



Working together  
to succeed

# Construction and Engineering

Our construction and engineering team will provide you with comprehensive specialist advice at each stage of the process from design and procurement through to completion, occupation and management.

## How can we help you?

Almost every aspect of a construction and engineering project attracts increasing attention from domestic and European intervention and regulation. This requires a range of legal solutions to meet the new challenges the industry now faces, not only in risk allocation and management but also in employment, health and safety, planning, procurement, tax and environmental issues.

Our team has a positive attitude and commercial approach which benefits a wide range of private and public sector clients including building owners, funders, developers, consultants, sub-contractors and suppliers.

## Procurement

Different procurement methods have different advantages and disadvantages. With a detailed understanding of the technical and legal issues that affect a project, we can help you to maximise the commercial advantages of the appropriate procurement route, using the modern forms of collaborative contracting where appropriate. We can also advise you on how best to structure your arrangements to avoid disputes.

## Risk allocation

Whatever your involvement in construction or engineering, our team will work with you to ensure that your contract, appointment, warranty or project agreement matches the parties' intentions and protects your position as far as is possible. With our extensive experience we can advise if a particular clause is likely to be acceptable to the other contracting parties and give you guidance upon current benchmarks in your market sector.

## PFI/PPP

This market has developed significantly since the first project reached financial close in 1992. The public and private sectors are now more familiar with the areas of risk that need to be transferred and this allows parties to focus more on the crucial issues of time, quality and value for money. We have acted, together with other specialists in the firm, for government agencies, PFI consortia, contractors and consultants on a range of PFI/PPP projects. This experience gives you access to the best combination of skills to draft and negotiate any accommodation based PFI/PPP project.



Huw Morgan  
Partner - Team Leader  
0117 314 5293  
hmorgan@vww.co.uk



Jason Prosser  
Partner  
0117 314 5237  
jprosser@vww.co.uk



Jeffrey Brown  
Partner  
020 7665 0844  
jbrown@vww.co.uk

*"Clients value practical, commercial and cost effective advice. That is what we provide."*

## What others say...

*"Huw Morgan is excellent - he considers our costs very carefully, which is refreshing, and he delivers on every job."*

**Legal directory**

*"Jason Prosser is highly capable and keen to give clients the service they want."*

**Legal directory**

*"Jeffrey 'has an excellent reputation in the construction market... he is one of the best'."*

**Legal directory**





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### Payment & performance

We have substantial expertise implementing payment protection measures for contractors and performance protection measures for employers and funders. If an insolvency situation does occur, it can fundamentally alter the viability of a project. We are familiar with the issues that arise and work with funders, insolvency practitioners and project participants to minimise the loss and disruption caused by an insolvency and to maximise recovery.

### Liability insurance

Procuring insurance against risks is always desirable and often essential. We understand and regularly advise on the meaning of policy wordings. We also advise clients in those instances where insurers seek to invoke defences to policy liability.

### Alternative Dispute Resolution

Despite the most careful risk allocation and non-confrontational drafting, disputes can still arise. If this does happen, our team will offer highly skilled commercial advice to provide the most efficient method of resolution. Having promoted the various forms of ADR for many years, the construction team has experience of mediation, conciliation, expert determination and dispute review boards. The team also has trained mediators who can use their experience to resolve disputes through negotiation before a situation becomes too entrenched.

### Adjudication

Adjudication is now regularly being used for larger value and more complex issues and this means skill and judgement needs to be exercised in how legal and factual issues are presented.

Our sector knowledge gives us the ability to give you robust commercial advice that takes account of recent case law and the realities of the construction industry. We prepare persuasive and timely submissions containing coherent and measured arguments tailored for the speed and nature of the adjudication process.

Our team of specialists has the resources to respond quickly and efficiently to any issues that arise. We are able to provide a comprehensive adjudication service. We can advise you upon your legal position, draft the submissions, assist in negotiations, conduct any advocacy required and advise upon tactics.

### Court & arbitration proceedings

We understand that you wish to avoid protracted and expensive proceedings. If however these do become necessary, your prospects of success will be carefully assessed and a strategic case plan developed to help achieve your optimum position. We have acted on a number of high profile cases and have an excellent track record in the resolution of the full range of construction disputes through arbitration (domestic and international) and TCC litigation.

### Our approach

Our specialist team is dedicated to the construction and engineering industries. We encourage our junior lawyers to develop their industry awareness alongside their legal skills. Our senior members of the team have been selected for their experience which has been gained in a variety of roles within the industry. This includes city law firms and engineering and architectural practices. We administer the Bristol branch of Constructing Excellence, which is the government backed initiative to promote high standards and best practice within the industry. This range and level of experience adds a unique breadth of perspective to the advice that we provide.

### Your contacts for other services

#### Corporate

David Emanuel - Partner  
0117 314 5243 [demanuel@vww.co.uk](mailto:demanuel@vww.co.uk)

#### Employment

Gareth Edwards - Partner  
0117 314 5220 [gedwards@vww.co.uk](mailto:gedwards@vww.co.uk)

#### IP & Technology

Doug Locke - Partner  
0117 314 5602 [dlocke@vww.co.uk](mailto:dlocke@vww.co.uk)

#### International

Richard Brown - Partner  
0117 314 5222 [rbrown@vww.co.uk](mailto:rbrown@vww.co.uk)

#### Public Sector

David Hansom - Partner  
020 7665 0808 [dhansom@vww.co.uk](mailto:dhansom@vww.co.uk)

#### Tax

Emma Bradley - Associate  
0117 314 5445 [ebradley@vww.co.uk](mailto:ebradley@vww.co.uk)

### What others say...

*"Clients trust this great group of lawyers thanks to its pragmatic approach. The team is easy to work with and clients are always happy with the service they get."*

#### Legal directory

*"This team of seven lawyers comprises a number of ex-engineers and ex-architects who bring bountiful industry insight to major construction matters."*

#### Legal directory