



CONSTRUCTION

The construction contract requires management and governance tools capable of preventing and adequately dealing with the risks involved in the execution of works within the established deadlines and conditions. The diverse agents in the production chain, such as developers, builders, managers, and financiers, must pay attention to this activity complexity.

The professionals of TozziniFreire's Construction group have extensive experience in different types of agreements in the field, either from the perspective of the pricing regime (subcontracting or administration), or structures designed according to delivery methods, including EPC models, EPCM, Design & Build, CM@Risk, Alliance and General Contractor. Within these formats, the Construction group is familiar with the main international models, such as FIDIC (International Federation of Consulting Engineers), AIA and ICE.

Throughout the construction workflow, the group's multidisciplinary approach provides tools that assure maximum performance, through support in the mapping of main risks and drafting of respective action plans, continuous monitoring of compliance with the responsibilities and management of litigation. In addition to this direct engagement, the Construction group also offers knowledge transfer to the technical staff allocated by the client in the work, either through training of best practices or by the preparation of minutes containing the main documents that will be used in its execution. Our Construction group also has outstanding experience in the most diverse financing structures for construction, considering relevant current issues, such as the implementation of ESG (Environmental, Social, and Governance) best practices, including those related to Business & Human Rights and due diligence in the production chain.

The professionals of our Construction group use their expertise and contract management tools to both avoid conflict, by managing crises in construction projects, and efficiently solve those that are inevitable. For that, they count on in-depth knowledge acquired in successful disputes, settled through arbitration, mediation, dispute board and litigation, among others.

Our Construction team works on several large projects, including relevant infrastructure projects, with experience in interacting with the Government, the community and other stakeholders, understanding the particularities of administrative contracts for general regime, concessions, public-private partnerships, efficiency contracts and associated service provision.

/85

Partners

/500+

Lawyers

/30

Practice Areas

/25

Industry Groups

/6

Offices

SERVICES

- Drafting and negotiation of contract in support to the commercial and technical areas;
- Initial and periodic mapping of contractual risks;
- Crisis management;
- Implementation of contractual administration tools;
- Monitoring of possible deviations from the contract and drafting of plans of action;
- Litigation management;
- Assistance in the pre-litigation phase;
- Trainings for the technical-administrative team;
- Drafting and review of construction contracts, communications and documents, including licenses and authorizations before public authorities;
- Discussion, elaboration and negotiation of the most diverse financing structures for the construction;
- Assistance in opening, maintaining, adapting and closing the CNO (Brazilian National Register of Works) registration and obtaining the respective INSS Debt Clearance Certificates;
- Representation in administrative or judicial eventual litigation of a private nature or involving the Public Administration;
- Risk assessment and negotiations within the scope of administrative contracts, including concession and PPP (Private Public Partnership);
- Assistance in land, urban planning issues and related to the management and negotiation of public assets concerning the execution of the work.

EXPERIENCE

NOURYON

Multidisciplinary and comprehensive assistance in the structuring, elaboration and negotiation of a long-term contracts series signed by Suzano Papel e Celulose involving the supply of chemical specialties and the construction and operation of three plants under the EPC and BOO contracts.

MCCAIN DO BRASIL

Assistance in the land acquisition, preparation of construction contracts and contracts for the provision of services and supplies to subcontractors engaged in the construction of the new industrial plant in the city of Araxá/MG. Acting in contractual administration, promoting team alignment on contract deliverables and scope changes, focusing on conflict prevention.

MARKET LEADER IN INFRASTRUCTURE PROJECTS

Multidisciplinary assistance in crisis management related to an incident that occurred in urban mobility infrastructure works, focusing on the preservation of rights and defense of interests, in the face of administrative and judicial proceedings promoted by public authorities and control bodies of the Public Administration.

WESTROCK

Assistance in contract management, promoting the alignment of the team regarding deliverables of the construction contract and follow-up of modification orders and claims, focusing on conflict prevention, in a plant in the city of Porto Feliz (city in the state of São Paulo).

MARKET LEADER IN HEAVY MACHINERY

Arbitration between companies involved in the construction project of a pulp manufacturer. The client was responsible for supplying a boiler to the plant, and subcontracted the assembly of part of the equipment. The parties disagree on the application of penalties to the subcontracted company, as well as to what concerns losses caused by delays in the construction and other contractual evasions attributed to each other.

MULTINATIONAL OF THE ENERGY SECTOR

Arbitration between companies involved in a consortium for the construction of a hydroelectric power plant. The company responsible for civil works imputes damages to the supplier of turbines. A countervailing request alleges damages arisen from changes in civil projects and delays in the construction work.



**FURTHER INFO
ABOUT OUR
CONSTRUCTION AREA**

