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Mark.mcgeoch@ankura.com

EDUCATION

Bachelor of Science (BSc),
University of Glamorgan

Diploma in Arbitration (DIPArb),
College of Estate Management,
Reading

CERTIFICATIONS, MEMBERSHIPS, AND AWARDS

Fellow of the Royal Institution of
Chartered Surveyors (FRICS)

Fellow of the Chartered Institute
of Arbitrators (FCIArb)

Fellow of the Singapore Institute
of Arbitrators (FSIArb)

PREVIOUS EMPLOYMENT

Director, Navigant

Associate Director, HLP Consulting

Director, Gardiner Theobald
Fairway

Director, Stapleton International

Director, AYH plc

Senior M&E QS, Leslie Clark &
Partners

Director, Construction Engineering
Bureau Ltd

Site M&E QS, GEC, Sri-Lanka

Site M&E QS, Ssangyong
Construction (Korea) Ltd,
Singapore

Site M&E QS, ADPIC, Abu Dhabi
Assistant QS, Bond Foster &
Partner

MARK MCGEOCH

Senior Director

Global Construction Dispute Quantum Expert Witness

Mark McGeoch is a Senior Director in the Global Construction Practice of Ankura. Mark is a Chartered Quantity Surveyor who specialised in Mechanical and Electrical services soon after qualifying. He is a Fellow of the Royal Institution of Chartered Surveyors and a Fellow of the Chartered Institute of Arbitrators. Mark has over thirty years international commercial management experience which includes cost, procurement and consultancy work (including claim preparation and review) on a broad range of projects including Buildings (e.g. offices, hotels, airports, retail and universities), Oil & Gas, Marine, Transport and Energy projects in the Middle East, Asia, Africa, the Far East, the United Kingdom and Europe.

Areas of Expertise

Mark acts as Quantum Expert and has provided expert quantum reports on valuation of variations and assessment of damages, direct loss and/or expense arising from delay and termination costs for formal dispute pleadings in arbitration and litigation.

Mark is also a Chartered Arbitrator and has acted on a number of arbitration's since qualifying in 1998, including recent SIAC appointments. As well as receiving adhoc and presidential appointments for commercial arbitrations, Mark is on several panels including those at the SI Arb, CIArb, SIAC, CIETAC and the AIAC (formerly the KLRCA) as well as Consumer Scheme panels formerly maintained by the CIArb and now CEDR-Solve.

He subsequently trained as a mediator with CEDR and is now a Registered CEDR-Solve (on CEDR International Panel and SISV (Singapore Institute of Surveyors and Valuers) Mediator. Mark has carried out 70 mediations to date and is on several Mediator panels and has received appointments from CEDR, the CIArb, the RICS as well as party appointments. Mark was recently invited to join the inaugural panel at the Singapore Construction Mediation Centre.

Professional Experience

Expert Witness Appointments

Offices, Car Park and Warehouse, Singapore • Quantum Expert on a dispute between a sub-contractor and an M&E sub-sub-contractor related to valuation of ACMV work completed, variations and termination costs. Mark was recently cross examined in the Singapore High Court.

Giant Observation Wheel, Dubai • Quantum Expert on a dispute between the main contractor and design consultant concerning underpayment of design fees, valuation of progress and variations, delays to progress before termination and prolongation costs. Mark was cross examined at the arbitration hearing.

Mixed Use Development, Singapore • Quantum Expert on a dispute between a main contractor and sub-contractor related to variations, loss and expense further to delay and liquidated damages.

Mixed Use Development in Kuala Lumpur, Malaysia • Quantum Expert on a dispute related to delays and failure of Employer to make payment. Duties included liaising with both the lawyers and client and visits to the site and client's offices to review costs before submission of reports.

Refinery, Singapore • M & E Quantum Expert concerning valuation of pipework for which the sub-contractor was not being paid. Prepared report on value of work done for an adjudication that resulted in the sub-contractor receiving a significant portion of his payment claim.

Luxury Residence, UK • RICS appointed Independent Quantum Expert on a dispute between builder and owner relating to scope of work and quantum matters.

Residential Refurbishment, UK • Quantum Expert. Preparation of claim, defence and counterclaim against a design and build contractor and represented Employer at the subsequent adjudication at which the Employer was successful on all items.

M & E Quantum Expert, UK • Two appointments as Quantum Expert on Rent Review Arbitrations. Duties included site visits, meeting with opposing expert and preparation of reports.

On / Offshore Oil, Gas & Marine

Offshore Process Facilities, Indian Ocean • Assistant to Expert regarding prolongation claims and variations outstanding in a dispute between consortium partners. Duties included reviewing information and preparing draft report.

Pipeline & Tank Farm, Kuwait • Assistant Case manager in an international arbitration involving a Kuwaiti subcontractor in dispute with a Chinese main contractor on a pipeline and tank farm project. Duties included researching and extracting relevant information from copious amounts of documentation to draft the Statement of Case; briefing barristers; attending regular briefing and strategy meetings in Kuwait.

Gas Pipeline Project, Australia • Assistant to the expert who was appointed in an independent role to review disputed variation proposals.

Jack- up Drilling Rigs, Korea • Assisted the Quantum Expert in an ICC arbitration concerning delays and disruption on the construction of two jack-up drilling rigs. Duties included reviewing data for incorporation into the report.

LNG Regasification Facilities, Malaysia • Appointed by Main Contractor to review 12 Claims totalling RM32m in a dispute with a Sub-Contractor on subsea pipeline & cable work. Duties included reviewing the Sub-Contract, dispute files, meeting the Contractor and drafting report for use in ultimately successful negotiations.

Onshore Drilling Rigs, Russia • Assistant to the appointed Quantum Expert who was appointed by a Chinese drilling rigs fabricator in a termination dispute. Duties included review of files and preparation of draft report giving opinion on value of rigs on termination date and quantum of termination claims and contract claims.

Offshore Process Facilities, Indian Ocean • Review of claims and variations already submitted and then provision of assistance to a consortium partner in the preparation and subsequent agreement of variations and extension of time claim against the partner and then the Employer.

Offshore Drilling Rig, UK • On behalf of sub-contractor, prepared claim for an accommodation block on an offshore drilling rig which arose due to changes made to design part way through construction.

FPSO Conversion, Denmark & Singapore • Seven-month secondment to an FPSO Contractor as Commercial Manager responsible for Cost Control and claim preparation. Project was in distress due to the fact that there was Cost Reporting, but an apparent lack of Cost Management. Undertook an initial review of the cost report which included interrogation of packages and costs, liaising with cost managers in various locations and making projections to the end of the Project. As a result, approximately US\$100m of costs were identified and added back within the first two months of appointment.

FPSO's Brazil • Three-month secondment to a Contractor in Rio de Janeiro providing advice and assisting with the negotiations over the terms related to the termination (by mutual consent) of an EPC Contract for two FPSO's. Duties included advising on negotiation

strategies, SWOT analyses and leading negotiation discussions with the Employer. Whilst there Mark also assisted with the Commercial Management of the project which was ongoing. This included providing assistance to strengthen the Contractor's position with regards to delays on the project.

Naval Vessels, Europe • Preparation of a report for a dispute over delay to the building of three attack vessels for a European naval fleet. Disciplines included M&E works, fire control systems and offshore testing. Spent several weeks at the Contractor's offices, reviewing documents and giving opinion on reasons for variations and delays for subsequent negotiations.

Utilities

Geothermal Power Plant, Philippines • Assisted the appointed Quantum Expert to draft report for use in an ICC arbitration concerning an engineer's determination further to termination of contract. Duties included reviewing cost data, assessment of variations and assessment of rates for incorporation into the report.

Power Station Singapore • Provision of assistance to a main contractor related to disputes with two sub-contractors concerning payment matters under the SOP Act and payment notice responses. Duties included liaising with the contractor and lawyers to reply to the two sub-contractors documents.

Desalination & Power Plant, Libya • Investigation and report into the contractual requirements regarding extensions of time for a contractor including review of the contract, correspondence and the contractors' financial records and providing a report on adherence to the contractual provisions.

Combined Cycle Power Plant, Singapore • Investigation and report into quantum aspects of a dispute concerning delays and extra costs between two consortium partners on a combined cycle power plant in Singapore. Duties included reviewing the contract, correspondence and the contractor's records and providing a report on the strengths and weaknesses.

Nuclear Power Plant, Finland • **Assistant to Quantum Expert on a** dispute in which a consortium was engaged under an EPC contract to construct a 1,600MW new build nuclear power plant. The project suffered delays and a dispute has arisen between the owner and the consortium regarding responsibility for the delay and cost overruns. Considerable period spent at the Consortium Partners' offices interviewing staff, reviewing cost data, variations and accounts for various packages for incorporation into the Extension of Time/ Loss of Expense claim for inclusion on the Statement of case for Arbitration.

Power Station, UK • Assisted the appointed Quantum Expert to draft report for use in an ICC arbitration. Duties included reviewing cost data / assessing rates for incorporation into the report.

Water Treatment Plant, Singapore • Assisting the Quantum Expert in preparation of a reply report on matters related to a pipework sub-contract. Duties included research into the sub-contract, variations, rates used and appropriateness for valuation.

Sewage treatment Plant, Hong Kong • Review of the contract, costs, variations and production of report and advice to a sub-contractor preparing for a mediation.

Dam, Malaysia • Assistant to Expert regarding costs to complete a project further to a sub-contractor's unlawful termination. Duties included valuing the sub-contract works to completion (had the sub-contractor actually completed) and ascertaining the actual costs to complete incurred by the main contractor. Two years later, provided an independent view on the valuation of a referral to a DAB and a loss and expense claim.

Dam, Malaysia • Assistant to Expert regarding management issues concerning the construction of a large rock filled dam. Duties included liaising with lawyers and Client, reviewing information and drafting report on management related matters.

Process Plant

Aromatics Plant, Middle East • Assistant to Quantum Expert on a dispute between a main contractor and sub-contractor involving delays, assessment of prolongation and termination costs. Duties included liaising with team in Taipei to gather and validate information and preparation of report. This included extensive liaison with QC and attendance at hearing.

Iron Ore Mine and Infrastructure Project, Africa • Provision of advice to the Contractor for the compilation of costs further to contract termination. Duties included visits to Beijing, investigation into cost recording procedures and suggested improvements for the future.

Mine & Processing Plant, Asia • Assistant to Expert assessing parts of claim (US\$30m) by the Owner for extra costs incurred because of poor design, late design and inadequate engineering input following termination. Duties include working with the engineering expert to understand the interrelationship between systems provided and the work involved in amending drawings (whether inadequate, late or varied), reviewing estimates provided and assessing (from a quantum viewpoint) the costs involved. Review of the delay costs being claimed and any alleged over/underpayments.

Aromatics Plant, Singapore • Owner and Contractor had agreed to a binding Independent Expert review of disputes related to 22 Variations totalling US\$66m. Assistant to the

appointed Independent Expert and duties included reviewing documents, meetings with the parties and preparation of the review report.

Methionine & Production Complex, Singapore • Appointed by the EPCM Contractor to review files and prepare a report to identify reasons for delays with the aim of mitigating exposure to LD's. Duties included review of files and preparation of report highlighting potential reasons for delay and potential problems.

Soda Ash Plant, Kenya • Preparation of a loss, expense and extension of time claim for an Indian contractor on a soda ash plant in Africa. Significant liaison with client/ engineer to extract relevant information from contractor's documentation systems in order to produce the claim. Duties also included visits to India to review information, liaising with the contractor and Barrister.

Melamine Plant, Germany • Site based appointment for the review of a pipework sub-contract and preparation of report relating to variation in quantities.

Refinery, Vietnam • Preliminary review of documents and costs followed by preparation of reports related to validity of three major extension of time claims on a new Refinery project.

Ultra-Low Sulphur Diesel Unit, Trinidad & Tobago • Preparation of two reports related to quantum claims prior to formulation of pleadings in an arbitration.

Transportation Infrastructure

Airport, Sri Lanka • Site based M&E Quantity Surveying variations and claims preparation on the Colombo Airport project comprising runway, navigation complex, weather stations, apron and general infrastructure services (lighting, drainage etc.).

Railway, Philippines • Assisting the Delay Expert to identify and substantiate reasons for delays on a project that had to be re-negotiated due to substantial delays and contract termination.

Major Highway Project, Australia • Assisting the Quantum Expert to prepare report (and reply report) quantifying the Contractor's variation and delay costs on a major road project including rerouting of part of existing highway and creation of new dual carriageway. Duties included reviewing information, analysing rates, liaising with Contractor and Lawyer.

Airport, Indian Ocean • Review of claims submitted and provision of assistance to the main contractor for preparation of the overall claim further to a notice to terminate the contract.

Airport Baggage Handling System, France • Assistant to the Quantum Expert on a dispute between two French engineering companies who were engaged to design, fabricate and

install a large baggage handling system at a major Paris airport. The project was delayed and suffered major cost overruns. Duties included a review of all quantum information in France and providing opinion on strengths and weakness of the claim before proceeding to ICC arbitration in Paris.

Building & Construction

Hospitality Complex, Singapore • Assistant to Quantum Expert for an IT subcontractor to the M&E Contractor concerning variations, outstanding payments, significant prolongation costs due to significant delays and disruption. Duties included preparation of draft expert report and agreement of issues with opposing expert.

Hotel and shopping complex, Singapore • Site M&E QS. Duties included variations, claims letters, managing M&E accounts and representing the Korean contractor at meetings.

Early Neutral Evaluation Report, UK • Dispute between an M&E equipment supplier and contractor.

Land Reclamation Failure, Malaysia • Assistant to Expert on a dispute concerning a reclamation collapse further to dredging land reclamation and subsequent contract termination. Duties included review of all documents and preparation of report related to a) cost entitlements of the dredging contractor due to termination, and b) employers claims for increased costs of the reclamation and delays experienced to carry out the remaining work as well as consequential costs on the overall development.

International Convention and Exhibition Centre, Australia • Assistant to the Quantum Expert on a dispute between the main contractor and a sub-contractor concerning steel supply. Prepared draft report on the quantum of claims for defective work and late delivery.

Office Development, UK • Review and agreement of contractors loss and expense claim on an office development further to an Adjudicators decision.

Wildlife Marine Park, Singapore • Evaluation of a pipework sub-contractor's documents in relation to re-measure of pipework and VO's plus interpreting the contract in relation to re-measurement of variation quantities. Provided assistance in the preparation and referral of the case for what turned out to be a successful adjudication.

School, UK • **Quantum** review and preparation of referral documents for a main contractor in an Adjudication regarding construction of a new school on which the contractor was ultimately successful.

Ministry of Defence Base, UK • Review of contractors loss and expense claim on an MOD base, including preparation for and attendance at a mediation that settled the dispute.

Mediator & Arbitrator

Mediator • 70 appointments as mediator including those related to negligent design of a bus-bar installation, defective gas pipe installations, defective sprayed coating to concrete blocks of flats, and defective flooring to a sports establishment.

Arbitrator • Various appointments in UK and two SIAC appointments; one concerning a local construction matter related to mechanical equipment and the other concerning a major wind-farm dispute in the Philippines under UNCITRAL Rules where Mark was the Chairman.