Expert direction
Major infrastructure projects – construction and engineering

Our expertise
Eversheds is the law firm behind some of the most ambitious construction and engineering projects and one of the largest specialist construction and engineering legal teams in the UK, with over 60 lawyers.

Our lawyers advise on the full range of legal issues arising on one off major projects, major frameworks, long term programmes of work, and collaborative contracting. We advise on suitable contractual arrangements to protect your interests and address long-term construction liabilities, whilst not jeopardising commercial deal making with unnecessary requirements.

Our in depth and cross-sector experience gives us a commercial awareness of the issues faced which enables us to advise at a strategic level as well as on a project specific basis. We want to use our specialist knowledge and significant expertise to help you with the successful delivery and operation of your major infrastructure projects.

How are we effective?
We use our extensive and cross-sector experience to jointly identify with our client their project requirements and how we can best work together. Through this we help develop realistic objectives which can achieved from the implementation of different model options and facilitate decision making on overall contracting strategy. We do this by:

- undertaking initial start-up meetings with key individuals;
- agreeing up front the working arrangements with project teams including communication protocols;
- establishing a clear timeline for the stage of development of contract documents to tie in directly with the wider procurement programme; and
- running strategic workshops with the relevant members of the in-house legal, procurement and commercial teams, technical advisers and other key stakeholders.
We can also provide, where required:

- tailored training for key individuals on the proposed contract concepts and principles to ensure that informed decisions are made when developing contract terms;
- detailed reporting on key risk areas distilled into categories such as time, quality and standards, payment, completion, defects and compensation events and use of risk allocation tools to facilitate decision making and risk assessment;
- activity schedules to enable our clients to keep track of decisions made and those yet to be made (and by whom) with a corresponding time-frame for those issues to be resolved;
- document maps identifying the key elements of the contract including the schedules and allocating responsibility to project organisations and individuals within those organisations for the development of those sections.

We use activity schedules and document maps as ‘live’ documents through the procurement process. We are careful to identify expressly where key issues are identified and where key decisions are required.

Where we can help?

- **One-off projects:** We draft and, where appropriate, amend all the industry standard form construction and engineering contracts including FIDIC, NEC3, JCT, IChemE, MF/1, ICC(ICE), LOGIC and others in order to tailor them to the requirements of our clients and their projects. We also prepare bespoke contracts to meet specific requirements not covered by the standard forms.

- **Frameworks:** We are leading legal advisers in construction and engineering for clients across the transport, energy, utilities and other sectors in connection with the procurement of framework contracts, ranging from simple single party frameworks with straightforward call-off procedures to high value frameworks with sophisticated programme level incentives.

- **Collaborative contracting:** In addition to contracts reflecting conventional ‘Client’ and ‘Contractor’ relationships we are market leaders in advising on collaborative contracts and alliancing contracts. These range from simple partnering arrangements to full scale ‘pure’ alliancing models. In recent years we have concluded collaborative contracts worth in excess of £10billion in the gas, electricity, railway, water, gas, highways, telecoms, nuclear and renewables industries.

- **Building Information Modelling (BIM):** We advise on provisions necessary to address the use of Building Information Modelling (BIM) including the use and incorporation of BIM protocols, allocation of responsibility for defective design, and contract provisions necessary to deal with other legal issues such as software licences and intellectual property rights.

- **Supporting documents:** We advise on the full range of associated construction documents including invitations to tender/request for proposal, professional services contracts and appointments, collateral warranties, direct agreements, parent company guarantees, performance bonds, advance payment bonds and retention bonds.
Recent examples of our work

- Advising Network Rail on contracts for its most strategically important projects including: collaborative frameworks for its £1.2 billion Southern IP Multifunctional Framework (MFF) and £750 million Central IP Panel and Programme Frameworks; and ‘pure’ alliances including the £600 million Northern Hub and Electrification Alliance and £400 million Wessex Capacity Alliance.

- Advising Heathrow Airport in relation to construction issues relating to the development of Terminals 2A and 2B;

- Advising Birmingham Airport in relation to a number of major construction projects including the construction of the New International Pier, the runway extension and A45 diversion project, the new air traffic control facility and the One Terminal development project;

- Advising National Grid in relation to several major infrastructure projects including: its £3.1 billion Gas Distribution Strategic Partnership contracts; alliance agreements for overhead lines and substations; cable supply and installation; tunnelling projects including Humber Estuary Feeder 9 transmission pipeline replacement and London cable tunnels; and carbon capture and storage (White Rose CCS project).

- Advising RWE Npower in relation to several major construction and engineering projects, including Gwynt y Mor offshore wind farm and the biomass conversion project at Lynemouth Power Station;

- Acting for EDF Energy in relation to the nuclear new build project at Hinkley Point C and the Teesside offshore wind farm development;

- Acting for DIRFT Limited in relation to the construction aspects of the development of the rail-road intermodal freight terminal at Daventry International Rail Freight Terminal;

- Acting for a number of Water and Sewerage Companies in relation to their AMP3, AMP4, AMP5 and AMP6 capital investment programmes including Anglian Water, Dwr Cymru Welsh Water, Severn Trent Water, United Utilities and Yorkshire Water.

Client Training

We have provided training to our clients on the full range of issues faced on major infrastructure projects. Recent training includes:

- Training on standard forms including NEC3, FIDIC, IChemE, LOGIC and others.

- Collaborative contracting in infrastructure projects;

- Current trends in alliancing;

- Collaborative frameworks and long term partnering arrangements; and

- Contractual management of risk on infrastructure projects.

We can tailor training to your needs where required. Contact us for more information.

Key Contact:

Simon Oats
Partner
+44 207 919 4750
simonoats@eversheds.com