

## INDUSTRY

# Construction & Global Infrastructure

Experienced worldwide across every phase of large-scale construction projects, Benesch's Construction Practice Group and Global Infrastructure Team bring together vast industry knowledge, infrastructure know-how and business acumen to deliver strategic legal counsel on everything from contract negotiations and risk management to compliance and dispute resolution.

Composed of top-tier dealmakers, board advisors and strategists, operators, thought leaders, arbitrators, educators, draftspeople, and trial counsel, our team issue-spots on site, recognizes or creates key moments to avoid or resolve disputes, and helps push game-changing construction and infrastructure projects across the finish line.

## Who We **Serve**

- AEC start-ups
- Designers and constructors
- Middle-market companies
- Public authorities
- Public companies

## Representative **Clients**

- BE&K Building Group
- Bridge Industries
- Industrial Power Systems
- Nexttracker (NXT)
- Pernix Group (PRXG)
- Richard

## What We **Do**

- Counseling on choice of entity and project delivery systems
- Design development and strategic combinations
- Financing
- Interim and final dispute resolution
- Natural resources and energy projects
- Preparation of bid documents and construction agreements
- Programming and project recovery services
- Project planning, scheduling and execution
- Risk identification and management

## Numbers & Recognition

15+

Dedicated construction attorneys

100+

Years of construction experience

Ranked Nationally

by Best Law Firms®



Recognized

by Chambers



## Breadth of Experience

- Our team includes attorneys with industry-specific backgrounds, such as a licensed architect and those with hands-on field construction experience
- We have a strong international presence, working on large-scale projects across the Middle East, Africa, Europe, Latin America, the Caribbean and Asia
- Our team includes members allowed to appear in and admitted to decide cases as arbitrators in the U.S., Kingdom of Saudi Arabia, UAE, U.K., Canada, British Virgin Islands, Singapore and other jurisdictions

## Representative Matters

- ▶ Represented a U.S. specialty industrial contractor in a dispute with a global steel manufacturer on claims for delays and disruption driven by scope creep and pandemic supply chain failures. Poor design, differing site conditions, and lack of owner-supplied proprietary equipment and materials caused acceleration and rework on a major steel facility. Disputes exceeded \$20 million and involved first impression claims related to state-of-the-art EPC risk carveouts for force majeure, material cost escalation and change of law restricting local labor.
- ▶ Represented an international EPC contractor to assist in the field to complete a historic, troubled oil transmission project in the Middle East. Managed disputes adverse to a global energy consortium, including a global oil major, culminating in the resolution of over \$150 million in claims via facilitated mediation and arbitration under international rules.
- ▶ Routinely represent private equity funds and institutional investors in the purpose and operation of construction and infrastructure-related platform companies that range from traditional “bricks and sticks” construction to sulfur recovery units and innovative technology gas facilities.
- ▶ Represented an EPC contractor in a \$25 million dispute with a global energy industry owner for delays and disruption driven by a failure of the owner’s proprietary technology. Claims involved EPC risk, force majeure, material cost escalation and changes of law restricting local labor.
- ▶ Represented in court a global REIT in disputes concerning HVAC failures and defects in a Fortune 10 company’s corporate HQ purchase for nearly \$1 billion.
- ▶ Represented the constructors in a \$100 million dispute between a lead contractor and technology provider as part of a joint venture to modernize a gas-fired power plant. Represented the main contractor concerning the construction of a related greenfield electric peaking plant and resolved via litigation downstream supply chain failures.
- ▶ Represented in arbitration and court a global sports academy concerning defects in the design of a luxury hotel tower built on its property. The dispute involved a failed (and since corrected) mechanical system design, environmental issues inside the building, claims against the designer, and putative claims involving design subconsultants and key equipment manufacturers.
- ▶ Represented contractors on federal projects involving the DOD, USACE, OBO, and other agencies. These include notable projects in Cuba, Berlin, the Pacific, Maputo, Kampala, Lagos, Parvan and Helmand provinces, Kandahar, Bastian, Delaram, Fallujah, Kadhimiya, and Baghdad.
- ▶ Serving as project counsel for the contractor on the largest U.S. Consulate in history being constructed on reclaimed coastal property in Africa. Includes daily operational advice and management of U.S. and foreign claims, along with international conflicts among suppliers, subcontractors, local stakeholders and the U.S. government. Resolution of claims and REAs exceeding \$150 million.
- ▶ Assisting a public company that has earned the largest global market share of solar tracking devices and technology in managing disputes on the largest solar projects in Canada and the U.S. while maneuvering supply chain fracture in advance of the company reshoring its manufacturing in the U.S.
- ▶ Represented owners as project counsel on an \$800 million iron ore processing facility and a \$700 million waste-to-fuel facility, and as contractors on the largest refinery expansion in recent memory and new technology modernization of combined cycle power facilities in North America.