

# Construction & Engineering & White & Case

An overview of our capabilities





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# The White & Case construction & engineering group

The White & Case construction & engineering group advises clients across the globe on all their construction-related needs, from the drafting of tender and project documentation to the resolution of disputes arising out of projects.

Our lawyers have advised on projects in more than 90 countries, across six continents, including many of the world's largest projects. Our experience covers all major sectors including transport infrastructure (airports, ports, roads, rail and water), oil and gas, petrochemicals, process plants, power, mining and metals, and commercial property.

We offer a single point of contact for project development, contract administration and dispute resolution advice. Many of our lawyers advise on both project development and dispute resolution, giving them a unique understanding of the full life cycle of a construction project.

Our construction lawyers also work closely with our project finance lawyers, enabling us to advise on all aspects of a project.



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## **Band 1: Construction, Global-wide**

*Chambers Global 2019*

## **Band 1: Construction: International Arbitration**

*Chambers UK 2019*

## **Band 1: Construction: Purchaser**

*Chambers UK 2019*

## **Band 1: International Arbitration, Global-wide**

*Chambers Global 2019*

## **Number 1 international arbitration practice worldwide**

*Global Arbitration Review 2019*

## **International Arbitration Law Firm of the Year**

*Who's Who Legal 2019*

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# Our practice

## Project development

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### Best practice knowledge

Our lawyers have a thorough understanding of the commercial and financial issues involved in project financing. We frequently advise lenders on the terms of project documents and clients on bankability issues.

We offer best practice knowledge of procurement strategies and decades of experience advising on project tendering, including the preparation of tender conditions and tender documents and advising on post-tender analysis and bid compliance.

### Broad contract expertise

We prepare commercially appropriate, special conditions for all the major contract forms as well as drafting bespoke contracts and ancillary documents, including financial support arrangements, concession contracts, joint ventures, construction contracts, subcontracts, technology supply and license agreements, technical service agreements and operational management agreements.

We are familiar with all of the main forms of construction contract employed internationally, including:

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|---------|--------|----------|
| □ FIDIC | □ NEC  | □ AIA    |
| □ ICE   | □ ENAA | □ IChemE |

as well as other important domestic and industry-specific forms.

Our experience with the FIDIC form, the most widely used form of contract internationally, is particularly notable. Christopher Seppälä, a partner in the Paris office, has been the legal advisor to the FIDIC Contracts Committee since 1992, and the head of the construction group, Ellis Baker, advised FIDIC on its forthcoming update to the FIDIC contracts. In 2010, a White & Case team led by Ellis Baker authored FIDIC Contracts: Law and Practice, which has become one of the leading industry guides to using the FIDIC contract forms.

## Dispute resolution

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### An international practice

We are widely recognised as the leading practice for international construction disputes. We advise on international arbitrations around the world (in emerging markets as well as in developed economies, under many different laws), as well as on litigation before courts at all levels.

### Contract administration and claims management

We have extensive experience advising on the management of claims, including assisting with the development of contractual and extra-contractual claims, as well as advising parties confronted with such claims.

### Dispute Boards

We advise clients on Dispute Board proceedings and other forms of intermediate dispute resolution, including helping clients present their case to Dispute Boards and challenging Dispute Board decisions in arbitrations.

### Broad expertise

We advise on all types of construction disputes, including in relation to defects, delays, disruption, variations, non-performance, payment, bond calls and regulatory issues.

### In-house advocacy

Many of our lawyers are experienced advocates, removing the need and cost of engaging external counsel.

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# Independent view



**“Widely admired for its work on large, high-end infrastructure and energy projects worldwide, including oil and gas, renewable and nuclear power projects.”**

*Chambers UK 2019*

**Clients praise the firm’s construction offering as “always excellent and always first-rate,” adding: “The lawyers are very driven and work very hard for the clients.”**

*Chambers UK 2019*

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**Band 1: International Arbitration, USA**

*Chambers USA 2019*

**Band 1: International Arbitration, France**

*Chambers Global 2019*

**Band 1: International Arbitration, Europe**

*Chambers Europe 2019*

**Band 1: International Arbitration, Latin America**

*Chambers Latin America 2019*

**“They stand out for having the greatest experience in international arbitration matters, and take a global approach to the client’s problems.”**

*Chambers Global 2019, Arbitration (International)*

**“Excellent group for construction disputes and very complex, large scale arbitrations”**

*Legal 500 UK 2018, Construction*



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# Representative matters: project development

## Oil and gas

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### **Largest petrochemical complex in Mexico**

Acting for a joint venture on the construction of the largest petrochemical complex in Mexico (consisting of an ethylene cracker and three polyethylene plants) to supply ethane to the Mexican state-owned oil and gas company. This was named “Deal of the Year” at the *Project Finance International* Awards 2012.

### **World’s largest petrochemical plant**

Advising Saudi Aramco (in a joint venture with Dow Chemical) on what will be the world’s largest petrochemical plant on completion, with a current anticipated cost of US\$16 billion. We advised on the procurement and tender processes and drafted a suite of pro forma contracts and related documents.

### **Tahrir petrochemical complex in Egypt**

Advising Carbon Holdings, as sponsor, on all aspects of the proposed US\$3.5 billion Tahrir petrochemical complex in Egypt.

### **€9 billion Nord Stream Baltic pipeline**

Representing the project company in the construction aspects of the development and project financing of the €9 billion Nord Stream Baltic pipeline, which runs from Russia to Germany through the Baltic Sea and the exclusive economic zones of Russia, Finland, Sweden, Denmark and Germany.

### **US\$11.2 billion Qatargas II LNG project**

Advising the sponsors on construction aspects of the US\$11.2 billion Qatargas II LNG project in Qatar and the construction of a UK receiving terminal.

### **US\$11.3 billion Sakhalin II (Phase 2) LNG project**

Representing, as common counsel, the export credit agencies, multilateral lenders and commercial bank lenders in connection with the construction-related aspects of the US\$11.3 billion financing of the Sakhalin II (Phase 2) LNG project in Russia.

### **KMG petrochemical complex in Kazakhstan**

Acting for Kazmunaigas, drafting and negotiating onshore/offshore engineering, procurement and construction management contracts relating to the utilities and offsites for the KMG petrochemical complex at Astana, Kazakhstan, for which the expected final total investment cost is in excess of US\$4 billion.

### **Modernisation of an oil refinery in Kazakhstan**

Advising, negotiating and drafting on behalf of the owner, Kazakh Oil, a US\$235 million construction contract for the modernisation of an oil refinery in Kazakhstan.

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## Power

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### **Coal-fired power station in the Philippines**

Advising the project lenders on the turnkey construction contracts and operation and maintenance agreements for a US\$1 billion 1,200 MW coal-fired power station in the Philippines.

### **Nuclear reactors at the Cernavoda power plant in Romania**

Representing the joint venture project company in relation to the construction, commissioning and operation of nuclear reactors at the Cernavoda power plant in Romania, which aims to generate 30 percent of Romania's electricity production by 2019.

### **625 MW coal-fired power station in Turkey**

Acting for the project company in relation to the development of a 625 gross MW coal-fired power station to be located at the bay of Iskenderun, Turkey and projected to generate approximately 4.5 billion kWhs of electricity per year.

### **1,210 MW coal-fired power station in Turkey**

Advising, negotiating and drafting on behalf of the Steag/Siemens developer consortium the turnkey construction contract for a US\$1.45 billion 1,210 MW coal-fired power station in Turkey. White & Case London was awarded the title "Project Finance Team of the Year" by *Legal Business* for this project, the largest single project financing in Turkey to date.

### **Gas-fired peaker plant in California**

Advising on the construction aspects, including negotiating the EPC contracts, of the US\$120 million purchase of a special-purpose company, established for the construction of a gas-fired 120 MW peaker plant in Midway, California.

## Process plants

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### **Petrochemicals process plant in Egypt**

Acting for the owner in the development of an engineering, procurement and construction contract for the proposed development of a multibillion-dollar petrochemicals processing facility in Egypt, including the initial preparation of the EPC contract and subsequent negotiations.

### **US\$2.12 billion Q-Chem 2 petrochemical project**

Advising the lender on the US\$2.12 billion Q-Chem 2 petrochemical project, involving the development, financing, construction and operation of an ethylene cracker in the north of Qatar, a pipeline and a derivatives facility in the south of Qatar.

### **US\$1 billion urea and fertiliser process plant in Oman**

Advising the project lenders on negotiating the turnkey construction contract for a US\$1 billion urea and fertiliser process plant in Oman. The project was named "Petrochemical Deal of the Year" by *Project Finance*.

### **US\$539 million ammonia plant in Egypt**

Drafting and negotiating the turnkey construction contract for a US\$539 million ammonia plant in Egypt.

### **Rehabilitation and expansion of steelworks in Latvia**

Advising a steelmaker on the construction contract for the rehabilitation and expansion of its steelworks in Latvia.

### **US\$800 million ammonia/urea complex in Algeria**

Representing the project sponsors in relation to the construction and financing of a US\$800 million 3,500 MPTD ammonia/urea complex in Algeria, including drafting the FEED and engineering, procurement and construction contract for release to tenderers and assisting in negotiations with the bidders.

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# Representative matters: project development

(continued)

## Infrastructure/environmental

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### **Qatar Integrated Railway Project**

Drafting the suite of subcontracts for the Qatar Integrated Railway Project, a landmark infrastructure project consisting of a metro system, long-distance passenger network and freight transport network. The subcontracts relate to various aspects of the Project, including mechanical, engineering and plumbing works, supply and installation works, and maintenance services.

### **Trinidad Rapid Rail Project**

Advising the National Infrastructure Company Ltd. of Trinidad & Tobago in relation to the construction of the Trinidad Rapid Rail Project, one of the first rapid rail projects in the Caribbean (estimated at US\$1.5 to US\$2 billion) including in relation to tendering, drafting and negotiating two planning, design/build, operate and maintain contracts.

### **Transnational highway in the Middle East**

Advising a Middle East government on the US\$1.1 billion construction of a transnational highway, including preparation and negotiation of tender documentation, reviewing and advising on project documentation, and reviewing and negotiating the finance documents with the concessionaire and lenders.

### **First phase in construction of multiple roads/causeways**

Advising a Caribbean government in relation to the drafting of design and construct contracts and negotiation of project management consultancy terms for the first phase (US\$2 to US\$3 billion) of a three-phase project for the construction of multiple road/causeway packages.

### **Passenger ferry operation in the Caribbean**

Advising a Caribbean government and drafting the terms of a marine management agreement to be entered into with the operator for the operation of passenger ferry services in the Caribbean.



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## Mining and metals

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### **US\$2.5 billion integrated alumina project in Guinea**

Advising and drafting on behalf of the project sponsors the construction contracts and contract mining agreement for a US\$2.5 billion integrated alumina refinery, power plant, port, rail, town and mine project in Guinea.

### **US\$10 billion refinery and power project**

Advising a leading international mining group on an integrated bauxite mine and alumina refinery, power plant and aluminium smelter project valued in excess of US\$10 billion in Ras Az Zawr and Az Zabirah in Saudi Arabia.

### **Aluminium smelter in Mozambique**

Advised the lenders to Mozal SARL on the EPCM contracts for the construction of the first phase of the Mozal aluminium smelter project in Mozambique and on the expansion project to double the smelter's capacity to 500,000 tonnes per year.

### **Aluminium smelter in South Africa**

Advising Alcan Inc. in connection with the development and financing, including advising on the bid packages for the EPCM contract, of the 720,000 MTPA Coega aluminium smelter in South Africa.

### **Aluminium smelter and power plant in Qatar**

Advising Qatar Petroleum and Hydro Aluminium AS in relation to the form of the EPC contract for an aluminium smelter and related power plant located in the Messaieed Industrial Area, south of Doha.

### **US\$200 million steel plant in Bahrain**

Advised the lead arrangers on a project for the construction of a US\$200 million steel plant in Bahrain, including on the EPC contract.

### **Aluminium smelter and captive power station in Oman**

Advising Alcan, Oman Oil Company, Abu Dhabi Water and Electricity Authority and Sohar Aluminium Company on the development of a 360,000 tonne aluminium smelter and associated 1,000 MW captive power station in Oman, including negotiation and drafting of the EPC contract for the power station and the EPCM contract for the smelter.

### **€3.5 billion steel mill project in Brazil**

Advising on the development of a €3.5 billion steel mill project in Brazil, including drafting and negotiating contracts for the construction of a 450 MW power plant, a steel mill complex and a coking plant, along with drafting and negotiating the project documents for the financing of the coking plant.

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# Representative matters: project development

(continued)

## Commercial property/hotels

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### **New Karolinska University Hospital in Stockholm**

Representing Skanska in connection with contract negotiations for the construction of the New Karolinska University Hospital in Stockholm. The project is the first PPP project in the healthcare sector in Sweden.

### **Multifunction development in central Moscow**

Advising one of Russia's biggest corporations on construction and consultancy agreements for a prestigious multifunction development in central Moscow.

### **Hotel development in Warsaw**

Advising on and negotiating the construction contract, project management agreement and multiparty arbitration agreement on behalf of Intercontinental Hotels for the development of a hotel in Warsaw.

### **Data centres in London**

Advising Digital Realty on the construction contracts for a number of data centres in London, as part of its acquisition of a portfolio of facilities. The transaction was one of the largest data centre and real estate transactions in the global market in 2012. We are also continuing to advise on the construction of future data centres within the portfolio.

### **Hotel project in Jakarta**

Advising the sponsors for a hotel project in Jakarta, Indonesia built on a BOT basis.

### **King Abdullah University of Science and Technology in Saudi Arabia**

Acting for Saudi Aramco, the developers of the King Abdullah University of Science and Technology in Saudi Arabia valued at approximately US\$3.5 billion.

### **US\$300 million mixed real estate development in Kazakhstan**

Advising Meridian Securities in relation to the development of a US\$300 million mixed commercial and residential development in Almaty, Kazakhstan, which will consist of 12 to 14 high-rise buildings.

### **Development in a Gulf state**

Advising a major Middle Eastern developer in connection with the construction aspects of a hotel, retail, office and residential development in the Gulf.

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# Representative matters: dispute resolution

## Oil and gas

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### **LNG processing facilities in the Southern Hemisphere**

Advising an oil & gas 'supermajor' in respect of its rights and potential liabilities and several arbitrations arising out of its investment and involvement in the ongoing construction of onshore LNG processing facilities in the Southern Hemisphere.

### **Oil-blending facility in the Caribbean**

Representing the owner of an oil-blending facility in the Caribbean in an ICC arbitration in London against the German/Dutch builder arising out of alleged design defects in that facility.

### **Floating production storage and offloading vessel in Brazil**

Advising a Brazilian contractor on a dispute with its consortium partner (another major offshore engineering contractor) arising from the construction of a floating production storage and offloading vessel to be used for a major offshore field development in Brazil.

### **Petrochemical project in Egypt**

Representing an Egyptian petrochemical development company on an ICC arbitration involving claims that a contractor repudiated a development agreement.

### **Oil Pipeline Company in Qatar**

Representing the claimant, an offshore construction contractor, in a dispute against an oil exploration company, concerning the construction of an oil pipeline in Qatar.

### **Oil pipeline**

Representation of the claimant, an offshore construction contractor, in a dispute against an oil exploration company, concerning the construction of an oil pipeline in Qatar. The ICC arbitration proceedings are seated in Dubai.

### **Oil refinery and pipelines in Latin America**

Representing a major international contractor in a US\$1.4 billion ICC arbitration concerning a dispute with a state petroleum company arising from the construction of an oil refinery and pipelines in Latin America.

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# Representative matters: dispute resolution

(continued)

## Power

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### **Nuclear power plant**

Acting for Teollisuuden Voima Oyj (TVO), a Finnish electricity producer in disputes with the supplier involving a multibillion-euro ICC arbitration, as well as a second ICC arbitration and dispute adjudication proceedings.

### **Hydroelectric plant in the UK**

Acting for a contractor in a UK Supreme Court appeal relating to the design and construction of a hydroelectric scheme in the UK.

### **Submarine electrical cables in the US**

Representing a European contractor in a CPR arbitration in Connecticut against two US utilities concerning breach of warranty claims arising out of an EPC contract for submarine electrical cables. New York law applied.

### **Power and desalination plant in the Middle East**

Advising a major Korean contractor on a US\$250 million ICC arbitration concerning the construction of a power and desalination plant in the Middle East involving claims for defects and delays.

### **Hydroelectric plant in Africa**

Representing an African state-owned entity in a US\$70 million ICC arbitration in French, in Paris, governed by the African state's law relating to the construction of a major dam and hydroelectric plant in Africa.

### **Wind farm in the Czech Republic**

Advising on disputes relating to the construction and development of one of the largest wind farms in the Czech Republic.

## Process plants

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### **Desalination and utilities plant in the Caribbean**

Representing a Caribbean owner in a fast-track ICC arbitration in New York against a Japanese contractor regarding the construction of a desalination and utilities plant in the Caribbean. New York law applied.

### **Steel plant in Egypt**

Representing an Asian contractor in an ICC arbitration in Paris concerning technical and other disputes related to the supply and erection of a special steel plant in Egypt, and supervision of ancillary court litigation in Egypt and the United States relating to the call on our client's performance bond (claims of US\$40 to US\$50 million).

### **Pharmaceutical process plant in the UK**

Representing an English construction company in the successful mediation of a claim in London against a process-engineering consultant in relation to defective design works for a pharmaceutical process plant.

### **Steel construction plant in Saudi Arabia**

Representing a German steel company in an arbitration under the CIETAC Rules with the place of arbitration in Shanghai, in an arbitration under the Rules of the Indian Council of Arbitration with the place of arbitration in New Delhi and in an ICC arbitration against a Belgian company in relation to a steel construction plant in Saudi Arabia.

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## Infrastructure/environmental

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### **Panama Canal expansion project**

Representing a contractor consortium in a dispute with the Panama Canal Authority over the US\$5.5 billion Panama Canal expansion project, including advising on contract renegotiations, a Dispute Adjudication Board (DAB) proceeding and an ICC arbitral proceeding.

### **New York City construction project**

Representing a Japanese owner in an ICDR arbitration against a US contractor concerning responsibility for delay at a New York City construction project.

### **Pipeline project in Colombia**

Representing a Latin American company in an ICC arbitration in New York against a US energy company in connection with a pipeline project in Colombia. Colombian law applied.

### **Major rail project in Southern Europe**

Representing the lead member of a contractor consortium in an ICC arbitration against a government entity in relation to claims and counter-claims concerning the termination of a construction contract relating to a major rail project in Southern Europe.

### **Major infrastructure project in Africa**

Representing the contractor, a consortium of five major contractors, against a North African state and a state agency in claims for additional costs and time in connection with a major infrastructure project.

### **Community transport system in Poland**

Representing a Polish city development company in a €15 million dispute against an international contractor relating to a community transport system.

### **Infrastructure project in Europe**

Representing a consortium of major European contractors in a US\$100 million LCIA arbitration in London relating to claims arising out of the construction of one of the largest recent privately financed (BOT) infrastructure projects in Europe.

### **International airport in Asia**

Representing an Arab contractor in an ICC arbitration against an Asian state concerning the construction of an airport under an FIDIC contract governed by Islamic law.

### **Port in the Middle East**

Representing a joint venture of European contractors in relation to a US\$35 million ICC arbitration against an Arab state concerning a port project in that state.

### **Landfill site in the Middle East**

Representing a Middle Eastern developer in four related ICC arbitrations in Paris with an international contractor arising out of the remediation of a large landfill site.

### **Infrastructure project shareholders dispute**

Representing an Asian state in a US\$150 million arbitration brought by a European construction company under the Thai-German bilateral investment treaty arising out of a dispute over the company's shareholding in an infrastructure project.

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# Representative matters: dispute resolution

(continued)

## Mining and metals

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### Supply of rare metal from Brazil

Representing a Canadian mining company in an ICC arbitration in New York arising out of a Supply Agreement for the supply of a rare metal from Brazil.

### Mining privatisation in Africa

Representing a joint-venture special-purpose vehicle (on behalf of a major international metals conglomerate) in a contract dispute with other shareholders concerning the repayment of funds subsequent to a mining privatisation in Africa.

### Gold mine in Africa

Representing several respondents in an ICC arbitration in London initiated by a major international gold company concerning the sale by our clients to the claimant of their shares in a company operating a gold mine in Africa. Belgian law was applicable.

### Coal mine in China

Advising on an arbitration pursuant to the Swedish Arbitration Act concerning a dispute between a Chinese entity and a US oil company relating to the breakup of an US\$800 million coal mine joint venture. The dispute was successfully settled after the resolution of numerous procedural issues arising from the claimant's failure to observe the requirement for prior mediation between the top management of the parties.

### Alumina supply contract dispute

Representing a major producer of aluminium in Europe in a number of LCIA arbitrations in London against a major international commodity trading company. The cases related to breaches of a long-term alumina supply contract.

## Commercial property/hotels

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### University project in the Middle East

Representing client in an ICC arbitration in Paris, governed by Swiss law, concerning delay and change order disputes on a university project in the Middle East.

### Class action in Scandinavia

Representing a Scandinavian contractor in four class actions claims alleging that a widely used construction method is defective.

### Football stadium in Eastern Europe

Representing a major Polish contractor in a series of disputes relating to the termination of a contract for the construction of a stadium in 2012, with a total value of €195 million.

### Schools in Northern Ireland

Representing a major Northern Ireland construction contractor in relation to a breach of EU Procurement Tendering Law by a European government concerning the award of a £650 million tender for the refurbishment of schools.

### Housing project in Libya

Representing a French contractor in relation to five joint ICC arbitration cases against the Libyan state relating to the construction of a major housing project and related utilities near Benghazi, Libya (claims of US\$70 million).

### Real estate project in China

Representing a major European industrial company in an ICC arbitration in London relating to a real estate project in China, including supervision of ancillary court litigation in London, England, the Turks and Caicos Islands, and Shanghai, China (claims of US\$10 to US\$15 million).



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