



One Firm WorldwideSM



LONDON CONSTRUCTION & ENGINEERING PRACTICE

We work with relentless determination and think analytically and strategically to achieve our clients' business aims. The team is focused on both contentious and non-contentious construction and engineering law.

We know the market both in the UK and internationally and strive to understand fully our clients' needs. Successful teamwork is vital and we work closely with our clients' business and technical teams, other advisors and experts. We work hard to ensure that when it really matters, clients choose Jones Day.

OUR WORK

We work with clients in the following specialist sectors:

- Major Projects
- Offshore Wind
- Power Plants
- Oil & Gas
- Nuclear Decommissioning
- Rail Systems & Technology
- PFI/PPP
- Real Estate
- Insolvency & Restructuring



Hamish Lal 'lends clients his structured and detailed approach to problem analysis in procurement matters. A clever and commercial operator, "he knows exactly what his clients are after".'

From Chambers UK 2009

- Representing Metro Shopping Fund (a joint venture between Delancey Estates plc and Land Securities PLC) in respect of the development of Southside Shopping Centre.
- Advising Arlington Business Parks Partnership on all the construction aspects of a £350 million asset for equity swap involving 17 properties and 2 development assets.
- Acting for a special purpose vehicle on a c. £125 million hospital PFI project on issues such as deductions, termination of certain soft services, lifecycle obligations, service variations and disputes. We also provided all transactional advice and completed a complex market test.

OUR NON-CONTENTIOUS EXPERIENCE

Our transactional practice deals with drafting and negotiating a variety of contracts and the associated security documents. We typically come across and amend the following standard forms:

- The New Engineering Contract (NEC3)
- The FIDIC Contracts
- The JCT Contracts
- IChemE Contracts
- MF/1 and MF/2
- ICE 5th, 6th & 7th Editions
- SoPC 4

Our recent non-contentious experience includes:

- Advising Galana on bespoke contracts for the development of a fixed oil jetty, receiving terminal and port facilities at the Galana Raffinerie et Terminal in Madagascar.
- Advising Chevron Corporation on the Wheatstone Project and EPC contract to develop a new Australian liquefied natural gas (LNG) project based on its Wheatstone natural gas discovery.
- Advising the British Land Company PLC in the redevelopment of Giltbrook Retail Park, Nottingham, and the redevelopment of Whiteley Village, Fareham, with c. 220,000 square feet of retail, 7,000 square feet of leisure, and 35,000 square feet of office space.
- Acting for London & Stamford Property Limited on the acquisition and related financing of Racecourse Retail Park in Aintree, Liverpool, from Land Securities Group PLC and in connection with its purchase and subsequent sale of No. 1 Whitehall Riverside, Leeds.

OUR CONTENTIOUS EXPERIENCE

We have extensive experience in the full spectrum of dispute avoidance and resolution procedures, including:

- Adjudication
- Adjudication Enforcement
- Mediation
- Dispute Boards
- Expert Determination
- Arbitration
- Litigation

We have assisted our clients on a wide range of issues and disputes including:

- The Application of FIDIC Clause 20.1
- Notices under NEC3 Clause 63.1
- Latent Defects
- Quality Testing & Management
- Design Liability
- Variations
- Concurrent Delay
- Acceleration Claims
- Completion, Practical Completion and Taking-Over
- Reduced Operating Performance
- Maintenance Warranties
- Breach of EU Procurement Regulations
- Professional Negligence
- Termination
- Proceeding with 'Due Expedition and Without Delay'
- Landfill Diversion Targets
- Interpretation of Design Codes (e.g., DNV-OS-C401)



Craig Shuttleworth's "reputation for being an intellectual heavyweight goes before him and [he] deserves his reputation as an outstanding litigator who consistently outperforms his peers."

Our recent contentious experience includes:

- Advising a joint-venture employer during the construction phase of a 500 MW offshore wind farm project in relation to disputes involving welding, non-destructive testing, design codes and fracture mechanics.
- Advising owners of a North Sea Floating Production Storage and Offloading System (FPSO) in relation to breaches in the design and performance obligations under an EPC Contract and O&M Agreement.
- Representing a global engineering and construction contractor in a dispute regarding the construction of the Tiffany Oil and Gas Production Platform and an associated dispute with their joint-venture partner.
- Representing the employer in relation to disputes arising out of the construction and commissioning of an import and regasification terminal in Milford Haven, Wales.
- Representing a global engineering, construction and services company in respect of disputes concerning the construction of an LNG pipeline in Nigeria and an LNG plant in Qatar.
- Acting for a Claimant developer in a professional negligence claim against an architect/contract administrator involving concurrent delay, wrongful awards of extensions of time and early certification of practical completion.
- Acting for main contractor on various disputes including on the construction of the King's Library at the British Library, the construction of a water treatment plant, the partial possession of the O2 Arena, the design and construction of air conditioning at No. 1 Silk Street, noise abatement on the construction of a shopping centre in Southampton, and an anti-harassment injunction against a disaffected sub-contractor.
- Representing an employer on appeal to the High Court from an arbitral award on 'serious irregularity' under Section 68 of the Arbitration Act 1996.
- Representing a real estate developer in connection with the practical completion of a shopping centre; disputes with the Funder regarding late completion of the development; professional negligence action for defective design of the smoke extract system, defective design of the structure and defective design of the M&E systems; and disputes regarding the inclusion of nickel sulphide.
- Representing international waste recycling contractors in respect of various disputes with various local authorities regarding the landfill diversion targets; the construction of a waste to energy plant; the interpretation of 'full cost' and the impact of Regulation 11 of the European Landfill Directive as reported in *3C Waste Limited v Mersey Waste Holdings Limited and Another*.
- Advising a PFI sub-contractor in connection with the civil engineering works undertaken for a street lighting PFI project involving complex questions of equivalent project relief.
- Acting for a nuclear decommissioning Tier 2 contractor on disputes about waste characterisation, Works Information and notices based on NEC2 and involving the decommissioning of a steam generating heavy water reactor.
- Representing an IT company in its successful application for injunctive relief for apprehended breaches of the Utilities Contracts Regulations 1996 in relation to a proposed contract for the outsourcing of fare collection and ticketing services ('Oyster Card') as reported in *Electronic Data Systems Limited v Transport Trading Limited*.
- Representing a developer in an Expert Determination on the interpretation of 'Development Costs' and 'Fair Valuation' in a Development Agreement.

ADDITIONAL INFORMATION

For additional information regarding the London Construction & Engineering practice, please contact your principal Firm representative or one of the lawyers listed in this publication. General email messages may be sent using our 'Contact Us' form, which can be found at www.jonesday.com.

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JONES DAY GLOBAL LOCATIONS

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