

# Construction Practice Group

*International Representation*





The commercial opportunities and risks inherent in any construction project are compounded overseas. For many decades, Seyfarth Shaw's Construction Practice Group attorneys have successfully guided clients with respect to their infrastructure projects around the world—from contract formation, through performance and concluding with the resolution of any disputes. We are regularly engaged with all of the major international arbitration forums, both as advocates and arbitrators. The proximity of our firm's Washington, D.C. office to the World Bank and associated international development agencies is a valuable resource to domestic and international clients.

## Contract Formation and Negotiation Experience

In the early stages of an international project, Seyfarth Shaw's construction lawyers regularly advise clients with respect to the strategic and contract-specific reduction of legal risk. For example, we have:

- Reviewed BOT agreements for a contractor on a hydroelectric project in Laos
- Advised a developer concerning BOT agreements for a hotel and office building development in Vietnam
- Negotiated subcontracts on behalf of the general contractor concerning the restart of a suspended office building project in Singapore in which the subcontractors obtained an ownership interest in the project
- Redrafted contracts and joint venture agreements for the GSZ Superhighway project in the People's Republic of China
- Counseled in the negotiation of subcontract documents with the prime contractor; represented the principal dredging subcontractor (an Italian and Belgian joint venture) in contract administration and termination matters; conducted negotiations with the prime contractor and the Iranian Navy regarding termination and demobilization costs

## Contract Administration

On large international infrastructure projects, problems among parties invariably arise during contract performance. Our construction lawyers assist clients by seeking to amicably resolve issues in dispute, reduce any potential mid-project adverse consequences to contract performance, and preserve the client's full rights to any later claim or recovery. For instance, we have:

- Advised a contractor on the Taipei subway concerning changes and delays
- Counseled the engineer on variation orders on a water project in Africa in which the FIDIC Red Book was used
- Assisted a subcontractor concerning FIDIC Conditions of Contract for a marine construction project in Ghana
- Advised a large engineering firm on all aspects of agreements with respect to the Nan-Tze Export Zone Wastewater Treatment Plant in Taiwan
- Provided advice and guidance to a multinational engineering firm with respect to all contractual aspects of the Lin Yuan Petrochemical Plant in Taiwan
- Represented a dredging contractor with regard to contract administration issues arising out of the dredging of a new harbor on the Yucatan Peninsula in Mexico
- Advised the contractor on all aspects of contract administration concerning the construction of twin office building towers in Singapore
- Represented the construction manager in all aspects of administering its contract with the government of Saipan

## Dispute Resolution

As advocates, Seyfarth Shaw's construction lawyers make every effort to explore alternative means of resolving disputes that may arise on international projects. Failing such, we regularly appear as counsel of record on behalf of clients in arbitrations and court proceedings. To illustrate, we have:

- Represented the engineer in a dispute with the Government of the Republic of Singapore arising out a consultancy services agreement for the design and construction of a sewage treatment plant; our client received a favorable award after an arbitration administered by the Singapore Arbitration Centre
- Represented the general contractor in disputes with subcontractors on a power plant project in New Brunswick, Canada
- Represented an Italian general contractor in preparing a major Variations and Differing Site Conditions claim on an Iranian turnkey port project, and assisted in negotiations with the consulting engineers
- Represented dredging contractor in arbitration proceedings before the Iran-United States Claims Tribunal in The Hague leading to a successful settlement of disputes with the Iranian Navy concerning the dredging for a harbor used as a naval base



- Represented dredging contractor in arbitration proceedings in Geneva and Toronto concerning claims and counterclaims arising from a harbor dredging project on the Yucatan Peninsula of Mexico
- Represented the contractor in multinational litigation and arbitration, including proceedings in Singapore, Hong Kong, New York, and London concerning the construction of twin office towers in Singapore
- Represented the construction manager in the first international construction mediation conducted by the American Arbitration Association arising out of a project for the Government of Saipan

## About Seyfarth Shaw

Seyfarth Shaw was founded in 1945 by three lawyers and has grown to more than 750 lawyers across ten offices, including Atlanta, Boston, Chicago, Houston, Los Angeles, New York, Sacramento, San Francisco, Washington, D.C. and Brussels, Belgium. We handle issues for our clients in all key areas, including construction, real estate, environmental, labor and employment, corporate and finance, litigation, intellectual property, and employee benefits, among others.



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