



Construction

In this world of innovation in construction and procurement, complex construction agreements and financing structures, detailed legislation, and aggressive competition, competent and timely legal support is indispensable for any successful player in the construction industry. Our strong construction contracts team, combined with our litigation and corporate commercial practices and our state of the art technical and document management systems, provides full legal support to the construction industry in this increasingly complex, hybrid area of commercial law and litigation.

Our clients include owners, designers, contractors and lenders in the construction business, in government and the private sector, as well as the businesses that finance and underwrite construction projects of all kinds. This includes construction of resource extraction infrastructure, including power plants, mines, dams, pipelines, highways, water reservoirs and sewage lagoons, commercial, industrial and office buildings, shopping centres and utilities.

Our services fall into the five major categories of venture structuring, contract negotiation, financial risk management, construction challenges and construction claims. Early in project development, we engage in the structuring of joint ventures, partnerships, consortia and corporate vehicles to integrate risk equity, design expertise, construction capability and operational experience. Effective litigation management starts with tight, well-written contracts. In the implementation phase we advise clients on contract preparation, analysis and review of a variety of construction-related agreements, including joint venture, construction, consulting, supply and sub-contract agreements. We also counsel and defend clients on coverage issues, most often in connection with owner-controlled insurance programs, liability policies, builders' risk policies, errors and omissions and professional liability coverage.

Throughout the construction process, we represent clients in matters involving progress payments, certificates of substantial completion, claims, warranty periods and obligations, holdbacks, lien periods and rights. When disputes arise, we represent clients in connection with liens, construction defects and specific performance issues.

We provide ongoing legal support on operational issues such as employee and labour relations matters involving Workers' Safety and Insurance Board and employment standards matters, occupational health and safety requirements, employment contracts, severance, collective bargaining and union relations and grievances, as well as tax litigation matters, import permits, environmental damage claims and other claims arising out of ongoing and completed projects.

Select Experience

- **Oil & Gas**
 - **Shell Canada**, with its construction contracts for the expansion of its \$6 billion Athabasca Oil Sands Project.
 - **BA Energy**, in all procurement and engineering services contracts for its Heartland Oilsands Upgrader Project.
 - Various sponsors in the design, construction and financing of a \$300-million ethanol plant, and in negotiating the EPC contract and off-take agreements.
 - **North West Upgrading Inc.**, in all regulatory and environmental approvals associated with the construction, operation, and reclamation of a \$4-billion bitumen upgrader.
 - **Encana**, in negotiating a multiple EPCM and associated owner-managed project contracting structure for multiple gas processing plants in



Northeastern BC.

- **Shell Canada**, in negotiating a wide range of EPCM and Construction Services agreements for the multi-billion dollar expansion of its Scotford facilities and refinery, including the negotiation and preparation of four major EPC construction contracts with various subcontractors.
- **Japan Canada Oil Sands**, in the engineering, procurement and construction of its SAGD Hangingstone oil sands project.
- Major oil and gas pipeline project owner, in drafting and negotiating EPC and EPC(M) contracts for major a western Canada natural gas pipeline and associated tank farm expansion.
- Canadian west coast LNG project owner, in drafting, negotiating and reviewing onshore/offshore EPC and EPC(M) contracts and associated pipeline contracts.
- **North West Redwater Partnership Refinery Project**, in its engineering, procurement, construction and commissioning of its refinery.
- **Commercial Property**
 - **Mattamy Homes**, in multiple mixed-use and residential condominium plans and common elements condominium plans, representing thousands of units.
 - A leading developer, in multiple projects involving land acquisition, condominium development, land use planning and construction matters.
 - **Times Group**, in the land use approvals with respect to various projects.
 - **ONE Properties**, in the land assembly and development of downtown Toronto properties.
 - **SAAM Holdings**, in the land use approvals, hotel agreements, condominium creation and sales of a major mixed use project.
 - **Metrus Properties**, in the development of a one million square foot Walmart Distribution Centre.
 - Various condominium corporations, in design and construction deficiency actions against developers and prime consultants.
 - General contractor, in negotiating and drafting a construction management agreement with respect to the construction of a retail facility.
 - Food products company, in negotiating and drafting a design-build contract for the construction of a storage facility.
 - **Tarn Construction**, in all aspects of the redevelopment of a five tower mixed-use project.
 - **Ryerson University**, in development applications and municipal agreements.
 - **1 Bloor East**, in the land use approvals of a mixed use tower.
- **Mining and Metals**
 - Coal mining company, in preparing standard form procurement documents for use on a Western Canadian coal project and operations.
 - International aluminum producer, in the negotiation of its standard-form procurement documentation for use on a middle-east project.
 - A publicly traded oil sands company with an engineering, procurement and construction contract for its mining project, including onshore/offshore EPC and umbrella/wrap arrangements.
 - **North American Construction Group**, in the drafting and negotiation of the construction agreement with respect to the initial construction of Albian's Muskeg River Mine.
 - **Suncor**, in its \$3.4 billion Millennium Expansion Project of its Fort McMurray oil sands mining activities.



■ **Power**

- **ATCO Electric Ltd.**, in all procurement and construction-related matters for an approximately \$2-billion direct current transmission line and other line expansion and upgrades.
- **ATCO Electric Ltd.**, in the construction of its 500 kV DC Eastern Alberta Transmission Line, including the construction for 485 km of 500 kV DC line, towers and converter stations.
- **NexEra Resources**, in the construction and sale of a 30 MW solar PV power project.
- **GE Capital**, in the construction and sale of a 50 MW solar power project.
- Power producer, in the preparation and negotiation of procurement documents for use on various power projects in Western Canada, including EPC contracts implemented through a competitive bid/dual-FEED process.

■ **Dispute Resolution**

- National energy company, in defending a claim by a works contractor arising in the construction of a multi-billion-dollar oil sands project.
- International contractor, in ICC arbitration proceedings seated in London advancing a multi-million dollar claim arising from the construction of a gas processing plant in Oman.
- International pipeline contractor, in ICC arbitration proceedings seated in Mexico City advancing a multi-million dollar claim arising from the construction of a pipeline in Mexico.
- Turkish contractor, in ICC arbitration proceedings relating to multi-million dollar dispute arising from the construction of an offshore gas platform in the Black Sea.
- International energy company, in UNCITRAL arbitration proceedings relating to a gas field in Eastern Europe.
- Canadian oil services company, in ICC arbitration proceedings relating to ownership of energy interests in the Mediterranean Sea.
- International construction contractor, in ICC arbitration proceedings relating to offshore gas development in the Black Sea.
- Oil services company, in ICC arbitration proceedings relating to ownership of energy interests in Aegean Sea.
- Joint venture partner, in ICC arbitration proceedings relating to the ownership and operation of an oilfield in Indonesia.
- Pipeline contractor, in advancing multi-million dollar delay and lost productivity claims arising from the construction of a sour gas transmission pipeline in Alberta.
- Military services company, in a dispute subject to ICC arbitration with NATO relating to the supply airfield services in Afghanistan.
- Multinational cement manufacturer, in multi-million dollar ad hoc arbitration seated in Edmonton against a Canadian power producer in connection with the purchase and sale of classified and unclassified fly ash.
- A national energy company, in defending a multi-million dollar delay and lost productivity claim by a works contractor arising in the construction of a multi-billion dollar oil sands project.
- Pipeline company, in defending a delay and lost productivity claim arising in the construction of an oil and gas pipeline.
- International joint venture owners, in advancing a multi-million dollar insurance (property and BI) claim arising out of the construction and operation of a cooling tower.
- Consulting engineer, in a multi-party litigation and mediation proceedings arising in the construction of a large housing development.



- Insulation sub-contractor, in ICC arbitration proceedings advancing a multi-million dollar claim arising out of the construction of an LNG plant in Qatar.

Recent Recognitions

- **The Canadian Legal Lexpert Directory**
Consistently recommended, Construction Law, Calgary

Key Contacts

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