



CONSTRUCTION & ENGINEERING

CDH
INCORPORATED

Clients appreciate
that *"they have a very
commercial approach."*

CHAMBERS GLOBAL 2020

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.

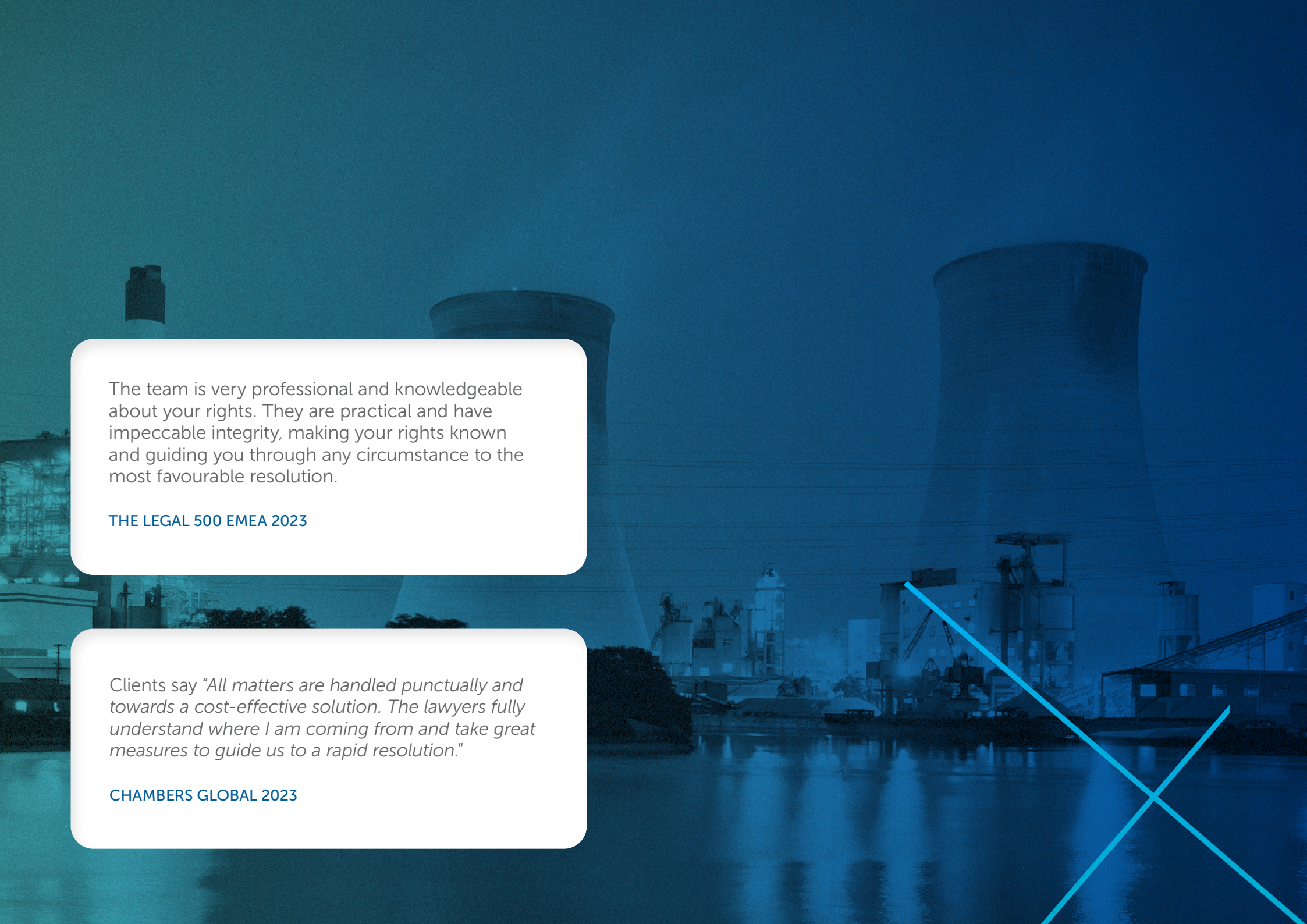
OUR CONSTRUCTION &
ENGINEERING TEAM HAS
EXPERTISE IN ALL MAJOR
SECTORS OF THE ECONOMY,
INCLUDING:

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

Transport

Infrastructure

Mining



The team is very professional and knowledgeable about your rights. They are practical and have impeccable integrity, making your rights known and guiding you through any circumstance to the most favourable resolution.

THE LEGAL 500 EMEA 2023

Clients say *"All matters are handled punctually and towards a cost-effective solution. The lawyers fully understand where I am coming from and take great measures to guide us to a rapid resolution."*

CHAMBERS GLOBAL 2023

Very strong renewable energy knowledge, with commercial acumen to capture technical commercial agreements in legal documents.

THE LEGAL 500 EMEA 2020

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

Clients appreciate this result-oriented team, commenting that the team identifies pragmatic and practical solutions for complex commercial disputes. The partners roll up their sleeves and guide and execute the work.

CHAMBERS GLOBAL 2021

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 also project manage the input of our Africa partner lawyers in different jurisdictions to provide integrated, multidisciplinary advice wherever your project is situated, and whenever the support of our international colleagues is required. You will benefit from our Africa lawyers' local knowledge to tailor documents to suit local commercial conditions, nuances and laws. 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.

"Cliffe Dekker Hofmeyr's service is exceptional, and their responsiveness to our needs is commendable. The team is prompt in attending to our needs and requests, to ensure they are met efficiently."

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 Finance & Banking 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.

Upon completion of our training, the client's team is better prepared to identify and deal with the challenges and issues commonly encountered on construction projects.





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)

Excellent relationship
management.

THE LEGAL 500 EMEA 2022

MARKET RECOGNITION

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

Chambers Global 2023, and *2017–2020* ranked our Construction & Engineering sector in band 2. *Chambers Global 2021–2022* ranked our Construction & Engineering sector in Band 3 for construction.

The Legal 500 EMEA 2020–2023 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 the Construction & Engineering sector, and a director in our Dispute Resolution practice.

Chambers Global 2019–2023 ranked him in Band 1 for construction. *Chambers Global 2021–2023* ranked Clive in Band 4 for dispute resolution. *The Legal 500 EMEA 2020–2023* recognised Clive as a leading individual for construction. *The Legal 500 EMEA 2022–2023* recommended Clive for dispute resolution.

The Legal 500 EMEA 2018, 2020–2023 recommended **Timothy Baker** for construction.

The Legal 500 EMEA 2022 recommended **Desmond Odhiambo** for dispute resolution.

Andrew van Niekerk is the Head of Projects & Infrastructure sector, and a director in our Corporate & Commercial practice.

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 2013–2023* recommended him as a leading individual for construction. In addition the *Legal 500 EMEA 2023* recommended him for projects & infrastructure. *IFLR1000 2021–2022* ranked Andrew as highly regarded in banking, energy and infrastructure, project development, transport, mining and project finance. *Construction & Real Estate Expert Guide 2019* rated him as an expert in his field.

Chambers Global 2020–2023 ranked **Joe Whittle** in Band 3 for construction. *The Legal 500 EMEA 2017–2023* recommended him for construction.



OUR TEAM

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

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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.

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