

## **EDWARD MCCLUSKEY RESUME**

Chartered Quantity Surveyor, Chartered Arbitrator, CEDR and RICS Mediator, LLM, LLB, MSc BSc  
MRICS FCI Arb C.Arb

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### **Executive Summary**

Edward is a chartered quantity surveyor and chartered arbitrator. He is an experienced procurement, commercial, and dispute avoidance/resolution professional with more than 30 years' practical experience. He has successfully negotiated numerous contracts and resolved contractual/commercial matters. He is pragmatic, meticulous, and solution driven to achieve the best result for his clients.

He has been appointed as arbitrator on 40+ arbitration cases varying in value nature and complexity. His arbitral appointments have covered real estate, construction, final accounts, termination of contract, professional negligence, damages, and misrepresentation. Edward has acted as sole arbitrator and as an arbitrator on a tribunal of three involving Kings Counsel. His reputation has been acknowledged by the fact that he continues to receive appointments from parties, and Dubai International Arbitration Centre. He is regularly asked by the CI Arb and RICS to lecture on arbitration. Edward is on the CI Arb's presidents panel of Arbitrators.

Edward has been appointed as expert witness on several matters. In a training capacity he conducts interviews for the RICS for the President panel of Expert Witnesses and Mediators. He also teaches on the RICS mediation course and is a qualified, and experienced, tutor for the CI Arb.

His mediation work includes commercial, workplace, and family disputes. He has worked alongside a leading KC in several mediations.

### **Sector Experience**

Renewable Energy -Offshore wind: responsible for c.7.5GW of offshore wind development in the UK, ROI, and Europe. Setting procurement and commercial strategies and negotiating high value international contracts. Edward sat on the OWIC supply chain. group

Rail: Edward was commissioned on two HS2 Stations, part of the UK governments biggest infrastructure spend in decades. He was responsible for the delivery of the MEP and fitout quantification and costing for Euston Station and Underground, and the Old Oak Common Station MEP quantification and costing.

Rail: Edward was appointed as an expert advisor by an international contractor on an AED 3.5B rail project in the UAE. He provided contractual claims advice and persuasive written arguments to prompt settlement and avoid formal dispute resolution proceedings. Equally he provided claims defense advice to the Contractor for matters concerning some of its subcontractors. In the UK Edward provided claims advice to an international His client was successful in the adjudication. The losing party referred the matter to the UK High Court in an attempt to overturn the adjudication decision. Edward's client was successful in this action too and received all monies claimed in the dispute. In this matter Edward was the key point of contact between the subcontractor, its lawyers and Kings Counsel.

Ports: Involved in a major port development in the city of Long Beach California. He was responsible for assessing claims put forward by the Contractor and drafting the appropriate defenses. Edward liaised with the attorney for the city and provided his opinion on the merits of the case to develop a strategy with the town's attorney.

Residential: Edward provided advice to a developer and contractor in relation to arbitral proceedings brought by a subcontractor for an AED 500M residential project in the UAE. The project consisted of 150 single dwelling units and a separate gymnasium. Edward drafted a defense to claims for extension of time and prolongation costs. Edward provided advocacy in the arbitral proceedings and cross examined the tribunal appointed quantum and delay expert witness.

High-rise: Provided contractual and claims advice to an international contractor for development in Dubai. The claims consisted of extension of time, prolongation costs, and disruption. The claim was successfully negotiated to settlement. Edward was responsible for all post contract matters on one of Dubai's first freehold residential developments. This involved dealing with all commercial matters, including claims, for five major contractors.

Hotels: Edward provided claims and contractual advice to an international contractor on an AED 1B hotel development in the UAE. He drafted the entitlement claim and the quantum and liaised with the expert advisor for delay. Edward provided quantity surveying and commercial advice to an international hotel chain that was refurbishing and extending one of its hotels in Dubai. He undertook all pre and post contract matters and providing claims advice and defense.

Commercial: Provided post contract and commercial advice on a AED 3B shopping mall development in the UAE. The project had substantial variations that added additional floors to the development at a late stage in the project. Subsequently the international contractor submitted claims for an extension of time, prolongation costs and disruption costs that Edward was tasked with assessing. The project also had an international design team that also submitted claims as result of the variations. Edward assessed these too.

Mixed Use: Edward provided claims and contractual advice to an international contractor on a AED 1B mixed use development in the UAE. He drafted the entitlement claim and the quantum and liaised with the expert advisor on delay matters.

### **Core Skills:**

Commercial matters, Quantity Surveying, Dispute Resolution, Alternative Dispute Resolution, Arbitration, Mediation, Adjudication, Expert Witness.

### **Qualifications:**

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LLM Construction Law & Arbitration, LLB Scots law, MSc Construction Management, Post Graduate Diploma in Law (England & Wales), BSc Surveying, Chartered Arbitrator "C.Arb", FCI Arb, CEDR and RICS Accredited Mediator, Approved CI Arb Tutor, Contract Law

### Career History

#### Soben Contract & Commercial - Director Jan 2022 – Present

Edward is a senior leader responsible for specialist services operations, and the global lead for contract advisory services. Edward is leading MEP operations for the EMEA region. This includes large value complex MEP projects on numerous HS2 stations. These projects are part of the largest infrastructure spend by the UK government. Edward prepares papers to the board on critical matters. Edward has provided advice to the CEO and managing director on disputed matters.

Edward is responsible for the growth globally of Contract Advisory Services for Soben. This is the offering of expert determination, expert witness, litigation support, dispute avoidance, and dispute resolution. This includes the strategic hire of influential specialists, the creating of the brand, and formation of strategic relationships.

#### SSE Plc Senior Procurement & Commercial Manager - April 2020 – November 2021

Responsible for SSE Renewables (SSER) offshore development for the UK, ROI, and Europe. He was responsible for c.7.5GW of SSER's offshore wind pipeline. Edward developed the procurement and contracting strategies across SSER's offshore wind portfolio. He was SSER's nominee, and sat as part of, the OWIC supply chain group. Edward spent time working on the operation wind farms Beatrice and Greater Gabbard where he is assisting in the resolution of a number of complex and high value claims. He assisted in the retender of the wind turbine Long Term Service Agreement. Summary of Edward's Offshore Wind Experience:

**Budgets and Cost Control:** Edward maintained and reports on the budget and spend across SSER's offshore wind portfolio. He was responsible for collating and reporting for each of the individual projects. Edward had ultimate responsibility for negotiating final accounts across the offshore wind portfolio.

**Large Capital Projects (LCP):** He developed the commercial and contracting strategies for SSER's LCPs for board approval. Edward was also responsible for developing key relationships with the supply chain to develop symbiotic relationships.

**Reporting:** Edward reported to the Head of Commercial and Procurement. He also drafted papers presented to SSER's board. Edward had 12 direct staff reporting to him.

**Commercial Management & Procurement:** Edward was regularly involved in drafting commercial positions and negotiating strategies on live contracts. He provided tender advice to his team members and was involved with the retender of the Greater Gabbard LTSA

#### Murray & Roberts Commercial Director/Claims Specialist - September 2016 – June 2019

Commercial director for a joint venture of three contracting companies. He was initially engaged to manage and compile an AED 1.5 billion claim for submission for an extension to the time for completion, disruption and associated costs incurred. An interesting element of the claim concerned a contractual provision on delay and concurrency. Edward's work soon evolved into full commercial responsibility for the project and reporting to the JV Board, and external auditors. The project is a 745-bed healthcare facility. Edward managed the appointment of external consultants and legal counsel. Setting terms of reference for each.

#### Arcadis (EC Harris) Partner September 2012 – September 2016

Edward was the Middle East regional Partner based in the Arcadis Dubai office. He was responsible for Expert Services across the region. Prior to that Edward was the head of Contract Solutions for the UAE. He built the Middle East Contract Solutions business and earned the brand an enviable reputation for quality and achieving client desired outcomes. Edward provided arbitration support to a leading international law firm for two complex disputes each AED 1 billion in value.

Edward was appointed by an international O&G operator to provide expert opinions on quantum matters for recovery of cost from the Iraqi government. He was engaged by an LNG sub-contractor based in the Philippines to provide advice on matters of entitlement concerning a multi-billion-dollar project based in Siberia.

#### Hill International, Director (associate), Aug 2011 – September 2012

Edward regularly provided commercial advice to Clients and represented clients in dispute resolution proceedings, such as adjudication and arbitration.

During his time at Hill Edward was seconded to an international contractor as commercial director. Edward's other works included claim preparation and claim defense. Edward has prepared claims and defenses for sub-contractors, contractors and employers. Edward was regularly appointed as arbitrator on construction and real estate matters.

#### Glasgow Caledonian University Lecturer in Construction Dispute Resolution and Arbitration Feb 2010 – Aug 2011

Lectured both to students and the construction industry on the subjects of commercial management, dispute resolution and arbitration. He was the co-director of the Adjudication Reporting Centre and published two papers on adjudication. Edward was appointed thesis supervisor by Cambridge University.

Edward developed strong links with the construction industry and legal profession and has quickly established Glasgow Caledonian as a recognised pioneer in the field of mediation. He organised an international mediation conference at which some of the world authorities on mediation attended.

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Managing Director, ECM & Co Ltd., Feb 2010 – Aug 2011

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Edward regularly provided commercial advice to contractors and employers alike. He represented clients in dispute resolution proceedings, such as adjudication and arbitration. He regularly acted as arbitrator. Two of those cases have been high value and involved magic circle law firms. The arbitral appointments have involved matters relating to payment, professional duty of care and repudiation of contract. Edward acted on several occasions as assistant mediator to a leading QC on a complex and highly sensitive mediations. Edward has received glowing reports and was offered further opportunities with the QC.

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Director, Currie & Brown (Glasgow and Dubai), Oct 2006 – Feb 2010

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Responsible for driving the development of the Cost Management and Contract Advisory Service department with the ultimate goal of securing new clients and future contracts for the business. He also had the added responsibility of dealing with companies' legal matters in the UAE. He was responsible for service delivery of the following areas; cost management, contract advice, contract drafting, claim preparation and defence, all commercial services and dispute resolution. Edward has an excellent track record in as a quantity surveyor and in representing parties in adjudication and other dispute resolution forums and achieved success in a high value complex adjudication for a major UK sub-contractor. In his capacity, he has also acted as sole arbitrator/arbitrator and is experienced in representing both Claimants and Respondents in arbitration. He regularly mediated internal workplace disputes and acted as lead mediator in several construction mediations. Edward frequently lectured on Arbitration for the CIArb and has had an article published in the RICS Construction Journal.

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Page Kirkland Group: Senior Quantity Surveyor, International Consultancy, Nov 2004 – Aug 2006

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Project: Dubai Festival City; Value: AED 2.6 billion

Duties included all aspects of cost control on pre-contract and post contract issues. The form of contract was FIDIC 4th Ed. amended to a cost plus, target cost contract. Edward was responsible for the management and co-ordination of various members of the design team to ensure that targets were attained and costs controlled. The works were split into over 50 work packages and management involved valuing variations, determining payment certificates, analysing claims and contractual advice to the project manager, design team and client. His daily duties also involved management of 10 surveyors and 2 administration staff. On a monthly basis he compiled cost reports for the project, these reports were issued to financial institutes and the investors in the project. On a regular basis, Edward was involved in negotiating variations, final accounts for the various subcontract packages and defending claims made by contractors.

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Blair Anderson: Construction Services Co-ordinator, International Chartered Surveyors, Oct 2002 – Nov 2004

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In his role as Construction Services Co-ordinator, Edward's duties and responsibilities involved co-ordination and management of 6 project surveyors and 2 assistant surveyors. Edward managed work produced by the surveyors and regularly provided contractual advice and tutorials on different aspects of contracts to his team and clients. He encouraged continued development and actively motivated staff to achieve the best results from the team. His team was based mostly on post contract work. Occasionally his team undertook work on pre-contract projects. Edward worked on multiple projects including; hotels, residential flats, towers, hospitals and airports amongst others. He worked with such contracts as FIDIC 4th Edition and the turnkey edition in addition to Emaar's own form of contract. On a regular basis, Edward was involved in negotiating variations and final accounts for the various projects. These negotiations often involve negotiating with different nationalities.

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Watson Building Services: Project Quantity Surveyor, Construction Company (Westwood and West Lothian), Aug 2000 – Sep 2002

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Edward was a building contractor's project surveyor. He was responsible for all commercial aspects of the projects he worked on. One of the highlights of his time was working on the Glasgow Schools PFI Project. This involved the refurbishment of an existing school and the construction of a new extension. The works were challenging because elements of the works were undertaken when the school was functioning. Edward's general duties involved appointing and managing sub-contractors, site measurement, valuations and profit and loss accounts. Projects include the refurbishment of The Arches in Glasgow with a project value of GBP 3M working as part of a team of surveyors reporting to the Managing Surveyor.

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MERLE Building Contractors, Aug 1996 – Aug 2000

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Duties involved appointing and managing sub-contractors, site measurement, valuations and profit and loss accounts. Projects include the refurbishment of The Arches in Glasgow with a project value of GBP 3M working as part of a team of surveyors reporting to the Managing Surveyor.

Edward worked on Glasgow Schools PFI Project: value GBP 5.20M, reporting to the Managing Surveyor.

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### Arbitral Appointments

Edward has received 40+ appointments as arbitrator. His appointments have included domestic and international appointments. Edward has served as sole arbitrator and on a tribunal of three. One of which is chaired by a Band 1 KC.

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### Expert Appointments

Edward was appointed quantum expert in an arbitration concerning termination of contract dispute in Bahrain. Edward had to value the works at the time of termination. He was appointed as an advisory expert in an arbitration in Dubai concerning a residential development. Edward was appointed as a quantum expert in a Technology & Construction Court in London concerning a hotel and residential development in central London.

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### **Publications**

*Conclusive Evidence?* RICS Construction Journal 2008,

*Adjudication Reporting Centre Report No. 10* P Kennedy, J L Milligan, E McCluskey, L Cattanach ISBN-9781905866502.

*The development of Statutory Adjudication in the UK and its relationship with construction workload 2010* Peter Kennedy, Janey Milligan, Lisa Cattanach and Edward McCluskey

*The development of Statutory Adjudication in the UK and its relationship with construction workload 2011* Edward McCluskey, Janey Milligan, Lisa Cattanach and Peter Kennedy.