



# MARY CROSS

Managing Director

LLB (Hons), PGDip, DipSurv, ACI Arb, Barrister (n/p), MAE

## PROFILE

Mary has 22 years' experience in all sectors of the construction industry and with dual qualifications in surveying and law she is ideally placed to act as expert witness on a wide range of disputes.

Mary acts as a Programming and Delay Expert Witness and is able to conduct detailed delay analyses in a range of programming software including P6, PowerProject and Microsoft Project.

She has acted as expert witness in a variety of forums including adjudication and the high courts.

Her clients praise her pragmatic approach to delay analysis along with her ability to quickly grasp a complex set of facts.

## CONTACT

PHONE:  
0151 459 0312

WEBSITE:  
[www.consultcross.co.uk](http://www.consultcross.co.uk)

EMAIL:  
[mary@consultcross.co.uk](mailto:mary@consultcross.co.uk)

## EDUCATION/QUALIFICATIONS

LLB(Hons) Law, University of Manchester	1998
Diploma in Legal Practice at the Bar – MMU	1999
Called to the Bar, Gray's Inn	1999
Diploma in Surveying, College of Estate Management	2006
Associate of the Chartered Institute of Arbitrators	2008
Member of the Academy of Experts	2021

## POSITIONS HELD

Consultant, Driver Consult Limited	1999 - 2003
Senior Consultant, Driver Consult Limited	2004 - 2005
Director, ConsultCross Limited	2006 - 2008
Head of Contract Services, Glovers Project Services	2008 – 2016
Director of Contract Services, Glovers Project Services	2017 – 2018
Managing Director, ConsultCross Limited	2018 – present

## EXPERTISE

Since qualifying in 1999, Mary has been involved in the provision of specialist construction consultancy services on a wide range of projects both nationally and internationally.

Mary has worked in most sectors of the construction and engineering industries including power and process engineering, oil and gas, building, civil engineering, rail, mechanical & electrical engineering and infrastructure.

She has experience of PFI, DBFO, Design and Build and most forms of construction and engineering contracts including FIDIC, MF1, JCT, NEC3, NEC4, Government contracts and many bespoke forms of contract.

Her expert witness appointments have covered a wide variety of sectors but her specialism is in power, process and infrastructure. She has been cross-examined in adjudication and taken part in expert 'hot-tubbing'.

A selection of Mary's expert witness appointments is set out below.

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## **EXPERT WITNESS APPOINTMENTS / RELEVANT EXPERIENCE**

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- Appointment as delay expert witness on behalf of a Spanish contractor on a £400M new build HRSG power station in the North of England. Mary was brought in whilst the project was still live to provide an expert report on EOT entitlement in relation to a £36M liquidated damages claim. Work included a detailed P6 analysis and provision of a report for the adjudication process (FIDIC).
- Appointment as delay expert witness by a contractor in relation to a £5M claim on a process turnaround contract being pursued through adjudication. The Adjudicator relied heavily on Mary's report in awarding a substantial payment to the contractor (Bespoke).
- Appointment as delay expert witness in £5M claim concerning a Community Heating Project. Mary carried out a detailed programming exercise to ascertain whether there were valid grounds to determine the contract for failure to proceed regularly and diligently with the works. The matter proceeded to trial in the High Court of Scotland (GC/Works 1).
- Appointment as an expert advisor to a public sector body on a £130M infrastructure scheme in the North of England. Mary was brought in when it was obvious the project was in delay to review the contractor's Accepted Programmes and provide an independent view on EOT entitlement. The matter was resolved by commercial settlement (NEC3).
- Appointment as expert advisor on programme and delay on a large scale road development in the North of England under an NEC3 sub-contract for the construction of 13 bridges encompassing complex issues concerning the Accepted Programme and assessment of the impact of compensation events (NEC3).
- Appointment as delay expert witness in an adjudication commenced by the contractor to establish EOT entitlement on a £45M high end residential development in London. The adjudicator determined that the contractor was not liable to pay £12M liquidated damages on the basis of Mary's report (bespoke).
- Appointment as delay expert on a £14M production facility on behalf of the Employer to review the Main Contractor's applications for extensions of time and the impact of delays on the Employer's own fit out works (JCT).

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## **EXPERT WITNESS APPOINTMENTS / RELEVANT EXPERIENCE**

- Appointment as delay expert to a Building Services Sub-Contractor to provide an opinion on extension of time entitlement on a £60M advanced engineering facility under a bespoke form of Sub-Contract. Matter being pursued through litigation.
- Appointment as delay expert to a Main Contractor on a £4M leisure centre project to assess validity of sub-contractor's EOT claim and entitlement to pass claim on to Employer. Bespoke form of contract.
- Appointment as delay expert by an M&E Sub-Contractor to provide an opinion on extension of time entitlement under a bespoke form of sub-contract on a £189M public building project in the West Midlands.
- Appointment as an expert advisor by the administrator on behalf of a Main Contractor on a £5.5M transport interchange in the North of England constructed under a JCT contract.
- Appointment as a delay expert to a Main Contractor on a £5M car park in Suffolk which encompassed S278 issues. Mary prepared a Part 35 report for adjudication and participated in an expert 'hot-tubbing' session as part of the adjudication process. The Adjudicator relied heavily on Mary's report in awarding 75% of the EOT claimed. Mary provided a further report for the second adjudication in pursuit of loss and/or expense
- Appointment as expert advisor by a Main Contractor on a £3M energy refurbishment project in the East Midlands to prepare an extension of time claim arising out of Relief Events under a JCT Constructing Excellence Target Cost Contract.
- Appointment as delay expert by the administrator on behalf of a sub-contractor in relation to a £7M building services sub-contract on a shopping centre in London.
- Appointment as an expert advisor by a Sub-Contractor to prepare an extension of time claim in respect of an RC Concrete Frame installation.
- Appointment as delay expert to a public sector body on a £29M infrastructure scheme in the North of England to defend a contractor claim for EOT under an NEC3 contract.

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## **EXPERT WITNESS APPOINTMENTS / RELEVANT EXPERIENCE**

- Preparation of an extension of time claim for a Main Contractor on a £2M school refurbishment project.
- Appointment as delay expert by a main contractor to provide independent expert report on a sub-contractor's entitlement to an extension of time on a 285 unit residential project in London. Mary's report resulted in a negotiated settlement of the sub-contractor's claim.
- Appointment as expert by a Local Authority to determine contractor's entitlement to an increase in the Target Price on an NEC3 Contract for a £1.6M leisure facility in the North of England.
- Preparation of an extension of time claim for a Main Contractor on a £1.2M primary school extension and refurbishment for pursuit through adjudication on the value of the Final Certificate.
- Appointment as delay expert on a £25M battery storage plant on behalf of a contractor pursuing a claim for liquidated damages from a sub-contractor (bespoke). The contractor's claim succeeded in its entirety at adjudication based on the expert report provided. (Bespoke)
- Appointment as delay expert for a contractor pursuing an extension of time claim against the employer on a £11.5M hotel construction project in the North of England (JCT DB).
- Appointment as delay expert witness by the Employer on a £30M hotel development. Mary prepared an expert report to ascertain the causes of delay to completion and the contractor's entitlement, if any, to an extension of time. This also included consideration of the impact of COVID on the works (JCT DB).
- Appointment as delay expert witness on behalf of a Contractor to establish entitlement to an extension of time on a £12M office refurbishment in central London. A negotiated settlement was achieved through the report provided (JCT DB).
- Appointment as delay expert witness on behalf of a Contractor to establish entitlement to an extension of time on a £7M modular decant building project (JCT DB).

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