accreditations:

- Expert group on the RICS Global Construction Standards 'Black Book' global standards guidelines for quantity surveyors (2024 - 2025)
- Registered as Technical Arbitrator by the Danish Building and Construction Arbitration Board (faglig voldgiftsdommer ved Voldgiftsnævnet) - 2024
- Member of Det Danske Selskab for Byggeret (Danish Society for Construction Law)
- Member IDA, Ingeniørforeningen Danmark (Danish Society of Engineers)
- Fellow of the Royal Institution of Chartered Surveyors (FRICS)
- Member of Chartered Institute of Arbitrators (MCIArb)
- Member Society of Construction Law (UK)

Published Articles:

- Co-author "New Nordic tracks The quantity surveying profession has not traditionally been recognised in the Nordic region. As investment in construction projects continues to grow, the benefits of the profession are becoming more visible" published in RICS Construction Journal, April 2020
- Author "Off the Beaten Track: Raising the profile of quantity surveyors working in all sectors and specialisations is vital to ensuring growth of the industry: the first article exploring these different avenues focuses on quantity surveying in the oil and gas industry" published in RICS Construction Journal, July 2019
- Author "The Future of Quantity Surveyors in the Upstream Oil and Gas Industry" published in the journal Civil Engineering Surveyor, 2018