

## Ray O'Connor

Partner

**Birmingham**

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### About Ray

Ray O'Connor is a partner in our Construction & Engineering team, focusing on both contentious and noncontentious aspects of major construction and engineering projects relating to:

- **Major infrastructure and developments** – Including city-scale redevelopments, rail, sea defence, hotels, sport and leisure venues, education, museums and health facilities
- **Energy projects** – Including conventional power, combined heat and power (CHP), renewables and energy services contracts (including long term operation and maintenance (O&M) contracts) whether generating side or associated with energy intensive users
- **Manufacturing/industrial and process** – Including circular economy projects, warehouse management systems, ethanol production, waste and water treatment facilities

With over 20 years' experience in the construction and engineering arena and having worked both in-house and internationally, Ray brings a wealth of legal and commercial experience to navigate complex, high value projects and disputes. With his "deals" and "disputes" expertise, clients benefit from seamless support throughout the whole life of their projects.

Ray has been consistently ranked in the leading legal client guides. In the latest editions of *Chambers and Partners UK*, he is described as "adept at handling disputes", an "exceptional individual", and "a pleasure to work with" who "provides confident, well-judged advice and support on the most complex issues". *Legal 500* ranks Ray as a Leading Partner who is a "specialist in complex dispute proceedings" whose "availability is amazing and who is always thinking ahead".

### Experience

#### Major Infrastructure/Development

- Advising a Middle East developer (in-house) in relation to all construction issues associated with the procurement and construction of a flagship US\$5 billion regeneration in the centre of Doha, Qatar. This included reviewing, amending, drafting, negotiating, providing training and workshops on the following:
  - Various consultant appointments (FIDIC with particular conditions of the contract and entirely bespoke forms)
  - FIDIC Red/Yellow Book and Particular Condition and bespoke forms of construction contracts
  - Letters of Award/Letters of Intent
  - DBOM for district cooling and vacuum waste management (Yellow/Gold Book variants)
  - Bespoke short-form goods, works and services procurement contracts
  - Bespoke value engineering and non-disclosure agreements to facilitate pre-tender value engineering of high-value/higher cost risk items
  - Joint venture arrangements with an international hotel operator and associated construction contracts
  - Innovative framework concrete supply agreement/license arrangements for large-scale concrete supply
- Advising Centro, the UK government agency responsible for the delivery of transport and infrastructure projects, in relation to claims arising from the £20 million construction of a second access way, and in relation to a transport interchange development (bus, rail and light rail interchange) in the city of Wolverhampton.
- Analysing contracts and advising an international contractor in relation to potential claims connected with variations and delays in respect of the new Doha International Airport.
- Drafting, negotiating and tendering NEC3-based contracts for the entire upgrade of the oldest tram system in the UK (including 15 kilometres of new track, 74 new tram stops, various highway junctions and a new depot, maintenance and stabling facility).
- Negotiating large-scale fit-out contracts in respect of the Vox and Resorts World and dealing with disputes on other newbuild conference centres in the UK.
- Advising a Qatari developer in relation to the suspension and termination of one of its lead consultants, including reviewing complex associated claims and counterclaims under Qatari law. The matter was settled following exchange of pre-court position statements and commercial negotiations.
- Representing a client in defence of claims associated with a large-scale conference centre development.
- Drafting one of the largest joint employer advance design consultancy agreements for the extension of the Nottingham Tram system (NET2) and running the entire procurement process.
- Advising in relation to a circa £100 million-plus mixed-use development as part of the regeneration of Reading Town Centre.
- Advising various developers in connection with delay and disruption claims for large-scale residential developments in the UK.
- Advising on NEC4-based contracts for the construction of highways works in the UK.
- Providing construction and development-related advice to an international hotel operator in relation to hotels in Qatar and in the UK.
- Advising on several cladding-related disputes for clients in the hospitality sector.
- Advising on contracts and disputes for various sporting arenas, as well as drafting bespoke seating and installation contracts in sporting and entertainment arenas in the UK.

- Dealing with insolvency of the Buckingham Group and successful project restructuring for a football club in the UK.
- Negotiating various contracts for projects including Legoland, Aquatics Centre in the US and vertical theme park projects in China.
- Drafting and negotiating international supply and erection contracts (heavy plant and bunkers) for a strategic grain security programme in the Middle East.
- Advising on various disputes associated with defective headquarters and film studios for well-known broadcasters based in the UK.
- Drafting and negotiating contracts and integrated procurement advice for the design and construction of a two-kilometre livestock management and slaughterhouse facility including integrated processing plant facilities, separate supply agreements (nomination and novation), head office facilities, accommodation, sewage and wastewater treatment plants.
- Advising in relation to the implementation of a light rail system into a mixed-use development in the Middle East.
- Reviewing and amending consultancy agreements for the proposed new golf course at Education City, Doha.
- Advising on the redevelopment of golf courses in the UK.
- Advising on various contracts and disputes associated with coastal defence schemes in the UK.
- Drafting and negotiating district cooling contracts and vacuum waste contracts and associated O&M arrangement based on FIDIC Gold Book for a Middle East developer.
- Advising the Royal Bank of Scotland, Barclays, HSBC, the Bank of Ireland and various other banks on the construction aspects of numerous real estate finance/secured lending projects.

### **Energy Projects**

- Advising the main contractor in disputes up and down the contractual chain regarding the construction of Europe's largest substation.
- Advising across the portfolio of CCGT power stations, including EPC and O&M/CSA arrangements and upgrades at Severn Power Station, Sutton Bridge and Baglan Bay. In relation to Willington (albeit not ultimately entered into) negotiating new EPC and interface with new contractual service agreements (CSA) and O&M agreements for the construction of a new, over 1,400MW CCGT power plant in Derby with various contractors (including Siemens, GE and Black & Veatch).
- Advising Eastbrook Studios and Hackman Capital in relation to various film and studio construction projects in the UK and Ireland, including the £170 million-plus film studio being developed in Dagenham, UK.
- Advising on various disputes in relation to battery storage projects in the UK and Ireland.
- Advising on various black start projects and upgrades to existing OCGT/CCGT power stations and synchronisation plants for various clients.
- Advising on interim payment contracts (IPC) for the installation of over 20 kilometres of HV cabling and primary and secondary substations for a heavy power use facility being manufactured in the UK. This required bespoke interface agreements with D&B contractor.
- Advising ABB Limited in relation to various energy services/combined heat and power projects (circa 2MW-8 MW) in the public and private sectors. The contracts are bespoke forms and include long-term operation and maintenance (circa 10 to 15 years).
- Provision of advice in relation to construction works at a major leisure and sporting facility in Birmingham, including advice and negotiations in relation to separate energy services contracts to provide heat and power over a 15-year term.

- Advising the Carbon & Energy Fund in relation to several projects under its £1.2 billion investment programme across the NHS hospital estate CHP and related systems and construction works including long-term circa 15-year O&M regimes. This involved bespoke contracts based on NHS PFI contract.
- Advising on various CHP retrofit and maintenance schemes for a number of hotels across the UK in order to drive energy efficiencies and savings guarantees.
- Advising the Natural History Museum, London, on its energy services agreement including refurbishment works on the busy museum estate. This includes a 15-year operation, maintenance and heat/power supply arrangement.
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- Advising on government memoranda of understanding/joint venture arrangements and project structuring for a circa US\$220 million power line in Sudan (including issues associated with a circa US\$90 million canal system from the River Nile and repayment via a power purchase agreement) needed for the proposed development of a circa US\$1 billion 250,000-acre farm in Sudan.
- Advising on various subsea cabling contracts and claims management advice associated with the successful interconnector project between UK and Belgium, Project NEMO.
- Advising on EPC and O&M interfaces and drafting contracts for large-scale localised intensive energy generation servicing data centre developments in Ireland.
- Acting for a main contractor, EnerG Combined Power Limited, in relation to numerous contracts in the public and private sectors for the provision of energy services and CHP process plant to be designed, built and operated by the main contractor.
- Advising on disputes (upstream and downstream) for a Tier 1 contractor and contract issues associated with wind farm projects in the UK.
- Advising on bespoke drafting for a large-scale energy-from-waste project in London.
- Advising on engineering and construction documentation in relation to a corporate transaction valued at approximately £1.5 billion in the power sector.
- Advising on the EPC and O&M wrap (FIDIC-based) for generating assets for a power station in Hungary.

- **Manufacturing/Industrial and Process**

- Advising Circular Resources in the roll out of patented WEEE recycling projects in the UK and Australia with licensing arrangements for projects across the globe.
- Advising on suitability of plant and engineering contracts in connection with the acquisition of a processing facility/company in the Middle East.
- Acting for a design and engineering division of Amec, defending court proceedings in relation to the design and construction of a cutting-edge medical production facility in the UK. Matter settled following facilitative mediation.
- Advising and representing in an international arbitration proceeding the largest ethanol producer in Hungary in relation to issues with its main production facility
- Advising a household waste management company under an NEC option C, target cost contract in relation to the construction of a waste treatment facility, involving claims in relation to defective design and/or workmanship. The matter settled by way of facilitative mediation.
- Advising on various warehouse management systems, racking and processing installations for large distribution centres throughout the UK for which bespoke forms of installation and maintenance contracts were required.
- Advising on stakeholder interface agreements and bespoke FIDIC conditions and procurement documents for a design, project management and construction contract in relation to a new 270,000 MT grain handling terminal and associated mega grain handling facilities/process plant at the new port project being constructed in Qatar, with an estimated capital cost of US\$137 million.
- Advising on several disputes in the water sector and waste and water treatment facilities.
- Advising on disputes and restructuring in relation to a large-scale energy-from-waste project.
- Advising on various international disputes in the manufacturing and process engineering space, including a brick building factory in Iraq and oil and gas processing plants in Qatar.

## Credentials

### Education

- University of Reading, LL.B., 1998
- De Montfort University, L.P.C., 1999

### Admissions

- England and Wales

## Recognitions

- A "Leading Partner" for Construction, West Midlands, in *Legal 500 UK*
- Recommended in *Chambers & Partners UK* for Construction, Midlands

- Quotes from *Legal 500* and *Chambers* include:
  - "Adept at handling construction disputes"
  - "Simply a fantastic resource for us to rely on"
  - "Significant commercial awareness in finding potential solutions to problems"
  - "Bright, quick of thought, and of action"
  - "Praised for his capabilities in multijurisdictional energy project disputes"
  - "Exceptional individual"
  - "A pleasure to work with"
  - "Ray provides confident, well-judged advice and support on the most complex issues"
  - "Specialist in complex dispute proceedings"
  - "Availability is amazing who is always thinking ahead"

## Expertise

### Services

- Litigation

### Industries

- Construction & Engineering
- Energy & Natural Resources
- Infrastructure

## Publications & Speaking Engagements

- Co-author, *Business Laws of Kuwait and Qatar*, Thomson Reuters
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## About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.