



CONSTRUCTION & ENGINEERING



Sector overview

To ensure a successful project, it is essential that any party to a construction contract receives advice that is current, market-related and designed to maximise efficiencies during construction. To achieve this, you need advisors who understand the sector and the intricacies of construction contracting in line with international best practice.

Cliffe Dekker Hofmeyr's (CDH) construction and engineering lawyers understand the importance of getting a project to completion on time and within budget.

We offer dedicated and experienced construction and engineering lawyers who provide legal and commercial

solutions that add value to any project from the concept phase and throughout construction. In the event that disputes arise, our team will ensure that your rights are properly protected.

Our team advises all stakeholders in construction and engineering projects, including sponsors, owners, contractors, lenders, developers, subcontractors and suppliers across the value chain of a construction project. This gives us the ability to understand the requirements of all stakeholders in construction and engineering projects, while aiming to support and achieve our clients' objectives.

"It is a very balanced and well-rounded team that is up to date with current trends and developments in the commercial space."

CHAMBERS GLOBAL 2025

Our construction & engineering team has expertise in all major sectors of the economy, including:



Energy (all renewable energy technologies, hydro, gas and fossil fuel)



Transport




Infrastructure



Mining

"They are extremely pragmatic and approachable individuals who truly understand their clients."

THE LEGAL 500 EMEA 2025

A photograph of a nuclear power plant at night, featuring two large cooling towers and a red-and-white striped chimney, with lights reflecting on the water in the foreground. A white diagonal line cuts across the right side of the image.

"The team is very detail-oriented and gives sound legal advice. Their turnaround time is always impressive."

"CDH has a wide variety of expertise and is a one stop shop for all your legal needs."

THE LEGAL 500 EMEA 2025

"Cliffe Dekker Hofmeyr has a very competent and capable team. It provides quick responses and is always readily available."

"The team of lawyers are always available and go the extra mile to help."

CHAMBERS GLOBAL 2025



"The team is thorough and detailed in its advice. The lawyers do not miss points or misadvise clients. They are friendly to work with, approachable, and quick to deliver services."

CHAMBERS GLOBAL 2025

Our services

Our team of Construction & Engineering lawyers have extensive experience advising on matters across all phases of a project, from front end project structuring, drafting and negotiating of contracts through to ongoing contract management, including claims management and disputes.

Our team's broad range of experience is complementary and ensures that clients are provided with seamless legal support across the project lifespan. Our objective is to customise the best solutions for clients.

We provide the following services:

- Drafting and negotiating of all contractual arrangements, whether bespoke contracts, or customising the suite of FIDIC, NEC2, NEC3, NEC4, PROCSA, GCC and JBCC contracts
- Experience in bespoke construction and engineering contracts, ranging from professional services contracts, engineering, procurement and construction (EPC) contracts, engineering, procurement and construction management (EPCM) contracts, supply contracts, management services agreements, operation and maintenance (O&M) contracts
- Our team further has extensive experience in project finance and public-private partnership transactions, and in all the South African IPP programmes
- Advice on the form and content of security packages, including bonds and guarantees, risk mitigation and the impact of regulatory and environmental legislation
- Project related insurance including contractor's all risk insurance, public liability insurance, professional indemnity insurance and project specific policies
- Regional, national and global dispute resolution, including mediation, DABs, expert determination, arbitration and litigation
- Particular expertise relating to all types of claims that arise from construction contracts including delay claims, P&G claims, EOT claims and disruption claims

Our services...continued

Front-end Construction and Engineering

Our team has first-hand experience in infrastructure projects, project finance, public-private partnerships and the energy and oil and gas sectors in both sub-Saharan Africa and across the African continent. We partner with lawyers in other jurisdictions to pool resources, skills and expertise to provide integrated, multidisciplinary advice that aligns with the legal requirements wherever our clients' projects are situated. We project manage the work of our African lawyer partners, giving our clients the seamless, hassle-free benefit of their local knowledge to tailor agreements and handle matters for each relevant legal and commercial context. We work with clients across a diverse range of industries and particularly in transport (roads, rail, ports, airports and pipelines), energy (coal, renewables, hydro, gas and nuclear), specialist facilities (hospitals, schools, housing, government-serviced accommodation, prisons and defence) and water services and projects. Our Projects & Energy team includes dedicated construction and engineering lawyers who can attend to all the construction and engineering requirements of your project.

Our Construction & Engineering team has a vast amount of experience in the Department of Energy's Renewable Energy IPP Procurement Programme, and has advised on wind, solar photovoltaic, concentrated solar power, biomass, and hydro power projects. We have also advised on several captive energy projects. Together with our colleagues in the Projects & Energy and Banking, Finance & Projects teams we offer a comprehensive package of legal expertise in relation to these projects, which include all construction and operations and maintenance functions.

Dispute Resolution

Our clients include numerous public and private sector employers, contractors, subcontractors and industry professionals in South Africa and internationally. The Construction & Engineering team offers claims assistance during the construction period, which is aimed at resolving disputes as and when they arise. In addition, our team offers value-added training of legal advisors, project managers and commercial managers in all aspects of construction contracts.

We tailor the training that we offer to each client's particular needs. To do this, we consult with our clients to develop a list of typical issues that they have experienced on their projects and we seek to equip them with the skills, knowledge and expertise to mitigate and manage their unique risks. Upon completion of our training, our clients' teams are better prepared to identify and deal with the challenges and issues they face on construction projects.

Cross-border services

Our team partners with lawyers and professionals in other jurisdictions to ensure that the solutions we provide for our clients are relevant to the particular legal and economic context that they are operating in.

We have an extensive network of partners across Africa and can advise clients on cross-border and multinational projects. We work with multidisciplinary teams to pool resources, skills and expertise. CDH project manages the work our partners do on our clients' matters, so that they can experience the seamless, hassle-free benefit of local knowledge facilitated by a trusted legal partner.



About Cliffe Dekker Hofmeyr

We are a leading business law firm in South Africa and Kenya with a strong national presence in Johannesburg, Cape Town and Nairobi.

Our Africa Practice

Our Africa service offering brings together the resources and expertise of leading law firms across the continent. This experience and geographic spread produce an extensive African capability. We offer our clients a genuine knowledge-based service at locally competitive rates.

Full Service Business Solutions

Our legal advice covers the complete spectrum of business legal needs, which we provide through our core practice areas and dedicated teams of specialist lawyers with a wealth of experience in a wide range of industries.

Our Value-creating Approach

Our partner-led approach ensures clients receive the right level of experience and efficiency and we deliver pragmatic and commercially-focused solutions. Our team structure provides both depth and the ability to have the work done at the appropriate level to ensure the most cost effective solution. We have an innovative approach to fee structures and are prepared to propose or consider a range of alternatives to best suit the particular client and the particular matter.

We Prioritise Efficiency

We manage, apply and share our considerable knowledge assets for the benefit of our clients through continuous skills training. We keep clients informed on regulation developments through seminars and regular alerts.

Our team has first-hand experience in:



Infrastructure projects



Project finance



Public-private partnerships



The energy and oil and gas sectors in both sub-Saharan Africa and across the African continent



All forms of construction and engineering contracts



South African IPP Programme capacity (renewables, gas, coal, hydro)

MARKET RECOGNITION

Our Construction & Engineering team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2023–2025 ranked our Construction & Engineering sector in Band 2 for construction. *Chambers Global 2021–2022* ranked our Construction & Engineering sector in Band 3 for construction.

The Legal 500 EMEA 2020–2025 recommended us in Tier 2 for construction.

The way we support and interact with our clients attracts significant external recognition.

Clive Rumsey is the Head of our Construction & Engineering sector, and a director in our Dispute Resolution practice. *Chambers Global 2019–2025* ranked him in Band 1 for construction. *Chambers Global 2025* ranked Clive in Band 5 for dispute resolution and in Band 4 from 2021–2024.

The Legal 500 EMEA 2020–2025 recognised Clive as a 'Leading Individual' for construction. *The Legal 500 EMEA 2022–2024* recommended Clive for dispute resolution.

The Legal 500 EMEA 2018, 2020–2025 recommended **Timothy Baker** for construction.

The Legal 500 EMEA 2025 recommended **Sentebale Makara** for dispute resolution and construction.

The Legal 500 EMEA 2025 recommended **Tsele Moloji** for projects & infrastructure.

The Legal 500 EMEA 2025 recommended **Khaya Mantengu** for construction.

The Legal 500 EMEA 2025 recommended **Desmond Odhiambo** for employment. *The Legal 500 EMEA 2022–2024* recommended him for dispute resolution.

Andrew van Niekerk is the Head of our Projects & Energy sector, and a director in our Corporate & Commercial practice. *Chambers Global 2024–2025* ranked him in Band 3 for construction. *Chambers Global 2022–2023* ranked Andrew in Band 2 for construction. *Chambers Global 2013–2021* ranked him as a leading lawyer for construction. *The Legal 500 EMEA 2013–2025* recommended him as a 'Leading Individual' for construction. In addition the *Legal 500 EMEA 2022–2025* recommended him for projects & infrastructure. *IFLR1000 2024* ranked Andrew as highly regarded in banking, project development and project finance, and also in energy and infrastructure, transport and mining from 2021–2023.

Chambers Global 2020–2025 ranked **Joe Whittle** in Band 3 for construction. *The Legal 500 EMEA 2017–2025* recommended him for construction.



OUR TEAM

For more information about our Construction & Engineering sector and services in South Africa, Kenya, and Namibia, please contact:



Clive Rumsey

Sector Head: Construction & Engineering
Director: Dispute Resolution
T +27 (0)11 562 1924
E clive.rumsey@cdhlegal.com



Timothy Baker

Director:
Dispute Resolution
T +27 (0)21 481 6308
E timothy.baker@cdhlegal.com



Sentebale Makara

Director:
Dispute Resolution
T +27 (0)11 562 1181
E sentebale.makara@cdhlegal.com



Tsele Moloi

Director:
Banking, Finance & Projects
T +27 (0)11 562 1399
E tsele.moloi@cdhlegal.com



Khaya Mantengu

Director:
Dispute Resolution
T +27 (0)11 562 1312
E khaya.mantengu@cdhlegal.com



Desmond Odhiambo

Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E desmond.odhiambo@cdhlegal.com



Andrew van Niekerk

Head: Projects & Infrastructure
Director: Banking, Finance & Projects
T +27 (0)21 481 6491
E andrew.vanniekerk@cdhlegal.com



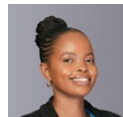
Joe Whittle

Director:
Dispute Resolution
T +27 (0)11 562 1138
E joe.whittle@cdhlegal.com



Christine Mugenyu

Senior Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E christine.mugenyu@cdhlegal.com



Zodwa Malinga

Associate:
Dispute Resolution
T +27 (0)11 562 1317
E zodwa.malinga@cdhlegal.com



Claudia Moser

Associate:
Dispute Resolution
T +27 (0)21 481 6336
E claudia.moser@cdhlegal.com



Kananelo Sikhakhane

Associate:
Dispute Resolution
T +27 (0)11 562 1404
E kananelo.sikhakhane@cdhlegal.com

BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa.
Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.
T +254 731 086 649 | +254 204 409 918 | +254 710 560 114
E cdhkenya@cdhlegal.com

NAMIBIA

1st Floor Maerua Office Tower, Cnr Robert Mugabe Avenue and Jan Jonker Street, Windhoek 10005, Namibia
PO Box 97115, Maerua Mall, Windhoek, Namibia, 10020
T +264 833 730 100 E cdhnamibia@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.
T +27 (0)21 481 6400 E cdh Stellenbosch@cdhlegal.com

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