

LM Grutters

Civil Engineer, Adjudicator, Fellow of the Dispute Board Federation, FIDIC President's List

This month the DBF is highlighting Leo Grutters, who is one of the DBF's Fellows, for his accomplishments and services to both the engineering profession as well as to dispute resolution and Dispute Boards in particular.

After completing a university degree in civil engineering in the Netherlands, it soon became evident that the economic climate in Europe in those days would not be conducive to a lightning start into the "real world". Not wanting to become a typical victim of these realities, Leo decided to seek his fortunes elsewhere. Having sold his sparse possessions, he booked a flight to Johannesburg. Why Johannesburg? That was the question and according to Leo he will probably never know, but that's what an impulsive nature at a young age does to people. He only wanted to stay for a couple of weeks, and then carry on to places of interest in the civil engineering field but ended up staying for the next 15 years. That era took him through the last remnants of the "not-so-good" political system, to the historic walk to freedom by Nelson Mandela.



Early in his career he came to the realisation that being a civil engineer would not necessarily have to be the same as standing knee-deep in the mud and concrete everyday. As a young site engineer, Leo was fortunate to have a very experienced gang-boss next to him, someone who directed the site like nobody else, and it was left to Leo to do the admin that the gang-boss so disliked. It was an opportunity according to Leo which, probably through boredom, made him re-read the contract, only to find an ambiguity that in the end made his boss a not so insignificant amount of extra income. Leo's interest was born: you can make money by reading and knowing your contract!! In the end he became the contract guru, something akin to an early version of today's contract administrator or claims manager. Leo's career developed from there and it took him all over the world, to places like Muscat, Dubai, Singapore, Hong Kong, Sydney, Auckland and Tripoli.

In 1996 he was headhunted by a UK-based claims consultancy for a project in Kenya. As a result he decided that his time in South Africa had come to an end, and moved to a little village just outside the Maasai Mara National Reserve, building a rural road. From there it was Houston Texas where he was involved as the contracts expert in the construction of two so-called TLPs (Tension-Leg-Platforms) in the Gulf of Mexico. These are floating structures designed for deep-water oil extraction. By now Leo was getting more and more convinced that his civil engineering degree alone was not going to allow him to progress into this interesting, but also complex parallel track to the construction industry. Leo then decided that an MBA was what was needed and his chosen university was Herriot Watt in Edinburgh, Scotland.

In 1999 he received a call from another UK-based claims consultancy that was in need of a “Dutch-German-English” speaker for a power station project in the west of Germany. Having all but completed the TLP structures, he was happy to make a move back to Europe. In Germany he was confronted with a totally different attitude towards claim management or contract administration. There were in those days a definite feeling of a non-confrontational happy-go-lucky attitude at project level. More along the lines of make friends rather than money. This was probably so because of the company’s market position, i.e. a market leader in a seller’s market. Disputes that did arise were then resolved through arbitration. This inspired Leo to get educated in this area.

First he completed a diploma course in Arbitration through Reading University in the UK. Second he applied and qualified for a fellowship at the Chartered Institute of Arbitrators (FCI Arb). Leo’s new career seemed set. However, getting appointments was not easy, and then one day he decided to have a deeper look at this new thing: Dispute Adjudication Boards. The more he looked at this, the more he was convinced of its value to the industry. It was in his view a tool that would allow a non-confrontational management of impending disputes at project level. A dispute avoidance tool. Surely this would be the answer to the industry’s moans about the often hugely expensive and time-consuming arbitration procedures.

Through Leo’s years of experiences with the FIDIC forms of contract, he had gathered ample experience in dealing with and using this form of dispute management. Having realised the DAB potential, he wanted more and became a member of the DBF to be able to talk to other people with like-minded attitudes towards construction dispute resolution. He started attending various international events where this topic would be discussed such as the FIDIC Users’ Conferences. Soon he realised that this was an expensive way of doing it, and decided to test his abilities at an in-depth FIDIC workshop. Through the DBF membership Leo was made aware of this exclusive opportunity called FTIP, where one could learn all about FIDIC and DABs taught by FIDIC President Listed experts.

Leo was accepted into the Dubai FTIP Programme in 2010. This is where he met Cyril Chern and Brian Barr. At that time Cyril was known to him only from the books that Leo had bought. Brian was a jolly good Scotsman that one could only like and befriend. The Programme was a huge success to him, and he felt invigorated through the realisation that this is what I wanted to do. After the workshop, he contacted the DBF and offered his services to assist in future FTIPs if so desired. To his astonishment he was asked to come along to the next one: as an assistant trainer. For Leo talking about his passion, i.e. dispute avoidance in the construction industry, made him feel good. Soon afterwards he considered applying for listing on the FIDIC President’s List of Approved Adjudicators but was not necessarily convinced of his abilities to pass the rigorous assessment given to candidates. In June 2012 the day had come to demonstrate it all. In a hotel in Amsterdam Leo and the others (17 candidates) gathered to be taken through the mill for the next 72 hours of all that FIDIC can throw at you concerning DABs. He still remembers this absolute feeling of helplessness at the end of the Programme: adrenaline at +500, but nothing more to do... He was accepted.

Since his acceptance onto the President's List Leo's career has taken a new road. He is now a fulltime DAB expert offering his services as a DAB or to individual companies helping them through DAB and/or arbitration processes as their counsel. He has been involved in many prestigious projects involving this concept, such as Large Hydro Power Plants in China, Africa and India. But also conventional Power Plants in Malaysia, and Brazil, or Roads Projects in Eastern Europe. And lately even the Renewable Energy Off-shore industry discovered their value. He feels fortunate to be involved in this latter emerging market, and to have the opportunity to be a player in the way this industry is trying to establish itself in terms of their needs concerning contract administration and dispute management.

Leo is also a regular speaker at various FIDIC events such as the Users' Conferences. Together with Brian Barr he even found the time to write the 3rd Edition to the FIDIC Users' Guide to the Red, Pink, Yellow and Subcontract Books as published by the Institute of Civil Engineers (ICE) in the UK.

But in the end, and needless to say, he was honoured when the DBF asked him to join the DBF Management Committee. A chance to truly make something happen in this industry using a tool that he is convinced is the future in dispute management.