

Construction

project

support



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Feasibility study of the start of construction

Before starting construction, it is necessary to make sure that it is compliant with legal and regulatory requirements and construction contract covers key potential risks (e.g. significant delays, overspending on budgets, bankrupt general contractors etc.). Our team will help you to identify construction constraints and will perform a comprehensive legal review of the terms and conditions of construction contracts to get your project off to a great start and keep it moving in the right direction.

- ❑ Legal analysis of the history of Object (in case restoration/reconstruction) and/or history of the land plot from the prospective of potential adverse effect on the construction
- ❑ Legal analysis of city planning documentation in terms of legality of current location and parameters of the Object (in particular its designation/purposes use, area etc.), identification of potential risks, advise as to their minimization
- ❑ Cultural heritage check (Object and/or land plot, protection zones etc.), identification of potential risks, advise as to their minimization
- ❑ Legal analysis of investment structure into the Object; further optimization thereof
- ❑ Review of presence of any encumbrances, third party's rights with respect to the Object and underlying land plot, identification of potential risks, advise as to their minimization
- ❑ Legal analysis of the terms and conditions of the Construction contract from the prospective of optimal Object construction and commissioning, compliance with legal and regulatory requirements, Client's interests; identification of doubtful provisions (in light of the above), and vice as to their elimination and amendment



Progress review

Control must be ensured both during and after construction. Our specialists will carry out a project implementation analysis, including a review of actual delivery against the scope and cost of work to identify any differences with incurred expenses. They will also review contractor selection procedures to identify affiliated companies and estimate potential damages.

- ❑ Legal check of compliance with licensing and other regulatory requirements of the general contractor (other contractors/subcontractors)
- ❑ Legal analysis of project and permissive documentation obtained up to the current stage of construction in terms of its completion, fulfilment of legal requirements etc.; identification of the most crucial legal defects/omissions, which might affect further construction, commissioning and operation of the Object
- ❑ Analysis of the degree of readiness of facilities under construction
- ❑ Monitoring of documents confirming expenses actually incurred by the contractor and billed for payment to the customer
- ❑ Analysis of the contractor's reporting to the customer for correctness, completeness and consistency
- ❑ Visual analysis of the work performed for compliance with design and normative-technical documentation
- ❑ Analysis of accounting and elimination of orders of supervisory authorities
- ❑ Legal due diligence of the Object and underlying land plot, rights of the developer/third parties thereto, identification of potential risks, advise as to their minimization
- ❑ Review of technical documents on commissioning of the Object in accordance with Ukrainian law, identification of potential risks, advise as to their minimization

No construction project is immune to risks such as budget overruns, delays, poor work quality, unreasonable overstatement of operating expenses, or conflicts with a general contractor or project partner.

Our team provides support to clients throughout all construction project implementation stages, from the initial feasibility study to commercial operation of facilities. Our team includes experts experienced in capital construction, forensics and legal and tax advice.

Based on our more than 20 years expertise in real estate and construction sector in Ukraine we are sure, that earliest possible professional and very practical (assuming today's realities) forensic and legal analysis and advice are crucial for the purpose of risks awareness and elimination, risk averse, costs, efforts and time saving construction.



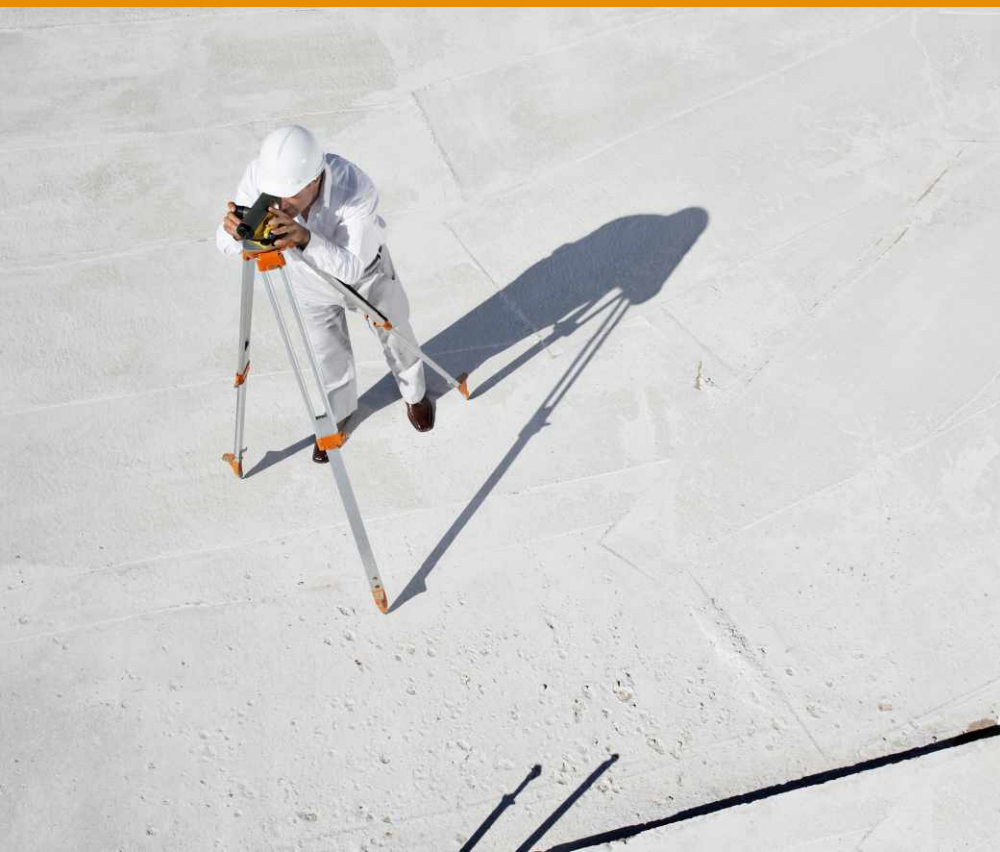


Delay analysis

Project delays and budget overruns can be caused by many factors, from poor planning to unforeseen changes in construction conditions. Our experts will help you to clearly identify the causes of delays and assess their impact on project implementation costs to establish an approach for preventing delays in the future.

Identification of the reasons for the increase in construction timing / budget and analysis of their validity:

- retrospective analysis of construction and installation delays
- identifying anticipated delays going forward
- development of programs to accelerate construction and installation work



Disputes resolution support

Our team has unique experience in analyzing critical factors that cause project implementation delays, affect project management or underlie similar disputes. When contractual terms are amended and review is required, we provide our clients with clarifications on changes in planned project parameters and assess their impact on the project's financial results.

- Legal review of pending court disputes regarding the Object, including their potential impact on key permits/licenses, or rights to the Object or underlying land plot
- Analysis of claims filed by the General Contractor / subcontractors for compliance with technical conditions
- Development of responses to submitted claims
- Development of the technical component for the purpose of filing claims to the General Contractor / subcontractors due to the varying scope of work, late submission of reports, force majeure, etc.
- Analysis and quantitative assessment of damage resulting from violation of the terms of the contract, termination of the contract, professional bad faith, termination of activities, fulfillment of mandatory purchase orders and implementation of the procurement process within the framework of construction
- Acting as an expert witness



Forensic investigations

Engaging contractors and subcontractors, involving agents, establishing contractual arrangements and obtaining approvals from government authorities can be fraught with a high level of construction fraud risk. Our team includes experienced technical specialists and forensic experts who will help you investigate suspicious activities.

- Analysis of the presence of expenses not related to the implementation of the project based on the analysis of primary technical and accounting documentation
- Analysis of the absence of duplications in the amounts presented for payment, the values of the work and materials performed

- Analysis of documents confirming the costs actually incurred by the contractor and billed for payment to the customer
- Analysis of the compliance of the main characteristics of the materials used, products, components, machines and equipment with the requirements of design and working documentation
- Visual analysis of the work performed for compliance with design and technical documentation
- Analysis of the target nature of expenses on the amount of work and materials presented for payment

- Analysis of the compliance of the types and volumes of work and materials declared in the acts with the design and working documentation, the actually completed / delivered volumes, the terms of the concluded contracts, etc.
- Legal analysis of criminal cases against management of the Project or of the Object, identification of potential risks, advise as to their minimization
- Collection and study of information from open sources and devices (i.e. laptops, smartphones, etc.) aimed at identification of potential affiliation between construction contractor and management of the unit responsible for construction



Contact us

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