



## Ben Smith

### Senior Associate

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Ben is a technically strong construction disputes lawyer and adept problem solver with a particular interest in project advisory and risk management in the context of large-scale, complex disputes.

Ben has acted for main contractors, specialist subcontractors, consultants, owners and employers on a wide range of construction related disputes, relating to, for example, contract formation, delay and disruption, payment, variations, defects, retention and termination.

He has experience of a number of different dispute resolution forums, including the Technology and Construction Court, County Court, arbitration, expert determination, mediation and adjudication.

Ben spent a year with a FTSE 100 listed main contractor which gives him an appreciation of how his clients' businesses work and what informs the commercial decision-making process.

He also spent a year in Qatar embedded with a client advising on a number of high-value claims.

#### **Specialist expertise**

Ben specialises in advising on how to resolve or avoid construction disputes. He is familiar with the JCT, NEC, FIDIC standard form contracts and has advised on a large variety of disputes of differing complexity and value.

*Examples of Ben's expertise include:*

- acting for a Jamaican Employer in relation to claims for force majeure and other extensions of time raised by the EPC contractor on an oil and gas fired power station;
- acting for a UK Employer in relation to TCC proceedings arising out of the termination of the EPC contractor on an Energy from Waste plant;
- acting for a large UK Contractor in defending an adjudication brought by a subcontractor in relation to a disputed Compensation Event;
- acting for a large Italian oil and gas contractor on a \$1 billion plus arbitration in relation to the design, engineering and construction of an early production facility, pipelines, molten sulphur handling facilities and a sulphur granulation unit in Kuwait;
- acting for the wholly owned subsidiary of a large Italian oil and gas contractor in an arbitration to enforce a parent company guarantee against a Kazakh company;

- advising a large UK main contractor on a multi-million pound final account and design defects dispute in relation to a prestigious London hotel development;
- assisting with and advising a large UK main contractor on defending various £1 million plus design and construction defect claims, relating to, in particular, cladding, fire stopping, roofing/drainage, water ingress and nickel sulphide inclusions;
- assisting with and advising a large UK main contractor on negotiating a £500,000 settlement agreement for a live airport project;
- advising a large UK main contractor in relation to a number of subcontractor and supply chain disputes, relating to, in particular, payment, retention and termination;
- advising a large UK main contractor on its entitlement to £1million plus worth of compensation events under the NEC3 form of contract;
- acting for a large South African solar power company in an expert determination regarding the fitness for purpose and efficacy of the lightning protection system installed at two large solar power plants in South Africa;
- acting for a Nigerian company (one of Africa's largest conglomerates) on a multi-million dollar arbitration relating to the supply of equipment and materials for the construction of a new process plant;
- assisting with and advising on the termination of an operation and maintenance (O&M) contract in Senegal due to performance related issues with the O&M contractor and subsequent advice on the resolution of the following dispute between the parties;
- advising a Japanese/Turkish main contractor JV in relation to \$1 billion plus variation claims arising out of a large infrastructure project in Qatar;
- advising a London based contractor on a live and highly distressed, multi-million pound mixed residential/commercial development, in relation to exposure to liquidated damages, groundworks issues and compliance with technical and legal contractual requirements;
- advising a UK/Spanish contractor JV (acting as the main design and build contractor) in relation to a distressed ongoing PFI contract for a waste to energy plant;
- advising on payment provisions and entitlement to additional time and money under both the JCT and NEC forms of contract.