

## CONSTRUCTION DISPUTES

### OVERVIEW

Construction is a dynamic process fraught with complex relationships, sophisticated contracts, financing, design, engineering, procurement, and supply. It's a world of unavoidable risk, and no matter how civil the beginning, exposure to such risk all but ensures the need for compromise and the potential for dispute.

To effectively avoid claims and resolve disputes, construction lawyers must be skilled negotiators, draftsmen, communicators, administrators and advocates. This combination of skills is precisely why BCLP provides unsurpassed value to its construction industry clients.

We work with many of our clients at an early stage, preventing problems on site escalating into formal proceedings. We provide practical advice, fight hard when necessary and maintain pressure on the opponents, whilst always looking to achieve the earliest possible resolution, often through proactive use of mediation and other forms of ADR.

We are extremely experienced at handling matters in a variety of dispute resolution forums, including those that are prevalent in the domestic markets in which we operate (for example mediation, statutory adjudication regimes, or litigation in national or specialist courts). In addition we advise on disputes relating to international projects across many sectors, including large-scale international arbitration across different jurisdictions and under institutional or ad hoc rules, wherever the seat.

The volume of repeat business from our extensive client list of major industry players (including public and private sector employers, contractors and major specialist suppliers) across a very wide range of sectors and our reputation in the field, is testament to the quality of service we provide.

## MEET THE TEAM



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## **RELATED PRACTICE AREAS**

- International Arbitration
- Commercial Construction & Engineering
- Real Estate Sector
- Environment
- Oil, Gas and LNG
- Energy & Natural Resources
- Infrastructure

## EXPERIENCE

- Represented major general contractor on regional highway and light rail project administration and litigation including judgment on fraud and veil-piercing claims against subcontractor.
- Represented a US hotel developer in multiple lawsuits and arbitration proceedings relating to design, construction defect and delay claims.
- Acted in a dispute between the owners and developers of a container port in the Middle East and the contractors responsible for building an extension to the port.
- Advising in relation to one of the largest PFI contract disputes in the health sector. The advice included wide ranging issues of a complex nature arising out of the Project Company's performance at two hospitals run by a NHS Foundation Trust, which is one of the largest in the UK with a turnover in excess of £1 billion.
- Providing project advice to a UK university and acting on its behalf in a number of claims brought by four of the contractors involved in delivering this major mixed-use development, including infrastructure, student accommodation, retail and community building contractors.

## RELATED INSIGHTS

News

Apr 04, 2024

### **Legal 500 EMEA Guide 2024**

Insights

Mar 21, 2024

### **The Evolving Real Estate and Construction Disputes Landscape**

As part of Riyadh International Disputes Week (RIDW), Horizons & Co. and BCLP hosted a discussion on the evolving real estate and construction dispute resolution landscape in the Kingdom of Saudi Arabia and wider region. This interactive discussion involved questions from the audience throughout the session and resulted in many meaningful points being raised. Below is a high-level takeaway of the key issues discussed and points raised.

Insights

Mar 07, 2024

### **Offshore Wind Projects: Contracts, risks and looking forward**

An article about offshore wind projects and some of the unique issues specific to the delivery of this type of project that are not typically addressed by existing standard form contracts.

Insights

Feb 19, 2024

## **Effective dispute avoidance in construction and infrastructure projects**

In this article, BCLP partner Shy Jackson and Aluko & Oyebode partner Ngo-Martins Okonmah are collaborating to discuss the most effective means by which to avoid disputes relating to construction and infrastructure projects or, where that is not possible, to manage them more efficiently.

Insights

Feb 13, 2024

### **Can you smash & grab and argue about true value in the same adjudication?**

In the case of Bellway Homes Limited v Surgo Construction [2024] EWHC 10 TCC, the court addressed whether it is possible to start a smash & grab adjudication but also a claim based on true value adjudication as a secondary position. Despite novel arguments to the contrary, the court determined that these are not separate disputes but rather form a single dispute that could be determined in one adjudication.

News

Dec 19, 2023

### **BCLP Earns Honors in Paris from Décideurs for 36 Practice Areas**

Insights

Dec 19, 2023

### **How UAE is legislating to decarbonise buildings**

The built environment is crucial to the United Arab Emirates' (UAE's) extraordinary and rapid ascent: since its foundation in 1971, the country has constructed the world's tallest building and largest shopping mall. That scale of development has undoubtedly made the UAE the success it is today – but has come at a cost. The World Economic Forum estimates that 40% of global carbon emissions come from buildings and infrastructure, and the lion's share of these come from ongoing building operation. The energy consumption of buildings in the UAE is among the highest in the world, with modern living in the Arabian Peninsula necessitating 24-hour air conditioning in malls, homes and offices.

Insights

Dec 13, 2023

### **FIDIC contracts – 110 Years - conference update**

The FIDIC International Users' Conference took place on the 28 and 29 November in London and celebrated 110 years of the organisation. However, the conference was very much focussed on looking forward, as opposed to dwelling on past glories and the theme of the conference was definitely green – and not only in the environmental sense of the word (though some of that too).

Insights

Dec 01, 2023

### **Looking Forward - the future of (compulsory) ADR in business disputes and the impact of Churchill v Merthyr Tydfil**

Considered as a cheaper, quicker and less stressful mode of dispute resolution, alternative dispute resolution (“ADR”) is no longer seen as an “alternative”, and indeed has been re-named “NDR” (negotiated dispute resolution) to reflect that. Instead, it is becoming an integral part of the dispute resolution process – one which is focussed on achieving earlier and less costly resolution over which parties have control rather than engaging in an often expensive, drawn-out dispute before the court with an uncertain outcome. Here we explore where its future lies and what this means for your business.

