LUCKY NEMAKONDE

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Academic Qualifications:

- B-tech Quantity Surveying (2002)
- National Diploma Building (2002)
- National Certificate ETDP SETA (Training and Development) (2019)
- Fellowship Certificate – Association of Arbitrators (2022)
- RICS Expert Witness Certificate (2024)
- NEC3: ECC Project Manager Accreditation (2025)

Membership of professional institutions

- Fellow of the Association of Arbitrators Southern Africa (NPC) (Reg No. 2246)
- Member of the Construction Adjudication Association of South Africa (Reg No. BAR001/CAASA/2022)
- Professional Quantity Surveyor with the SA Council for the Quantity Surveying Profession (Reg No. 3379) – (serving as Council member for period 01 June 2022 – 31 May 2026)
- Chartered Quantity Surveyor with the Royal Institute of Chartered Surveyors (Reg No. 6554921)
- Corporate Member of the South African Institution of Civil Engineering (Reg No. 2024429332)

Contract Experience

I have experience in managing the following contracts:

- NEC
- FIDIC
- JBCC
- GCC

Work Experience

- July 2022 – to date [Mafulufulu Consulting – Director] - I oversee the operation of the company. The company specializes in providing contract management services, alternative dispute resolution services, contract management training and quantity surveying services.
- November 2020 – June 2022 [Eskom - Chief Contracts Advisor / Quantity Surveyor] – I managed all the QS functions within Eskom Generation. I acted as lead negotiator in all major transactions. I established the contract management center of excellence. I established and chaired the bi-monthly contract management training for the whole of Eskom Generation.
- August 2016 to October 2020 [Eskom - Chief Contracts Advisor] – I was a contract expert and one of my role was developing commercial contract strategies for complex transactions. I reviewed tender document prior to publication to market. I assist Project Managers to conduct presentations to tender committees. I chair the compensation events / variations committee. I conducted contract management training to close identified gaps within the project management team. I acted as a lead negotiator in major transactions. I acted as negotiator prior to dispute being referred to adjudication. I assist legal in formulating a response or submission to adjudication. I draft contract addendum and memorandum of understanding (MoU) to ensure the smooth operation of contracts. I also acted as an expert witness.
- Sept 2014 to July 2016 [Eskom - Deputy Claim manager] – I assisted contract managers and a team of Quantity Surveyor to respond to contractor's claims under various forms of contracts. I formed part of the team which put together responses to the adjudicator / arbitrator. I managed a team of claim experts.
- Feb 2009 to August 2014 [Eskom – Contract Manager] - My role under this position was contract management for the main civil package at Kusile Power Station which was executed under a Red Book FIDIC contract. Under this role I was responsible to respond to all contract correspondences, issuing variation and responding to contractors' claims. I was also responsible for managing and training a team of junior contracts managers.
- February 2007 -Jan 2009 [Eskom – Senior Quantity Surveyor] - My role entailed preparation of bill of quantities, tender evaluations, and preparation of payment certificates. I was also part of managing NEC and FIDIC contracts.

- February 2004 to January 2007 [WBHO – Quantity Surveyor] - I was a site Quantity Surveyor for the Contractor, I was responsible for the preparation of payment certificate, site measurement and pricing of variations. I was also responsible for managing the subcontractor and ensuring that they are paid for work done and that deductions are levied wherein there are damages/ defects. I was also response of managing junior Quantity Surveyors.
- August 2001 to January 2004 [Davis Langdon Farrow Laing – Junior Quantity Surveyor] – My role included taking measurement from drawings, preparing of bills of quantities, site measurements and assisting in preparing payments certificate and final accounts.

DISPUTE RESOLUTION EXPERIENCE

- I have been in the contract management space for a period of over 16 years and have been involved major projects. I have had the privilege of having standing DAB in some of the contracts that I have managed. I also had opportunity to establish ad hoc DAB. I have prepared and supported legal department when filling or defending a claim in adjudications.
- Represented the Employer in clarification meeting scheduled by the Adjudicator.
- Prepared the Employer position for purpose of the Engineer making a determination under FIDIC clause 3.5.
- Prepared an affidavit for contractual matters that are at the high court defending the Employer position on claims lodged by the contractors.
- Acted as an expert witness in matters in adjudication; arbitration; and courts
- I have been a member Eskom Contract Dispute Steering Committee for approximately 4 years, the committee's role was to provide oversight on responses to all claim under Eskom built environment. The committee also analyses the merit of claims intended to be referred to adjudication and arbitration and decide on whether Eskom should proceed with such or alternatively advise the team to engage in amicable settlement.
- I was a member and chairperson of the Kusile Power Station Variation and Compensation event committee for a period of approximately 4 years. The purpose of this committee was to analyses the VOs, claims and Compensation events presented by the project manager or Engineer and recommend for approval / disapproval to the Employer.
- Established variation and compensation event committee within the whole of Eskom Generation

coal fired power stations, in total this included 15 Power Stations. The roll out included training Eskom team on the terms and reference of the committee.

- Certified by Eskom Academy Learning to facilitate Introduction to Contract Management and Contract Management Process Control Manual module.