



Construction & Engineering

Major projects

On major projects, we bring extensive experience, technical expertise and reliable legal advice.

Whether on the £30bn+ London Underground PPP, the Birmingham New Hospital (due to be one of the biggest PFI hospital schemes in Europe), or a multi-million pound BSF (Building Schools for the Future) project, we help our clients to deliver challenging and ground-breaking schemes.

We act for public and private sector clients on publicly procured and PFI schemes across a range of projects, from schools, hospitals and homes to sports stadia and leisure centres.

Major projects are multi-party, technically complicated and capital-intensive, so the potential for disputes is high. Led by 10 partners and supported by around 25 construction and engineering specialists in London and Sheffield advising both on contentious and non-contentious issues at any stage in the project's life, we protect and promote the interests of our clients.

We act on a spectrum of legal issues: construction procurement, bid strategies, tendering contracts and procedures, project funding, matters of public law, risk management and dispute avoidance, contract review, structuring, drafting and negotiation and dispute resolution.

The following are examples of major projects we have been involved with:

EU Procurement

Represented a bidding consortium for a high-profile leisure project in the South of England in litigation, alleging unfair operation of tendering procedures, breach by the procuring public authority of the Public Contracts Regulations 2006 and breach of an alleged tendering contract.

Represented a contractor on a number of public sector procurement issues concerning contracts with a housing body. The contractor alleged that the procuring public authority had breached the Public Contracts Regulations 2006 (both in terms of procedure and defining the assessment criteria in the tendering procedure), both on framework and call-off contracts. We explored with the client an array of legal remedies, including Court injunctions and damages for breach.

Stadia

Acted for **Multiplex Construction** in resolving numerous disputes arising out of the design and construction of the new £500m Wembley National Stadium. Our team were involved in multiple adjudications, five mediations, two expert determinations and actions in the Technology and Construction Court and Court of Appeal.

A member of our team acted for the **New Millennium Experience Company** on consultant and contractor disputes arising out of the construction of the Dome (now the O2 Arena) and its internal "zones", using mediation, litigation and adjudication.

Acted for the main contractor on Sunderland Football Club's Stadium of Light and Newcastle United's St James's Park. Our advice centred on a number of disputes with the employer and sub-contractors relating to extensions of time and additional payments. This involved Conciliation, proceedings in the Technology and Construction Court and the Court of Appeal.

Advised **HOK Sport** on their appointments as lead designers for Benfica Stadium (Portugal), Arsenal's new Emirates Stadium and also as masterplan designers for London Olympics 2012.



N A B A R R O

CLARITY MATTERS

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Housing

Advised **Vita Lend Lease/Catalyst Lend Lease** on a dispute relating to student accommodation, around the operation of 'performance monitoring deductions'. The dispute was referred to Adjudication. We successfully secured the entire sum claimed by Vita/Catalyst, as well as a declaration in Vita/Catalyst's favour on the principles governing how the deductions for the rest of the 40-year Project Agreement will be applied.

Acted for the **Project Co** on a number of housing PFI schemes. This included reviewing and negotiating the Project Agreement, as well as drafting and negotiating construction and FM contracts and interface agreements.

Health

Acted for a specialist contractor on works undertaken on the Birmingham New Hospital PFI development. With an estimated project value of £550 million, the site will be one of the largest PFI hospitals in Europe. The dispute involved complicated programming and contract interpretation issues.

Advised **Vita Lend Lease** on the Worcestershire Hospital PFI project, especially around power outages during the operational phase of the hospital.

Education

Acted for funders and contractors on several PFI schools projects, from the preliminary stages to project close. This included analysing the construction aspects of Project Agreements, reviewing and negotiating interface agreements, construction and FM contracts and associated construction documentation with lawyers acting for the Project Co and the construction and FM contractors.

Acted for a specialist contractor on works performed on the £84m first phase BSF project in Bradford. The client found itself in dispute with the project company, around the scope of works, design liability, variations and programme issues.

Leisure

Acted for local authorities in a number of leisure-related schemes, including preparing and negotiating all construction-related documentation, such as framework agreements, interface agreements, building contracts and appointments.

Acted for the contractor in a dispute with the major contractor, following defective works on the £12m Wolverhampton City Council PFI Leisure Contract.

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