

Representative Legal Matters

Alex Hartmann

Non-contentious infrastructure and major projects

- Advised Pembroke Real Estate on the AUD 100 million+ refurbishment and subsequent lease of its 20 Martin Place property including early contractor involvement deed, design and construct contract, consultancy agreements and construction aspects of the subsequent agreement for lease.
- Advised ALDI in relation to warehouse construction, mixed-use developments, automated stock handling and dispatch system installation, region-wide store upgrade programs, rooftop solar installation and development of suite of construction, consultancy services and goods supply and installation contracts.
- Advised University of Technology Sydney (UTS) on precinct scale Haymarket Development proposal for one of Sydney CBD's potential largest redevelopment sites, preparation construction contracts used as base contracts for major projects, advising on appointment of architect to Broadway Building project; advising on contract administration, variation and dispute resolution issues across several projects, advising on UTS Central Project for demolition and rebuilding of Building 2.
- Advised HomeCo on the suite of contracts for rooftop solar installation across portfolio of large retail premises.
- Advised Wet'n'Wild Sydney on a management contracting agreement for the construction of the AUD 120 million Wet'n'Wild Sydney aquatic leisure park (with 42 slides and attractions including a wave pool and beach with surfable generated wave).
- Advised Australia Broadcasting Corporation on ACP-related issues and a remediation works contract for Ultimo studios and offices; drafted contracts for refit of Ultimo offices and move of staff to new Parramatta premises.
- Negotiated Caterpillar's framework agreement for the five-year worldwide supply of mining equipment to a global mining company for use in mines in Australia, US, Canada, Mongolia and Africa.
- Advised the owner of Four Points Hotel on negotiating an agreement for access to and maintenance of NSW Roads and Maritime Services' roadway to enable expansion of the hotel.
- Prepared a suite of construction contracts for University of Canberra and delivered a presentation regarding the use of contracts.
- Drafted (2014) and updated (2021) multi-jurisdictional contracts of a global technology company for use across 10 jurisdictions in the Asia-Pacific region; advised on refurbishment of a heritage building proposed as new Australian offices.

- Completed the review and amendment of Lendlease's suite of contracts used throughout Australia including Lendlease's template minor works deed, external plant hire agreement, supply deed, labour hire agreement, minor services deed and major subcontract.
- Advised Credit Suisse on development agreements for large commercial property developments in Perth, Brisbane and Sydney.
- Advised major telecommunications company on contracts with a value in excess of A\$ 350 million for the design and construction and upgrade of mobile telephone towers across Australia.
- Drafted and negotiated Queensland Motorways agreement for provision of motorway management and consultancy services to be entered into between members of bidding consortium.
- Advised engineering and procurement contractor for iron ore processing plant on the implications of insolvency of a consortium member and on re-contracting of residual scope of work in excess of AUD 500 million.
- Advised Sydney Water in drafting and negotiating 20-year operations and maintenance agreement for a desalination plant, including on post-contract issues relating to contract administration and access to third-party land.
- Negotiated terms of Sydney Glebe Island Temporary Exhibition Centre's agreement for supply, installation, hire and removal of 20,000m² of temporary buildings.
- Advised a rail signalling contractor on drafting, negotiation and variation of AUD 600 million tripartite alliance agreement with ARTC and John Holland Rail for the upgrade of track and signalling between Melbourne and Sydney.
- Drafted design and construction and maintenance contracts for installation of bores, pipes and metering for water supply to Broken Hill. Advised on mode of procurement, contract drafting and tendering of Commonwealth-funded meter installation and maintenance program for Murray and Murrumbidgee catchments.
- Advised WaterNSW on twin ECI and Alliance procurement regime for the raising of Warragamba Dam wall, Sydney (project cancelled upon the change of government).
- Acted on the NSW government's AUD 5.3 billion energy reform arrangements, including the review of multiple operations and maintenance and supply agreements and the preparation of due diligence reports.
- Advised Emirates Hotels over a three-year period on procurement strategy, drafting and negotiation of construction and consultant agreements, supply and utility contracts.
- Drafted and negotiated Fortius Funds Management's contracts for the MidCity shopping complex in Sydney for accelerated retail opening, Pitt St Mall upgrade works and facilities management and on the facade cladding and internal refit of commercial properties in Sydney, Melbourne and Brisbane, and substantial

remodelling for construction of Fortress 'The Home of Games' (Broadway) and HomeHQ Artarmon.

- Drafted and negotiated the managing contractor agreement for the construction and fitout of Foxtel's Sydney studios and offices.
- Advised on the drafting and negotiation of construction management contract for expansion of North Shore Private Hospital and associated car parking facilities, including consideration of specific issues relating to effect of construction works on hospital operations.
- Advised Indigenous Land Corporation on its redevelopment of the heritage ex Redfern Public School into the National Centre of Indigenous Excellence including hostel accommodation, gymnasium, swimming pool, sporting fields and offices.
- Advised an investor on a series of design services agreements for Laguna Resort, Hue, Vietnam and Fugirri resort, Maldives.
- Advised Global Waste Company on drafting, tendering and negotiation of contracts for design, supply and installation of large composters for waste PPP; the procurement of a fleet of waste transfer trailers and construction of waste containment cells.
- Advised a toll road operator on novation of rights under an operations agreement on the sale of motorway.
- Advised a member of OneLink consortium in preparation for a major variations claim against Victorian Public Transport Corporation including successive interim standstill agreements. Advised on refinancing and assignment documents after extensive negotiation with consortium members, financiers and the Victorian government.
- Acted for WorleyParsons in various projects including drafting standard domestic and international versions of terms and conditions for engineering consultancy, advising on FIDIC contract and conducting numerous tender and contract risk reviews.
- Acted for Telco on works including drafting and negotiating a contract for construction of high-tech clean room photonics manufacturing facility and installation contracts with Telstra for rollout of CDMA technology in telephone exchanges across Australia.
- Drafted design and construction contract for refurbishment of a heritage listed office building as five-star hotel, including provision for substantial heavy lifting engineering work.
- Drafted and negotiated construct-only and design and construct contracts for large warehouses and factory facilities in Sydney and Melbourne.
- Drafted and negotiated fit out contracts for retail outlets and showrooms across Australia for Mercedes, Louis Vuitton, Levi's, Tiffany, Ferragamo, Abercrombie and Fitch, and Gucci.
- Drafted and negotiated contract for construction of covering barns and other structures for Darley Horse Stud, Seymour, Victoria.

- Drafted suite of contracts for construction of nickel processing plant for Queensland Pacific Metals.

Dispute resolution

- Acted for one of world's leading wall cladding manufacturers and installers in relation to disputes on two major hospital projects and in defence of Supreme Court ACP litigation.
- Advised rail suppliers on transport-related claims including adjudications, mediations and commercial dispute resolution regarding supply of signalling, traction power supply and platform safety equipment.
- Advised General Electric on disputes in relation to the supply and installation of electrical transformer equipment including successful recoveries in adjudications.
- Advised a major contractor on defence and subsequent commercial resolution of two NSW Supreme Court proceedings involving claims under vendor warranties given by the client in relation to construction contracts novated under asset purchase agreement.
- Advised a leading supplier of inverters in relation to performance-related issues and unpaid supply and O&M payments in consequent claims arising on a number of solar projects.
- Acted in the successful resolution of very large claim for delay, variation and breach of contract claims arising from construction and upgrades to mobile telephone towers including renegotiation of contract terms for a telecommunications company.
- Advised a facilities manager on legal entitlement and drafting of a series of variation claims by the provider of Soft FM services to PPP entity and ultimately against a government department.
- Defended a state-owned corporation in a NSW Supreme Court claim by an unsuccessful tenderer arising from tenders allegedly procured by collusion and subject to ICAC investigation.
- Acted for a nickel mine, including defending it in international arbitration proceedings arising from a dispute over a relationship-based contract, and advising on pipework fabrication defects and in relation to defects in power supply equipment.
- Advised Koniambo Nickel in relation to claims under EPCM and equipment supply contracts in relation to the construction of the Koniambo process plant.
- Acted for the operator of multiple government facilities in defending an "asset uplift" variation claim for claimed maintenance of additional assets over extended duration.
- Advised HVAC contractor on contractual liability and remediation claims arising from performance of relevant system, including advice on dispute management strategies.
- Advised a mining company on a dispute with council regarding disputed rates liability and on termination of contract mining contractor and negotiation of settlement terms

and defended Security of Payment claims and subsequent NSW Supreme Court litigation.

- Defended a state-owned corporation in a AUD 60 million contractor claim for variation and delay costs arising from construction of high voltage power line in expert determination and subsequent resolution of residual issues by commercial negotiation.
- Defended a state-owned corporation in multiple variation, latent conditions and flood-related claims totalling in excess of AUD 60 million. Advised on related entitlement to bring claim under inter-governmental funding agreement.
- Acted for both claimants and recipients of payment claims in more than 60 disputes including a number of matters where recipients of claims achieved either withdrawal or complete rejection of claims by adjudicators. Industry sectors include mining, commercial property, waste disposal, universities, office fit out, motorway maintenance and industrial maintenance.
- Acted for Toyo Engineering Corporation in major ICC international arbitration against John Holland heard in Vancouver, Canada. Intensive fast track proceedings requiring rapid preparation for hearing in document intensive dispute. Favourable award to Toyo.
- Acted for a developer of solar farms in relation to the negotiation of settlement terms and subsequent drafting formal terms for resolution of claims made by liquidator of EPC contractor.
- Acted for a construction manager in relation to a dispute with the developer of a solar project, including responding to contract notices, commencing dispute resolution procedures and advising on related shareholder dispute issues.
- Acted for both claimants and respondents in over 50 adjudications with claimed amounts up to AUD 45 million. Significant successes in acting for respondents in achieving nil or low payments in subsequent adjudication determinations.
- Defended Water NSW in multiple security of payment adjudication applications (one in excess of AUD 40 million), resulting in nil or predicted liability; subsequent resolution of dispute by commercial negotiation.
- Advised the Australian Broadcasting Corporation in relation to potential claims arising from aluminium composite panels and the subsequent building remediation contract. Advised on further office fitout and reconfiguration programmes.