



Cuthbert Ngairongwe

Address: Limpopo, Polokwane

Cell: +27 60 540 3367

Email: cngairongwe@gmail.com

Academic Qualifications:

- Master of Laws (LLM) Construction Law and Arbitration (Robert Gordon University, UK)
- MSc Construction Project Management (National University of Science and Technology, Zimbabwe)
- BSc (Hons) Civil Engineering (University of Zimbabwe, 2007)
- Post Graduate Diploma in International Arbitration (Chartered Institute of Arbitrators, UK)
- Arbitration Fellowship Admission Course- Association of Arbitrators (Southern Africa) NPC)
- Certificate in Arbitration (Association of Arbitrators (Southern Africa) NPC)
- NQF 7: Labour Intensive Construction (2023)
- Online Training Course: International Construction Arbitration-European Centre for Arbitration and Mediation of the European Court of Arbitration in conjunction with the International Construction Projects Committee of the International Bar Association
- Construction Delay and Disruption: RG Training
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Membership in Professional Institutions:

- Professional Engineer (Reg. No.: 20180142) - Engineering Council of South Africa
- Professional Engineer (Reg. No.: 100439) - Engineering Council of Zimbabwe
- Fellow (Licence No.: 35366)- Chartered Institute of Arbitrators (UK)
- Fellow (Reg No.: 2553) - Association of Arbitrators (Southern Africa) NPC
- Member (Reg. No.: 10385) - Society of Construction Law (UK)



- Member (Reg. No.: 201500286)- South Africa Institution of Civil Engineers
- Member (Reg. No.: 121503) - Zimbabwe Institution of Engineering
- Member Construction Adjudication Association of South Africa

Experience and fields of work:

- Currently (July 2025) providing technical support to the defence team of a Water Services Institution (a Municipality) in an ongoing litigation against the Municipality which is grounded on allegations of the Municipality failing to discharge its regulatory, legal and constitutional duty to treat wastewater to the required standards before discharge into the receiving environment(s).
- Currently (July 2025) providing contracts and commercial management support services to an EPC contractor on a bulk water supply project involving the construction of 200MI post tensioned concrete reservoir. Contract Sum: R868 million, Contract: FIDIC Silver Book 2017.
- Currently (July 2025) providing contracts and commercial management support services to a contractor for the refurbishment and upgrade of wastewater treatment works. Contract Sum: R315 million, General Conditions of Contract: FIDIC Red Book 2017
- Provided expert advisory services on liability and quantum to a State-Owned Entity (SOE) in a matter between the SOE and an engineering professional service provider involving a disputed professional fee claim of R65 million on a bulk water infrastructure project with an estimated construction cost of R4.5 billion. The advisory services included an opinion on whether the service provider was entitled to payment, whether the contract had terminated through effluxion of time at the time the services were rendered, whether the service provider was entitled to a just and equitable remedy based on unjustified enrichment, constitutional validity of the tender process which led to the procurement of the Service provider. The matter is now the subject of an ongoing litigation.
- Represented the Claimant Contractor in an evaluative construction mediation case for a township development project (Zimbabwe General Conditions of Contract, Amount in Dispute, USD3.5 million).
- Provided expert advisory services on liability and quantum to a state-owned entity (SOE) in a matter between the SOE (the employer) and an engineering and project management professional service provider involving a claim for professional fees of R19 million on a bulk water infrastructure project with an estimated construction cost of R3 billion. The advisory services included an opinion on whether the service provider was entitled to payment and the basis upon which the fees were to be calculated in terms of the contract. Contract: Bespoke. The matter is the subject of an ongoing litigation.

- Provided expert advisory services on an Employer caused suspension cost claim on a bridge project to facilitate negotiated settlement between the Employer and the Contractor. The costs claimed by the Contractor were approximately R25 million. With my advice, the Parties settled for R14 million. Contract: General Conditions of Contract for Construction Works (GCC 2015)
- Represented the Respondent (a South African State-Owned Entity) in construction adjudication for a 10Ml/d wastewater treatment plant project (South Africa General Conditions of Contract 2010, Amount in Dispute, R17 million).
- Represented the Respondent (A South African State-Owned Entity) in a construction arbitration for a water treatment works backwash water reclamation project (South Africa General Conditions of Contract 2010, Amount in Dispute, R13 million)
- Represented the Respondent Contractor in a construction arbitration case for a township development project (Zimbabwe General Conditions of Contract, Amount in Dispute, USD 22million).
- Provided Forensic Investigations on a project involving the Upgrade of a Water Treatment Plant from 60 – 80 Ml/d). My duties included reviewing interim payment certificates, extensions of time, prolongation costs, correctness of remeasured quantities, variations, usage of provisional to determine if the Contractor and the Engineer discharged their contractual obligations in terms of their respective contracts with the Employer- a South African State-Owned Entity. The construction contract sum was R250m.
- Provided infrastructure forensic audit investigations into the causes of cost overruns on a FIDIC Red Book 1987 and 1999 project involving the construction works for an asphalted four lanes urban arterial road with controlled access, with an appropriate length of 1.2 km, and an asphalt surfaced four lane dual carriageway freeway with restricted access, with an approximate length of 28.2 km inclusive of their respective service roads, interchanges, bridges, and underpasses on behalf of the Kingdom of Eswatini's Auditor General's office. The project was funded through both multilateral development banks and domestic funding. The Contract Sum was US\$48.6million. The investigation included review of contractor's procurement process, delay and disruption claims, variations and payment certificates
- Provided forensic audits into the causes of cost overruns on a FIDIC Red Book (1987 and 1999) project involving the construction of 42.5km asphalt surfaced single carriageway road including two reinforced concrete river bridges and eight box culverts, cattle underpasses and ancillary works on behalf of the Kingdom of Eswatini's Auditor General's office. The project was funded through both domestic and multilateral development banks funding. The Contract Sum was US\$42, 57m. The investigation included review of delay claims, variations, payment certificates



- Provided expert advisory services on liability and quantum to a state-owned entity (SOE) in a matter between the SOE (the employer) and a Contractor on a bulk water supply infrastructure project with an estimated construction cost of R36 million. The advisory services included whether the contract allowed for the Employer's Agent to reduce delay penalties to be levied on the contractor under certain circumstances on a disputed R2.5m interim payment certificate. If it did, what factors should be considered in determining the appropriate reduction. Contract: General Conditions of Contract for Construction Works (GCC 2015)
- Merit assessment of claims and facilitated negotiated settlement of various low value disputes (JBCC) and Standard Professional Services Agreement involving contractors and professional services providers respectively in my former capacity as the Head of Region (Limpopo) for The Mvula Trust- an implementing agent on behalf of the Government of the Republic of South Africa