

# Michael McKee

MSc BSc (Hons)  
Senior Consultant



## Profile

Michael is an experienced Quantity Surveyor with extensive experience in the administration of construction contracts and settlement of major construction disputes.

Michael graduated from King's College, London; with a Master's degree in Construction Law and Dispute Resolution. Furthermore, Michael has recently passed the Arbitral Award Writing Examination on route to becoming a Fellow of the Chartered Institute of Arbitrators ("FCIArb").

Since joining Tudor Rose in 2018, Michael has represented Employers, Main Contractors and Sub-Contractors in over 15 adjudications. The adjudicated matters relate to extension of time, delay, loss and/or expense, practical completion, interim payments, final accounts and change. Michael has also represented clients in mediation and conciliation.

Michael has drafted multiple quantum reports for claims of professional negligence; representing Contractors in recovery of losses from negligent professionals. Michael has also produced expert reports for litigation. Michael has provided his clients with support on discrete contractual and commercial matters with a view to avoiding disputes. Michael is well versed in standard forms of contract, such as JCT, NEC and FIDIC; with further experience in heavily amended and bespoke forms of contract.

Having graduated with an Honours degree in Quantity Surveying, Michael initially commenced his career with a mechanical contractor who specialised in the provision of ventilation systems. Michael subsequently took the position of Quantity Surveyor on the construction of a new airport in the Middle East on behalf of a JV Main Contractor. Michael's primary role was the management of the subcontract packages. Additionally, he was responsible for the preparation of variations under the main contract and played a key role in the proposal and presentation of value engineering solutions for key systems, together with their implementation.

## Qualifications and Professional Membership

FCIArb	Fellow of the Chartered Institute of Arbitrators (awaiting confirmation)
MSc	Construction Law and Dispute Resolution (King's College, London)
BSc (Hons)	Quantity Surveying (Ulster University)

## Career History

2022 to date	Senior Consultant at Tudor Rose Consultancy
2018 - 2022	Consultant at Tudor Rose Consultancy
2017 - 2018	Commercial Manager for Fitout Contractor
2017 - 2017	Senior Quantity Surveyor for Major Client
2015 - 2017	Senior Quantity Surveyor for Mechanical and Electrical Contractor
2014 - 2015	Quantity Surveyor for EPC Main Contractor
2010 - 2014	Quantity Surveyor for Mechanical Contractor

# Assignments and Achievements

## Adjudication

- Successful representation of Subcontractor under a TECSA Adjudication dispute with Main Contractor, governed by the adjudication provisions of the Scheme for Construction Contracts as per section 108(5) Housing Grants, Construction and Regeneration Act 1996. Dispute in relation to Main Contractor's failure to pay notified sum as set out at section 111 of the Act.
- Successful representation of Main Contractor under a TECSA Adjudication dispute with Subcontractor, governed by an amended 'NEC4 Option A' form of contract. Dispute in relation to particular compensation events, assessing Subcontractor's entitlement to an increase in the Prices and an adjustment to the Completion Date.
- Successful representation of an Employer under a RICS Adjudication dispute with Main Contractor, governed by an amended JCT DB 2011 form of contract. Dispute in relation to Final Account and in particular loss and/or expense entitlement to the Main Contractor.
- Successful representation of Subcontractor under a TECSA Adjudication dispute with Main Contractor, governed by a 'Letter of Intent'. Dispute in relation to Final Account. Assessing and assisting Subcontractor's claims for additional cost entitlement.
- Successful representation of Subcontractor under an IChemE adjudication with Main Contractor. Advocated for Referring Party in respect of Final Account dispute.
- Successful representation of Main Contractor under a JCT DB 2016 in Adjudication dispute with Employer. Dispute in relation to Practical Completion and Extension of Time. Assessing and assisting Main Contractor's claims for delay and supplementing with supporting evidence.
- Successful representation of the Responding Party in adjudication. The dispute involved a claim by the Main Contractor for alleged defective works and consequential damages. The contract was a bespoke subcontract

## Expert/Audit

- Preparation of Main Contractor's claim in respect of losses flowing from negligence and various breaches of a professional services company. Responsible for providing causal link between architect's breaches and the losses flowing from that breach.
- Representation of Main Contractor in receipt of Pre-Action Protocol Letter from Subcontractor, for losses incurred; such as loss of profit, for a purported repudiatory breach by the early termination of the Subcontract.
- Preparation of Main Contractor's claim against negligent professional for incorrect specification of earthworks and ground stabilisation works. Responsible for establishing duty of care, identifying the breach and demonstrating how that breach caused the Main Contractor to suffer significant losses.
- Preparation of Main Contractor's successful claim for quantum and delay against negligent subcontractor's defective and non-compliant Civil Engineering works.

- Preparation of Quantum report on behalf of Main Contractor's claim against professional designer for breach of professional services and professional negligence.

## Contract Administration

- Commercial contract administration for Main Contractor under an NEC Option C Target Cost alliance agreement on the delivery of a £25m civils and utilities project. Responsible for coherently demonstrating Defined Cost incurred whilst undertaking the works and preparation of compensation event quotations to justify increase in the Prices whilst accurately demonstrating the impact on the Completion Date.
- Commercial contract administration for Main Contractor under an NEC3 Option C Target Cost on delivery of a £6m highways project. Responsible for management of purported Defects, rebuttal of Project Manager's unreasonable approach and tasked with reducing the Project Manager's assessments.
- Commercial contract administration for Main Contractor under an NEC3 Option C Target Cost on delivery of a £100m Civil Engineering project. Responsible for management of compensation events and tasked with increasing target price, review of effect on Price and Time entitlement, whilst adhering to contractual provisions. Providing contractor assessments on NEC3 Option C Target Price subcontract.
- Commercial contract administration for Main Contractor under a JCT SBC 2016 with CDP on delivery of a £400m project. Responsible for analysing effect of instructed change and associated delay, ensuring compliance with contractual provisions. Issuance of quantum and delay claims against Employer and Subcontractors.
- Contract Administrator on behalf of private client for new build storage warehouse for major international client (value approx. £2m). Main contract was a JCT D&B with amendments. Responsible for monthly payment certificates, issuing instructions, chairing meetings, and ensuring adherence to contract provisions.
- Acting on behalf of the employer in the defence of claims for damages made by the Main Contractor. Undertook analysis of purported delay and provided support through conciliation process.

## Commercial Management

- Senior Quantity Surveyor for the delivery of a €62 million public Civil Engineering contract on behalf of the Employer. The project was carried out under the provisions of an amended FIDIC Yellow Book. This included the drafting of contract provisions, the production of a monthly report to evidence compliance with obligations stated within the contract and the identification and resolution of risk items.
- Preparation for mediation on behalf of an M&E Contractor under JCT D&B subcontract. Prepared detailed final account and claim documents and provided representation in the mediation to achieve a successful conclusion.
- Preparation and submission of a claim for an extension of time and associated loss and expense under the terms of a JCT Trade Contract Management Subcontract. Conducted an analysis of cause and effect of delay events and demonstrated impact on the progress of the works.
- Main Contractor's Quantity Surveyor on £2bn Civil Engineering project in Middle East. Responsible for establishing processes and procedures for the correct issuing of notices under FIDIC form of contract. Managing subcontract packages, monitoring quantum and delay issues.

# Contact Details

Address	Tudor Rose Consultancy Limited	Telephone	+44 (0)203 434 2070
	1 Adam Street	Fax	+44 (0)207 930 9923
	London	Email	<a href="mailto:mmckee@trconsult.co.uk">mmckee@trconsult.co.uk</a>
	WC2N 6LE	Website	<a href="http://www.trconsult.co.uk">www.trconsult.co.uk</a>