



Systemech
S O L I C I T O R S

Corporate Profile



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1. The Firm

System Solicitors is the largest specialist construction legal practice in the UK with offices in London, Liverpool, Leeds and Manchester. We have an office in Singapore, which services the Asia Pacific region, and we also operate throughout the Middle East.

Our legal practice focuses on the provision of legal services to our UK and international clients across all construction, engineering and energy sectors.

Members of our team are recognised in the legal directories, Chambers and Legal 500, as “**well respected**”, “**highly rated**” and “**leaders in their field**”. The multi-disciplinary experience of our team and the firm’s growing reputation has attracted like-minded professionals and clients that appreciate a personal and commercially focused service.

The firm is at the forefront of the construction industry and is pro-active in responding to new trends in the market place. Our approach is to offer a director-led solution at competitive, cost effective rates and to develop long term trusting relationships with our clients by investing the time and effort required to understand their business so that we can assist them deliver their commercial objectives.

We work closely with System International to offer a single source legal and commercial solution.



2. Experience and Expertise

Our team has extensive experience of advising clients on the procurement of complex construction, engineering and energy projects involving the public and private sectors, ensuring that our clients receive commercially focused and pragmatic advice during the contract period and protecting their interests when disputes arise.

The lawyers in our team provide an expert and specialist service to the public and private sector during all stages of construction and engineering projects.

In an often complex world we aim to provide practical advice and documentation to simplify the process.

Our team regularly advises clients on:

Procurement Strategy

Whether you are considering a traditional route, design and build, a Public Private Partnership or Private Finance Initiative, we can guide you through the procurement strategy that fits your approach and needs.

We can also advise on the financing of projects, public sector procurement regulations and tender documentation.

Contract Advice

We advise on the range of construction documentation including:

- The standard forms of contract including JCT, NEC, ICE, FIDIC, IMechE and IChemE
- Professional appointments / warranties
- Facilities management contracts
- Partnering / framework agreements
- Performance bonds
- Guarantees

We recognise that situations arise when amendments are required to the standard form of contracts. We can advise on the risks and costs of creating bespoke arrangements and the amendments necessary to protect your interests.

Partnering / Framework Agreements

We specialise in advising on the process involved in partnering and collaborative arrangements including framework agreements by considering with you the appropriate selection criteria and the best strategy to engaging all those involved.

Public Private Partnership / Private Finance Initiative

Construction related issues are often central in a PPP or PFI. Our multi-disciplinary lawyers are experienced in advising the different parties involved in these projects.

General Advice

We maintain close relationships with our clients and treat any project as a team effort, communicating regularly throughout to clarify issues and avoid problems.

We offer a legal telephone help line service to our clients and legal "health checks" on a variety of documents to flag up potential problems and to encourage best practice.

Dispute Management and Resolution

Our team of lawyers is experienced in the various methods of Alternative Dispute Resolution available in the construction, engineering and energy industries nationally and internationally. It makes sense for us to help our clients resolve their disputes in a way that helps to preserve their business relationships. We do this in a pragmatic way to ensure entitlement is maximised.

Occasionally, disputes will escalate and more formal proceedings ensue. We fight hard to ensure that our client's interests are protected. Our expert litigators are familiar with the processes and procedures in adjudication, arbitration and litigation in the UK and internationally.

When disputes arise our team is able to react quickly and provide you with the expert support and guidance that you need, using alternative dispute resolution where appropriate.

Clients benefit from a team of experts experienced in the resolution of disputes, in solving problems at an early stage and fighting hard to protect your interests where necessary.

Our team, which includes adjudicators and trained mediators, is familiar with the range of alternative dispute resolution processes and the more formal proceedings used in the construction and engineering industry including:

- Mediation / conciliation
- Expert determination
- Adjudication
- Arbitration
- Litigation

We list on the following pages examples of the varied work with which our lawyers have been involved.

2.1 Construction

National Assembly for Wales - Debating Chamber

We advised the Assembly on one of the most high profile, complex and sensitive projects in Wales in recent years. Our appointment covered the drafting and negotiation of the construction documentation which included a GC Works Contract with amendments, appointments, warranties, bonds and a parent company guarantee.

Wembley National Stadium Limited - New Stadium

Appointed, along with one other law firm, as legal adviser on construction aspects of the proposed redevelopment of the Wembley National stadium. We provided advice to WNSL on procurement issues, the preliminary works agreement and collateral warranties.

International Contractor - Various construction projects

Advised International Contractor on disputes arising from a project in Russia including claims for loss and expense, extension of time, the terms of a performance bond and the instigation of injunction proceedings.

Local Authority - Decent Homes Scheme

Represented Local Authority defending final account claims which included issues concerning defective work and works not completed by the contract completion date.

International Government – Apartment / Retail Development

Advised Government body on claims by a contractor arising from a project for an affordable housing scheme and including representation in adjudication and in the TCC and advising on the future conduct of disputes.

DARA, an executive agency of the MOD - Superhangers

Advised on the finance, construction and management of the super hangers at St Athan in the Vale of Glamorgan. The project included the preparation and negotiation of extensive construction documentation including a bespoke form of construction contract, warranties, appointment and security documents including bonds and guarantees.

Cardiff County Council - Interpretation Centre at Cardiff Castle

Advised on the drafting of construction documentation in relation to the construction and fit out of the new Information Centre at Cardiff castle including the construction contract based on the NEC form, collateral warranties, parent company guarantees and performance bonds.

Grosvenor Waterside (development arm of Associated British Ports) - Cardiff Bay

Advised on the building contract documentation, consultant appointments, warranties, bonds and guarantees in relation to prestigious office development projects in Cardiff Bay, including Crickhowell House occupied by the Welsh Assembly Government, the NCM Building and the Scott Harbour development.

Other major construction projects on which our team has worked:

- **Olympics** London 2012 – stadia / Olympic village
- **Airport** projects including Heathrow Terminal 5
- **Education** - capital projects in higher / further education and schools academy projects
- **Hospitals** - various capital projects

2.2 PFI / PPP

Registered Social Landlord - Student Accommodation

The project was a PPP between a University and an RSL to provide purpose built accommodation for over 1000 students over a 30 year period. Our team's work involved advising on a bespoke construction contract, appointments, warranties, bonds and guarantees in addition to advising on the project agreement and the facilities management contract.

Development Corporation - Infrastructure

Advised on construction issues involving a private finance / public sector infrastructure / development project valued at circa £100M.

SPV Consortium - Hospital Development

Advised a private sector consortium on the provision of a new hospital and community healthcare facility.

Police Authority - Police Custodial Centre.

Advised Police Authority on the various construction, commercial, facilities management, funding and corporate issues arising from the project.

Fire Authority - Fire Training Facility

Advised Fire Authority on funding, construction, facilities management, commercial and corporate issues.

Other projects on which our team has worked:

- Advising an **SPV** in respect of a PFI project for new custodial and police station facilities in Cleveland
- Advising an **FM contractor** in relation to a PFI project for a new schools development in Kent
- Advising a **German FM contractor** in relation to the novation of an FM contract relating to an Irish schools PFI project
- Advising **local authority** client on issues related to a waste to energy project
- Advising multi-national **contractor** client on matters relating to a PFI project for the construction of a Hospital
- Provision of written and oral evidence to the **National Assembly of Wales** on the use of PPP models in Wales

2.3 Transport

Our team has extensive experience of major transport projects. We are familiar with all aspects of the contract documentation relating to projects in the UK and internationally including the NEC suite of contracts, the technical issues involved, the contract administration of major projects and the dispute mechanisms adopted including those relating to Dispute Resolution Board proceedings.

Our team has worked on many of the largest and prestigious projects around the world.

Airports, Rail and Underground and Highways projects including:

- Heathrow Terminal 5
- Public sector light rail scheme in Copenhagen
- CTRL, Jubilee Line Extension Project and the London Underground Connect project
- Metro system in Singapore
- Taiwan Shinkansen high speed rail network
- Light rail project in the Middle East
- Regional Transport Authority - track extension and renewals
- Highways projects in the UK and Republic of Ireland



2.4 Energy - Waste and Power

Our team is familiar with the issues that arise in the Energy sector in particular those arising in the emerging sustainable energy market. We are able to advise our clients on all aspects of the procurement and administration of projects.

County Council - Waste Project

Drafted and negotiated various bespoke construction documents including the advance works agreement, the engineering, procurement and construction contract, consultant's appointments, security documents (including advance payment, retention and performance bonds) and collateral warranties.

Environment Agency - hydro electric station / fish pass works

Advised client on a joint venture agreement and the use of the NEC 3 Form of Contract.

Developer - Wind Farms Projects

Advised on the EPC (based on NEC3), turbine supply, civil and electrical / mechanical, operation and maintenance contracts.

Our lawyers have worked on other projects in the energy sector including:

- **Wind farm** projects in Thanet and Scotland
- For a **developer** of a liquefied natural gas terminal
- For **suppliers** of sustainable energy, heating and electricity systems
- **Developer** - development and testing of a prototype demonstrator tidal stream project
- Off shore energy power generation - providing advice on offshore wind farm contract documents

2.5 Telecommunications and IT

Our team is experienced in the complex technical issues that arise on telecommunications and IT projects and the interface with traditional construction issues.

We have worked on projects involving:

The installation and maintenance of **communications systems** on the London Underground.

Providing legal support to an international Contractor in multi party arbitration proceedings on **specification and installation** issues giving rise to claims for time and cost.

The representation of a Client in a mediation dealing with **design compliance** and issues relating to the construction of a satellite tracking system.

2.6 Utilities

Our team is familiar with the practical and regulatory issues that face our clients in the civil and electrical engineering sector. We regularly advise our clients on matters relating to contract procurement and risk management in tenders, the operation of contract provisions and the resolution of disputes that arise.

Examples include:

- Advised national **civil and electrical contractor** on framework contracts for works in the South East and North West of England
- Conducted **risk reviews** of standard and bespoke forms of utilities contracts
- Advised on the implications of the **statutory regime** relating to **works on highways**
- Represented Clients on various **disputes** involving the utilities sector
- Advised Clients on matters relating to the end disposal and licensing of **waste**



2.7 Facilities Management

Our team has an in-depth knowledge of the legal and commercial issues affecting our clients engaged in this sector. Our lawyers have provided:

Contract Advice

Advised a major UK **facilities management provider** on successful bids in relation to two educational projects (one Scottish bundled schools project and one London borough) and one MOD PFI.

Provided risk management documentation for one of the UK's leading **facilities management providers**.

Drafted a facilities management agreement for the planned and reactive maintenance of facilities for an **international silicon chip manufacturer**.

Advised a **contractor** in relation to contracts for the planned and reactive maintenance of roads in a London borough.

Represented a large building **FM company** in adjudication in respect of refurbishment and repair call out works over c.250 sites carried out for a national hotel bar and restaurant company.

Advised a national **M&E FM company** with regards to the administration of framework contracts and the order process under the contract.

Advised various **social housing associations** in relation to facilities management contracts and acted for a **social housing association** in relation to a student accommodation Public Private Partnership project which included the drafting and negotiation of a bespoke 30 year facilities management contract.

Advised an **FM contractor** in relation to a PFI involving a new schools development in Kent including the negotiation of a 25 year bespoke facilities management contract and an Interface agreement.

Dispute Resolution Advice

Representing in the TCC an **FM contractor** in its disputes valued at GBP 5m+ with a major UK store owner concerning entitlements and liabilities under FM agreement relating to 300 stores.

Advised a **contractor** on various disputes concerning the installation and planned and reactive maintenance of electrical cables in London.

Advised a **contractor** on the resolution of disputes in relation to a contract for planned and reactive maintenance of Motorways and verges.

Represented **FM contractor** in **mediation** on specification compliance and value engineering disputes valued GBP 1.5m+ arising from works on a PFI Hospital in the Midlands.

Represented **FM contractor** in **adjudication** on disputes arising from the valuation of variations - (GBP 2m+) on an MOD PFI project in London.

Represented **FM contractor** in **adjudication** defending disputes valued at GBP 3m+ concerning extension of time and change issues brought by a supplier on a London PFI hospital project.

2.8 Dispute Management and Resolution

Our team of lawyers is experienced in the various methods of Alternative Dispute Resolution available to clients in the construction, engineering and energy industries nationally and internationally. It makes sense for us to help our clients resolve their disputes in a way that helps to preserve their business relationships. We do this in a pragmatic way to ensure entitlement is maximised.

Occasionally, disputes will escalate and more formal proceedings ensue. We fight hard to ensure that our client's interests are protected. Our expert litigators are familiar with the processes and procedures required for proceedings in adjudication, arbitration and in the courts in the UK and internationally.

Examples include:

Dispute Management

Advised contractor on various disputes concerning the installation, and planned and reactive maintenance of electrical cables.

Advised contractor on the **resolution of disputes** concerning a contract for planned and reactive maintenance of motorways and verges.

Mediation

Represented a client in **mediation** on disputes arising from FM matters in a PFI hospital in the Midlands concerning specification compliance and value engineering.

Adjudication

Represented civil and electrical contractor in **adjudication** in matters related to the valuation of works undertaken and acted for the client in settlement negotiations.

Represented a client in **adjudication** matters arising from a MOD PFI project in London over the valuation of variations.

Represented a client in **adjudication** on disputes arising from works on a London PFI hospital over extension of time and change issues.

Arbitration

Acted for international telecommunications provider in **multi party arbitration** proceedings concerned with specification and installation issues giving rise to claims for time and cost.

Technology and Construction Court

Represented an International government body in the **Technology and Construction Court** on jurisdiction issues.

Acted for client in the **Technology and Construction Court** in disputes between its client and a national store owner concerning entitlements and liabilities under FM agreement.

International Arbitration:

Our international practice continues to flourish with work ranging from up front contract advice to handling major international arbitrations, including:

Advising a large international contractor on an **arbitration** in Dubai in relation to a GBP 130m dispute against a developer where we are providing the legal work and undertaking the advocacy and System International prepared the claims, programmes and documentation in support.

Advising one of the largest local contractors in the UAE in relation to a GBP 47m **arbitration** before the ICC with the seat in Dubai where the issues include wrongful termination, claims for extensions of time and additional cost, non-payment, wrongful realization of performance bonds and allegations of defects.

Advising an international contractor employed in relation to a turnkey EPC contract power station project in the Middle East. Providing a legal analysis of contractual issues relating to variations and loss and expense claims and advising on strategy for the resolution of the dispute.

Advising a petrochemical contractor on a project in the Middle East in relation to strategy and the drafting of claims value circa USD 400m.

Advising an international contractor on strategy in relation to claims on a USD 1b highways project in the Middle East.



3. Fee Structures

We operate a range of fee structures which often require us to share cost risk with our clients. The fee structure is dependant on your requirements and the particular issues involved. Examples include:

- Hourly rates
- Blended rates
- Risk share
- Fixed fees

We would be more than happy to discuss and agree with you the most appropriate charging arrangement.

4. Added Value

We regularly issue e-newsletters and e-alerts to our clients dealing with the latest legal, contract and legislative developments.

We also provide our clients with breakfast seminars on topics of current interest.

We regularly contribute to the training provided to industry organisations such as Constructing Excellence, Construction Skills and the Institute of Civil Engineers (ICE).



5. Contact Us

Managing Director

Brian Quinn



Deputy Managing Director

Mark Smith



London

Brian Quinn

brian.quinn@systech-solicitors.com

London

6th Floor, Chapter House
18-20 Crucifix Lane
London
SE1 3JW

Phone: + 44 (0) 207 234 3520

Fax: + 44 (0) 207 234 3521

london@systech-solicitors.com

Liverpool

Neil Hunter

neil.hunter@systech-solicitors.com

Liverpool

3rd Floor,
St John's House
2 Queens Square
Liverpool,
L1 6EN

Phone: + 44 (0) 151 707 1019

Fax: + 44 (0) 151 709 0154

liverpool@systech-solicitors.com

Leeds

Robert Donnelly

robert.donnelly@systech-solicitors.com

Leeds

62 Wellington Street
Leeds
LS1 2EE

Phone: + 44 (0) 113 388 8080

Fax: + 44 (0) 113 247 0741

leeds@systech-solicitors.com

Manchester

Mark Smith

mark.smith@systech-solicitors.com

Manchester

80 Mosley Street
Manchester
M2 3FX

Phone: + 44 (0) 161 219 8008

Fax + 44 (0) 161 219 8009

manchester@systech-solicitors.com

Ireland

Ronan Speers

ronan.speers@systech-solicitors.com

Mob: + 44 (0) 7792 813 516

ireland@systech-solicitors.com

Singapore

Brian Quinn

brian.quinn@systech-solicitors.com

Singapore

Level 27
Prudential Tower
30 Cecil Street
049712

Phone: +65 6631 2930

Fax: +65 6631 2880

singapore@systech-solicitors.com

Middle East

Peter Morris

peter.morris@systech-solicitors.com

Phone: +971 4391 2984

Fax: +971 4390 3634

dubai@systech-solicitors.com



www.systemech-solicitors.com