

MARK MILLS

MBA MSC MRICS MCIARB



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SKILLS

Expert witness – Quantum

Procurement

Claims

Litigation

Arbitration

Adjudication

Mediation

PROFILE

Mark is a Director of Aquila Forensics, a consultancy firm specialising in construction dispute, advisory and investigation services. He has over 20 years' experience in the construction industry working for sub-contractors (civils), main contractors, PQS firms and multi-disciplinary consultancies. Mark's project experience is wide-ranging involving all stages of the construction process and varies in value from £1m construction projects in the UK to £1.5bn global disputes involving several different parties, including public sector bodies, SPVs and JVs.

Mark is a chartered surveyor who specialises in the management and resolution of construction disputes. He has an MBA from Cass Business School, an MSc in Construction Law & Arbitration from King's College and a BSc in Commercial Management & Quantity Surveying from Manchester University. Mark is also a member of the Royal Institution of Chartered Surveyors, the Chartered Institute of Arbitrators and the Society of Construction Law as well as being an associate tutor at the University of Reading and a guest lecturer on Stuttgart University's MBE.

Mark has been involved with many complex disputes including infrastructure developments (predominantly road and rail), marine developments, hospitals, large defence projects, major international airports, residential schemes, several hotels, luxury private residences, stadiums and a film production studio. He has been involved in the provision of expert opinion and technical advice to a wide range of clients in the process of litigation, mediation, arbitration and negotiation.

ACADEMIC

- Masters in Business Administration (MBA) from Cass Business School, London.
- MSc in Construction Law & Arbitration from King's College London.
- BSc (Hons) in Commercial Management & Quantity Surveying from Manchester University.

MEMBERSHIPS

- Recognised in Who's Who Legal:
 - Global Leader: Construction Expert Witnesses 2019, 2020.
 - Experts - Construction - Quantum & Delay 2019, 2020.
- Member of the Royal Institution of Chartered Surveyors [MRICS].
- Member of the Chartered Institute of Arbitrators [MCIARB].
- Member of the Society of Construction Law.



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DISPUTE EXPERIENCE

- Quantum Expert on a large Combined Cycle Power Plant in Australasia (>US\$500m in dispute) in arbitration.
- Engaged on behalf of Contractors on two FPSO disputes at arbitration, South America (>US\$500m in dispute).
- Quantum expert on a dispute in Costa Rica (US\$150mn), involving construction of a port terminal, dredging and reclamation operations and wharf and temporary bund construction. Claim involved issues of delay and disruption and insurance claims.
- Quantum Expert on a Moldovan motorway dispute involving assessment of site costs, loss and expense and attribution of overheads.
- Provision of advice for a £250m construction dispute on a UK underground infrastructure project involving tunnelling with an estimated final construction cost in excess of £1.25bn.
- Provision of quantum analysis for an underground transport infrastructure system in mainland Europe involving tunnelling, in arbitration (>£250m in dispute).
- Quantum Expert providing independent expert advice sought in relation to the valuation of significant interior and fit out works to a property, for court proceedings
- Quantum Expert on a residential property dispute heading towards the Technology and Construction Court [TCC] (<£1m in dispute).
- Court appointed Single Joint Expert for a residential property dispute heading towards the TCC (<£1m in dispute).
- Appointed Expert on a Project Monitoring professional negligence claim that settled after successful mediation (<£5m in dispute).
- Quantum Expert on a residential dispute in South-East England relating to defective works and installation (<£5m in dispute) in adjudication proceedings.
- Quantum Expert in adjudication proceedings on a residential dispute in North-East England (<£5m).
- Quantum Expert on a defective installation relating to a school extension (<£5m in dispute).
- Quantum Expert in an adjudication proceedings relating to the conversion of offices to residential dwellings (<£5m in dispute).
- Provision of quantum advice and opinion relating to Middle-Eastern airport arbitration claims (>US\$500mn in dispute).
- Provision of quantum analysis for an airport in the Middle-East in arbitration (>£150m in dispute).
- Provision of quantum analysis for a power plant dispute in arbitration in the Middle East (>£100m in dispute).
- Provision of quantum advice and opinion on loss and expense and delay and disruption claims on an UK airport arbitration.
- Lead assistant to the Quantum Expert retained on behalf of Contractor in connection with claims at arbitration arising on large mixed use building project, Azerbaijan.
- Provision of quantum advice for a transport infrastructure system in the Middle-East leading to successful settlement and therefore avoiding a costly arbitration (>£250m).
- Engaged on a dispute (>€250m) concerning a nuclear power station in northern Europe (quantum).
- Engaged as lead assistant on a wind turbine insurance claim dispute.
- Engaged for the cost analysis of a large and complex civil defence project, including the provision of alternative cost projections and review of disallowable

DISPUTE EXPERIENCE CTD

- costs (>£80m in dispute).
- Provision of quantum opinion and advice for an Irish infrastructure arbitration.
- Engaged as lead assistant on a professional negligence dispute between the funder and the surveyor regarding Project Monitoring services.
- Engaged as lead assistant for UK transport and infrastructure dispute (>€250m) providing detailed prolongation analysis including assessment of overall preliminaries costs.
- Engaged as the lead assistant for UK military defence project providing alternative as-built cost analysis, review of cost expenditure and provision of detailed cost/value reconciliation.
- Engaged as the lead assistant for an adjudication on a shopping complex (>£1m in dispute).
- Engaged by a panel of arbitrators as the lead assistant to provide quantum analysis for recording studio facilities in central Europe (>£50m in dispute).
- Provision of quantum analysis for a gold-mining plant in Africa in arbitration (>£50m in dispute).
- Engaged as the lead assistant to provide quantum analysis on a luxury residence in the Cayman Islands that settled before reaching the hearing (>£10m in dispute).
- Provision of internal dispute advice services for an international POS firm.
- Engaged as the lead assistant for a large civil engineering dispute in Eastern Europe awaiting a decision from the ICC Court of Arbitration, Paris (>£100m in dispute).
- Engaged as the lead assistant for a large residential estate in the Middle East heading towards litigation (>£100m in dispute).
- Provision of quantum analysis for a civil engineering dispute in Ireland that settled (>£100m in dispute).
- Provision of quantum analysis for a major stadium development that settled before being decided at a hearing in the TCC (>£100m in dispute).
- Engaged as the lead assistant for quantum analysis on a leisure complex dispute that was heading towards litigation before being successfully settled (>£20m in dispute).
- Engaged as the lead assistant for a professional negligence case relating to the provision of project monitoring services in litigation (>£10m in dispute).
- Engaged as the lead assistant for a dispute heading towards litigation relating to a large hotel development in central London (>£10m in dispute).
- Mark has provided over-arching consultancy, project management and cost advice to UK public sector bodies on a number of hospitals and schools in the UK, including specifically procurement routes, VfM (measurement, monitoring and reporting), project progress measures and management and cost management tracking strategies. A particular example of relevance was where Mark was engaged as an external consultant advising a local authority to provide recommendations for improvement both in terms of the project's performance and that of the professional team's analysis and reporting requirements.

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NON-DISPUTE EXPERIENCE

- Mark was employed under the banner of "Step Change" to work alongside the head of the redevelopment of the commercial guidance, systems and processes being used to improve capital expenditure within BAA. Mark was engaged as a management consultant to provide assistance in the future development of the BAA commercial model around capital expenditure and was involved in challenging and questioning existing systems and approaches, with particular reference to the following areas:
 - Project cost reporting, commercial control of project risk and opportunity, cash flow forecasting, commercial management of change control, overall project cost control, financial controls and authorities, commercial data management, whole life costing, cost estimating and benchmarking.
- Mark was employed as a quantity surveyor, for a PQS practice, delivering commercial and contractual advice at Gatwick Airport. He was responsible for numerous projects ranging from civil engineering works (including airfield works) to the fit-out and refurbishment of Airport piers and offices. His main project responsibilities included the refurbishment of Pier 3 and the Inter-Terminal Transit System. General responsibilities included cost planning, procurement, contract administration, financial reporting, cash-flow analysis, supply-chain management and risk analysis all under the NEC2 & NEC3 suite of contracts as well as the production of board papers for financial approvals demonstrating value for money through benchmarking.
- Mark worked for a main contractor as a quantity surveyor on a number of projects including a £16m chemical production complex and a £17m call centre. His responsibilities included procurement of subcontractors, cash flow forecast analysis, measurement of quantities for work packages, management of accounts, preparation of valuations, cost value comparisons, administering of sub-contract accounts, etc. Other projects included assisting in the preparation of a claim for a pending arbitration relating to a hospital project in North Wales.

ADDITIONAL

- Mark is an associate tutor for the College of Estate Management for the BSc in Quantity Surveying and MSc in Construction Management at the University of Reading.
- Mark is a lecturer on the University of Stuttgart's master program International Construction: Practice and Law (MBE).
- Mark has also been published in 'Tunnels & Tunnelling International' for his joint article 'Change: Its evaluation and how to avoid disputes'.