



PROFILE

Marcus specialises in large project strategic cost and commercial management, and international dispute resolution. Registered Arbitrator and Mediator Chartered Institute of Arbitrators, Kigali International Arbitration Centre., African Arbitration Association Organisation for Islamic Co-operation – Arbitration Centre

9 years with a major civil engineering contractor construction and construction claims departments, 9 years as a client with a blue chip infrastructure company as Senior Project Manager and Commercial Manager – Claims and Counterclaims and 12 years as commercial consultant and owner of a long established consultancy practice.

Currently working throughout East Africa working from both the UK and Kigali Rwanda Marcus has built an international business base over the past 6 years and have represented clients such as Pfizer, GlaxoSmithKline, Source8 internationally as well as working for international clients developing projects in excess of \$20m.

As a Fellow of the Chartered Institute of Arbitrators and a member of the Board of Management and Honorary Secretary of the South East CI Arb Committee he has continued a distinguished career as a contract procurement expert, starting in 1999 in Scottish Power Southern Water as commercial manager supporting the legal department in complex construction contracts in excess of £100m and

MARCUS CATO

CHARTERED ENGINEER

EDUCATION

BEng (Hons) – University of Wales, Cardiff.
MSc- Southbank University, London.
Diploma in Management – Cardiff.

PROFESSIONAL MEMBERSHIPS

Fellow of the Chartered Institute of Arbitrators (CI Arb) - 2017
Fellow of the Royal Society of Arts - 2019
Chartered Engineer (CEng) - 1995
Member of the Institute of Civil Engineers - 1995
Member of the Association of Project Safety - 2010
Kigali International Arbitration Centre Registered Arbitrator, Mediator and Adjudicator – 2018
Organisation for Islamic Co-operation – Arbitration Centre.

COMMERCIAL POSITIONS

Registered Mediator – CI Arb 2016
Registered Arbitrator – CI Arb 2018
Member of Board of Management – CI Arb 2018 - 2022
Chair of the Board of Management – CI Arb 2020 - 2022
Honorary Secretary of the UK South East Branch CI Arb - 2014 – 2022.
Joint Deputy Chair and Founding Member Rwandan Branch of the CI Arb
Member of the CI Arb Adjudication Specialist Committee (International Adjudications)
Member of the CI Arb Practice and Standards Committee

ADVISORY POSITIONS

All Party Parliamentary Group on Alternative Dispute Resolution in the Judiciary.
Voluntary organizer and principal negotiator for joint judicial co-operation agreement between the Rwandan and UK Judiciary in the matters of commercial dispute resolution. Includes development of adjudication and mediation within the Rwandan judiciary.
CI Arb strategy and advisory position for adjudication and mediation.

subsequently becoming versed in contracts such as FIDIC, IChemE, NEC4, JCT, GC Works. Marcus is both a Certified Mediator and Arbitrator.

Most recently within the last 3 years Marcus has commercially managed 3 large complex pharmaceutical primary factory developments for GlaxoSmithKline in excess of £240m. In addition he has created procurement contracts for planned and reactive maintenance contracts for Kent Police, supported a new way of procurement working for St George's University but also worked extensively for the NHS on multiple projects.

Marcus is also Project Manager and Commercial Director for a \$20m office block development in Kigali and completed the Rwandan National Cricket Stadium.

Marcus has strong commercial contract skill and is at home resolving disputes in the UK as well as complex cross border disputes in East Africa. Currently Marcus provides commercial support for the largest building and civil engineering contractor in Rwanda.

His commercial experience is based upon over 20 years as a Chartered Engineer working on complex projects as Tunnelling Project Manager, Process Treatment Works Designer, Geotechnical Engineer, Heavy Civil Engineering Site Agent for roads, airports, bridges train stations.

CERTIFICATES

Chartered Engineer (CEng)

Member of the Institution of Civil Engineer (MICE)

Fellow of the Chartered Institute of Arbitrators (FCI Arb)

Fellow of the Royal Society (FRSA)

Registered Member of the Association for Project Safety (RMaPS)

ADDITIONAL QUALIFICATIONS

- Registered Mediator – Chartered Institute of Arbitrators

COMMERCIAL EXPERIENCE

- Marcus specialises in dispute management, conflict avoidance, and international dispute resolution in multiple jurisdictions in the areas of large project strategic cost and project management. Registered Arbitrator and Mediator with the Chartered Institute of Arbitrators, Kigali International Arbitration Centre Organisation for Islamic Co-operation Arbitration Centre.
- 25 Years experience as IChemE, NEC, FIDIC, JCT contract administrator and expert on multiple complex process and infrastructure projects in excess of £500m. Expert under the Contract, valuations, remeasurement, claims evaluation and EOT evaluation as principal client representative for Southern Water, and Blue Chip Pharmaceutical clients.
- 18 years experience of managing and administering complex projects for blue chip clients in the United Kingdom.
- 10 years experience in the management and administration of FIDIC contracts including hospitals, major transport infrastructure, consultancy agreements and commercial developments.
- 9 years with a major civil engineering contractor construction and construction claims departments, 9 years as a client with a blue chip infrastructure company as Senior Project Manager and Commercial Manager – Claims and Counterclaims and 12 years as commercial consultant and owner of a long established consultancy practice.
- Has lead a team of Quantity Surveyors and Quantum Experts in the forensic appraisal of £30m of disputed actual cost, including the tracking of programme / progress, works complete, claims for additional cost in principle and quantum and analysis of damages due under the contract.
- As a Fellow of the Chartered Institute of Arbitrators and a member of the Board of Management and Honorary Secretary of the South East CI Arb Committee he has continued a comprehensive career as a contract procurement and claims expert, starting in 1999 in Scottish Power / Southern Water as commercial expert supporting the legal department in complex construction contracts in excess of £100m and subsequently becoming versed in contracts such as FIDIC, IChemE, NEC4, JCT, GC Works. Marcus is a member of the Chartered Institute

- Registered Arbitrator – Chartered Institute of Arbitrators
- Diploma In Management

of Arbitrators Practice and Standards Committee setting technical standards for arbitration, adjudication and mediation and is on the CI Arb Adjudication Specialist Group for African and Middle East setting policy as global representative.

- Marcus has commercially supported large complex pharmaceutical primary factory developments for in excess of £250m. In addition he has created procurement contracts for planned and reactive maintenance contracts for Local Government, supported a new way of procurement working for Universities and Health organisations but also worked extensively for the NHS on multiple projects.

RECENT NOTABLE EXPERIENCE

2023 – Quantum Expert Witness. International construction quantum analysis in Johannesburg RSA providing Expert Reports and Evidence at arbitration tribunal and High Court.

2022 – 2023 UK Judicial Office. Working with the Judicial Office to set up a judicial working panel across to review best practice in Alternative Dispute Resolution and create a working group with nine East African countries in cross border co-operation in the fields of adjudication and mediation.

2018 – Present Expert Witness. Various expert witness reports on quantum and delay valuations and value of terminations process plant and petrochemical plants – disputes ranging from \$2m - \$30m.

2010 – 2022 Adjudicator and Mediator. Various party representative roles on multiple construction projects acting for contractor and client. Mediator for various construction and company partnership disputes. Conducted in the UK, Rwanda and Uganda.

2020 – 2021 Cost and Commercial Bid Manager Team RCL Bugesera International Airport Rwanda – Bid team manager for commercial, estimating and programming and commercial appraisals.

2019 - 2021 Roko Commercial Management Rwanda and Uganda – Various arbitrations and claims up to \$7m including rebuttal of performance claims as party representative, final account dispute evaluation for education projects in excess of \$10m.

2018 - 2020 Large Pharma Primary Plant Dispute – Leading and commercially managing the strategy for a large pharmaceutical plant and forming part of the project board tasked with the resolution of claims and counter claims but also taking the lead on the resolution of supply chain claims for additional cost and time. This was achieved

using a forensic team of quantity surveyors and quantum experts reviewing the principles of claim made by a management contractor and the supply chain of a £240m complex pharma plant. A full review of payments made, supply chain correspondence, programme and progress evaluation and also remeasurement of actual works such as complex pipework, plant, equipment and temporary works was undertaken. Includes a counter claim for failure in duty and obligation of the management contractor (recovering £2.2m of fees) where fees were overclaimed or not completed in accordance with the contract, successful contra charge for repair of faulty process plant and design failure of sprinkler systems. The heads of counter claim which were advanced and successfully recovered were: -

- i. Over recovery of subcontractor preliminaries for the civil and building element of the plants.
- ii. Extension of time application for civil and building elements including critical path analysis completed with scheduling experts.
- iii. Vent calculation mistakes made at design stage and evaluation of impact of correction and delay including assessment of the principle of negligence and zero cost application to works.
- iv. Recovery of cost against the evaluation of ventilation design and the failure to take into account existing vent systems.
- v. Evaluation of pipework completed on daywork and the over application of quantity completed and the incorrect use of rates and charges and day works.
- vi. Over recovery of mechanical and electrical preliminaries as part of the measured works.
- vii. Evaluation of cost and liability for the repair of plant and equipment.
- viii. Evaluation of liability against the design of the building sprinkler system.
- ix. Incorrect evaluation of claims for weather and disruption not in accordance with the contract.
- x. Incorrect remeasurement of civil and mechanical and electrical work leading to gross overmeasurement by the subcontractors and revealing duplication and over claiming not managed by the management contractor.
- xi. Failure in duty of the management contractor.

RELEVANT PROJECTS – PRACTICAL EXPERIENCE OF CONSTRUCTION

ROAD AND STRUCTURES SECTION AGENT. Construction planning and programming all aspects of heavy civil structures and roadwork,

site Health and safety co-ordinator. Managed and negotiated all purchasing functions for the site.

RUNWAY REPLACEMENT SECTION AGENT. Construction management for the replacement of Heathrow Airport taxiways and statutory services infrastructure. Responsible for control of all aspects of airside construction, health and safety, programme, resource and cost monitoring / development.

PROJECT MANAGER PROJECT CONTRACT ADMINISTRATOR]. Marcus provided the concept design for the wastewater storage tunnel and 6m³/second stormwater pumping station. Design management of the scheme during inception and feasibility and detailed design. Project and Design Management of Scheme comprised 6.5m diameter, 1600m long stormwater storage tunnel urban stormwater terminal pumping station. Managed commercial control / tender negotiation and primary author of contract. Management of scheme planning permission. Included, design co-ordination of multidisciplinary teams for process, mechanical, electrical, automation control, civil, architectural / building and commercial. Public liaison role included local council interest groups, planning committee, Mayor's Office and MP's.

DESIGNER. Civil engineering designer for contractors and Southern Water. Structural foundation design and geotechnical design for buildings piling and process plants.

Wastewater process designer for water treatment and wastewater treatment, pumping stations and treatment plants. Includes revolutionary designs for managing grit and solid build up in wastewater tunnels and tanks.