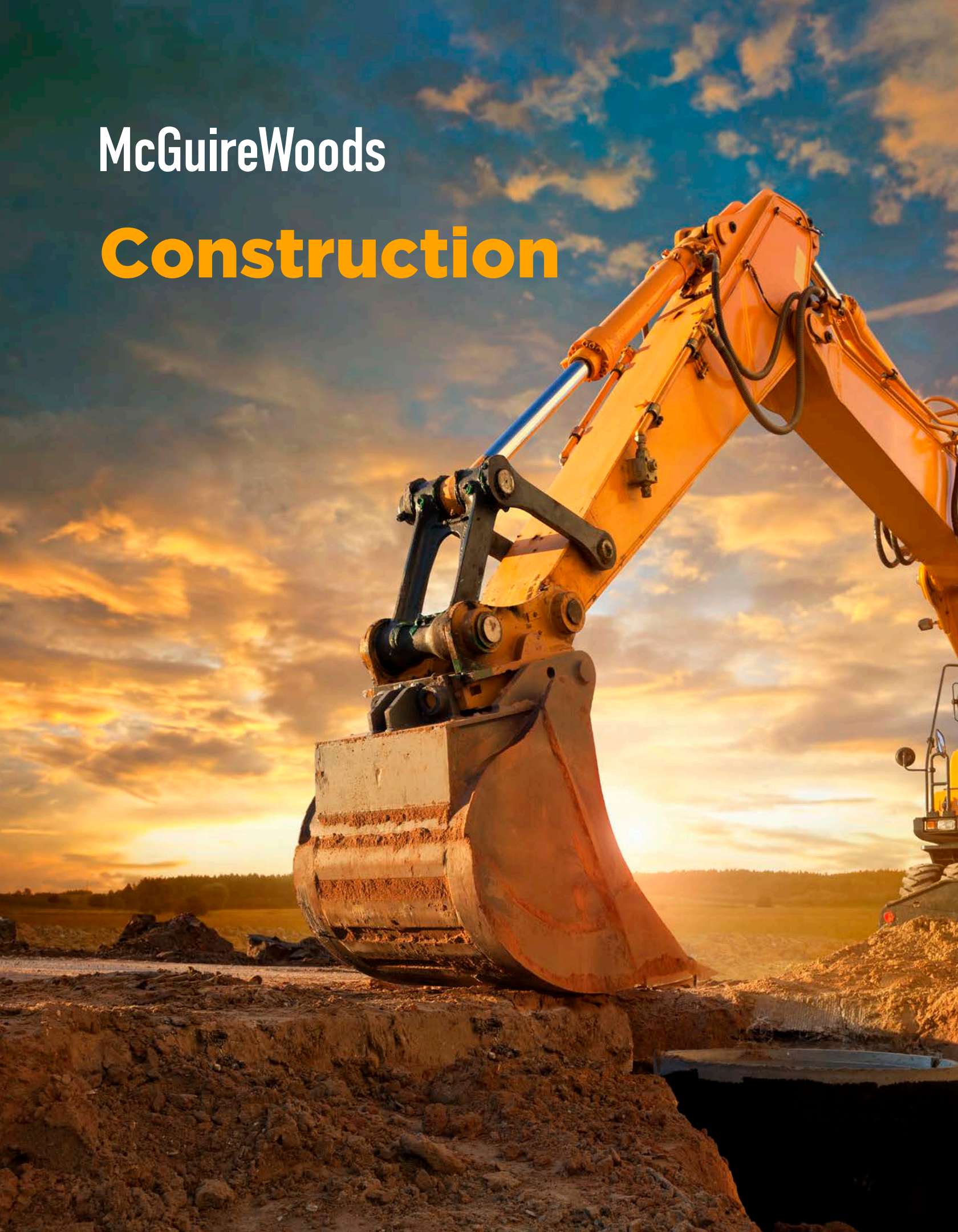


McGuireWoods

Construction



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CONSTRUCTION

McGuireWoods assists U.S. and international clients on all aspects of complex construction projects around the world. We represent all major constituencies in such projects, including public and private owners, engineering and design firms, construction managers, prime contractors and subcontractors, material and equipment suppliers, sureties and financial institutions.



We guide clients throughout the life cycle of a project, from the preparation and negotiation of design and engineering agreements, EPC agreements, and construction agreements, to advising clients during design and construction through the resolution of disputes. Our unique transactional and disputes experience enables McGuireWoods to mitigate risk for our clients throughout the life of a project. Clients rely on our global law firm to identify key business opportunities as well as project risks. Our team of lawyers and consultants provide sound counsel to challenges our clients face while guiding them through successful project opportunities

The 2022 U.S. News - Best Lawyers “Best Law Firms” report ranked McGuireWoods a National Tier 1 firm for our Litigation-Construction, Land Use & Zoning Law, Real Estate Law, Banking and Finance Law, Public Finance Law, and Tax Law practices. Our multidisciplinary construction team is dedicated to counseling clients in all aspects of project development and all areas of litigation.

Our Construction Team has deep experience in all types of energy projects including power plants, offshore platforms, processing plants, oil and gas platforms, liquefied natural gas facilities, pipelines, FPSOs and renewable energy projects. Our Construction Team has broad experience with large mixed-use projects, multi-family projects, affordable housing projects, hospitality projects, data centers, medical facilities and industrial/manufacturing plants. Partnering with our government relations team, we have significant experience in P3 projects and infrastructure projects.

PROJECT AGREEMENTS AND TRANSACTIONS

A strong contract establishes the foundation for any successful construction project. In negotiating and documenting design and construction contracts, we work with all forms developed by the industry's major professional and industry groups. In addition, we draft hundreds of stand-alone contracts tailored to the specific needs of the project that protect our clients from project risk. Our lawyers understand that timely negotiations are critical to keeping projects on track, and can quickly evaluate draft agreements, assess the risk allocation in those documents, and provide alternative language to reallocate such risks.



We understand the range of delivery options available for projects — including design/build, design/build operate maintain, build-own-transfer, build-own-operate-transfer, general contractor, multiprime projects, construction manager, program manager, and engineer-procure-construct or turnkey agreements — and the risks inherent in each. We are also experienced with issues relating to insurance, bidding documents, completion guarantees, performance guarantees, construction lending, credit enhancement, mechanics' liens and similar remedies.

TRANSACTIONS

McGuireWoods represents public and private companies in mergers, acquisitions, divestitures, joint ventures and other major transactions around the world, including across the construction and development industry. Clients come to us for our in-depth construction transactional skills and knowledge that cut across legal practices and industry lines. We leverage our resources to assemble teams that bring the know-how each client needs. McGuireWoods understands the regulations and trends specific to this industry and its subsectors, and efficiently distills this information into actionable, strategic business advice for clients.

PUBLIC-PRIVATE PARTNERSHIPS (P3S)

Since the inception of McGuireWoods' P3 practice more than 35 years ago, our lawyers have employed innovative financing techniques to achieve clients' objectives. We pioneered the use of P3s, special revenue, tax and assessment pledges, lease financings, tax and revenue anticipation vehicles, real estate secured loans, and moral obligation pledges and other subject-to-appropriation financings. The firm also established the validity of these financing options through legislation, judicial validations and administrative interpretations. Additionally, our consulting team helps investors leverage tax benefits to enhance returns, including the facilitation of P3s. Our consultants assist with site selection, community support, education and awareness, and incentive negotiations for P3 deals.

CONSTRUCTION DISPUTES

Our team has extensive experience representing clients in complex construction disputes. This experience includes arbitration with the AAA and the ICC among other ADR providers and litigation in state and federal courts throughout the US. Our experience encompasses sophisticated delay and inefficiencies claims, defective construction, design/engineering issues, and default/termination claims among others. Our team is conversant with CPM scheduling and brings a unique understanding of the planning and implementation of construction projects that is vital to successful dispute resolution. Our team also understands complex insurance issues arising from construction disputes and actively and successfully pursue insurance companies for our clients.

The team also represents clients against and in pursuit of claims involving denial of site access, defective materials and equipment, improper inspection, failures of concrete and other structural elements, safety violations, rejection and repair of nonconforming work, environmental hazards, terminations for default and convenience, mechanics' liens, stop notices, payment and performance bonds (including federal Miller Act and state Little Miller Act bonds), and post-completion warranty issues.

We provide clients with a solid legal foundation for construction litigation throughout the entire project life cycle.



STRATEGIC LOCATIONS



● McGuireWoods U.S. office locations

● McGuireWoods Consulting U.S. office locations

McGuireWoods
International Offices



We have a cooperative arrangement
with law firm Shenhav Konforti
Rotem & Co. in Israel.

* A Strategic Alliance Between FuJae Partners
and McGuireWoods LLP
** McGuireWoods London LLP

Our team includes 25+ lawyers in offices in North Carolina, Pennsylvania, Texas, California, Virginia, Atlanta and London.

We advise and advocate for clients in construction disputes, including conflicts over defects and claims for extra work, as well as delay and disruption issues. We handle claims involving sophisticated scheduling analysis and project controls used to prepare and prosecute claims for additional compensation, extensions of time, relief from imposition of liquidated or actual damages, and default termination. Our team also prosecutes and defends *force majeure* claims.

McGuireWoods helps clients calculate extended project costs and unallocated home-office overhead, using the Eichleay and similar formulas. We handle claims arising from incomplete or defective design (warranty of specification suitability), inadequate and uncoordinated project management, excessive changes (cardinal change), impossibility and commercial impracticability, differing site conditions, slope and shoring failures, and other soils-related problems.

SELECT REPRESENTATIVE EXPERIENCE

COMMERCIAL CONSTRUCTION EXPERIENCE

- Representation of an American international EPC firm in multiple arbitrations before the American Arbitration Association stemming from a \$600 million combined cycle power plant project in the U.S. Midwest.
- Representation of a national construction management, general contracting, design-build and integrated project delivery services company in negotiating agreements with a collective value of over \$1 billion and disputes including a contract for projects with a collective value of over \$1 billion.
- Representation of a Massachusetts-based hotel group in a construction dispute regarding a hotel project in Berkeley, California.
- Representation of an Ohio-based, best-in-class construction services company in negotiating its design and construction agreements for projects throughout the United States, including in Illinois, Tennessee, Virginia, Maryland, Florida, Washington state and North Carolina. Our team also represents the client in a Redmond, Washington, construction dispute.
- Representation of a development company for a California-based retirement fund in negotiating construction and design agreements for projects throughout the East Coast, including a \$1 billion+ mixed-use project in Coney Island, New York, where our team negotiated the construction, design and engineering agreements for the project, and a \$1 billion+ mixed-use project in Hoboken, New Jersey, where our client is partially renovating the historic ferry terminal and constructing a new residential tower.
- Representation of a national railroad passenger corporation revising all of its design and construction agreements across its platforms. The project involved reviewing all design and construction agreements for tunnels, bridges and terminal updates it plans to use for future projects.
- Representation of a global grocery retailer, with expanding operations across the United States, in its construction and development of its regional distribution center in Georgia. The grocery retailer is investing approximately \$100 million in the project, which will create 270 new full-time jobs. The 925,000-square-foot facility will serve as a regional headquarters and supply products to stores across the region.
- Representation of a Dallas-based real estate developer in land acquisition and zoning approval for construction of a robotics fulfillment center operated by a leading U.S.-based online retailer near Richmond, Virginia. Following construction of the 2.6 million-square-foot industrial complex, the center is expected to feature robotics technology designed to assist employees in sorting, packaging and shipping smaller goods such as books, electronics and household items.
- Representation of a real estate counsel for a global professional association advancing heating, ventilation, air conditioning and refrigeration systems design and construction. It has approximately 57,000 members in more than 132 countries worldwide.
- Representation of an American power and energy company headquartered in Virginia that supplies electricity and gas across the United States in its most recent corporate tower construction project, including a 20-story project that is approximately 1 million square feet and occupies a full city block.
- Representation of a U.S. leading American telecommunications company that offers wireless products and services in thousands of transactions, including complex construction, development and leasing of communications sites, retail stores, warehouses, call centers, data/technical centers and office facilities, ranging from 1,000 to 500,000 square feet across the United States.
- Representation of a leading Washington, D.C.-based architecture firm, on a construction loan for a Washington, D.C., apartment property project.

ENERGY FOCUSED CONSTRUCTION EXPERIENCE

- Representation of one of the world's largest offshore EPC construction and installation companies in London arbitration brought by a sub-contractor. The claimant was a Malaysian yard, sub-contracted to construct the topsides for three production and accommodation platforms to be installed offshore Nigeria. The topsides were completed 13 months late and the arbitration concerned issues of delay costs versus allegations of defective workmanship. The Malaysian yard's claim failed.
- Representation of Dominion Energy Services, an American power and energy company, in the largest U.S. Offshore Wind Project. The project will consist of 176 wind turbines and three offshore substations located 27 miles off the coast of Virginia Beach, along with underwater cabling and onshore transmission infrastructure. The project entails construction of approximately 17 miles of new transmission line and other onshore infrastructure needed to deliver the renewable energy generated offshore to homes and businesses across Virginia. The project represents an investment of approximately \$9.8 billion and is expected to generate enough clean, renewable energy to power up to 660,000 homes. As part of the project, Dominion Energy is investing in the country's first offshore wind turbine blade factory as well as the only U.S.-flagged offshore wind installation vessel.
- Representation of lead arranger in connection with the construction and back leverage financing for two solar projects totaling 100 MW in Crook County, Oregon.
- Representation of Macquarie Capital in connection with the development, construction financing, energy and basis hedging, tax equity financing and sale of sponsor equity in a 210 MW wind farm in Oldham and Deaf Smith Counties, Texas.
- Representation of Dominion Energy, Inc. (NYSE: D), an American power and energy company, in the acquisition of a 42 MW solar project in Pittsylvania County, Virginia from Open Road Renewables, a renewable energy company focused on development of utility-scale clean energy projects in the United States.
- Representation of a professional land services company, in conjunction with multiple grand jury subpoenas that the company received from a district attorney in the Commonwealth of Pennsylvania involving potential criminal liability associated with the development of a highly publicized and controversial pipeline spanning approximately 350 miles through Pennsylvania, West Virginia, and Ohio.
- Defense of a professional land services company, in a state court lawsuit involving the negotiation of easements needed to install a highly publicized and controversial interstate pipeline used to transport natural gas liquids.
- Representation of an electric and natural gas public utility in the pursuit of insurance recovery for the matters arising from their abandonment of a construction project on a new nuclear facility and for separate matters arising from a merger.
- Representation of a series of victories for a publicly-traded utility holding company for a 600-mile pipeline project transporting natural gas from West Virginia to Virginia and North Carolina.

OUR APPROACH TO THE MARKETS

Our team draws on years of collective hands-on experience with construction, infrastructure, real estate and policy programs across local, state and federal levels. Reflecting the complicated nature of many projects, our real estate, tax, land use, public finance and corporate lawyers and consultants collaborate to deliver an integrated approach to client needs.

Industry Recognition

Ranked in the 2022 U.S. News-Best Lawyers “Best Law Firms” survey as a Tier 1 Litigation - Construction law firm.

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***Financial Times* ranked McGuireWoods one of North America’s most innovative firms in its prestigious North America Innovative Lawyers report.**

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General counsel at large corporations rated McGuireWoods among the elite law firms for client service in BTI’s “Client Service A-Team” report.

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McGuireWoods is one of only 11 law firms singled out for superior client service in BTI’s “Most Recommended Law Firms” report, based on unprompted feedback from in-house leaders at large companies with \$700 million or more in revenue.

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***GlobeSt. Real Estate Forum*, an American Lawyer Media publication, has selected McGuireWoods’ real estate capital markets industry team for inclusion on its 2022 list of “Rainmakers in CRE Debt, Equity and Finance.**

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McGuireWoods is setting — and raising — the standard for what clients expect from law firms.

CLIENT SERVICE A-TEAM, BTI CONSULTING



McGuireWoods

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