

MARKO VESELINOVIC LLB LLM FCIA_{ARB}

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SUMMARY

FIDIC Certified Adjudicator with thirteen years of experience in the resolution of contractual disputes in the international construction industry. Involved in all aspects of the dispute resolution process, from submission and defence of claims to the referral of disputes to FIDIC Dispute Boards and international arbitration. Acted on behalf of contractors as counsel in Dispute Board and ICC arbitration proceedings against employers from CIS and Central Asian countries.

MEMBERSHIP

FIDIC Certified Adjudicator
Fellow, Chartered Institute of Arbitrators
Member, Dispute Resolution Board Foundation
Member, Society of Construction Law

EDUCATION

Master of Laws with Distinction (LLM), Construction Law and Arbitration Robert Gordon University, Scotland	2019
Bachelor of Laws (LLB) University of New England, Australia	2009
Bachelor of Medical Science (BMedSc) University of New South Wales, Australia	2003

DISPUTE RESOLUTION EXPERIENCE

GEORGIA

Construction of a bypass road and four-lane highway (USD 49 million)

DAB dispute over the deduction of variation works from a payment certificate by the FIDIC Engineer, and their correct valuation under the Contract.

DAB dispute over the valuation and payment of the repair of box culverts, damaged as a result of excessive settlement of the soft soil.

DAB dispute over the liability for and payment of temporary roads, a temporary steel bridge, cofferdams and financing charges.

DAB dispute over various deductions from a Final Payment Certificate made by the FIDIC Engineer.

DAB dispute over the payment of greenery, disruption of works by local residents, price adjustment and payment of financing charges.

Construction of a bypass road and four-lane highway (USD 129 million)

DAB dispute over the valuation and payment for the relocation of high voltage power lines, executed as a variation.

DAB dispute over the payment of the second half of Retention Money following the taking-over of the project.

DAB dispute over the unit rate for rock excavation works carried out as a variation.

DAB dispute over the cost of the additional installation and disassembly of a Movable Scaffolding System (MSS) due to unavailability of parts of the Site.

DAB dispute over the Contractor's entitlement to prolongation costs as a result of delays in handing over the Site.

Construction of a four-lane highway (USD 117 million)

DAB dispute over the deduction of delay damages from two interim payment certificates.

DAB dispute over the Engineer's rejection of a claim for an extension of time, as a result of delayed access to the Site and excessive settlement of embankments and culverts.

DAB dispute over the Contractor's entitlement to the additional payment of fees for value engineering proposals.

DAB dispute over payment for the repair of box culverts, damaged as a result of excessive and Unforeseeable settlement.

Rehabilitation and reconstruction of a secondary mountain road (USD 19.4 million)

DAB dispute over the Contractor's entitlement to an extension of time due to obstructions by local residents, Unforeseeable utilities, landslide movements and design.

Rehabilitation and reconstruction of a secondary mountain road (USD 13 million)

DAB dispute over the Contractor's entitlement to an extension of time due to landslides and the redesign of two bridges.

Construction of a four-lane highway (USD 49 million)

DAB dispute over entitlement to payment for additional geotechnical investigations, static pile loading tests and load testing U-beams.

Construction of a four-lane highway, tunnels and bridges (USD 95.2 million)

DAB dispute over entitlement to an extension of time due to tunnel collapses and Unforeseeable ground conditions.

UKRAINE

Reconstruction and improvement of a four-lane highway (EUR 42.3 million)

DAB dispute over a claimed extension of time for the delayed approval of a bridge design variation.

DAB dispute over a request for urgent conservatory measures.

DAB dispute over the termination of the contract due to failures to certify and pay several IPCs, failures to comply with notices to correct, failures to proceed with the Works, failures to maintain a Performance Security and calls on the Performance Security and Advance Payment Guarantee.

Two DAB disputes over the payments due on termination of the Contract.

DAB dispute over the difference in the cost of crushed stone aggregates used for the construction of embankments.

Arbitration under the ICC Rules 2021 over the enforcement of a binding Dispute Board decision.

ARMENIA

Reconstruction and improvement of a four-lane highway (USD 61.3 million)

DAB dispute over the origin of cement for the Works.

DAB dispute over the Engineer's rejection of a claim for extension of time due to black soil, failure to hand over the Site, delays in approval of working drawings, and delays in approving an asphalt pavement variation.

DAB dispute over the Contractor's entitlement to additional costs as a result of the variation from concrete to asphalt pavement.

Reconstruction and improvement of a four-lane highway (EUR 74.1 million)

DAB dispute over the Engineer's rejection of a claim for an extension of time due to the failure of the Employer to make a part of the Site available.

DAB dispute over the Contractor's entitlement to an extension of time due to delays in approving an asphalt pavement variation, and the Employer's failure to hand over parts of the Site.

DAB dispute over the deduction of rock excavation quantities from an interim payment certificate.

TAJIKISTAN

Construction of a three-level interchange (USD 30.2 million)

Arbitration under the ICC Rules 2017 over the payment of variation works worth approximately USD 10 million.

Construction of a four-lane highway (USD 64 million)

DAB dispute over an extension of time due to errors in the benchmarks and detailed design, changes in locations of U-Turns, variation of a high embankment section and changes in the design slope in deep cuts.

AZERBAIJAN

Reconstruction and rehabilitation of a bypass road (USD 30 million)

Dispute over contract termination on the ground of the Contractor's failure to extend the Performance Security, Advance Payment Guarantee and insurance.

KAZAKHSTAN

Construction of a by-pass road (USD 46 million)

DAB dispute over the retroactive revision of price adjustment indices following the Taking Over of the Works.

DAB dispute over entitlement for payment for topsoil, excavation and embankment works executed on the basis of a survey prior to the mobilisation of the Engineer.

DAB dispute over the entitlement to a new rate for road marking after an instruction by the Engineer to replace thermoplastic with cold paint

EXPERIENCE

Partner, ViaLex Consulting FZ-LLC, UAE

2019 – present

- Investigation and documentation of claims for international contractors in several CIS countries
- Preparation and submission of claims under FIDIC Conditions of Contracts
- Negotiation of the terms of multi-million-dollar variation orders with the Engineer and Employer
- Drafting settlement agreements in disputes between contractors and employers
- Attending physical and virtual site visits by Dispute Boards
- Preparing referrals of contractual disputes to Dispute Boards, including all submissions in the course of Dispute Board proceedings
- Acting as lead counsel and attending Dispute Board hearings

- Preparing requests for arbitration, statements of claim and other legal submissions in arbitration proceedings
- Representing international contractors in arbitration proceedings as lead counsel
- Advising clients on the management of all procedural aspects of arbitrations

Key Achievements:

- Negotiated an agreement with the Minister of Transport of a Central Asian country for the payment of variation works and the settlement of a multi-million dollar dispute
- Negotiated the settlement of a contract termination with the Ministry of Transport of a Central Asian country
- Won multiple Dispute Board referrals against top-tier multinational law firms for extensions of time due to delays in site handover, unjustified deduction of delay damages, impossibility to perform the contract, payment of variation works, unjustified termination, etc
- Successfully defended a contractor in a wrongful termination dispute with a government employer
- Secured millions of dollars in damages, prolongation costs and financing charges for clients
- Won an arbitration under ICC Rules on behalf of a large international construction company
- Represented a major Chinese contractor as lead counsel in a multi-million dollar prolongation costs dispute

Contracts and Claims Specialist, Xinjiang Beixin Road and Bridge Group Co. Ltd

May 2017 – present

- Documenting and preparing claims for extensions of time and additional payments on international road construction contracts in Tajikistan
- Advising the client on contractual issues arising from the implementation of road construction contracts, based on the FIDIC MDB 2010 conditions
- Defence from claims submitted by the Employer
- Representing the client in Dispute Board proceedings
- Representing the client in negotiations with the Employer and preparing settlement agreements
- Representing the client as lead counsel in international arbitration proceedings under ICC Rules

Consultant/Contracts Specialist, Sinohydro Corporation Limited

2015 – 2019

- Investigation and documentation of claims related to the execution of major road infrastructure projects, hydroelectric power plants and building construction works in CIS countries, Africa and the Pacific
- Advising on day-to-day FIDIC contracts and claims management
- Providing strategic advice on the most effective method for winning claims and resolving disputes
- Preparation of claims for extension of time and costs due to the delayed handover of the site by employers

- Evaluation of variations and preparation of claims for variation works not paid by employers
- Guiding and advising the client's management on the procedure for the appointment of Dispute Boards and the most favourable dispute resolution options
- Representing the client in Dispute Board proceedings, including as lead counsel
- Conducting Site visits to advise on the resolution of major issues affecting project completion

Consultant/Contracts Specialist, Veselinovic Ltd, Seychelles

2012 – 2014

- Advising the firm's clients, which included international contractors, construction supervision firms and FIDIC Employers in Azerbaijan, Georgia, Tajikistan and Kazakhstan
- Preparation and defence of claims under MDB-funded infrastructure projects
- Advising an international consulting firm on the correct contractual procedure that the Employer must follow in the case of possible contract termination on a large road construction project in Azerbaijan, due to the Contractor's unproven bankruptcy and failure to extend contractual securities
- Drafting submissions on behalf of the Employer in Dispute Board proceedings related to a multi-million dollar claim in Kazakhstan
- Advising employers and engineers on the contractual implications of Dispute Board decisions
- Preparation of claims for submission to the Engineer by an international contractor in Georgia

Contracts Associate, Assistant to Independent Consultant

2010 – 2012

The scope of duties of the Assistant to Independent Consultant Zoran Veselinovic, engaged on various MDB-funded projects in Tajikistan, Kazakhstan, Uzbekistan, Armenia, Saudi Arabia, included:

- Researching local legal databases, in order to provide advice on FIDIC contractual rights and obligations under local laws
- Researching relevant international adjudication and arbitration cases related to construction disputes
- Reviewing Bidding Documents, researching local legislation and drafting advice on bid preparation and negotiations
- Investigating, documenting and preparing construction claims
- Assisting in the selection and appointment of Dispute Boards
- Assisting with the drafting of referrals to Dispute Boards
- Researching and drafting advice on international arbitration

TRAINING

Dispute avoidance and resolution under FIDIC Contracts

Fuzhou, China

January 2017

- Prepared and presented a two-day training seminar for a large Chinese contractor on dispute avoidance, documentation of claims, preparation of claims for Dispute Boards, and the options for the appointment of a Dispute Board with a reluctant Employer

Managing risks in the FIDIC 1999 Suite of Contracts

Fuzhou, China

January 2016

- Prepared and presented a two-day training seminar for a large Chinese contractor on the differences in, and mitigation of the risks in FIDIC 1999 Red, Yellow and Silver Books

LANGUAGES AND DEGREE OF PROFICIENCY

	<u>Spoken</u>	<u>Written</u>
English	Native	Excellent
Serbian	Native	Excellent
Russian	Advanced	Good
French	Advanced	Good
Portuguese	Good	Good