



Sandro Cunha

Partner and Country Director
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PROFILE

Sandro Cunha is the Country Director in Portugal. He has over 20 years of experience in construction management, claims, cost analysis, delay analysis, damage quantum, as well as technical assistance in courts and arbitration disputes in the various chambers: ICC, CCBC, CBMA, CAMARB, FIESP, FGV, and Instituto de Engenharia.

He has worked in multiple industry cases, such as: Metal and Mining, Oil and Gas, Energy and Infrastructure. Some construction types he provided services for include: Iron ore Beneficiation plant, Pipelines, Blast Furnace, Steel Making Plant, Coking Plant, Polyethylene Plant, Thermal Plant, Nuclear Plants, Wind Plants, Hydroelectric Plants, Transmission Lines, Railways, Ports, Clean Room and Shopping Centers.

In Disputes, Sandro has acted as Expert Witness and technical assistant locally and internationally. He has extensive experience in testifying before arbitration panels.

Sandro has Mediator and Dispute Board Member training certificates and has participated in alternative dispute resolution such as Expert Determination, Mediation, Conciliation and Arbitration. For his expertise, Sandro has been recommended as one of the best "Expert Witnesses" by Leaders League Litigation & International Arbitration in 2017, 2019, 2020 and 2021.

EDUCATION

Construction Project Management Class (Northern Virginia Community College)	2007-2007
MBA in Business Management (Fundação Getúlio Vargas)	2002-2003
Magna Cum Laude in Bachelor of Science (Indiana State University)	1997-2001

SPEAKING ENGAGEMENTS

Tomada de Decisão Antecipada vs. Mitigação de Riscos (Anticipated Decision Making vs. Risk Mitigation) Webinar held by Toledo Marchetti Advogados e Avantec on December 11th, 2020.



Gestão Contratual e Pleitos de Reequilíbrio em Obras de Infraestrutura – Pós COVID-19 (Post COVID-19 Contract Management and Economic Claims on Infrastructure Projects) Webinar held by Veirano Advogados e Avantec on July 14th, 2020.

Metodologias de Cálculo de Danos (Damages Calculation Methodologies) held in Dourado & Cambraia Advogados in São Paulo, Brazil in January 2020.

Gestão de Contratos (Contract Management) presented in São Paulo, Brazil in October 2015.

1º Encontro de Gerenciamento de Contratos em Obras de Infraestrutura (1st Meeting on Contract Management at Infrastructure Constructions) held by Navigant and Emerenciano Advogados in Rio Grande, Brazil on August 7th, 2009.

DETAILED EXPERIENCE

INFRASTRUCTURE

Roadway Project

Sandro led a team of consultants in the revision of works being executed by a contractor, as well as analyzed the claims presented by this contractor on behalf of the owner.

Railway Project

Sandro delivered an Expert Determination Report in a case between one of the major construction companies in Brazil and one of the largest companies in Brazil to resolve four Railway construction contracts. A documentation analysis was made and meetings with the managers of both companies were made to present the final report on the merits of the claims to the parties. The conclusion was accepted by the parties and companies asked to assess the value for closure. The contracts were concluded with acceptance of both companies' merit and value defined by him.

RETAIL & REAL ESTATE

Mall

Sandro assisted the owner of a shopping mall in a CCBC arbitration against the Contractor. He reviewed the progress of the company and presented his opinion in the arbitration hearing. He also assisted the internal and external legal procedures in other legal proceedings related to the Mall construction. The award was favorable to his client.

Hotel

Sandro took part in a civil lawsuit on an expansion project of a hotel in Washington, DC. Analyzed documents and spreadsheets of costs and compared them to the demands of the opposing party. He also helped preparing the defense report with their statements.



POWER / ENERGY**Thermo Power Plants**

Sandro worked for a construction company and its legal counsel in preparation for an ICC arbitration of a contract breach due to lack of payment by the owner of five power plants being built in the Midwest of Brazil. He was the contact between the client and outside counsel assisting in obtaining and storing documents, problem analysis, cost analysis and damages calculation.

Hydro Power Plants

Sandro was nominated Expert Witness by the Arbitral Tribunal in an FGV case to evaluate the responsibility of the parties after the damages caused by an event in a Hydroelectric Power Plant.

Wind farms

Sandro is performing contract administration in a few Wind farms. As part of his role, he reviews progress and events that may become risk for the contractor, as well as prepare notification and claims against the owners.

Transmission Line

Sandro acted as the technical assistant in two similar FGV arbitration cases for the Contractors presenting the damages caused by the owner of a transmission line construction. His role included preparing the claims for acceleration and damages, assisted the experts appointed by the tribunals and testified in favor of the Contractors.

OIL AND GAS**Refinery**

Sandro has assisted a General Contractor on two separate arbitrations in the *Instituto de Engenharia* against two different Subcontractors in the same project. He supported the experts of both cases and presented his expert reports and testimonies. For these cases, Sandro has analyzed the design issues and most importantly the schedule delays.

Platform and FPSO

Sandro has assisted many major Construction companies in ICC arbitration cases for the construction of oil platforms and drill ships. He analyzed the documentation to assess the responsibility on schedule and cost impacts and draft the Expert reports.

MANUFACTURING**Paper Project**

Sandro acted as the Contractor appointed Expert in an ICC case brought by the owner regarding the delay during the construction and non-performance of the Paper Plant. He demonstrated that there

was concurrent delay and the problem was the quality of the wood. The parties settle before conclusion of the case.

Clean Room

Sandro has analyzed the construction of a “clean room” in Brazil by a Brazilian Contractor who had issues with a Subcontractor, an international company specialized in building clean rooms. He analyzed the deliveries by the Subcontractor, presented an expert report and testified as the Contractor’s appointed Expert in an ICC hearing.

METAL AND MINING

Mining

Sandro has evaluated the impact on the schedule and costs of two separate mining projects executed by the same Contractor for the same owner. He presented one expert report for each case and testified in the CCBC arbitration hearings as the Expert appointed by the Contractor. The cases got settled in favor of his Client prior to the award.

Steel Complex

Sandro worked in a steel industry project in Brazil as a Claims’ consultant, where his role encompassed analyzing costs and budgets, delays, valuation of work accomplished, obtaining, review and storage of construction documents for decisions making, reports and presentations to managers and directors of the enterprise. In this undertaking, Sandro participated in the construction of Coke Plant, Blast Furnace, Service plants and Infrastructure services like water treatment, gasometer, gas supply and slag granulation. He also attended external lawyers as an expert in mediation and arbitration cases against contractors. The verdict of the arbitration was favorable to his client.

RELEVANT TESTIMONIES

Party A vs. Party B, São Paulo, Brazil. 2018

Seat / Rules: São Paulo, Brazil / FGV

Client: Party A

Project: Transmission Line

Activity: Sandro served as a Delay and Quantum expert, designated by Party A, on cost and damages related matters. The conclusions of Sandro's quantification presented in an expert report and in a hearing included matters such as productivity issues and acceleration costs. The testimony was provided in Portuguese.



Party A vs. Party B, São Paulo, Brazil. 2017

Seat / Rules: São Paulo, Brazil / CCBC

Client: Arbitral Tribunal

Project: Hydroelectric Power Plant

Activity: Sandro served as a Quantum expert, designated by Arbitral Tribunal, on damages caused by a specific event on the Project. The conclusions of Sandro's quantification presented in an expert report and in a hearing was followed by the arbitral tribunal in the sentence. The testimony was provided in Portuguese.

Party A vs. Party B, Paris, France. 2015

Seat / Rules: Paris, France / ICC

Client: Party A

Project: Clean Room

Activity: Sandro served as a Delay and Quantum expert, designated by Party A, on modification costs and damages. The conclusions of Sandro's quantification presented in an expert report and in a hearing in an arbitral tribunal included matters such as direct cost, indirect cost, interest and lost profit. The testimony was provided in English.

Party A vs. Party B, Maranhão, Brazil. 2010

Seat / Rules: Maranhão, Brazil / Brazilian CPC

Client: Both Parties

Project: Railway Terminal construction contracts

Activity: Sandro served as a Mediator, designated by both Parties, to review their claims. The conclusions of Sandro's analysis included delay and quantum and were presented in a report. Sandro answer to questions from both parties during a mediation hearing regarding his conclusions. The testimony was provided in Portuguese.

LANGUAGES

Portuguese (native)

English (fluent)

Spanish (fluent)

