

# International Construction and Engineering Disputes

KING & SPALDING

In addition to many other accolades from legal directories, *Chambers Global* consistently ranks King & Spalding in the top four firms worldwide for international arbitration.

“[King & Spalding’s] understanding of the law ... is unparalleled.”

—*Chambers Global*



The construction and engineering industries are inevitably complex; multiskilled parties working together in challenging environments constructing technically complex projects—buildings, structures, plants and infrastructure—in conformity with the rigid demands of time, cost and quality. It is not surprising, therefore, that these projects commonly encounter legal and commercial issues, claims and disputes.

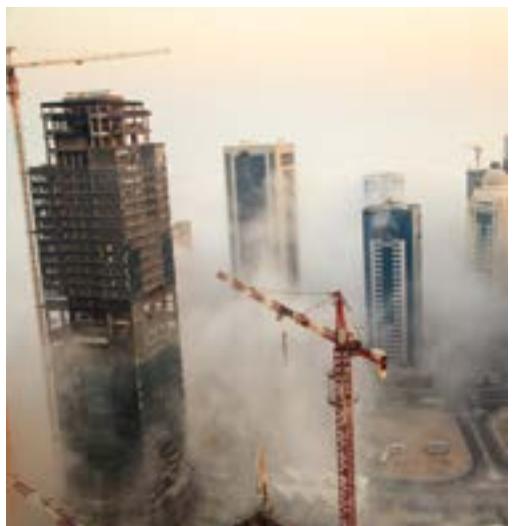
Clients, whether owners, developers, contractors, consultants, financiers or end users, need to have the right team on their side to deal with these claims and disputes.

King & Spalding is that right team—bringing industry and legal expertise, resourcefulness, tenacity and commitment to ensure legal and commercial success in construction dispute resolution.

## King & Spalding– The Solution Provider

Our international construction and engineering disputes practice helps our clients achieve the resolutions that are most beneficial to their business goals. We are trusted with bet-the-company disputes ranging from \$10 million to beyond \$10 billion by some of the world's largest enterprises in international litigation, arbitration and mediation and before dispute boards.

Our teams of experts have in-depth experience in the construction and engineering industries, with many of our lawyers having dual qualifications as engineers or architects. We have over 50 construction lawyers in the firm based in our worldwide network of offices, giving King & Spalding one of the broadest and deepest benches of construction and engineering lawyers in the world.



Specialist knowledge allows us to “speak the language” of the construction and engineering industries. Time and cost are saved because our lawyers are familiar with the usual contracting structures (construction only, D&B, EPC, EPCM, PPP, BOT, BOOT, etc.) and the common domestic and international standard forms of contract (FIDIC, NEC, Logic, AIPN, etc.) as well as the roles and responsibilities of industry players.

We understand the essence of the technologies and processes involved and how to manage the legal issues that emerge from them. As expert dispute resolvers, our lawyers seamlessly meld their industry expertise with the investigative, negotiation and case-winning skills that ensure we are a first-tier, globally recognized force in dispute resolution.

King & Spalding received special recognition in *Who's Who Legal: Construction 2015* as one of the firms that have the most leading construction lawyers of any law firm globally, including three in the global “top 25.”

# Specialists in Energy and Infrastructure Construction Disputes

King & Spalding is a global leader in the energy and infrastructure sectors, and our dispute resolution teams are no exception.

Offering a “one stop” approach to construction- and engineering-related legal issues, our teams of expert lawyers are specialists in advocacy and winning cases in these fields:

## OIL AND GAS

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Onshore and offshore drilling and production facilities

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FPSOs

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LNG terminals and processing facilities

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Refineries

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Petrochemical plants

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Pipelines

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Gas plants

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## WATER AND POWER PLANTS

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Fossil fuel

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Wind

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Hydropower

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Nuclear

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## TRANSPORT

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Roads and highways, including toll roads

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Rail, light rail and metro; infrastructure and rolling stock

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Airports

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Ports

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## STRUCTURES

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High-rise and complex buildings, hospitals, universities, hotels, commercial and retail, housing

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Processing plants, factories, cement manufacturing plants

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Stadia

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Tunnels and dams

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## UTILITIES

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Water and wastewater treatment

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Power distribution

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Desalination

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Telecom networks

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District heating and cooling

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## MINING AND RESOURCES

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Mining development and remediation (open cut and tunnelling)

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Extraction and crushing plants

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“King & Spalding must possess the largest repository of ICSID experience you can tap.”

—*Global Arbitration Review*

# Global Leaders in Dispute Resolution

King & Spalding lawyers often work as “Project Counsel” with clients during the execution of their projects to manage issues as they arise, ensuring that our clients’ interests are fully protected and they are in the best position possible to amicably resolve issues. This work often includes assisting clients in evaluating and assessing claims, recommending and managing external experts (for example, in schedule and quantum analysis), and reviewing correspondence to ensure that interests are fully protected in line with agreed-upon strategies.

Our lawyers are experts in mediation, dispute boards, expert determination, adjudication and other forms of alternative dispute resolution (ADR) and are fully equipped to resolve disputes without recourse to formal proceedings. Our lawyers include mediation counsel as well as mediators.

We are recognized as a global leader in domestic and international arbitration, and, where amicable settlement is not possible, we have the right lawyers to represent clients' interests in ad hoc or institutional arbitration proceedings under the rules of the leading international arbitration institutions, including ICSID, ICC, LCIA, AAA, CPR, UNCITRAL, DIAC, SIAC, HKIAC and CIArb. Many of our arbitration counsel also sit as arbitrators.

We also practice in and are expert in bringing cases before state courts in the leading commercial jurisdictions in the world as well as enforcing both domestic and international arbitral awards. We enjoy strong cooperative relationships with local counsel when our lawyers are not admitted to practice in a particular jurisdiction.

When clients utilize our expertise, their interests are represented in a cost-effective way without undesirable delay, allowing us to enjoy a formidable track record of success for our clients, both in pre-action settlement and at trial.

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## King & Spalding is commonly called upon to resolve construction and engineering disputes concerning:

- Contractual interpretation and other disputes about work scope
- Claims, variations, extensions of time, acceleration, delay damages and additional payment
- Defects, noncompliance with specifications, failures and collapses, including complex negligence claims
- Warranties and product liability
- Architects' and engineers' professional liability
- Insolvency, liens and retention of title
- Environmental, health and safety issues
- Fraud, corruption and bribery investigation
- State interference and expropriation of projects

## Worldwide Experience

King & Spalding was one of the first full-service law firms to establish a practice devoted to construction law. Since then, our group has been involved in disputes in every region of the world. In addition, our construction disputes team is supported by more than 900 lawyers in offices in Abu Dhabi, Atlanta, Austin, Charlotte, Dubai, Frankfurt, Geneva, Houston, London, Moscow, New York, Paris, Riyadh, San Francisco, Silicon Valley, Singapore, Tokyo and Washington, D.C.

This enables us to provide seamless service to our clients no matter where their disputes may be.

Afghanistan	Costa Rica	Hungary	Mexico	Slovakia
Algeria	Côte d'Ivoire	India	Moldova	Slovenia
Angola	Croatia	Indonesia	Mongolia	South Africa
Argentina	Cyprus	Iran	Morocco	South Korea
Armenia	Czech Republic	Iraq	Netherlands	Spain
Australia	Denmark	Ireland	New Zealand	Sri Lanka
Austria	Dominican Republic	Isle of Man	Nigeria	Sudan
Azerbaijan	Ecuador	Israel	Northern Ireland	Sweden
Bahamas	Egypt	Italy	Norway	Switzerland
Bahrain	El Salvador	Jamaica	Oman	Tanzania
Bangladesh	England and Wales	Japan	Pakistan	Thailand
Belgium	Equatorial Guinea	Jersey (C.I.)	Panama	Trinidad and Tobago
Benin	Eritrea	Jordan	Papua New Guinea	Tunisia
Bermuda	Estonia	Kazakhstan	Peru	Turkey
Bolivia	Ethiopia	Kuwait	Philippines	Turkmenistan
Brazil	Finland	Laos	Poland	Uganda
British Virgin Islands	France	Latvia	Portugal	Ukraine
Bulgaria	Gabon	Lebanon	Puerto Rico	United Arab Emirates
Cambodia	Georgia	Lesotho	Qatar	United States
Cameroon	Germany	Libya	Romania	Uruguay
Canada	Ghana	Lithuania	Russia	Uruguay
Cayman Islands	Greece	Luxembourg	Rwanda	Uzbekistan
Chad	Grenada	Madagascar	Saudi Arabia	Venezuela
Chile	Guatemala	Malawi	Scotland	Vietnam
China	Guernsey (C.I.)	Malaysia	Senegal	Yemen
Colombia	Hong Kong	Maldives	Serbia	Zimbabwe
		Mauritania	Singapore	



● Locations of the King & Spalding offices worldwide

# Representative Experience

## Asia and Pacific (including Australia)

Representing U.S. engineering and fabrication company in an LCIA arbitration against a general contractor. The dispute concerns the general contractor's construction delay and cost claims arising from a gas processing project in Kazakhstan.

Representing Australian mining company in an ad hoc arbitration against a U.S. engineering firm. The dispute concerns the breach of a service agreement relating to a construction project in Papua New Guinea.

Representing Chinese owner in a Swiss Chambers arbitration in Zurich against an American construction contractor in a dispute concerning delay and defects in the construction of an industrial plant in China. English law governed. A settlement was achieved.

Representing Asian contractor on several adjudications and SIAC arbitrations related to one of the world's largest iron ore projects, located in Australia.

Representing Chinese owner in an LCIA arbitration in London against a European contractor arising out of the design and construction of a factory in China. A settlement was achieved.

Representing power developer in an UNCITRAL arbitration in Singapore against its insurers. The dispute concerns delays and damage to a hydroelectric power project under construction in the Philippines.

## Middle East

Representing international contractor in a DIAC arbitration arising out of the construction of an iconic high-rise tower in Dubai. Successfully settled.

Representing European contractor in a high-profile dispute concerning the design and construction of a process plant in the Middle East. ICC arbitration seated in London with related criminal proceedings in the UAE. Successfully enforced an award, making a full recovery.

Representing consortium of European contractors in an ICC arbitration in Paris against a Middle Eastern state, arising out of the construction of a hydroelectric project in the Middle East.

Representing Middle Eastern owner in an ad hoc arbitration against a European contractor. The dispute concerned the construction of oil production facilities in the Middle East.

Representing multinational consortium of construction contractors, led by a Korean contractor, in disputes subject to ICC arbitration concerning one of the world's highest-profile construction projects.

## **Africa**

Representing international joint venture civil contractor in arbitrations arising out of a major transportation infrastructure project in southern Africa.

Representing major oil company in a construction dispute with a national oil company operating in Africa. The dispute concerns the construction of a large onshore oil and gas infrastructure project.

Representing U.S. contractor and equipment supplier in a dispute subject to ICC arbitration and mediation against an owner and against a subcontractor concerning a combined cycle power plant in West Africa. Settlements were achieved.

Representing international construction joint venture in an arbitration under the Procedural Rules on Arbitration of Contracts Financed by the European Development Fund. The dispute concerned an infrastructure project in Africa.

## **Europe**

Representing claimant in an ICC arbitration concerning the construction of a natural gas pipeline by a European contractor.

Representing claimant in an ICC arbitration. The dispute concerns the construction of power lines and substations by a European contractor.

Representing European contractor in an ICC arbitration in Brussels against a European owner concerning defects in the construction of a steam turbine power plant in Southern Europe.

Representing European contractor in an ICC arbitration against a European owner concerning the construction of a hydro-electric facility in Europe.

## **North America**

Representing EPC contractor against engineering defect claims brought by a group of plaintiffs who were severely burned in a plastics plant explosion and fire in Pasadena, Texas.

Representing international developer in connection with disputes involving the design and construction of a hotel in the Cayman Islands.

Representing owners of an 898 megawatt coal-fired power plant in Central Texas in connection with extensive construction delays and associated costs resulting from severe damage to the boiler during commissioning.

Representing owner of an LNG terminal in a dispute with its general contractor over Hurricane Ike-related construction cost increases.

Representing general contractor defending against delay and productivity damage claims brought by a subcontractor on a paper mill construction project in Big Island, Virginia.

Representing engineering design and construction contractor seeking additional payment from the owner in connection with the design and construction of two gas plants in West Texas.

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## Latin America

Representing major Caribbean power producer in an ICC arbitration against its European EPC contractor. The dispute concerns the construction and operation of a fuel oil power plant.

Representing Impregilo S.p.A. in an ICSID arbitration against Argentina brought under the Italy-Argentina bilateral investment treaty. The dispute concerns a concession agreement for the construction of a highway.

Representing respondent in an ICC arbitration between a Latin American State oil company and a consortium of contractors. The dispute concerns the construction of a refinery.

Representing foreign power investment company against delay and disruption claims brought before a Dispute Adjudication Board by its general contractor on a hydroelectric power plant project in Peru.

Representing claimant in an ICC arbitration between a Latin American State oil company and a contractor. The dispute concerned the construction of an MTBE plant.

Representing international contractor in an ICC arbitration. The dispute concerns the engineering, procurement and construction of a gas fraction plant and pipeline in Peru.

## Representative Clients

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AGL Resources

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BCKK Engineering

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CEMEX

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Chevron Corporation

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The Coca-Cola Company

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Cooper Industries

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Exterran Energy Solutions

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Gamesa Wind U.S.

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Golden Pass LNG Terminal

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Holcim

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KBR

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LS Power

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Motiva Enterprises, LLC

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Salini Impregilo S.p.A.

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Samsung C&T

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SN Power

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Texas Petrochemicals

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Weatherford International

In some jurisdictions, this may be considered “Attorney Advertising.”

King & Spalding consists of King & Spalding LLP, a Georgia, U.S., limited liability entity, and affiliated limited liability entities in the U.S., England, and Singapore.



## Praise for King & Spalding's Construction and Engineering Disputes Practice

“... sheer width of practice and outstanding people.”

—*Chambers Singapore 2014*

An “impressive proposition ... who always gets really positive results.”

—*Legal 500 USA*

“... has a wonderful client list and is regularly found topping surveys.”

—*Global Arbitration Review's Guide to Specialist Arbitration Firms*

