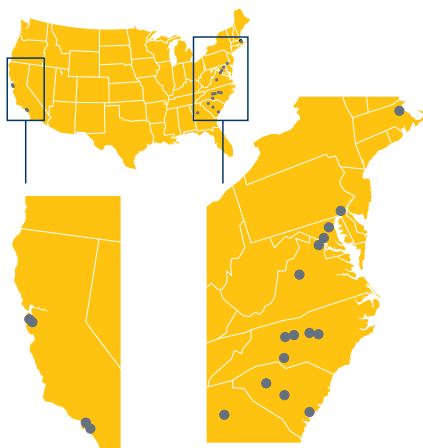


Construction and Engineering

Our experience



Overview of our firm and capabilities



US

Boston
Wilmington
Baltimore
Washington, D.C.
Tysons Corner
Charlottesville
Raleigh
Research Triangle Park
Greensboro
Winston-Salem
Charlotte
Greenville
Columbia
Charleston
Atlanta
Palo Alto
Silicon Valley
Los Angeles
Orange County



UK

Aberdeen
Edinburgh
Newcastle
Leeds
London
Southampton
Bristol
Plymouth

Consolidating
our national
reputations and
regional heritage
under one powerful
transatlantic brand

Our sectors



Representing
more than
250
Publicly Traded
Companies
in the US and UK



+150
Chambers
rankings



UK Top
20 Law
firm



US Top
80 Law
firm



Global
Top 100
Law firm by
revenue

Correct as at March 2018

Construction and Engineering capability

Our construction team advises public and private sector clients on major capital projects from inception to completion, through to the operational lifecycle of an asset – including advising on front-end contract strategy, project documentation, risk management and disputes.



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Commercially astute and always aware of wider issues, our construction lawyers have deep insight into the construction industry derived from years of experience and secondments with key clients. From all our locations, we provide down-to-earth industry and sector advice and form long-term relationships with clients who trust us to deliver.

Our clients include government and public sector bodies, developers, retailers, homebuilders, investors, employers, contractors, architects, engineers, quantity surveyors, project managers and contract administrators as well as their insurers.

We give transactional construction advice to the real estate, development, investment, engineering and infrastructure sectors. We work with property owners, developers, investors, contractors and construction professionals to structure, draft and negotiate construction contracts and appointments, and all related ancillary documents such as collateral warranties, deeds of novation or variation, and letters of intent or reliance. We also provide advice on managing complex construction projects.

We have a significant track record acting on engineering projects in rail infrastructure, power generation and renewable energy – including onshore and offshore wind, solar, biomass, wave, and waste to energy projects.

We also deal with construction and engineering disputes, principally by way of adjudication but also by litigation in the Technology and Construction Court, arbitration (domestic and international), and mediation as well as other forms of alternative dispute resolution. We regularly advise our clients on dispute avoidance, risk management and disruption strategies.

Where necessary, we build bespoke teams bringing in colleagues from other areas including environmental law, corporate, property, procurement, planning and tax. This means a seamless service for our clients, from planning to completion.

In addition to our services across the UK, we have offices in the US, and work closely with our construction colleagues there. We have also formed a strong, collaborative alliance with German law firm, Redeker Sellner Dahs. Our international bonds with the US and Germany mean we can provide our clients with an outstanding service across key regional economic hubs throughout the UK, US and Germany; combining knowledge, innovation and technical expertise.

Whatever your needs, our firm-wide approach and international capability can provide you with a tailored team that works hard to help you do business better.

We are proud to have one of the largest full service construction and engineering teams in the sector, operating in London and across the UK, and beyond.

Disputes experience

Examples of our experience include:

- acting for an **international chemicals business** in the Technology and Construction Court and Court of Appeal in proceedings over the **termination of an EPC contract** for a petrochemical processing plant. Following a week trial we secured a substantial award in favour of the employer. Our work also included a significant international aspect working closely with lawyers in other foreign jurisdictions. *Sabic UK Petrochemicals Ltd v Punj Lloyd Ltd* [2013] EWHC 2916 (TCC)
- defending an **M&E subcontractor** in a **£5million claim** in the TCC regarding alleged overheating and other defects in a newly built sixth form college, including a **counterclaim** against the main contractor for **unpaid fees**. The claimant commenced proceedings against the M&E consultant and main contractor. The main contractor then brought our client in as a third party
- advising a **main contractor** on the defence of claims from an employer and a follow on contractor. The claim related to allegedly **defective preliminary piling works** carried out by the contractor, which required remedial works and caused the follow on contractor to be in 18 months of delay. This included consideration of claims against the contractor's designer and sub-contractor
- defending an **architect** who prepared construction phase drawings in respect of a development comprising 35 dwellings. The Council issued an enforcement notice for the demolition of the entire development, on the grounds that the dwellings had not been built in accordance with the approved planning drawings. We successfully appealed the Council's enforcement notice (and the refusal of a retrospective planning application that had been lodged).
- defending **multi-disciplinary engineering consultants** in a claim about the provision of **flood risk advice** to a client who was proposing to purchase a riverside site for a **large residential development**. The client alleges that the site was unviable and the advice it received from the engineering consultant about flood risk and mitigation measures was negligent. As such, losses for wasted development and planning costs are being claimed
- advising in relation to a potential dispute (in excess of £2m) with a **contractor** concerning construction **defects** in the concrete pavement of a busy operational airfield
- defending **multi-disciplinary engineering consultants** in a **multi-party claim** concerning defects that have arisen in the design and construction of a hospital in Cornwall. The claim in the main action was put at £13m+ (including losses for Unavailability Deductions). It is alleged by the main contractor, by way of a contribution claim, that works were signed off at the conclusion of the design and build phase by the engineering consultants when they should not have been
- acting in connection with a complex and potentially sensitive case involving a **contractual adjudication** for a very large **NHS Trust** against a project company on a **PFI contract**. The claim related to ventilation rates and air pressure differentials on hospital wards housing high risk immuno-suppressed patients. The Adjudicator was a retired TCC judge, whose findings were resoundingly in our client's favour
- defending an **architectural practice** in **arbitration** proceedings alleging negligence in the design of an airport terminal building in the Channel Islands and associated works. The claim amounted to approximately **£15 million**. The proceedings were settled with no damages being paid by the insured architect and a recovery of a significant contribution towards the architect's costs

"It is a genuine pleasure to work with them"

Chambers and Partners
UK Guide 2018

- acting for Carillion JM Limited in a claim arising out of the **construction of the Wembley Light Maintenance Depot adjacent to the main rail line out of Marylebone Station**. Carillion issued proceedings against its subcontractor and a consultant to recover costs and other liabilities incurred by Carillion undertaking remedial works to stabilise exposed clay slopes. The claim involved complex geotechnical engineering issues, and was resolved in Carillion's favour (Carillion JM Ltd v Phi Group Limited [2011] EWHC 1379 (TCC))
- defending a firm of **quantity surveyors** against a claim passed down from an employer as a result of a decision in a “**smash and grab**” adjudication between the employer and the contractor. This had held that a payment notice or pay less notice had not been issued and therefore the employer had to make a payment to the contractor which significantly exceed the true value of the works. The employer attempted to pass the value of the overpayment, and other losses it suffered, to the allegedly negligent surveyor
- acting in respect of one of the largest **retail developments in Qatar**, providing pre formal dispute advice under a main contract and then representing the contractor in LCIA proceedings
- acting for an **architect** defending proceedings brought by an individual regarding investment development property in France. Advice regarding jurisdiction. Application made to strike out claim for abuse of process, application heard before the Technology and Construction Court, claim successfully struck out and costs recovered from Claimant
- successfully defending a **structural engineer** in a five day trial at the Technology and Construction Court (Mr E. Goldswain and Miss J Hale v (1) Beltec Limited (trading as BCS Consulting) (2) AIMS Plumbing and Building Services Limited [2015] EWHC 556 (TCC)) which focussed particularly on **duty to warn** arguments, and temporary works design responsibility in the context of a basement conversion
- defending a **project monitoring surveyor** in relation to a £2.5m claim by a commercial bank concerning a substantial **29-house development**. It was alleged that the project monitor provided negligent advice in respect of the development's planning position, which the bank relied on in making the loans. This claim was successfully resolved at mediation.
- acting for a firm who designs and supplies structural oak frames for use in domestic and commercial properties. The proceedings involved the purchaser of a new-build property, the developers, the architects, another structural engineer and the contractors. The claim was resolved at **mediation** by way of a commercial contribution by our client towards the purchaser's claim and costs
- defending a **firm of architects** in one of the highest profile Technology & Construction Court cases of 2012, Walter Lilly & Co Ltd v Mackay [2012] EWHC 1773 (TCC). This case involved a **multi-million pound multi-party claim** alleging negligence and breach of contract in the administration of a £30m building contract for the development of 3 **high quality residential houses** in London including allegations of architectural defects, design flaws and mismanagement of the contract leading to delays and claims for extensions of time and loss and expense from contractors and sub-contractors.

“Clients of Womble Bond Dickinson LLP single out the construction team's ‘professional and timely advice’ and ‘excellent breadth of knowledge’, which ‘compares very favourably with City firms offering the same services’.”

Legal 500 UK

Transactional experience

Examples of our experience include:

- advising the **Education Funding Agency**, an executive agency of the Department for Education since 2006. We initially advised on the creation of the **£4 billion 2009 Contractors Framework** followed by the 2013 re-procurement in accordance with OJEU requirements, and the £5 billion Regional Framework
- currently delivering the **EFA's Free Schools** and **Priority Schools Building Programmes** and have been retained on the panel for the second Priority Schools Building Programme
- working with various **chemicals sector** clients including **SABIC** and **Lotte Chemicals**. We have acted for SABIC on an £800 million reconditioning of their Elefins 6 plant as well as advising on various construction and plant purchase contracts. We advised **Lotte Chemical** on the decommissioning, demolition and sale of their T8 plant
- We have considerable experience of **PFI/PPP** projects across the waste, leisure, health and education sectors acting for Trusts/Authorities, private sector consortia and first-tier sub-contractors on both the building and facilities maintenance elements
- acting for the owner of land at **Hinkley Point** such that the site could be fully remediated prior to a decision on whether it would be used for future power generation. We first advised on the most suitable **contract structure** for the demolition and removal of asbestos at the existing client facility and the subsequent remediation of the land. We provided **contract management advice** throughout the term of the contract works, culminating in some significant advice concerning the balancing of the final account
- specialising in advising on **plant purchase and installation**, and Engineering Procurement Construction contracts in the **energy sector** in relation to the following technologies: combined cycle gas turbine plants, wind farms (both on and offshore), solar, bio-diesel, energy from waste and embedded and distributed generation capacity
- acting regularly on **infrastructure projects** in the **rail sector** (advising Network Rail) and **roads** (advising A-One, a national highways contractor). We have also advised local authorities in the construction of bridges and the drafting of framework agreements for highway repairs and extensions
- currently advising on the **refurbishment of Westminster City Hall**, a high profile and logistically challenging development. The 19 storey 1960s building plays an important role in the public life of Westminster. Once finished, City Hall will be an energy and cost efficient civic space with high quality office space available to let
- advising on major projects for Durham, Northumbria, Teesside, Liverpool Hope, Bristol, Southampton and Plymouth Universities. Notably, we advised the University of Northumbria on the **design and construction** of its **landmark £100 million City Campus East** development in Newcastle city centre. This scheme included new business and law schools, two student accommodation developments and the creation of a new footbridge spanning a motorway
- advising a number of national housebuilders including Grainger plc, Bellway plc and Persimmon Homes and have recently been retained on a reduced panel for Taylor Wimpey. We advise all three Northern Divisions of Bellway plc on all property acquisitions and disposals and at Group level we advise on corporate litigation, registered providers and Homes and Communities Agency transactions.

“Extremely knowledgeable and totally effective at what they do.”

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