

EPC Contracts

Core strengths

Simmons & Simmons offers a comprehensive service to its sector clients. We offer a total “life cycle” product which includes the following:

- Advice on procurement route; e.g. EPC or EPCM (see diagram).
- Review of project risk and ability of sponsor to monitor progress : consequent advice on the type of procurement model to be adopted.
- Analysis of standard form industry EPC contracts relevant to the specific sector.
- Drafting the EPC or EPCM contract document together with the heads of terms to guide negotiations.

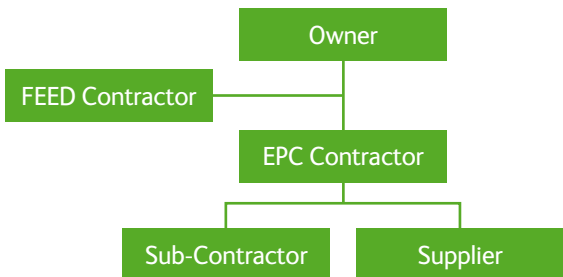
- Full negotiation strategy specifically adapted to the relevant project and the sector and taking into account the respective bargaining positions of all the stakeholders involved.
- Production of associated documentation including forms of sub-contract; guarantees; bonds; direct agreements; escrow accounts; novation arrangements, licensing of intellectual property, property licensing.
- Advice on timing and issuing of relevant Notices To Proceed, full involvement in contract administration and contract management during the course of any EPC contract.
- Advice and assistance on commissioning tests; requirements for acceptance; and protocols for decommissioning.

Expertise in practice

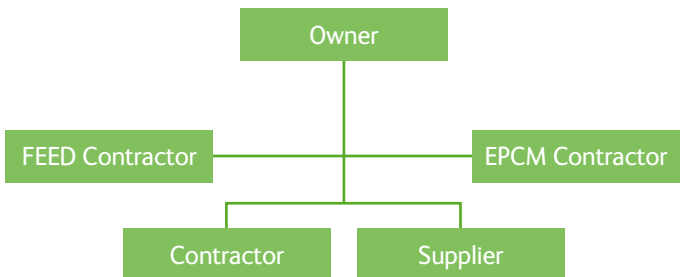
These are the areas in which EPC contracts have been drafted, negotiated or addressed:

- High speed rail
- Urban transportation systems
- Highways
- Energy from waste
- Solar developments
- Onshore and offshore wind power
- Mining
- Oil and gas
- Power projects

Example of comparison for EPC and EPCM contracting structures



- The Owner appoints the FEED Contractor and subsequently the EPC Contractor.
- The EPC Contractor is then responsible for further design work, placing of supply contracts and appointment of suitable sub-contractors.
- The EPC Contractor is then responsible for delivery of the project on budget, to schedule and to the required performance standards. This includes responsibility for ensuring that its sub-contractors and suppliers perform as required.



- The Owner appoints the FEED Contractor and the EPCM Contractor.
- The EPCM Contractor is then responsible for design work and procuring the appointment of the trade contractors and the necessary suppliers, on suitable terms. However the Owner, not the EPCM Contractor, is the party to each of those trade or supply contracts.
- The EPCM Contractor then monitors and administers the trade and supply contracts, however it is not directly responsible for breaches of those contracts.

Key international contacts

Key contact biographies can be viewed at simmons-simmons.com

Philip Vaughan

Abu Dhabi/ London

T +44 207 825 4204

E philip.vaughan@simmons-simmons.com

Luc Cohen

Amsterdam

T +31 20 722 2313

E luc.cohen@simmons-simmons.com

Simon Morgan

Beijing/Hong Kong

T +86 10 8588 4518

E simon.morgan@simmons-simmons.com

Philip Norman

Doha

T +9744 409 6747

E philip.norman@simmons-simmons.com

David Risbridger

Dubai

T +97147096 649

E david.risbridger@simmons-simmons.com

Richard Dyton

London

T +44 207 825 4203

E richard.dyton@simmons-simmons.com

Navneet Juty

London

T +44 207 825 3984

E navneet.juty@simmons-simmons.com

Yves Baratte

Paris

T +33 153 291 614

E yves.baratte@simmon-simmons.com

Simon Ratledge

Paris

T +33 153 291 601

E simon.ratledge@simmons-simmons.com

Bree Miechel

Singapore

T +65 6831 5627

E bree.miechel@simmons-simmons.com

simmons-simmons.com

elexica.com

[@SimmonsLLP](https://twitter.com/SimmonsLLP)

elexica.com is the award winning online legal resource of Simmons & Simmons

© Simmons & Simmons LLP 2014. All rights reserved, and all moral rights are asserted and reserved.

This document is for general guidance only. It does not contain definitive advice. SIMMONS & SIMMONS and S&S are registered trade marks of Simmons & Simmons LLP.

Simmons & Simmons is an international legal practice carried on by Simmons & Simmons LLP and its affiliated practices. Accordingly, references to Simmons & Simmons mean Simmons & Simmons LLP and the other partnerships and other entities or practices authorised to use the name "Simmons & Simmons" or one or more of those practices as the context requires. The word "partner" refers to a member of Simmons & Simmons LLP or an employee or consultant with equivalent standing and qualifications or to an individual with equivalent status in one of Simmons & Simmons LLP's affiliated practices. For further information on the international entities and practices, refer to simmons-simmons.com/legalresp

Simmons & Simmons LLP is a limited liability partnership registered in England & Wales with number OC352713 and with its registered office at CityPoint, One Ropemaker Street, London EC2Y 9SS. It is authorised and regulated by the Solicitors Regulation Authority.

A list of members and other partners together with their professional qualifications is available for inspection at the above address.