



CAPABILITY STATEMENT 2026

Advice that stands up to scrutiny.

Commercial, contract, claims and quantum advice for contractors, subcontractors, principals and their lawyers on Australian infrastructure and building projects.



FIG. 01
TALBINGO PORTAL



A NOTE FROM THE DIRECTOR

Senior commercial advice, evidenced

I set up SUMIT in 2019 to give contractors, subcontractors, principals and their lawyers senior commercial advice from people who have run the commercial side of major projects. Every engagement is led by a director and resourced to its scope, from one urgent payment schedule to a commercial team embedded for the life of a project.

We work in two capacities, Advisory and Independent, and keep them distinct, and we show the basis for every figure we give you. This document shows how we work and the projects behind it.

Malachy Mullin

DIRECTOR, SUMIT · CHARTERED QUANTITY SURVEYOR

CONTENTS

SUMIT 

Eight sections, each answering a question a buyer asks

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Cover (Fig. 01) and opposite: Snowy 2.0, the Talbingo portal and the valley below it, NSW. SUMIT role: Principal-side procurement review for Snowy Hydro. Images: Snowy 2.0 project.

01 · AT A GLANCE

Senior commercial advice on Australian infrastructure and building since 2019

SUMIT is a RICS-regulated quantity surveying and commercial advisory firm in Sydney, acting for contractors, subcontractors, principals and their lawyers.

\$17bn+

across 27 projects since 2019, including Snowy 2.0 (\$12bn)

Combined contract value of the 22 valued projects among 27 SUMIT engagements, February 2019 to October 2026, including Snowy 2.0 at its public \$12bn cost. Not fees.

20+

years' commercial and contract experience

Malachy Mullin's career, from his first quantity surveying role in April 2005.



Regulated firm

Sumit Consulting Pty Ltd.
Firm registration valid to 27 June 2027.

THE WORK, IN NUMBERS

1,900+

obligations, time bars and conditions precedent registered on three contracts

Retail, rail systems and retirement living registers, 2026.

70+

notice and claim templates drafted for four contracts

Rail, Defence and retail contracts, 2025 to 2026.

\$100m+

of COVID-19 extension of time, prolongation and acceleration claims on one metro station

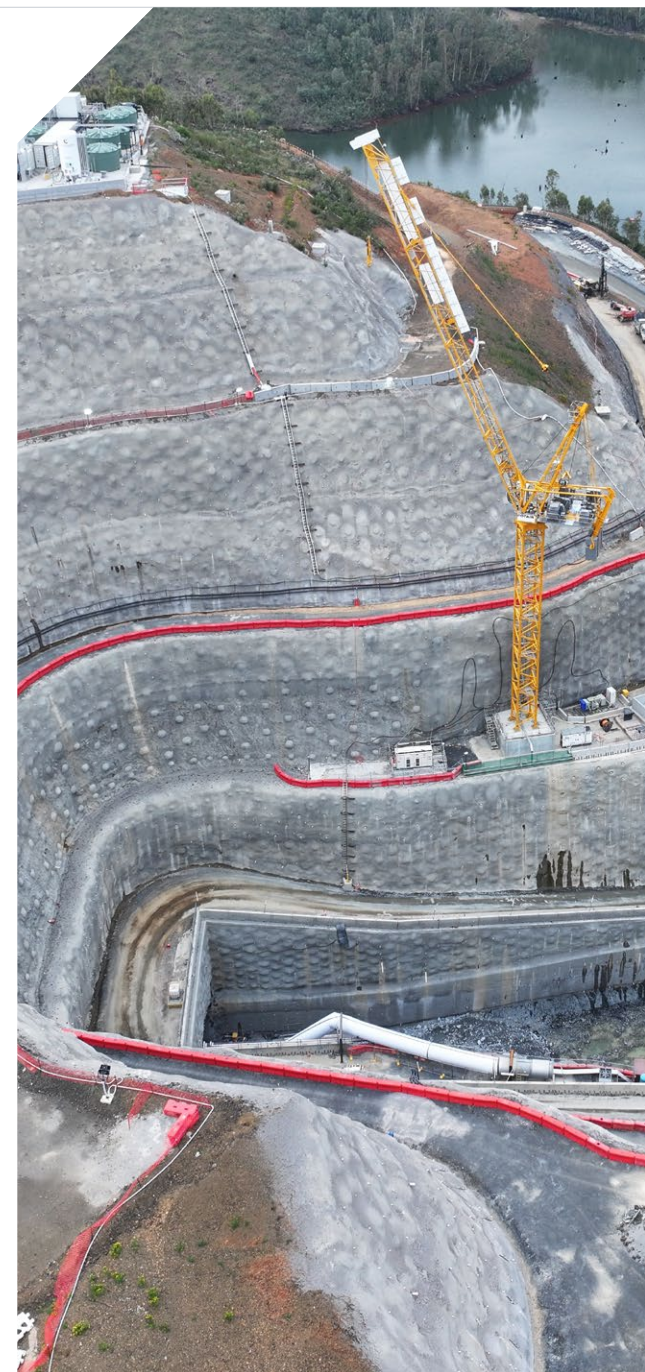
Waterloo Station, John Holland, 2021 to 2022. Claimed value, rounded down.

\$20m+

of disputed claims and final accounts assessed or answered

Five matters, 2025 to 2026.

Right: Snowy 2.0, Talbingo portal, NSW. SUMIT role: Principal-side procurement review for Snowy Hydro. Image: Snowy 2.0 project.



WHERE THE WORK HAS BEEN

Projects in five states, centred on New South Wales

21

NEW SOUTH WALES

3

VICTORIA

2

QUEENSLAND

1

NSW, WA AND SA (ONE PORTFOLIO)

BY SECTOR, ONE DOT A PROJECT

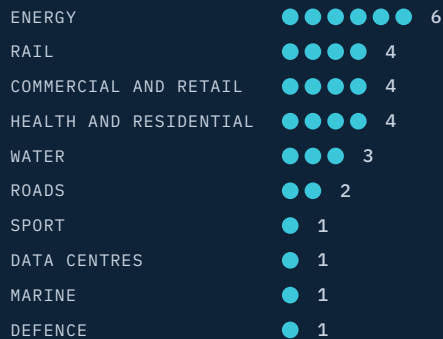


Fig. 02 Projects since 2019 by location and sector. Numbered pins are the featured projects on pages 14 to 18. Source: SUMIT master project register v0.3, as at 13 October 2026.

02 • WHY SUMIT

Director-led. Both sides of the contract. Two capacities, kept distinct.

01

Every engagement is led by a director.

Malachy Mullin, a Chartered Quantity Surveyor, leads each engagement from the first call to the final report, and SUMIT resources it to the scope and programme, with experienced commercial consultants where the work needs them.

Leadership, page 19.

03

Regulated by RICS, and insured.

Sumit Consulting Pty Ltd is regulated by RICS and works under the RICS Rules of Conduct. Professional indemnity and public liability insurance is held.

Certificates of currency on request.

02

Over 20 years in construction cost, contract and commercial work.

Engagements through SUMIT include commercial roles on Tier 1 rail systems, residential and Defence engagements, a Principal-side review for Snowy Hydro, and claims work for John Holland, GE, Goldwind and Tier 1 contractors.

Projects, pages 14 to 18.

04

Two capacities, labelled on every matter.

Advisory work argues your position. Independent work is opinion owed to the court. We act in one capacity at a time on any matter, and disclose any earlier work for a party before accepting an expert appointment.

Two capacities, pages 6 and 7.

WHO WE ACT FOR

Contractors, subcontractors, principals and their lawyers

Principals

Procurement review, contract administration set-up, and options when a contractor falls behind.

Snowy Hydro (Snowy 2.0) • CDC Data Centres (Brooklyn 1)

HEAD CONTRACT

Contractors

Commercial management, claims and variations, payment schedules and contract set-up, inside your project team or alongside it.

John Holland • Probuild • Ertech • Tier 1 and Tier 2 contractors

SUBCONTRACT

Subcontractors

Claims and variations, payment claims and adjudication, contract administration packs, and negotiation of the subcontract before it is signed.

J Steel Australasia • Pezzimenti Tunnelbore • specialist engineering contractors

Their lawyers

Commercial and quantum input prepared alongside your client's lawyers at any tier, and independent quantum expert evidence.

Tier 1 contractors' in-house and external lawyers • NSW District Court (support to the appointed expert)

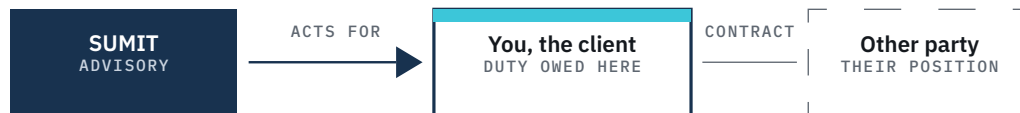
03 • TWO CAPACITIES

ADVISORY

Acting for the client: direct advice that argues the point and names the consequence.

Advisory work is for contractors, subcontractors and principals, and for their lawyers when a matter needs commercial and quantum input on their side.

FIG. 03 WHO THE DUTY RUNS TO



HOW YOU CAN ENGAGE US

By the hour, by the day, on retainer or for a fixed fee: from ad hoc advice and short-term support to long-term roles embedded in your project team.

Ways to engage and how a matter runs: page 11.

ADVISORY SERVICES

01 Commercial management

03 Security of payment

05 Contract administration packs

02 Claims and variations

04 Contract review and procurement

06 Dispute avoidance and resolution support

THE WORK



Commercial management

Embedded in your team or advising it, from award to final account.



Claims and variations

Entitlement, notices, quantum and narrative, making or answering the claim.



Extension of time

Delay notices, EOT claims, prolongation and acceleration.



Security of payment

Payment claims, schedules and adjudication under the SOP Act and BIF Act.



Contract review and negotiation

Departures, flow-down and risk allocation, before you sign.



Contract administration packs

Notices, registers, guides and claim workflows built from your contract.



Procurement

Procurement plans, tender evaluation, negotiation and award.



Dispute avoidance and support

Positions and without prejudice papers, prepared alongside your lawyers.



Shadow expert support

Quantum review for a party and its lawyers, testing the case before evidence is filed.

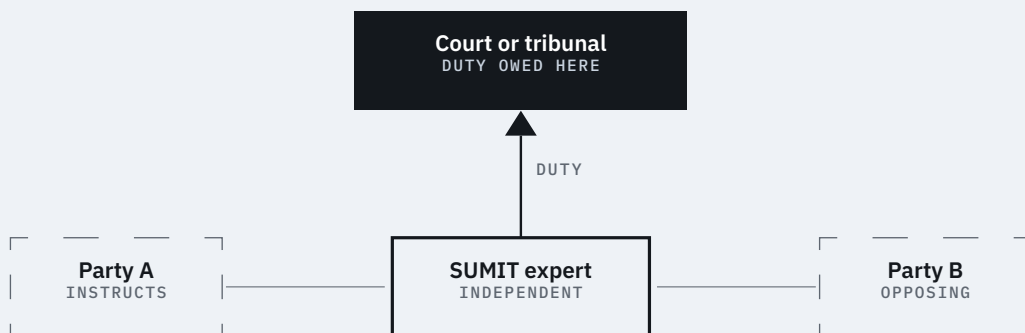
03 • TWO CAPACITIES

INDEPENDENT

Opinion owed to a court or tribunal: neutral and conditional.

Independent quantum opinion owed to the court or tribunal, prepared under the RICS professional standard for surveyors acting as expert witnesses and the court's expert code of conduct.

FIG. 04 WHO THE DUTY RUNS TO



QUANTUM EXPERT EVIDENCE COVERS

VARIATIONS	DELAY AND DISRUPTION COSTS	PROGRESS PAYMENTS
FINAL ACCOUNTS	JOINT REPORTS AND CONCLAVES	SCOTT SCHEDULES

BEFORE EVERY APPOINTMENT

- 1 Enquiry**
From the instructing solicitors, with the parties named.
- 2 Conflict check**
Any earlier work for a party is identified and disclosed to those instructing us and the court.
- 3 Accept or decline**
Accepted only where we can meet our overriding duty to the court.

One capacity at a time on any matter.

We do not act as a party's advocate and its independent expert in the same dispute. If we have advised a party before, we tell those instructing us and the court or tribunal, and accept an expert appointment only where we can meet our overriding duty to it.

RICS professional standard, Surveyors acting as expert witnesses (5th edition, from 30 November 2026), ss 2.2 and 5; UCPR Sch 7 (NSW); Federal Court GPN-EXPT.

STATUS AND CREDENTIALS

Available for independent quantum expert appointments. Completing the RICS Expert Witness Certificate (2026). Chartered Quantity Surveyor (MRICS) and Associate of the Chartered Institute of Arbitrators. Assisted the appointed quantum expert in NSW District Court proceedings on residential defects, costing four rectification options.

04 · SERVICES

Seven services across a project's life

Six Advisory services act for you from tender to final account. The seventh, quantum expert evidence, is a separate Independent appointment.

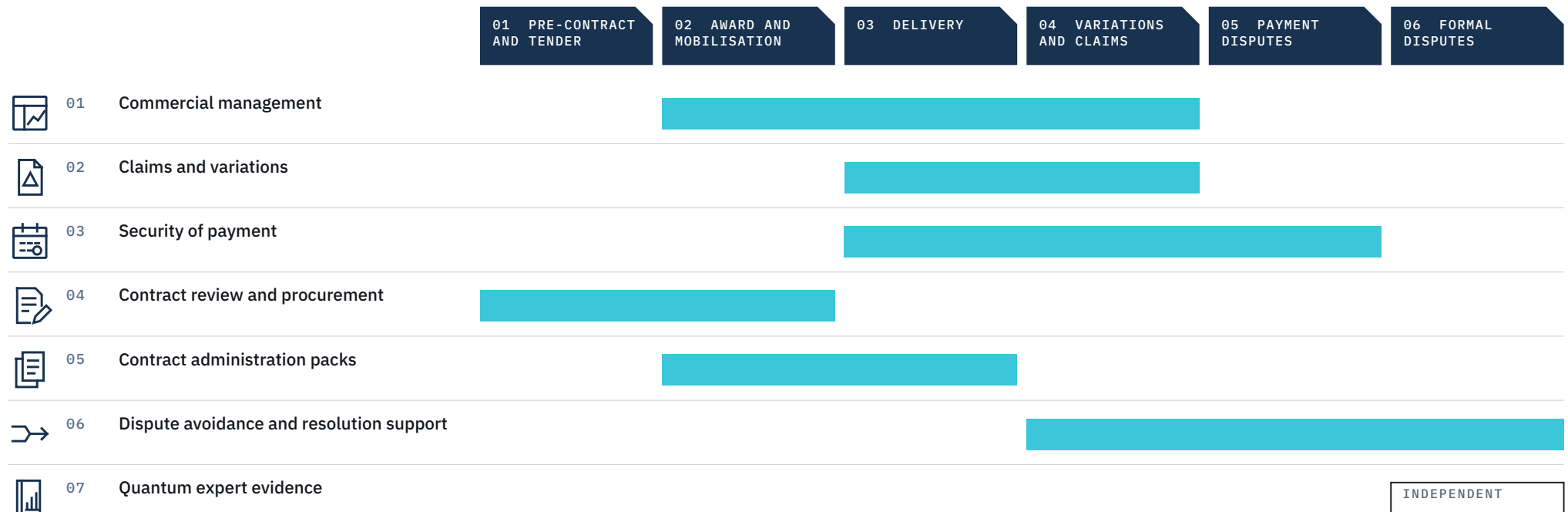


Fig. 05 Where each service sits across a project. Rows link to the service pages; service 07 is set out on page 7.

CONTRACT FORMS WE WORK UNDER, INCLUDING

AS 4902	AS 4903	AS 4000	AS 4300	AS 2124	GC21
NEC4 ECC A	NEC4 ECC C	NEC4 ECS	FIDIC SILVER	ALLIANCE, TOC	BESPOKE FORMS

Legislation: Building and Construction Industry Security of Payment Act 1999 (NSW); Building Industry Fairness (Security of Payment) Act 2017 (Qld); Design and Building Practitioners Act 2020 (NSW).



04 · ADVISORY SERVICES 01 TO 03

Waterloo Station, Sydney NSW. SUMIT role: head contract claims for John Holland. Image: Sydney Metro.



01

Commercial management

Commercial management for contractors and subcontractors, embedded in your team or advising it, from award and mobilisation to final account.

COVERS

Procurement and subcontract packaging, forecasting and cost to complete, variations, notices, reporting, team leadership.

PROOF

- Tendered, negotiated and let the early critical subcontract packages and executed all six consultant novations on a c. \$110m retirement living development in South West Sydney (2026).
- Led all commercial management on the \$150m Austral Leppington Wastewater Stage 3 under NEC4 Option C: 80+ compensation events and a re-baselined cost to complete (2023).
- Ran all commercial matters for GE on the \$369m Bango Wind Farm EPC contract and its subcontracts (2020).



01

Claims and variations

Variations, extension of time, and delay and disruption claims: entitlement, notices, quantum and narrative, whether you are making the claim or answering it.

COVERS

Variation entitlement and valuation, notices and time bars, extension of time, time-related costs, acceleration and liquidated damages.

PROOF

- Developed the strategy, evidence and basis of claim for more than \$100m of COVID-19 extension of time, prolongation and acceleration claims for John Holland on Waterloo Station (2021 to 2022).
- Identified and quantified unclaimed variations and delay costs on two TfNSW road upgrades worth \$110m and \$85m, for Ertech (2024).

02



Security of payment

Payment claims, payment schedules and adjudication support under the NSW SOP Act and the Qld BIF Act, working with your lawyers to the statutory timeframes.

COVERS

Payment claim and schedule strategy, reasons and valuations, adjudication applications and responses, time-bar and notice tests.

PROOF

- Prepared a Tier 1 contractor's payment schedule and supported its adjudication response on a subcontractor's payment claim in Sydney (2025).
- Drafted the reasons rejecting a \$2.15m delay and disruption claim in a Tier 1 contractor's payment schedule on a hospital redevelopment in Western Sydney (2025).
- Reviewed payment claims and final accounts on Eptec Group's rail and water contracts, through iCOST (2025).

03



04 · ADVISORY SERVICES 04 TO 06

Cox's River Road Upgrade, Little Hartley NSW. SUMIT role: variation and delay claims for Ertech. Image: Ertech.



04



05



06

Contract review and procurement

Contract and subcontract review before you sign, bespoke subcontracts and supply agreements, flow-down of head contract obligations, and procurement through to award.

COVERS

Pre-contract risk assessment, departures and negotiation, bespoke subcontract and supply agreements, flow-down, tender evaluation and award recommendations.

PROOF

- Drafted and negotiated a bespoke supply, software licence and support agreement for a Tier 1 contractor's rail systems nominated subcontract (2026).
- Reviewed 12 tender contracts and subcontracts for Eptec Group, through iCOST, and drafted back-to-back subcontract conditions for a Defence contract (2025).
- Reviewed the EPC contractor's subcontract and supply packages for Principal approval on Snowy 2.0, for Snowy Hydro (2024).

Contract administration packs

A ready-to-use contract administration pack for contractors and subcontractors, built from your contract: draft notices, an obligations and time-bar register, an administration guide, flow-down requirements and claim workflows.

COVERS

Notice and correspondence packs; obligations and rights registers; contract administration guides; subcontract flow-down schedules; claim and notice workflows; deadline calendars.

PROOF

- Drafted a start-up notice pack of 27 templates and 21 letters for a Tier 2 builder's head contract on a major regional shopping centre redevelopment, from a 1,175-item obligations register (2026).
- Prepared a 630-item rights and obligations register and correspondence templates for a rail systems network supply deed (2026).
- Drafted notice templates for all of Eptec Group's major contracts, through iCOST, and a contract administration guideline for a Defence contract (2025).

Dispute avoidance and resolution support

Entitlement and quantum positions, without prejudice papers and negotiation strategy, prepared alongside your lawyers before a dispute hardens.

COVERS

Position papers, negotiation, settlement support, claims reports under privilege, shadow expert support.

PROOF

- Negotiated the valuation and calculation positions on which both sides' senior leadership settled John Holland's COVID-19 claims on Waterloo Station by deed (2022).
- Contributed to claims reports under legal privilege for Goldwind on two wind farms worth \$600m and \$850m (2020).
- Set out termination, step-in and scope removal options for CDC Data Centres on an \$80m data centre (2024).

05 · HOW WE WORK

Four ways to engage, and what happens after the first call

By the hour

Ad hoc advice, contract questions and reviews, billed by the hour.

By the day

Short-term support or a long-term role embedded in your project team.

On retainer

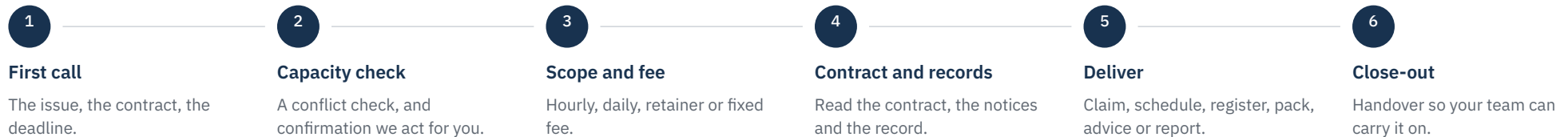
Standing support across a portfolio or a contract, on call each month.

Fixed fee

A defined scope: a claim, a payment schedule, a contract review or a contract administration pack.

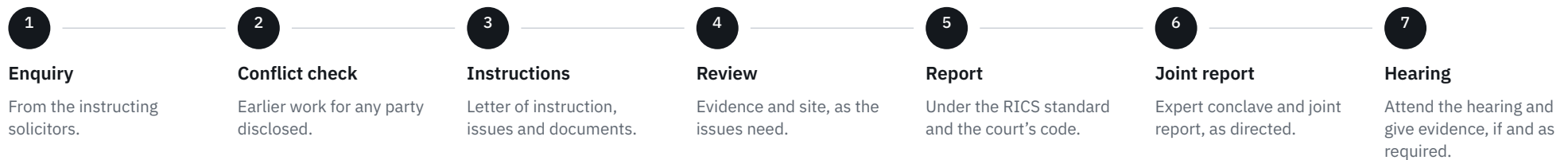
ADVISORY

HOW AN ADVISORY ENGAGEMENT RUNS



INDEPENDENT

HOW AN INDEPENDENT APPOINTMENT RUNS



Independent steps follow the RICS professional standard for surveyors acting as expert witnesses and the court's expert code of conduct. Steps 6 and 7 apply where the court or tribunal directs them.

05 • WHAT YOU RECEIVE

A contract administration pack, built from your contract

Each pack is built from the executed contract and handed to your team to run. The examples here come from a fictional subcontract prepared as a demonstration.

01 Obligations and rights register

Every obligation, right, time bar and condition precedent, with its clause, trigger, timeframe and template.

02 Notice pack

A draft letter for every notice the contract requires, on your letterhead, with the time-bar date on its face.

03 Claim workflows

Timeline flowcharts for each claim and notice, with the conditions precedent marked.

04 Deadline calendar

The month's notice, payment and adjudication dates, from the register.

05 Guide and flow-down schedule

A contract administration guide for the site team, and the head contract terms to flow down to subcontracts.

Examples are marked EXAMPLE: fictional parties and contract. Item 05 is not shown.

01

EXAMPLE - Obligations and Rights Register - Northbridge Interchange.xlsx

Obligations and rights register

Northbridge Interchange Upgrade - Package NC-04 (Civil Structures) - Meridian Civil Pty Ltd

487 ENTRIES

118 HIGH

41 TIME-BARRED

63 RECURRING

	A	B	C	D	E	F	G	H
4	REF	CLAUSE	TOPIC	OBLIGATION	TIMEFRAME	TIME BAR	CRIT.	TEMPLATE
5	OB-005	c1 8.1	Discrepancy in documents: notice	Written notice of any discrepancy within 5 Business Days of discovering it	5 BD from discovery	Y	H	UP-T03
6	OB-022	c1 34.3 (SC12)	EOT: notice of delay	Written notice of delay within 5 Business Days of becoming aware of the cause	5 BD from awareness	Y	H	UP-T09
7	OB-023	c1 34.3 (SC12)	EOT: full claim with particulars	Full EOT claim with particulars within a further 15 Business Days	+15 BD after notice	Y	H	UP-T10
8	OB-024	c1 34.3A (SC12)	EOT: continuing delay updates	Updated particulars every 10 Business Days while the delay continues	Every 10 BD	Y	H	UP-T11
9	OB-028	c1 34.7	Liquidated damages	\$12,500 per calendar day after the Date for Practical Completion, capped at \$845,000	Per day until PC	N	H	n/a
10	OB-029	c1 34.9	Delay damages	Compensable causes in Annexure Part A only; claim within the c1 41 window	10 BD notice; 20 BD particulars	Y	H	UP-T08
11	OB-033	c1 36.1 / SC15	Variations: confirm oral direction	Confirm any oral direction in writing within 5 Business Days	5 BD from direction	Y	H	UP-T06
12	OB-034	c1 36.4	Variations: quotation	Quotation within 10 Business Days, or the Superintendent prices it	10 BD from direction	Y	H	UP-T07
13	OB-036	c1 37.1	Payment claims: monthly	Claim on the 25th of each month, portal and email, endorsed under the SOP Act	Monthly, 25th	N	H	UP-T01
14	OB-039	c1 37.2 (SC18)	Set-off: review and response	Review each payment schedule on receipt; dispute any set-off in writing	SOP Act s 17(3)(c)	N	H	UP-T02
15	OB-042	c1 39.2	Show cause: response	Respond to a show cause notice within 5 Business Days	5 BD from receipt	Y	H	UP-T14
16	OB-044	c1 41 (SC20)	Prescribed notices: catch-all bar	Notice within 10 Business Days of first occurrence; particulars within 20	10 BD; 20 BD	Y	H	UP-T13
17	OB-048	c1 43 (SC22)	Latent conditions: notice	Notice forthwith and within 5 Business Days, before disturbing the condition	5 BD outer limit	Y	H	UP-T12

README
Register
Executive summary
Critical dates
Time-bar spot check

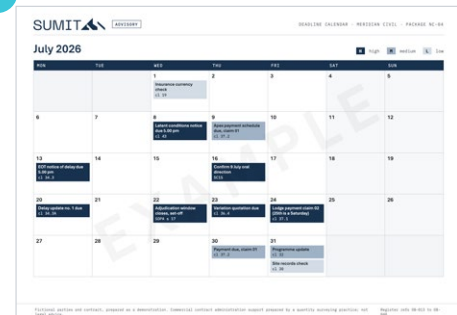
02



03



04



05 • WHAT YOU RECEIVE

Reviews, reports and expert evidence, set out to be tested

ADVISORY

PRE-CONTRACT REVIEW - PACKAGE NC-04 - FOR MERIDIAN CIVIL PTY LTD

Sign the subcontract only with four changes to the time bars and set-off

ANSWER
The amended conditions move most delay and cash-flow risk to Meridian through short notice periods written as conditions precedent. Four of them should be negotiated before signing; the other departures can be managed with the notice pack and register.

Key departures from AS 4903-2000

#	CLAUSE	DEPARTURE	RISK POSITION TO SEEK
01	34.3 (C137)	EOT notice cut to 5 Business Days from 28 days, as an express condition precedent with release wording	Seek 28 days and delete the release wording
02	34.3 / 34.5	An oral direction must be confirmed in writing within 5 Business Days, or there is no payment for the work	Seek 10 Business Days and a direction regime
03	37.3 (C138)	Set off widened to any amount the Main Contractor bears Tide claims	Limit set off to amounts due and assessed
04	43 (C22)	Latent conditions notice forthwith and within 5 Business Days, before the condition is disturbed	Seek notice as soon as practicable
05	39.2	Show cause response within 5 Business Days	Seek 10 Business Days
06	34.7	Liquidated damages of \$12,000 a day, capped at 10% (\$480,000)	Accept the cap, test the rate against programme float

Table 2 - Summary Subcontract, Package NC-04, conditions and Special Conditions SCL to SCL4 - Risk: H High, M Medium

Subcontract sum and security

SUBCONTRACT SUM	SECURITY	DATE FOR PRACTICAL COMPLETION
\$5,490,000 incl. GST	Two undertakings of 2.5% (\$211,250 each)	31 August 2027

OPTIONAL OFFER AND OFFEROR, PROVIDED AS A DISMEMBERMENT, UNLESS THE CONTRACT ADMINISTRATION REQUEST PROVIDED TO A QUALIFIED RESPONDING PROVIDER, NOT LEGAL ADVICE. NC-04B-001-002 - Rev A February '22

Pre-contract review

The answer first, then each departure with its risk and the position to seek. Advisory.

ADVISORY

EXTENSION OF TIME CLAIM - PACKAGE NC-04

Meridian is entitled to an extension of time for the storm delay from 6 July 2026

PREPARED FOR
Meridian Civil Pty Ltd

PROJECT
Northridge Interchange Upgrade, Package NC-04 (Civil Structures)

CONTRACT
Design and Construct Subcontract dated 10 May 2026 (amended AS 4903-2000)

DATE
3 August 2026

STATUS
Issued with the claim under clause 34.3

PREPARED BY
SUMIT acting for Meridian Civil Pty Ltd. Advisory capacity.

OPTIONAL OFFER AND OFFEROR, PROVIDED AS A DISMEMBERMENT, UNLESS THE CONTRACT ADMINISTRATION REQUEST PROVIDED TO A QUALIFIED RESPONDING PROVIDER, NOT LEGAL ADVICE. NC-04B-001-002 - Rev B February '22

Claim report

A cover that states the finding, the client, the contract and the capacity. Advisory.

ADVISORY

To the Court

Expert report of Malachy Mullin
Chartered Quantity Surveyor

Court	Supreme Court of New South Wales, [List]
Proceedings	[Proceedings number]
Parties	[Plaintiff] v [Defendant]
Nature of evidence	Quantum
Instructed by	[Instructing solicitor] for [Party]
Opposing party	[Party]
Date	[Date]

This report is prepared in accordance with the Expert Witness Code of Conduct in Schedule 7 to the Uniform Civil Procedure Rules 2005 (NSW) and the RICS professional standard Surveyors acting as expert witnesses. The duty is owed to the Court.

Expert report of Malachy Mullin - [Date] Page 1 of 5

FOOTNOTES SAMPLE ONLY - STRUCTURE AND DECLARATIONS - NO OPINION CONTENT

Expert report front sheet

The court's format: Palatino, black only, structure and declarations. No opinion is drafted in advance. Independent.

HOW DOCUMENTS ARE SET OUT

Advisory documents give the answer on page one, and every heading states a finding. Every number states its basis, period, source and SUMIT's role.

Independent reports follow the court's format and the RICS professional standard, with the duty owed to the court. Their front sheet names the capacity; they carry no outcome language.

Each document carries a register code, revision, date and capacity, so you can trace exactly what was issued.

CONDUCT AND QUALITY

Regulated by RICS

Work is carried out under the RICS Rules of Conduct and, for expert work, the RICS professional standard for surveyors acting as expert witnesses.

Insurance

Professional indemnity and public liability insurance is held. Certificates of currency on request.

Complaints handling

A complaints handling procedure, as RICS requires of regulated firms, is available on request.

Confidentiality

Client documents are held confidentially and used only for the engagement they were provided for.

CPD and site access

Continuing professional development under RICS requirements, and a current construction induction (White Card) for site work.



Snowy 2.0, Talbingo portal, NSW. SUMIT role: Principal-side procurement review for Snowy Hydro. Image: Snowy 2.0 project.

ADVISORY

CASE STUDY • PUMPED HYDRO • 2024

Snowy 2.0 Pumped Hydro Scheme

Principal-side procurement review for Snowy Hydro

\$12bn

Public project cost announced by Snowy Hydro, August 2023. Project value, not SUMIT's fees.

What SUMIT did

Embedded in Snowy Hydro's Snowy 2.0 commercial and procurement team, working with the EPC contractor through the Principal's approval of its subcontract and supply packages, from modular accommodation, formwork and precast propping to surge shaft hoists, rock bolts, plant maintenance and cement supply. For each package we checked that the subcontract conditions were appropriate, that the pricing represented value for money, and that every document the procurement policy required for Principal approval had been provided. The largest review covered the formwork, reinforcement and concrete placement packages at Tantangara and Talbingo: pain/gain and target-hour mechanisms, labour rates and an independent estimate.

The challenge

The EPC contractor's subcontract and supply procurement needed Principal review and approval under Snowy Hydro's procurement policy, with the major concrete packages let on pain/gain terms.

OUTCOME

Findings and recommendations on tender competition, pricing structure and clarification control presented to Snowy Hydro's Snowy 2.0 procurement leadership.

CLIENT

Snowy Hydro (principal)

CONTRACT

FIDIC EPC/Turnkey (Silver Book) 2017, amended

06 • FEATURED PROJECTS SINCE 2019 • 1 OF 4



Waterloo Station, Sydney NSW. SUMIT role: head contract claims for John Holland. Image: Sydney Metro.

ADVISORY METRO RAIL • 2021

02

Waterloo Station, Sydney Metro City and Southwest

Both sides' senior leadership settled the COVID-19 claims by deed of release and amendment, on the valuation and calculation positions SUMIT negotiated.

Developed the commercial strategy for more than \$100m of John Holland's COVID-19 head contract claims on a \$450m metro station, assembled the evidence and basis of claim for extension of time, prolongation and acceleration, and negotiated the key positions with the Principal: valuations, calculation methods and terms for the Principal's acceleration directions.

THE CHALLENGE

Changing public health orders disrupted delivery of a major metro station while the Principal required milestone completion.

CLIENT	VALUE	FORM
John Holland	\$450m	Bespoke Sydney Metro contract



Austral Leppington Wastewater Stage 3, NSW. SUMIT role: NEC4 commercial management. Image: Abergeldie.

ADVISORY WATER • 2023

03

Austral Leppington Wastewater Stage 3

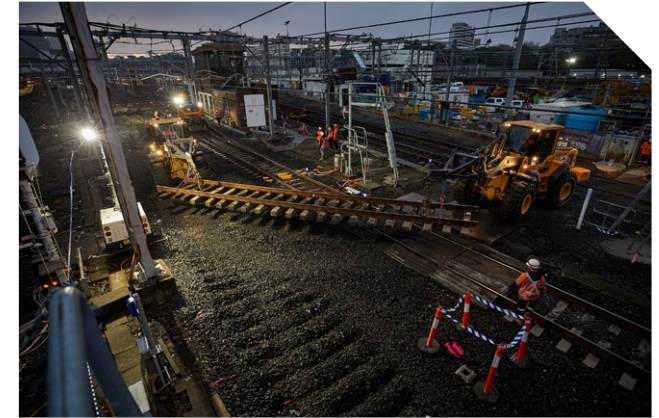
Cost to complete re-baselined and NEC4 commercial controls rolled out across the framework.

Led all commercial management on the largest project in WRDT's 10-year Sydney Water framework: compensation events for subcontract and self-perform works, a full financial review and re-baselined cost to complete, and NEC4 policy, procedures and training, educating the project and leadership teams on NEC4 and how it differs from the Australian Standard forms.

THE CHALLENGE

The largest project in a 10-year Sydney Water delivery framework needed tighter cost control under NEC4 Option C.

CLIENT	VALUE	FORM
West Region Delivery Team (for Sydney Water)	\$150m	NEC4 ECC Option C (target cost)



More Trains More Services Stage 2, Sydney NSW. SUMIT role: commercial management for John Holland. Image: John Holland.

ADVISORY HEAVY RAIL • 2021

04

More Trains More Services Stage 2

Commercial Manager on the T4 and T8 line works, leading the T8 tunnelling, substation and airport tunnel upgrades: procurement and subcontractor management, and identification, preparation and submission of head contract claims, including variations and extensions of time.

THE CHALLENGE

Tunnelling, substation and airport line upgrades on a live heavy rail corridor, with subcontract procurement and head contract claims running together.

CLIENT	VALUE	FORM
John Holland	\$300m	Transport for NSW head contract



Ed.Square Town Centre, Edmondson Park NSW. SUMIT role: head contract variations and subcontracts for Probuild. Image: Frasers Property Australia.

ADVISORY RETAIL, RESIDENTIAL • 2019

05

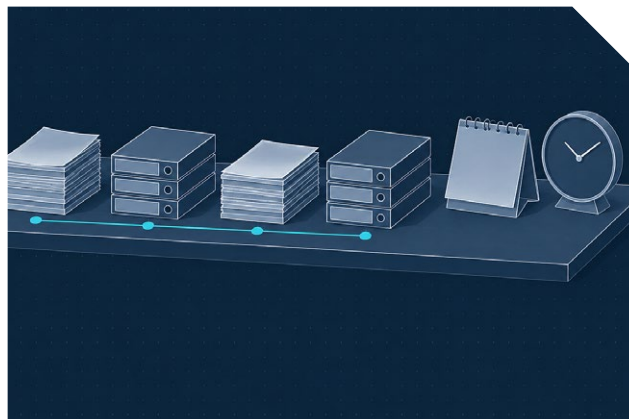
Edmondson Park Town Centre Stage 1 (Ed.Square)

Managed head contract variations and value management, negotiated and procured key subcontract trades, and led the subcontract commercial team on a retail centre with 309 apartments above.

THE CHALLENGE

A two-storey retail centre over basement parking with four residential buildings of 309 apartments, with head contract variations and downstream subcontracts to control.

CLIENT	VALUE	FORM
Probuild	\$275m	Design and construct head contract



Security of payment, Sydney. SUMIT role: payment schedule and adjudication response support for a Tier 1 contractor. Illustrative image.

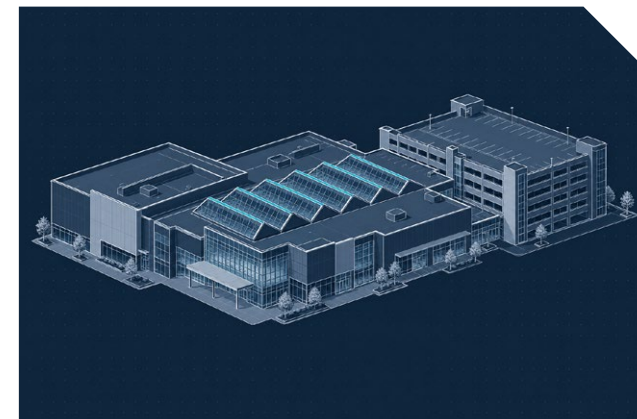
ADVISORY SECURITY OF PAYMENT • 2025

06

SOPA payment claim and adjudication for a Tier 1 contractor, Sydney

Brought in to prepare a Tier 1 contractor's payment schedule in anticipation of adjudication. A respondent cannot raise new reasons in its adjudication response (SOP Act s 20(2B)), so SUMIT made sure the schedule set out every reason for withholding payment, with the supporting documents the timeframe allowed. When the subcontractor applied, SUMIT prepared the further supporting documents and justification for each response, working with the contractor's in-house legal team and external counsel.

CLIENT	VALUE	FORM
Tier 1 contractor	Not stated	Subcontract; NSW SOP Act



Major regional shopping centre redevelopment, Sydney. SUMIT role: commercial and contracts support to a Tier 2 builder. Illustrative image.

ADVISORY RETAIL • 2026

07

Major regional shopping centre redevelopment, Sydney

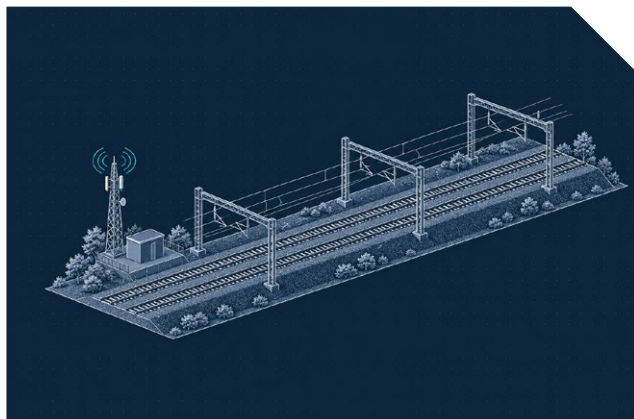
A start-up notice pack of 27 templates and 21 letters handed to the builder's project team, drafted from a 1,175-item head contract obligations register.

Commercial and contracts support as the builder moved from early contractor involvement to an executed lump sum D&C head contract. Supported procurement of the major trade and services packages, advised on head contract clarifications, latent conditions and subcontract flow-downs, and built the head contract obligations register and start-up notice pack.

THE CHALLENGE

Moving from several years of early contractor involvement to a lump sum design and construct head contract while procuring major packages, with latent conditions risk to pass down correctly.

CLIENT	VALUE	FORM
Tier 2 builder	\$350m+	Lump sum D&C head contract; amended AS 4903



Rail systems nominated subcontract, South East Queensland. SUMIT role: commercial management for a Tier 1 contractor. Illustrative image.

ADVISORY RAIL SYSTEMS • 2026

08

Rail systems nominated subcontract, South East Queensland

A bespoke supply, software licence and support agreement issued, the network supply deed's conditions precedent satisfied, and a 630-item obligations register in place.

Commercial advice to a Tier 1 contractor's project team on three key nominated subcontracts for a digital rail radio network supporting ETCS Level 2, with network, mission-critical software and monitoring suppliers. These were technology companies, not typical construction subcontractors, so SUMIT drafted and negotiated a bespoke supply, software licence and support agreement to capture the software and licensing terms and align them with the upstream contract's requirements.

CLIENT	VALUE	FORM
Tier 1 contractor	c. \$140m	Nominated subcontract and DPC deed; Qld BIF Act



Retirement living development, South West Sydney. SUMIT role: commercial management for a Tier 2 builder. Illustrative image.

ADVISORY RETIREMENT LIVING • 2026

09

Retirement living development, South West Sydney

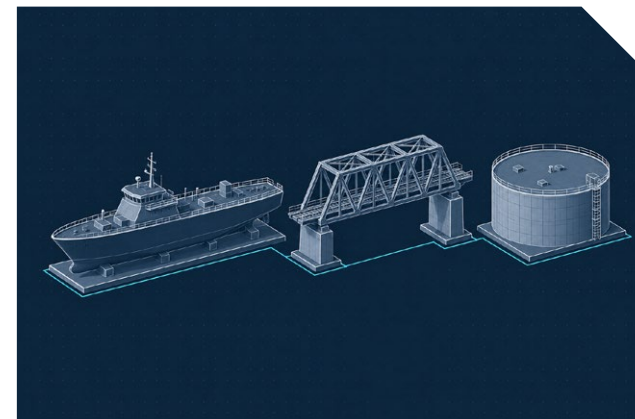
Tendered and procured the early critical subcontract packages, including the building services, with forecast gains on each package secured through negotiation.

Commercial Manager through award and mobilisation of a multi-storey over-55s residential development under a heavily amended AS 4902: executed all six design consultant novations, drafted scopes and special conditions, and set up the notice and time-bar regime.

THE CHALLENGE

A newly awarded, heavily amended contract with services packages to let quickly, six design consultants to novate and a notice regime to set up.

CLIENT	VALUE	FORM
Tier 2 builder	c. \$110m	AS 4902-2000 design and construct, heavily amended



Defence, rail and water portfolio, NSW, WA and SA. SUMIT role: commercial and contracts lead for Eptec Group, through iCOST. Illustrative image.

ADVISORY DEFENCE, RAIL, WATER • 2025

10

Eptec Group: Defence, rail and water portfolio

Bespoke subcontracts and supply agreements with flow-down provisions, and notice templates for every major contract.

Commercial and contracts lead across Eptec Group's Defence, rail and water contracts in NSW, WA and SA, delivered through iCOST. Drafted new bespoke subcontracts and supply agreements with their flow-down provisions, notice templates for every major contract and a contract administration guideline, and reviewed tender contracts, payment claims and final accounts.

CLIENT	VALUE	FORM
Eptec Group (through iCOST)	Portfolio	Defence subcontracts; NEC4; rail major works



Bango Wind Farm, NSW. SUMIT role: commercial management for GE. Image: Squadron Energy.

ADVISORY WIND ENERGY • 2019

11

Bango, Coopers Gap and Silverton wind farms

Ran all commercial matters for GE on the 46-turbine Bango Wind Farm, including variations, EOT, delay and acceleration claims with the balance of plant contractor and LD and acceleration modelling. On Coopers Gap and Silverton, tested the generation-based LD calculation method and the offsets for constrained generation to limit the contractor's exposure.

THE CHALLENGE

On Coopers Gap and Silverton, commissioning delays were driving generation-based liquidated damages toward caps of 10% of contract price. On Bango, the contractor faced large-value claims from and against its balance of plant contractor under a poorly drafted subcontract.

CLIENT	VALUE	FORM
GE	\$369m, \$850m and \$342m	EPC contracts; balance of plant subcontract



Cox's River Road Upgrade, Little Hartley NSW. SUMIT role: variation and delay claims for Ertech. Image: Ertech.

ADVISORY ROADS • 2024

12

Cox's River Road Upgrade and Heathcote Road Upgrade

Claim estimates and reports prepared to set the contractor's negotiation position with TfNSW.

Reviewed costs and records to identify, quantify and support unclaimed variations and delay costs on two TfNSW road upgrades, including bridge reinforcement changes, provisional sums, utility clashes and tie-in works, and prioritised the high-value claims for negotiation.

THE CHALLENGE

Unclaimed variations and delay costs on two Transport for NSW upgrades, with significant gaps in contemporaneous records.

CLIENT	VALUE	FORM
Ertech	\$110m and \$85m	GC21 (Edition 2)

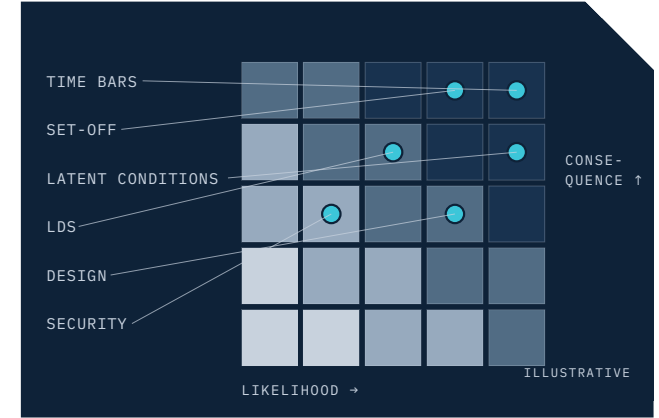


Fig. 07 Illustrative risk ratings from a pre-contract review: consequence against likelihood. Not a client document.

ADVISORY PRE-CONTRACT • 2022 TO 2026

13

Pre-contract and tender reviews

The departures to seek and the approvals needed identified before each bid was submitted.

Commercial and contract risk assessments of a Tier 1 rail and infrastructure contractor's tenders against its tender policy, covering 85 policy items across 28 areas: the departures to seek from clients and the approvals needed for positions outside policy, including on an incentivised target cost works deed. Twelve tender contract and subcontract reviews for Eptec Group (through iCOST), and reviews of a shotcrete subcontract on Sydney Metro West and an AS 4300 specialist disability accommodation fitout in Western Sydney.

CLIENT	VALUE	FORM
Tier 1 contractor; Eptec Group (through iCOST)	Tenders	Tender policy; AS 4300; Tier 1 subcontracts



07 • LEADERSHIP

Malachy Mullin

BSC (HONS) MRICS ACIARB • DIRECTOR, SUMIT • CHARTERED QUANTITY SURVEYOR

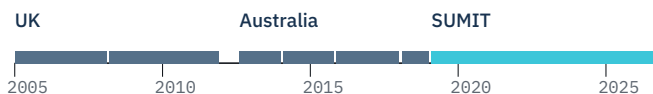
LinkedIn: [linkedin.com/in/malachymullin](https://www.linkedin.com/in/malachymullin)

Malachy is a Chartered Quantity Surveyor and Associate of the Chartered Institute of Arbitrators with over 20 years' commercial and contract management experience in Australia and the UK, including senior commercial roles with Tier 1 and Tier 2 contractors. He advises contractors, subcontractors, principals and their lawyers on energy, rail, water, defence and building projects, from pre-contract risk review and procurement through delivery, claims and final account.

His work sits where commercial pressure is highest: heavily amended contracts, notices and time bars, variations and extension of time claims, and payment disputes under security of payment legislation. Clients engage him for clear, well-evidenced positions that stand up in negotiation and adjudication, and for contract administration systems that keep project teams compliant from day one.

Before founding SUMIT in 2019 he was National Commercial Manager at Lahey Constructions, after senior contract administration roles with Cockram and Buildcorp, and senior quantity surveying roles with Salini Impregilo in Sydney and Tenix in Western Australia. He is completing the RICS Expert Witness Certificate.

CAREER, 2005 TO 2026



Bars: employers, then SUMIT from February 2019. Full record in the capability profile.

QUALIFICATIONS AND MEMBERSHIPS

QUALIFICATION OR MEMBERSHIP	DATE
BSc (Hons) Quantity Surveying and Commercial Management University of the West of England	2008 to 2011
Chartered Member, RICS (MRICS)	May 2024
Associate, Chartered Institute of Arbitrators (ACIARB)	September 2024
Member, Society of Construction Law Australia	June 2024
CIArb Introduction to International Arbitration	September 2024
Completing the RICS Expert Witness Certificate (2026)	In progress
Diploma in Surveying Practice College of Estate Management	2006 to 2008
Diploma of Project Management New England Management Development	2012 to 2013
Diploma of Leadership and Management The Change Network	2016 to 2017

CORE EXPERTISE

- Contract strategy, review and negotiation
- Contract administration set-up
- Procurement and supply chain
- Variations, EOT, and delay and disruption
- Security of payment
- Dispute avoidance and resolution
- Quantum and expert support
- Liquidated damages
- Target cost and NEC4
- Risk management
- Cost management and forecasting
- Senior leadership and management

08 • TRACK RECORD

All 27 projects since SUMIT was founded, most recent first

YEAR	PROJECT	LOCATION	CLIENT	VALUE	SUMIT ROLE
2026	Major regional shopping centre redevelopment	Sydney, NSW	Tier 2 builder	\$350m+	Head contract and package procurement; contract administration set-up
2026	Thompsons Creek Stage 1 pipeline	Sydney, NSW	Pezzimenti Tunnelbore	n/a	NEC4 compensation event advice
2026	Rail systems nominated subcontract	South East Queensland	Tier 1 contractor	c. \$140m	Pre-contract reviews; nominated subcontracts and procurement
2026	Retirement living development	South West Sydney, NSW	Tier 2 builder	c. \$110m	Commercial management: procurement, novations, notices
2026	Sports facility redevelopment	Sydney, NSW	Head contractor	n/a	Commercial advisory
2026	Cultural precinct redevelopment	Sydney, NSW	Head contractor	n/a	Value engineering workshop
2026	Specialist disability accommodation	Western Sydney, NSW	Fitout contractor	n/a	Pre-contract review (AS 4300)
2025	Over-station commercial tower	Sydney CBD, NSW	Tier 1 contractor	c. \$370m	Commercial and contract support
2025	Hospital redevelopment	Western Sydney, NSW	Tier 1 contractor	c. \$260m	SOPA payment schedule
2025	Eptec Group: Defence, rail and water portfolio	NSW, WA and SA	Eptec Group (through iCOST)	Portfolio	Commercial and contracts lead
2024	Snowy 2.0	Snowy Mountains, NSW	Snowy Hydro	\$12bn	Principal-side review of contractor procurement
2024	Cox's River Road Upgrade	Little Hartley, NSW	Ertech	\$110m	Claims identification and quantification
2024	Heathcote Road Upgrade	Holsworthy, NSW	Ertech	\$85m	Claims identification and quantification
2024	Brooklyn 1 Data Centre	Brooklyn, VIC	CDC Data Centres	\$80m	Termination and step-in strategy
2023	Austral Leppington Wastewater Stage 3	South West Sydney, NSW	West Region Delivery Team	\$150m	Commercial management (NEC4 Option C)
2022	Residential defects proceedings (expert support)	Marrickville, NSW	Appointed quantum expert	n/a	Quantum support to appointed expert
2022	Sydney Metro West: The Bays shotcrete subcontract	The Bays, Sydney NSW	Tendering subcontractor	n/a	Subcontract risk review
2021–2022	Waterloo Station, Sydney Metro	Waterloo, Sydney NSW	John Holland	\$450m	COVID-19 EOT, prolongation and acceleration claims
2021	More Trains More Services Stage 2	Sydney, NSW	John Holland	\$300m	Commercial management
2020–2021	New Sydney Fish Market (cofferdam package)	Blackwattle Bay, Sydney NSW	J Steel Australasia	\$40m subcontract	Pre-contract negotiation
2020	Moorabool North Wind Farm	Moorabool, VIC	Goldwind	\$600m	Claims reports under privilege
2020	Stockyard Hill Wind Farm	Stockyard Hill, VIC	Goldwind	\$850m	Claims reports under privilege
2020	Bango Wind Farm	Southern Tablelands, NSW	GE	\$369m	Commercial management: all commercial matters; BOP claims
2019–2020	Edmondson Park Town Centre Stage 1	Edmondson Park, NSW	Probuild	\$275m	Head contract variations; subcontracts
2019	Coopers Gap Wind Farm	South Burnett, QLD	GE	\$850m	Liquidated damages exposure
2019	Silverton Wind Farm	Silverton, NSW	GE	\$342m	Liquidated damages exposure
2019	Mount Piper Water Treatment Plant	Lithgow, NSW	Abergeldie	\$145m	Variation strategy (design errors)

Values: contract value of the project or package worked on, as published or contracted; not SUMIT's fees. Source: master project register v0.3. Some engagements were delivered as a specialist subconsultant. Client and project names are withheld unless the client has agreed to be named; references are available on request, subject to client consent.

CLIENTS SINCE 2019

The end clients behind the work

Contractors, subcontractors and principals SUMIT has worked for since February 2019, alongside Tier 1 and Tier 2 contractors, specialist engineering contractors and developers whose names are withheld.













ALSO TIER 1 AND TIER 2 CONTRACTORS, SPECIALIST ENGINEERING CONTRACTORS AND DEVELOPERS, NAMES WITHHELD

Logos are the trademarks of their owners, shown to identify clients of SUMIT engagements. Some engagements were delivered as a specialist subconsultant. Client and project names are withheld unless the client has agreed to be named; references are available on request, subject to client consent.



SUMIT is a RICS-regulated
quantity surveying and
commercial advisory firm
in Sydney.

Commercial, contract, claims and quantum advice for
contractors, subcontractors, principals and their lawyers on
Australian infrastructure and building projects.

ADVISORY

Facing a notice, a claim or a payment deadline?
Call Malachy on 0452 549 257.

INDEPENDENT

Instructing a quantum expert?
Request a conflict check:
malachy@sumitconsulting.com.au

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