

MDA ATTORNEYS
CAPABILITY STATEMENT
INFRASTRUCTURE PROJECTS



Construction & Technology Attorneys

COMPANY PROFILE

Providing objective, innovative and practical solutions to contractual and commercial challenges, **MDA Attorneys (MDA)** work closely alongside our clients to offer a full range of legal services for large-scale construction projects in Sub-Saharan Africa and worldwide.

Our team of highly respected specialist lawyers and consultants provide business minded advice to ensure successful completion of complex construction projects. Our lawyers and consultants have the international qualifications, knowledge and practical experience required to address the on-going pressures inherent to the construction and technology sector.

We are committed to building long-term relationships with our clients to deliver ongoing value. Our objective and cost-effective approach to the challenges faced by our clients during the project lifecycle sees us tailoring each service offering to satisfy our clients' specific commercial objectives.

Our clients include domestic and international companies involved in major projects in the infrastructure, water management, petrochemical, mining, energy and building sectors.

MDA engages proactively with our clients to design strategies and assist clients in practically managing the implementation of these strategies through:

- 🔗 reducing the negative impact of commercial challenges on project deliverables;
- 🔗 minimising the opportunity for commercial risk events arising;
- 🔗 determining practical solutions to avoid conflict and dispute situations eventuating; and
- 🔗 dealing with disputes when they arise to achieve the most favourable results for our clients.

OUR SERVICES

MDA's comprehensive list of services are packaged into the following main categories:



CONTRACT DOCUMENTATION

MDA applies big-picture thinking while paying meticulous attention to detail in the contract documentation process to help clients realise their objectives.

The contract documentation service offering includes:

- project structuring;
- contract risk assessment;
- negotiation; and
- drafting all construction contract documentation.



COMMERCIAL SUPPORT

MDA's skilful application of contractual mechanisms and practical administrative insight supports clients through the construction project life cycle.

The commercial support service offering includes:

- site administration;
- claims management; and
- documentation, audits and 'lessons learnt' workshops.



DISPUTES

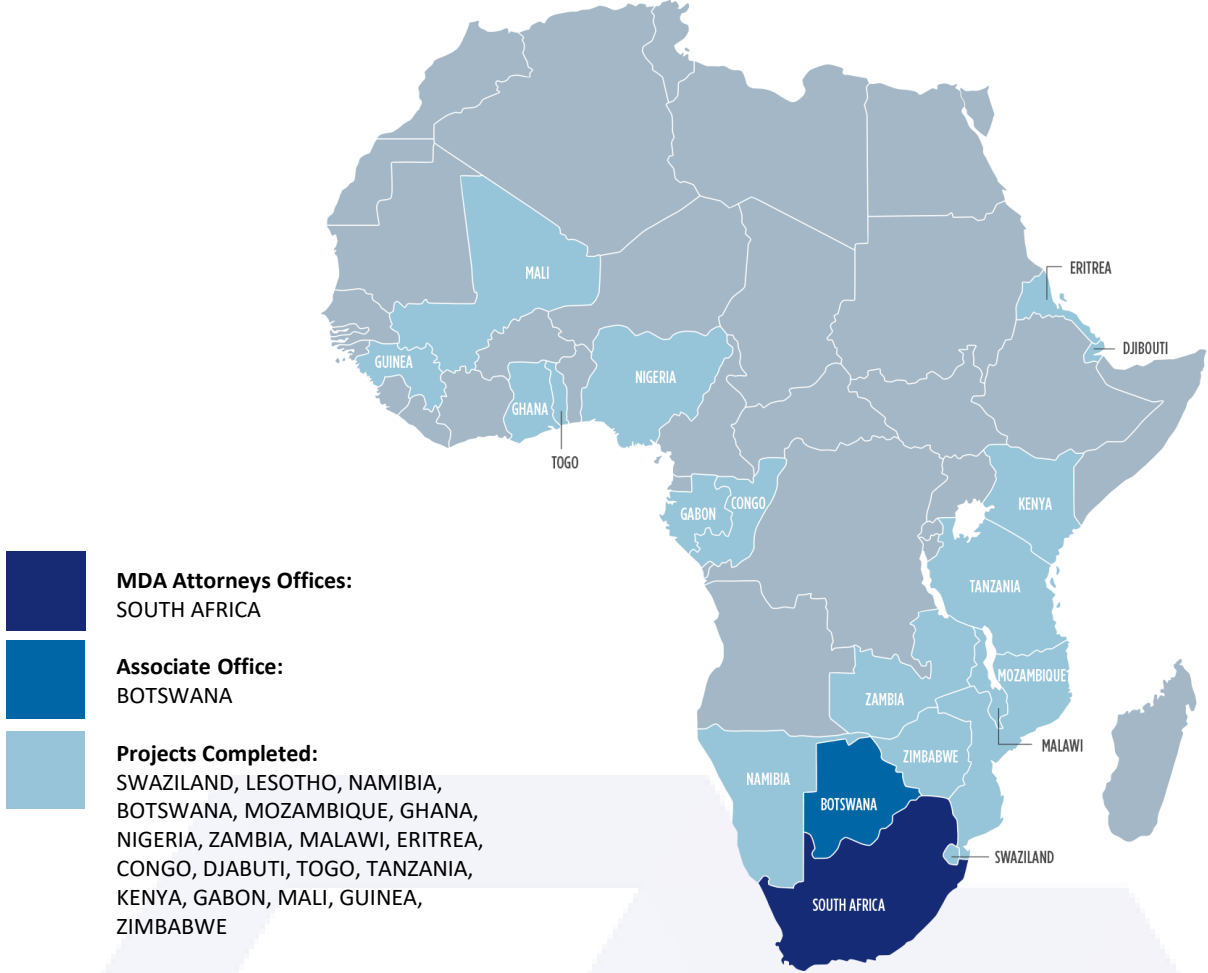
MDA's wealth of experience, objective advice and application of specific dispute-management and resolution services produces best possible results for clients.

MDA has positioned itself as the 'go to' specialist construction adjudication practice in South Africa.

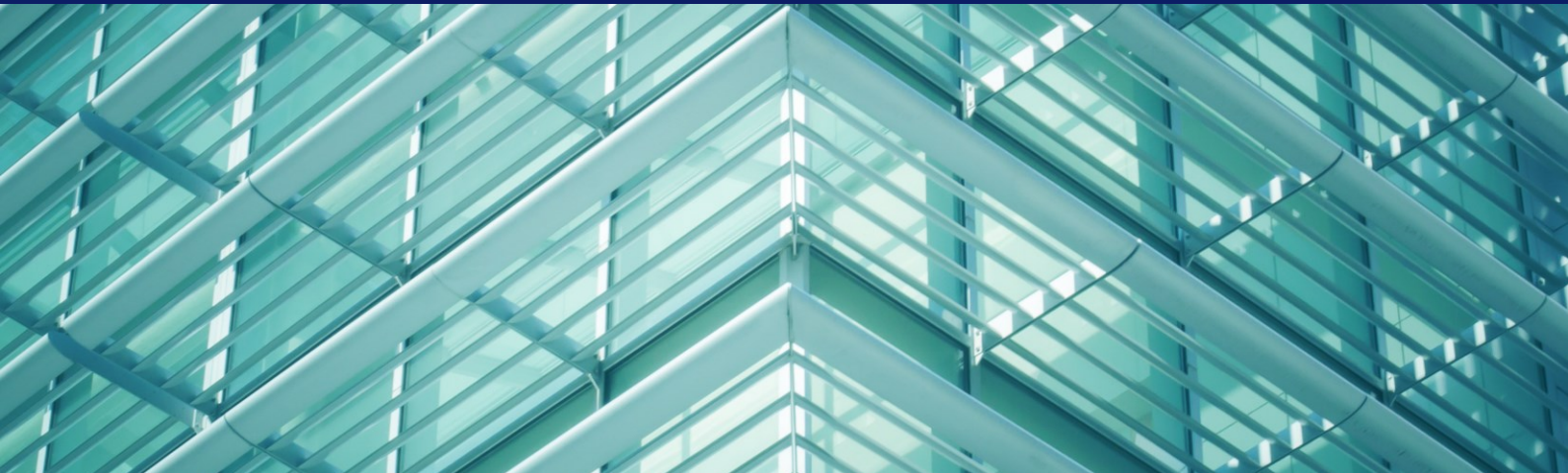
In addition to its specialisation in construction adjudication, the dispute management services offering includes:

- Alternative Dispute Resolution (ADR)
- Arbitration
- Litigation

OUR REACH



CREDENTIALS



CREDENTIALS – ROAD, RAIL & BRIDGE PROJECTS

CONTRACTS

- Assisted contractor with an NEC3 risk and contract review on the Durban Container Pier 2 contract.
- Assisted large African contractor with FIDIC contract drafting for the Wres Senqu Bridge JV – temporary and armament piling works contract in Lesotho.
- Assisted water contractor with a risk analysis and contract drafting for the Lebalelo Water Use Association – Olifants Management Model contract based on NEC.
- Assisted large South African contractor with drafting of JV agreement for the Clanwilliam Quarry project.
- Assisted large South African contractor FIDIC contract drafting on the Rand Water Upgrade tender work packages.
- Assisted client with FIDIC contract drafting for the New Manganese Export Terminal at the Port of Ngqura.
- Assisted road & civil contractor with risk analysis on a standard subcontract agreement.

TRAINING

- Conducted series of SANRAL FIDIC training to client, contractors and subcontractors.

COMMERCIAL SUPPORT

- Assisted road & civil contractor with a court interdict on the Kuruman project as well as advice on community delay issues on the SANRAL 248 Colesberg project.
- Assisted holding company with a dissatisfaction claim based on a bespoke contract for the Khulani Pedestrian Bridge.
- Provided ad-hoc opinion and advice to large roads contractor in relation to the Slovo – Masefane Road Encroachment contract.
- Provided contract administration to consulting engineers on Amsterdam Bulk Water Supply Scheme at Gabosch Dam.
- Provided commercial support to road contractor on the N3 Westville Viaduct to Paradise Valley Interchange project based on FIDIC contract.
- Assisted civils contractor with commercial support on the MR938 Road.
- Provided opinion and advice to road contractor on an Engineers determination for the Bierspruit project.
- Assisted IRT JV with contract administration services based on a JBCC contract for the IRT Phase 2a Govan Mbeki Road in Durban.
- Provided ad-hoc advice to blasting contractor on the N3 upgrade, Section 2 & 3 project.

DISPUTES

- Assisted contractor with High Court Litigation in relation to collection of outstanding amounts on the Gibela manufacturing complex in Dunnattar.
- Represented parts & service provider in Arbitration against Transnet SOC.
- Assisted consulting engineer with high court litigation for Kokstad contract.
- Assisted large roads contractor in Adjudication in relation to the Slovo-Masefane Road Encroachment contract.
- Represented large South African contractor with review application in relation to the new WWTW project in Vryburg.
- Represented large South African contractor with High Court Litigation on N2 Wild Coast Toll Highway Section 20 between Lingeni intersection and Msikaba Bridge.

CREDENTIALS – WATER PROJECTS

CONTRACTS

- Drafting, negotiating and finalising a build operate transfer contract, based on employers' in-house contract, for a mine water treatment plant at a colliery near Middelburg, South Africa.
- Drafting, negotiating and finalising the contract for the South African Coal Estates water treatment plant near Emalahleni, South Africa, based on FIDIC contract.
- Negotiating a professional services contract for the pre-feasibility study for a water treatment plant upgrade for a gold mine in Barberton, South Africa.
- Drafting and negotiating an operation services subcontract in respect of the main contract (FIDIC Gold Book) for a water treatment plant outside Maseru, Lesotho.
- Drafting and advising on full suite of contracts in respect of 2 new water treatment plants for a private client in Western Cape, South Africa (main contract, professional services contract and associated subcontracts).
- Tender review and risk assessment in respect of contract document proposed for mining and coarse tails, and fine tailings disposal on a build, own and operate basis.
- Assisted contractor with NEC3 contract advise on design, engineering, procurement, manufacturing and installation of sections of seawater reverse osmosis treatment works at Strandfontein in Western Cape, South Africa.
- Assisted on subcontract for Welvanpas Water Treatment project.
- Drafting and advising on full suite of contracts for the upgrade/ installation of water reticulation infrastructure near Asmara, Eritrea – based on FIDIC contract.
- Assisted international mining company on contracts for water waste treatment plant in Chile, based on FIDIC Suite.

TRAINING

- Conducted FIDIC and Claims in-house training for Swaziland Water.
- Conducted contract law and GCC in-house training for Umgeni Water.

COMMERCIAL SUPPORT

- Providing on-site commercial support to the main contractors on project for a 20km water pipeline near Emalahleni, South Africa based on a FIDIC contract.
- Assisted contractor with general commercial assistance and advice on contract for Wastewater Treatment works, near Stellenbosch, South Africa.
- Providing ad hoc commercial support to various water and sanitation projects in eThekweni and surrounds, South Africa based on GCC2010 form of contract.
- Provided commercial support to employer on a sewage reticulation contract in Swaziland.
- Provided commercial support on a water and sewer reticulation project in Botswana and successfully obtained extension of time in excess of 1,5 years and additional payment in excess of 250 million Pula (based on FIDIC Yellow Book contract).

DISPUTES

- Represented contractor in an Adjudication for the Ngaka Madiri Molema District Municipality Zeerust WWTW civil contract based on GCC form of contract.
- Represented large South African contractor with letter of demand for outstanding payment on the Riverton Waterworks project.
- Advised consulting firm on the Professional Services Agreement between themselves, the employer and the contractor on numerous dispute issues in respect of the contraction of a dam (57m high wall) and reticulation network (water treatment plant and over 100 km's of pipeline) in Kenya.
- Representing contractors in various adjudications for dam waterworks and pump station works for contracts in KwaZulu Natal, South Africa, based on GCC2010 form of contract.
- Member of Standing DAB on various dam, pipeline, pump station and water works projects.
- Assisted a local construction company pursue and defend a number of claims made via adjudication, arising from various water and sanitation projects governed by the provisions of the GCC 2010 and 2015.

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