

## RODNEY MARTIN



**CEO**

### **Qualifications**

Degree in Quantity Surveying (BSc) - Westminster University London  
Degree in Law - (LLB Hons) - Westminster University London  
Masters in Construction Law & Arbitration (MSc) - King's College London  
Certificate in Adjudication – Asian International Arbitration Centre

### **Memberships and Associations**

Member of the Royal Institution of Chartered Surveyors (MRICS)  
Fellow of the Chartered Institute of Arbitrators (FCIArb)  
Fellow of the Malaysia Institute of Arbitrators (FMIArb)  
Fellow of the Singapore Institute of Arbitrators (FSIArb)  
Panel Arbitrator, Adjudicator and Mediator - AIAC

### **Geographical Experience**

Europe, Asia Pacific, India, North Africa and Middle East

**Home Office: Malaysia**

**Email:** [rod.martin@charltonmartin.com](mailto:rod.martin@charltonmartin.com)

## Summary

Rodney is Chief Executive of the Charlton Martin Group, having previously been employed as Group Regional Director and Senior Vice President of two major contracts consultancy groups in the Asia Pacific Region. Of his 31 years of experience, 21 have been at senior level in this region. Additionally, Rodney has worked for many clients in Europe, Africa, the Middle East and India. Rodney holds dual qualifications in quantity surveying and law and as a chartered quantity surveyor is a specialist in construction contract consultancy providing professional and technical advice to clients relating to contract documentation, contractual claims, dispute avoidance and resolution. He is an accredited mediator, panel arbitrator and panel adjudicator with the Asian International Arbitration Centre and is an experienced speaker within the region. He is a Fellow of the Chartered Institute of Arbitrators as well as both the Malaysian and Singapore Institute of Arbitrators. Rodney has been appointed as Expert Witness on matters relating to quantum and has acted as lay advocate in arbitration proceedings. Rodney has also been appointed as an arbitrator, mediator, adjudicator and Dispute Adjudication Board member in Malaysia. He has lived in Kuala Lumpur since 1997.

## Sector Experience (Detailed Sector Sheets Available Upon Request)

- Petrochemical, Oil & Gas
- Commercial and Residential
- Utilities
- Infrastructure
- Power
- Transportation

## Employment

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<b>2007 - Present</b>	<b>Charlton Martin Group</b> <i>CEO of the Group with responsibility for the development of the Group's business while maintaining a full time role as a construction contracts consultant.</i>
<b>2006 - 2007</b>	<b>Hill International Inc</b> <i>Appointed as Senior Vice President responsible for the Asia Pacific Region upon the acquisition of the Knowles Group in 2006.</i>
<b>1995 - 2006</b>	<b>Knowles Group</b> <i>Initially appointed as a Senior Consultant in the UK prior to relocating to Malaysia in 1997 as Executive Director and later Group Regional Director – Asia Pacific Region with responsibility for the Group's businesses in the Region reporting to the Group CEO.</i>
2006 - 2007	James R Knowles (Hong Kong) Limited Director
2000 - 2007	James R Knowles (Thailand) Limited Director
2005 - 2007	James R Knowles (Malaysia) Sdn Bhd Managing Director
2005 - 2007	James R Knowles (Singapore) Pte Ltd Managing Director
2002 - 2006	James R Knowles (Holdings) PLC Group Regional Director – Asia
2002 - 2007	James R Knowles (Brunei) Sdn Bhd (based in Malaysia) Director
2001 - 2005	James R Knowles (Singapore) Pte Ltd (based in Malaysia) Director
1998 - 2005	James R Knowles (Malaysia) Sdn Bhd Executive Director
1995 - 1997	James R Knowles Limited, United Kingdom Senior Consultant
<b>1987 - 1995</b>	<b>Cyril Sweett &amp; Partners - London, United Kingdom</b> Associate Director
<b>1983 - 1984</b>	<b>CR Wheeler &amp; Partners - Southampton, United Kingdom</b> Assistant Quantity Surveyor

## Arbitration / Litigation Experience

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### As Expert Witness

\* (denotes testimony given in court/arbitration proceedings)

Year	2003
Project	Flour Mill
Client	Respondent Contractor (Malaysian)
Other Party	Sub-Contractor (Malaysia)
Role	Quantum Expert
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	RM15m
Dispute	Variation; Loss & Expense (L&E)
Year	2005
Project	Power Plant
Client	Claimant Sub-Contractor (Malaysian)
Other Party	Contractor (USA)
Role	Quantum Expert
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	RM100m
Dispute	Counterclaim for remedy of defective work
Year	2005
Project	Offshore Maintenance Contract
Client	Claimant Contractor (Malaysian)
Other Party	Employer (Malaysian)
Role	Quantum Expert*
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	RM10m
Dispute	Claims arising from wrongful termination
Year	2006
Project	Fertilizer Plant
Client	Respondent Contractor (Malaysian)
Other Party	Sub-Contractor (Malaysian)
Role	Quantum Expert
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	RM5m
Dispute	Claims for additional work and counterclaims for delay
Year	2011
Project	Road & Drainage Tunnel
Client	Claimant Main Contractor (Malaysian)
Other Party	Respondent Sub-contractor (German)
Role	Quantum Expert*
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	RM275m
Dispute	Claims arising from Termination

## Arbitration / Litigation Experience (Cont'd)

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### As Expert Witness (Cont'd)

\* (denotes testimony given in court/arbitration proceedings)

Year	2011
Project	Road
Client	Claimant Main Contractor (Malaysian)
Other Party	Respondent (Malaysian Government)
Role	Quantum Expert
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	RM90m
Dispute	Claims arising from Termination
Year	2012
Project	Reclamation Work
Client	Respondent Employer (Malaysian)
Other Party	Claimant Contractor (Belgium)
Role	Quantum Expert*
Arb. Rules	Malaysian Arbitration Act
Dispute	EOT, Variations and Loss & Expense
Year	2013
Project	Port Facilities
Client	Respondent Employer (Malaysian)
Other Party	Claimant Contractor (German)
Role	Quantum Expert*
Arb. Rules	Malaysian Arbitration Act
Dispute	EOT, Variations and Loss & Expense
Year	2013
Project	Oilfield First Commercial Production Facilities
Client	Claimant Contractor (Malaysian)
Other Party	Respondent Contractor
Role	Quantum Expert*
Dispute	Loss of Profit and Damages Claim
Year	2013
Project	Water Treatment Plant
Client	Respondent Employer (Malaysian)
Other Party	Claimant Contractor (Malaysian)
Role	Delay Expert*
Arb. Rules	Malaysian Arbitration Act
Dispute	EOT, Variations and Termination
Year	2014
Project	Biodiesel Plant
Client	Respondent Employer (Malaysian)
Other Party	Claimant Contractor (Malaysian)
Role	Quantum Expert
Arb Rules	Malaysian Arbitration Act
Dispute	Variations, Prolongation and Other Claims

## Arbitration / Litigation Experience (Cont'd)

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### As Expert Witness (Cont'd)

\* (denotes testimony given in court/arbitration proceedings)

Year	2015
Project	Topside Fabrication Contract
Client	Respondent Employer (Malaysian)
Other Party	Claimant Contractor (Malaysian)
Role	Quantum Expert
Forum	Kuala Lumpur High Court
Dispute Amount	RM30m
Dispute	Payment Dispute
Year	2015
Project	Commercial Development
Client	Respondent Main Contractor (French)
Other Party	Claimant Sub-Contractor (Malaysian)
Role	Quantum Expert*
Forum	ICC Arbitration Singapore
Dispute Amount	RM68m
Dispute	Termination Dispute
Year	2016
Project	Topside Fabrication
Client	Contractor (Malaysian)
Other Party	Novating Contractor (Malaysian)
Role	Quantum Expert*
Dispute Amount	RM50m
Dispute	Quantum
Year	2016
Project	Rural Water Supply Sarawak
Client	Respondent Main Contractor (Malaysian)
Other Party	Claimant Sub-Contractor (Malaysian)
Role	Quantum Expert
Dispute Amount	RM34m
Dispute	Quantum
Year	2016
Project	Ampang Line Extension Project
Client	Contractor (Malaysian)
Other Party	Government GST Tribunal (Malaysia)
Role	Quantum Expert*
Dispute Amount	RM5 million
Dispute	Amount of tax payable
Year	2017
Project	Bridge Project Penang
Client	Contractor
Other Party	Employer
Role	Quantum & Delay Expert*
Dispute Amount	RM76m
Dispute	Quantum & Delay

## Arbitration / Litigation Experience (Cont'd)

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### As Expert Witness (Cont'd)

\* (denotes testimony given in court/arbitration proceedings)

Year	2017
Project	Various Construction Projects
Client	Contractor (Malaysian)
Other Party	Government Income Tax Tribunal (Malaysia)
Role	Quantum Expert*
Dispute Amount	RM10 million
Dispute	Amount of tax payable
Year	2017
Project	Commercial Development
Client	Piling Contractor (Malaysian)
Other Party	Developer (Malaysian)
Role	Quantum Delay Expert*
Dispute Amount	RM4.7 million
Dispute	Delay and Prolongation Costs
Year	2017
Project	Sewerage Rationalization Works, Kuala Lumpur
Client	Main Contractor (Malaysian)
Other Party	Sub-Contractor (Malaysian)
Role	Quantum & Delay Expert*
Arb. Rules	CIPAA
Dispute Amount	RM178million
Dispute	Quantum & Delay
Year	2017
Project	Polysilicon Plant, Sarawak
Client	Sub-Contractor (Japanese)
Other Party	Main Contractor (Japanese)
Role	Quantum Expert*
Dispute Amount	RM29 million
Dispute	Defects Rectification
Year	2017
Project	Sewerage Rationalization Works, Kuala Lumpur
Client	Main Contractor (Malaysian)
Other Party	Sub-Contractor (Malaysian)
Role	Quantum Expert*
Dispute Amount	RM178million
Dispute	Quantum & Delay
Year	2017
Project	Mixed Development, Selangor
Client	Employer (Malaysian)
Other Party	Main Contractor (Malaysian)
Role	Delay Expert*
Dispute Amount	RM26.1million
Dispute	EOT

## Arbitration / Litigation Experience (Cont'd)

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### As Counsel (Cont'd)

Year 2007  
 Project Piling and Sub-structure Works  
 Client Claimant Contractor (German)  
 Other Party Employer (Malaysian)  
 Role Counsel  
 Arb. Rules Malaysian Arbitration Act 2005  
 Dispute Amount RM2m  
 Dispute Payment; Variations; Extension of Time (EOT); Liquidated and Ascertained Damages (LAD); Loss & Expense (L&E)

Year 2010  
 Project Medical Centre  
 Client Claimant Contractor (German)  
 Other Party Respondent Employer  
 Role Counsel  
 Arb. Rules Malaysian Arbitration Act 2005  
 Dispute Amount RM2m  
 Dispute Defects; Final Payment

Year 2010  
 Project Condominium  
 Client Claimant Contractor (German)  
 Other Party Respondent Employer  
 Role Counsel  
 Arb. Rules Malaysian Arbitration Act 2005  
 Dispute Amount RM2m  
 Dispute Variations

Year 2011  
 Project Process Facility Admin Building Extension  
 Client Claimant Contractor (Malaysian)  
 Other Party Respondent Owner (Malaysian)  
 Role Counsel  
 Arb. Rules High Court Case  
 Dispute Amount RM31m  
 Dispute Termination

Year 2011  
 Project Retrofit Call-Off Contract for Off Shore Installation  
 Client Claimant Contractor (Malaysian)  
 Other Party Respondent Owner (Malaysian)  
 Role Counsel  
 Arb. Rules Malaysian Arbitration Act 2005  
 Dispute Amount RM200m  
 Dispute Variation Claims

## Arbitration / Litigation Experience (Cont'd)

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### General (Cont'd)

Year	1999
Project	Township Sewerage Pipe System
Client	Claimant Contractor (Malaysian)
Other Party	Employer (Local Authority)
Role	Assisting Counsel
Arb. Rules	Malaysian Arbitration Act 1952
Dispute Amount	RM7m
Dispute	Variations; EOTs; LADs; L&E
Year	2008
Project	Waste Disposal Plant
Client	Respondent Contractor (Malaysian)
Other Party	Contractor (Malaysian)
Role	Expert Advisor
Arb. Rules	Malaysian Arbitration Act 2005
Dispute Amount	RM15m
Dispute	Termination damages
Year	2008
Project	Offshore Maintenance Work Call Off Contract
Client	Claimant Contractor (Malaysian)
Other Party	Employer (Malaysian)
Role	Assisting Counsel & Drafting Final Submission
Arb. Rules	Malaysian Arbitration Act 2005
Dispute Amount	RM10m
Dispute	Claims arising from wrongful termination
Year	2009
Project	Palm Oil Mill
Client	Claimant Contractor (Malaysian)
Other Party	Respondent Employer
Role	Expert Advisor
Arb. Rules	Malaysian Arbitration Act 2005
Dispute Amount	RM10m
Dispute	Termination; Defective Works; Variations; Non-payment
Year	2010
Project	Oil Pipeline Pumping Stations
Client	Claimant Contractor (Malaysian)
Other Party	Respondent Owner (Sudanese)
Role	Assisting Counsel
Arb. Rules	UNCITRAL
Dispute Amount	RM850m
Dispute	Variations; Delay, Defects; Termination



## Arbitration / Litigation Experience (Cont'd)

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### General (Cont'd)

Year	2013
Project	Semangar Water Treatment Plant, Kota Tinggi
Client	Respondent Contractor (Malaysian)
Other Party	Sub-Contractor (Malaysian)
Role	Expert Advisor
Arb. Rules	Malaysian Arbitration Act 2005
Dispute Amount	RM15m
Dispute	Termination; Delay

### Arbitrator

Year	2007
Project	Water Mains
Client	Confidential
Other Party	Confidential
Role	Arbitrator
Arb. Rules	Malaysian Arbitration Act
Dispute Amount	Confidential
Dispute	Variations, EOT and Loss & Expense

## DAB / Adjudication / Mediation Experience

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### Dispute Adjudication Boards

Year	2013 - On-going
Project	382MW Hydroelectric Power Project Peninsular Malaysia
Client	Confidential
Other Party	Confidential
Role	Dispute Adjudication Board (DAB) Member
Contract	FIDIC Red and Yellow Books

### Adjudicator

Year	2014
Project	Medical Centre
Parties	Main Contractor / Sub-Contractor
Role	CIPAA Adjudicator
Contract	Bespoke

Year	2016 - 2017
Project	Condominium Project
Parties	Employer / Contractor
Role	CIPAA Adjudicator
Contract	PAM 2006

## DAB / Adjudication / Mediation Experience

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### Mediator

Year	2015
Project	KLIA2 – Main Terminal Building
Client	Employer (Malaysian)
Other Party	Contractor (Malaysian)
Role	Mediator
Arb. Rules	N/A
Dispute Amount	Confidential
Dispute	Variations; Delay and Loss & Expense

## Assessor for Professional Institutions

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1993 – 1997	Assessor for Royal Institution of Chartered Surveyors Assessment of Professional Competence.
1990 – 1992	Examiner for Royal Institution of Chartered Surveyors Test of Professional Competence.

## Lecturer / External Examiner

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1995 – 1997	External Examiner in Quantity Surveying, Kingston University, London, United Kingdom.
1988 - 1990	Part Time Lecturer in Quantity Surveying, University of Westminster, London, United Kingdom.

## Seminar Speaker / Trainer

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100 Contractual Problems and Their Solutions  
 50 Classic Contractual Problems  
 50 Common Contractual Problems  
 50 Malaysian Questions Answered!  
 50 Of Your Contractual Problems Answered (Malaysia)  
 50 Of Your Contractual Problems Answered (Singapore)  
 52 Contractual Issues Relevant To Malaysia and their Resolution  
 52 Contractual Issues Relevant to Singapore and Their Resolution  
 52 Recurring Contractual Nightmares and Their Antidotes  
 A Fistful of Dollars  
 Additional Payment under Malaysian/Singapore Forms of Construction Contract  
 Advanced Contract Risk Management for the Oil & Gas Industry

## Seminar Speaker / Trainer (Cont'd)

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An Evening of Contractual Problems and Their Solutions  
An Evening of Problem Solving on EOT and Loss & Expense Claims  
An Introduction to the FIDIC Contracts  
Another 50 Contractual Problems Relevant to Malaysia and Their Solution  
Bullet-Proof EOTs  
Claims Avoidance in Construction Contracts – A Commercial and Legal Overview  
Construction Contracts - Determining the Effects of Change Orders and Dealing with Arising Contentious Issues  
Construction Contracts via Turnkey Design and Build, Pitfalls and Promises  
Contract Administration In A Day  
Contract Administration under PAM 2006 Form of Contract  
Contract Administration under PWD 203A Form of Contract (Revision 2010)  
Delays, Damages And Extension Of Time: The Law & Practice In Malaysia  
Delays, Damages, Extensions of Time and Loss & Expense – The Law and Practice in Malaysia  
Design and Construct, Getting it Right!  
Formulation, Preparation and Presentation of Claims  
Getting Paid In Singapore  
Hands-On EOT and Loss & Expense Claims (with Workshops)  
How Best To Handle Disputes Arising From Variations In Contracts  
How To Claim Additional Money Under Construction Contracts  
Key Issues in Extension of Time Claims  
New Developments in the Assessment of Delay and Disruption in Construction  
Now Everyone Can Get Paid! CIPAA 2012  
PAM 2006 – A Clause By Clause Guide  
PAM 2006 – A User's Manual  
Partnering and Best Practice in Construction and The Work of Sir Michael Latham  
Public Works and Infrastructure Projects in Malaysia : Essential Contract Administration  
PWD 203A Form of Contract (Revision 2007) – A User's Manual  
PWD Design & Build (Revision 2007) – A User's Manual  
Securing Extensions of Time  
Successful Loss & Expense Claims  
Tendering Strategy: Risks and Rewards  
The EOT Claim Mock-Up

## Seminar Speaker / Trainer (Cont'd)

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The FIDIC Conditions of Contract for Construction – The Red Book (All Key Areas Explained)  
The Latest Authorities in Claims for Delay, Disruption and Loss & Expense  
The Perfect Claim  
The Terminator  
To Terminate or Not To Terminate? That is the Question  
Uncovering the Mystery of Six Classic Problem Areas Commonly Encountered in Respect of Time and Monetary Claims  
Understanding time under Construction Contracts with Workshops  
Variation Claims with Workshops

## Published Material

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*Pitfalls To Be Avoided By Design And Build Contractors*  
(Master Builder Association of Malaysia)

*In What Circumstances Does An Employer Have The Right to Levy Liquidated Damages?*  
(Master Builder Association of Malaysia)

*How Much Are Your Records Worth*  
(Quantity Surveyor Institute United Kingdom)

*Time for Good Records*  
(Malaysian Institute of Arbitrators)

*Happy Birthday CIPAA*  
(Malaysian Society of Adjudicators)

*Sato Kogyo (M) Sdn Bhd v Salini (M) Sdn Bhd 2014*  
(CIDB Learning from Decided Construction Cases and Commentaries )

*Batu Kemas Industri Sdn Bhd v Kerajaan Malaysia & Anor*  
(CIDB Construction Law Report 2015 )