

WATSON FARLEY  
&  
WILLIAMS

CONSTRUCTION DISPUTES



---

---

## KEY FACTS

FOUNDED 1982

14 OFFICES

150 PARTNERS

11 JURISDICTIONS

500+ LAWYERS

22 LANGUAGES SPOKEN

## OUR CONSTRUCTION DISPUTES PRACTICE

Watson Farley & Williams' global team provides high-quality advice in relation to all aspects of construction and engineering related disputes.



"FLOURISHING CONSTRUCTION PRACTICE OFFERING CONTENTIOUS AND NON-CONTENTIOUS REPRESENTATION TO CLIENTS IN A WIDE RANGE OF SECTORS INCLUDING COMMERCIAL DEVELOPMENT AND ENERGY."

CHAMBERS UK 2018

### Sector expertise

With deep understanding of the construction and engineering sectors and extensive industry knowledge, our dispute resolution lawyers work closely with our renowned non-contentious practice to help identify and implement effective solutions for our clients.

We have experience of all major standard forms of construction contract, including FIDIC, GC/Works, NEC, JCT and numerous bespoke contracts, and act for a broad spread of participants across the sector.

### Our approach

Aligning our approach to the commercial best interests of our clients, our specialist dispute resolution team understands the importance of preventing, minimising and resolving disputes where possible.

As such, our dedicated contentious construction lawyers regularly provide commercial and legal risk management advice throughout the life cycle of a project.

If a dispute arises, we are also readily available to manage the contentious issues with a view to achieving an effective and efficient resolution.

Where this is not appropriate or achievable, our experience of all forms of dispute resolution, including litigation, arbitration, adjudication and mediation, means that we can ensure our clients' interests are fully protected, providing strategic advice from the outset to ensure contentious issues are properly planned and managed.

We have extensive experience of acting for both owners and contractors, and are equally adept at preparing and defending claims.

### Global disputes

Experienced in acting for a truly global client base, our lawyers regularly represent clients in large scale, cross border and complex commercial matters, and have deep and broad experience of the complex issues that arise in such cases - be they

jurisdictional, choice of law, procedural or evidential.

We have the systems in place to co-ordinate across jurisdictions, both in places where we have an office, and with correspondent law firms in jurisdictions where we do not have a presence, ensuring a smooth and efficient process.

## SPECIALIST LEGAL ADVICE

Our dedicated team is experienced in handling a wide range of contentious construction and engineering matters.



### Construction disputes in the energy & infrastructure sector

With extensive experience in relation to disputes arising out of complex international infrastructure projects, including claims concerning oil pipelines and transport links, we are also a leading practice in the renewable energy sector, with a strong track record in relation to wind, solar, biomass and energy from waste.

Dealing with the full spectrum of disputes that can arise out of EPC contracts and SPA contracts between asset owners and OFTOs, we have recently advised on termination issues, repudiatory breach, complex extension of time claims, variations and loss and expense claims, together with certification of key milestones and liquidated damages.

### Offshore & shipbuilding construction

Working closely with our market leading maritime team, our dispute resolution lawyers are frequently called upon to advise in relation to the often complex and technical disputes which arise out of contracts for the construction, conversion and repair of ships and offshore units.

Acting primarily for major ship-owners and offshore contractors, as well as their financiers in relation to such matters, our lawyers also have experience representing a number of the world's leading shipyards and offshore facilities.



### Commercial and residential domestic developments

Frequently instructed on large and high value domestic construction projects, from high-end residential developments through to luxury hotel improvements, we advise contractors, employers, owners and developers in relation to contract management issues, dispute avoidance and, where necessary, in contested proceedings.

With an excellent track record in domestic adjudications, we understand the importance of resolving matters as quickly as possible to ensure that projects stay on track and that cash flow is uninterrupted.

## EXPERIENCE

---

### INDEMNITY AND CONTRACTUAL DISPUTES

Acting for a Korean EPC contractor in connection with a multi-million pound claim relating to the construction of a combined-cycle power plant in Ghana. Advising on indemnity under an Erection All Risks Insurance Policy and contractual disputes.

---

### DANISH CONTRACTOR

Acting for a Danish contractor in an LCIA arbitration in relation to the design and construction of offshore wind farm projects in the UK.

---

### LONDON ADJUDICATIONS

Acting for a high-end residential developer in relation to five multi-million pound adjudications relating to three prestige developments in central London.

---



### WATER SERVICE COMPANY

Acting for a water service company in a dispute with several construction companies regarding damage to public sewers.

---

### OFFSHORE WINDFARMS

Advising offshore wind developers/owners in relation to disputes with contractors and OFTOs in respect of six different UK offshore windfarms.

---

### THAI POWER PRODUCING COMPANY

Representing a Thai power producer in a claim against a Chinese contractor for breach of EPC contracts (governed by English law) for a biomass power generation plant, the first of its kind in Thailand. The claim exceeded US\$40m and was successfully resolved through ICC arbitration in Singapore. Related proceedings in China for fraud were also successful.

---

### MULTI-BILLION DOLLAR DISPUTES

Representing oil companies in several multi-billion dollar disputes.

---

### THAI BOARD OF TRADE ARBITRATION

Advising as lead advocate in a Thai Board of Trade arbitration for property investors concerning a luxury development in Phuket, Thailand.

---

### LARGE SCALE RESIDENTIAL DEVELOPMENT IN BIRMINGHAM

Acting for a UK purchaser/owner in respect of disputes arising from the defective performance of construction works by the UK developer/contractor and related calls on performance guarantees.

---

### PRESTIGE NEW YORK DEVELOPMENT

Representing a very high-profile New York development in a breach of contract action brought by its construction contractor's lenders.

---

### UNCITRAL ARBITRATION

Advising as lead advocate in an UNCITRAL consolidated arbitration in Singapore (SIAC) for a group of 18 property investors based in the UK concerning a dispute over construction of a luxury resort in Koh Samui, Thailand.

---

### GROUND-MOUNTED SOLAR PLANTS

Acting for a German developer of ground-mounted solar plants in a dispute relating to the design and construction of photovoltaic plants with the general contractor.

---

### OFFSHORE PIPELINE DISPUTE

Advising a Malaysian oil-field contractor in respect of disputes arising from the negligent displacement of and damage to an infield pipeline during offshore installation works.

---

### LDPE PLANT

Acting on behalf of an Indian EPC contractor in multi-million pound TCC proceedings in relation to disputes arising out of the design and construction of the world's largest single stream LDPE plant. Advising in relation to termination on grounds of a failure to proceed with due diligence and financial jeopardy and claims for additional cost and expense.

---

### OFFSHORE TOPSIDE MODULE DISPUTE

Advising an offshore oilfield services provider in respect of disputes arising from the alleged breach of agreements to purchase topside modules.

---

### BTC CRUDE OIL PIPELINE

Acting for a Turkish State entity/EPC contractor in three separate sets of ICC arbitration proceedings arising out of the construction of the Baku-Tbilisi-Ceyhan (BTC) Crude Oil Pipeline Project in Turkey.



### ALLEGED BREACH OF DEVELOPMENT AGREEMENT

Representing a public agency in US\$3.5 bn arbitration brought by a private developer arising out of the alleged breach of a development agreement. The claim focused on failure to meet a construction schedule.

### FPSO DISPUTE

Acting for the buyer/owner of a state-of-the-art FPSO in LCIA arbitration proceedings relating to the Chinese shipyard's delayed delivery of the FPSO.

### UK EFW PLANT

Acting for a Swiss EPC contractor in connection with a dispute relating to liquidated damages and the construction of an EFW plant in the UK.

### LONDON POWER STATION

Advising an Austrian contractor in respect of disputes arising from the performance of industrial machinery supplied to a UK utility company for installation in a London-based power station.

### UK WATER UTILITY COMPANY

Acting for a major UK water utility company in a successful multi-million pound recovery action in the TCC against London Underground Ltd. The case involved highly technical and challenging civil engineering concepts and liability issues requiring advice in connection with the Water Industry Act 1991, the New Roads and Street Works Act 1991 and complex quantification issues.

### CONDOMINIUM DEVELOPERS

Representing a condominium developer in an action to obtain a temporary license to enter an adjoining property to install safety protections to facilitate construction.

### SHIPBUILDING ARBITRATIONS

Acting for a major South East Asian ship-owner in consolidated LMAA arbitration proceedings arising from defects discovered in a series of bulk carriers under construction at a Chinese shipyard and the subsequent rejection and termination of certain of the underlying shipbuilding contracts.

### COMMERCIAL DEVELOPMENT IN LONDON

Advising the tenant of several floors in a large scale commercial property in London in respect of defect claims against the landlord and developer, the subsequent negotiation and settlement of those claims and the performance of remedial works.

### RENEWABLE ENERGY INVESTMENT FUND

Advising one of Europe's largest renewable energy investment funds in connection with disputes relating to MSAs in relation to three biomass plants.

### AUSTRIAN ENERGY COMPANY

Advising an Austrian energy company in connection with extension of time claims and other disputes relating to the construction of a Biomass Plant in the north of England.

### UK SOLAR FARMS

Advising UK solar farm owners in respect of disputes arising from the deficient performance of numerous UK solar farm assets and related calls on performance guarantees and warranty bonds.

### DISPUTE ADJUDICATION BOARD

Acting for a group of lenders in relation to settlement of a multifaceted dispute in relation to extension of time claims and (partial) termination of works during the construction phase of a German offshore wind farm in DAB (dispute adjudication board proceedings) under the FIDIC regime.

### CANCELLATION OF SHIPBUILDING CONTRACTS

Representing buyers in arbitration in relation to the cancellation of a contract with a Chinese yard for the construction of a bulk carrier, including resisting complex allegations that the buyer's site team had delayed and disrupted the construction process.



### KOREAN CORPORATE REHABILITATION PROCEDURES

Advising buyers in relation to rights under shipbuilding contracts following a Korean builder's application under local corporate rehabilitation legislation, including assisting in relation to termination and the successful recovery of instalments and interest under refund guarantees.

### ENVIRONMENTAL CONSULTANCY FIRM

Acting for a UK-based environmental consultancy firm in respect of a potential adjudication brought by a residential developer in relation to a claim for professional negligence.

### REDEVELOPMENT AND REFURBISHMENT OF HOTEL

Acting for an international hotel chain in its dispute with a contractor in relation to the redevelopment and refurbishment of a five-star hotel in central London.

### LARGE SCALE GERMAN UTILITY

Advising a stock listed large scale German utility in post M&A arbitration relating to the acquisition of German offshore wind farms.

### DISPUTES WITH CONTRACTORS AND SUBCONTRACTORS

Representing a public agency in connection with numerous lawsuits related to disputes with contractors and subcontractors.

### DESIGN AND CONSTRUCTION OF A NATIONAL STADIUM

Acting for an international design and build contractor in its High Court action against the structural engineer in relation to the design and construction of a major stadium in the UK.

### ALLEGED ECONOMIC DURESS

Successfully assisting buyers in arbitration arising out of the cancellation of a number of contracts for a series of bulk carriers to be constructed at an Indian shipyard, together with related High Court proceedings issued by the State Bank of India. The case involved allegations of economic duress and claims for extensions of time.

### OIL COMPANIES

Representing oil majors and numerous listed oil companies in a variety of offshore construction disputes.



### GERMAN DEVELOPER

Acting for a German developer in a dispute with a turbine supplier in relation to warranty claims under a wind turbine supply agreement.

### FULL-SERVICE DEVELOPER

Acting for a full-service developer for logistic and industrial real estate in relation to claims raised by the owner resulting from soil risks in a major German logistic hub.

### PUBLIC AGENCY

Representing a public authority in a claim for breach of a development agreement which concerned compliance with construction conditions.

### INJUNCTION ACTION

Representing a high-profile development in relation to an injunctive action seeking to compel delivery of the building's spire from a foreign supplier.

### TURBINE MANUFACTURER

Representing a turbine manufacturer in a construction arbitration brought by a project owner alleging delays.

### DELAY DISPUTES FOLLOWING CANCELLATION

Advising buyers in relation to the cancellation of contracts for the construction of tankers in China following delays, including advising in relation to arbitration proceedings which involved disputes as to the effects of an earlier settlement, alleged breaches of an implied obligation to co-operate, and various claims for permissible delay and for force majeure.

### ELECTRIC POWER COMPANY

Representing an electric power company regarding eminent domain issues in connection with an application to install two power lines in New York State.

A tall, yellow lattice tower, likely a telecommunications or radio tower, stands against a clear blue sky. The tower is constructed from a complex network of yellow metal beams forming a lattice structure. A silver ladder is visible running up the side of the tower. The tower is positioned on the right side of the frame, with the left side dominated by a white text box.

"THEY ARE EXTREMELY THOROUGH  
AND THE QUALITY OF ADVICE IS  
VERY HIGH."

CHAMBERS UK 2018



## REPUTATION

"THE ADVICE IS ALWAYS VERY PRAGMATIC AND COMMERCIAL, AND THE LAWYERS ARE VERY EFFICIENT AND COST-EFFECTIVE."

CHAMBERS UK 2018

"'HIGH QUALITY CLIENT SERVICE' AND 'SIGNIFICANT LEGAL, TECHNICAL AND INDUSTRY KNOWLEDGE.'"

LEGAL 500 UK 2017

"THE FIRM CARES FOR ITS CLIENTS AND PROVIDES US WITH ACCURATE LEGAL ADVICE."

CHAMBERS ASIA PACIFIC 2017

"PART OF A LARGE INTERNATIONAL NETWORK AND THEREFORE IDEALLY PLACED TO ADVISE ON CROSS-BORDER ISSUES. HANDLES DISPUTES INVOLVING A BROAD RANGE OF DIFFERENT INDUSTRY SECTORS INCLUDING ENERGY, SHIPPING, CONSTRUCTION AND REAL ESTATE."

CHAMBERS GLOBAL 2017

"UNFLAPPABLE, DEDICATED AND KNOWLEDGEABLE."

LEGAL 500 ASIA PACIFIC 2017

"VERY USEFUL IN TERMS OF UNDERSTANDING COMMERCIALLY WHAT'S GOING ON IN ADDITION TO THE LEGAL SIDE OF THINGS."

CHAMBERS UK 2016

"THEY PROVIDE COMMERCIAL, PRACTICAL ADVICE AND GIVE RECOMMENDATIONS WITHOUT YOU HAVING TO ASK FOR ONE."

CHAMBERS UK 2016

"THEY HAVE AN EXPANDING PRACTICE AND DO A LOT OF CONSTRUCTION WORK."

CHAMBERS ASIA PACIFIC 2016

CLIENTS ARE "SPOILT FOR CHOICE WHEN IT COMES TO BRIGHT, FIRST-CLASS LAWYERS."

LEGAL 500 UK 2016

"...SKILLED IN REPRESENTING DEVELOPERS AND CONTRACTORS ON REAL ESTATE ARBITRATION MATTERS."

CHAMBERS ASIA PACIFIC 2016

"QUICK TO REPLY AND THE SERVICE IS EXCELLENT."

LEGAL 500 ASIA PACIFIC 2017

"THEY PUNCH SIGNIFICANTLY ABOVE THEIR WEIGHT WHEN YOU LOOK AT THE QUALITY OF THE WORK. THEY HAVE NO PROBLEM MIXING IT WITH THE BIG BOYS."

CHAMBERS UK 2017

"HUGELY DEDICATED, EXTREMELY THOROUGH AND VERY PERSISTENT."

CHAMBERS UK 2017



"THEY ARE EXCELLENT ASSISTING US - WE HAVE NOTHING BUT POSITIVE FEEDBACK!"

CHAMBERS ASIA PACIFIC 2015

"HEAVYWEIGHTS IN SHIPPING AND OFFSHORE OIL AND GAS DISPUTES WITH A FORMIDABLE LIST OF MULTINATIONAL CLIENTS IN THESE AREAS... OFTEN ADVISING ON DISPUTES RELATING TO FPSOS AND OIL RIGS."

CHAMBERS ASIA PACIFIC 2016



"EXCELLENT STRATEGIC UNDERSTANDING."

CHAMBERS UK 2017

## OUR TEAM

---



**STEVEN BURKILL**

Partner  
Bangkok

+66 2 665 7801  
[sburkill@wfw.com](mailto:sburkill@wfw.com)



**STEFAN HOFFMANN**

Partner  
Hamburg

+49 40 800 084 487  
[shoffmann@wfw.com](mailto:shoffmann@wfw.com)



**REBECCA WILLIAMS**

Partner  
London

+44 20 3036 9805  
[rwilliams@wfw.com](mailto:rwilliams@wfw.com)



**ROB FIDOE**

Partner  
London

+44 7863 8919  
[rfidoe@wfw.com](mailto:rfidoe@wfw.com)



**ROBERT PLATT**

Partner  
London

+44 20 7863 8918  
[rplatt@wfw.com](mailto:rplatt@wfw.com)



**JOSHUA SOHN**

Partner  
New York

+1 212 922 2248  
[jsohn@wfw.com](mailto:jsohn@wfw.com)



**DAN THOMPSON**

Partner  
Singapore

+65 6551 9174  
[dthompson@wfw.com](mailto:dthompson@wfw.com)



**MARCUS GORDON**

Partner  
Singapore

+65 6551 9157  
[mgordon@wfw.com](mailto:mgordon@wfw.com)

## OUR OFFICES

---

### Athens

6<sup>th</sup> Floor, Building B  
348 Syngrou Avenue  
Kallithea 176-74, Athens

T: +30 210 455 7300

---

### Bangkok

Unit 902, 9<sup>th</sup> Floor  
GPF Witthayu Tower B  
93/1 Wireless Road  
Patumwan, Bangkok 10330

T: +66 2665 7800

---

### Dubai

Office 1503, Level 15, Tower 2  
Al Fattan Currency House  
PO Box 506896 Dubai

T: +971 4 278 2300

---

### Frankfurt

Ulmenstraße 37-39  
60325 Frankfurt am Main

T: +49 69 297 291 0

---

### Hamburg

Neuer Wall 88  
20354 Hamburg

T: +49 40 800 084 0

---

### Hong Kong

Units 1703-1707, One Pacific  
Place  
88 Queensway, Hong Kong

T: +852 2168 6700

---

### London

15 Appold Street  
London EC2A 2HB

T: +44 20 7814 8000

---

### Madrid

C/ María de Molina, 4  
28006 Madrid

T: +34 91 515 6300

---

### Milan

Piazza del Carmine 4  
20121 Milan

T: +39 02 721 7071

---

### Munich

Gewürzmühlstraße 11 –  
Courtyard  
80538 Munich

T: +49 89 237 086 0

---

### New York

250 West 55th Street  
New York, New York 10019

T: +1 212 922 2200

---

### Paris

28 avenue Victor Hugo  
75116 Paris

T: +33 1 56 88 21 21

---

### Rome

Piazza Navona 49  
00186 Rome

T: +39 06 684 0581

---

### Singapore

6 Battery Road #28-00  
Singapore 049909

T: +65 6532 5335

---

ATHENS BANGKOK DUBAI FRANKFURT HAMBURG HONG KONG LONDON  
MADRID MILAN MUNICH NEW YORK PARIS ROME SINGAPORE

Publication code number: 60772509v1 © Watson Farley & Williams 2017

All references to 'Watson Farley & Williams', 'WFW' and 'the firm' in this document mean Watson Farley & Williams LLP and/or its Affiliated Entities. Any reference to a 'partner' means a member of Watson Farley & Williams LLP, or a member or partner in an Affiliated Entity, or an employee or consultant with equivalent standing and qualification. The transactions and matters referred to in this document represent the experience of our lawyers. This publication is produced by Watson Farley & Williams. It provides a summary of the legal issues, but is not intended to give specific legal advice. The situation described may not apply to your circumstances. If you require advice or have questions or comments on its subject, please speak to your usual contact at Watson Farley & Williams.  
This publication constitutes attorney advertising.

[wfw.com](http://wfw.com)