



## Nicola J. Ellis

### Partner

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### OVERVIEW

Nicola Ellis is partner in the construction and infrastructure practice area and a member of the rail group. She acts for clients on non-contentious matters, including advising on negotiating and drafting construction documentation and the various forms of dispute resolution. Nicola has extensive experience advising on construction and infrastructure projects, acting for developers, contractors and consultants on numerous standard form contracts (particularly NEC, FIDIC and JCT) and appointments, as well as bespoke forms. Nicola also advises on the construction arrangements for a range of international infrastructure projects including LNG and renewable energy power projects. Nicola advised the Royal Institute of Chartered Surveyors as part of the drafting committee on the 2019 update to its Standard Form Consultants' Appointment.

She has worked on numerous rail projects around the world including both 'brownfield' and 'greenfield' rail signaling projects in the UK, Qatar and Malaysia. Nicola has extensive experience of NEC3 and 4 and regularly lectures on the subject.

### PROFESSIONAL BACKGROUND

Nicola joined the firm in April 2012. She previously worked within the construction and engineering team at another city law firm, which she joined on qualification in 2006.

Nicola has also been seconded to the legal departments of two global engineering companies, where she worked in-house advising on various non-contentious projects in the areas of rail, highways and transportation and oil and gas.

### EDUCATION

- Legal Practice Course, BPP Law School, 2004
- LL.B., University of Bristol, 2002 (*Hons*)

## ADMISSIONS

- Solicitor of the Senior Courts of England and Wales

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 4 August 2020, COVID-19: EPC and EPCM in Large Construction Projects Post COVID-19 (*BlogPost*)
- 29 July 2020, COVID-19: EPC and EPCM in Large Construction Projects Post COVID-19 (*Alerts/Updates*)
- 29 July 2020, COVID-19: The New Normal, Social Distancing on Site, and Other Pandemic Problems (*Webinar*)
- 3 June 2019, NEC4 Update – May 2019 (*BlogPost*)
- Spring 2018, In Site - Spring 2018 Edition (*Alerts/Updates*)
- 5 July 2017, NEC4 - The Next Generation (*Presentations*)
- 10 April 2017, Spring 2017 In Site (*Alerts/Updates*)
- 14 March 2016, Allocating and Managing Risk in Major Rail Projects: International Railway Summit 2016 (*BlogPost*)
- 7 October 2015, K&L Gates Construction and Engineering Seminar Presentation Slides (*Presentations*)

## NEWS & EVENTS

- 21 February 2019, K&L Gates Names 24 New Partners Across Four Continents (*Press Release*)

## AREAS OF FOCUS

- Construction and Infrastructure
- Construction and Infrastructure Dispute Resolution
- Corporate Energy Sourcing and Sustainability
- Government and Public Procurement
- Power
- Rail and Roads
- Renewables
- Water and Wastewater

## EMERGING ISSUES

- Hydrogen

## REPRESENTATIVE EXPERIENCE

- Advising a major rail operator on contract documents for an Automatic Train Control signaling upgrade contract (c. £760m) using an amended NEC3 Option C. This involved preparing the documents for the invitation to tender, initially based on NEC3 Option A, followed by detailed negotiations and drafting and advising on a related technical support agreement.
- Advising on the turnkey contract for the design and construction of Line 3 (Circle Line) on its Klang Valley Mass Rapid Transit system in Kuala Lumpur.
- Advising on the procurement and contracting strategy and on the terms and conditions of the £1.5-2bn signalling and train control contract for the Deep Tube Upgrade Programme (c. £16bn) leading meetings and workshops, drafting contract documents, coordinating review of technical schedules.
- Advising a major rail operator on a modular contract for a 30 year £168m whole-life escalator maintenance and upgrade contract for use on a rail network by a major rail provider. The contract used a bespoke set of overarching terms and various works and maintenance modules based on NEC3 Option A.
- Advising on a modular contract for a high-value, whole-life lifts project for stations using a modified NEC3 Engineering and Construction Contract Option A and a bespoke form of maintenance contract and other modules.
- Advising on and preparing the terms and conditions of a Supply Systems and Integration, Rolling Stock and Track maintenance contract for a new metro project using a modified FIDIC Yellow Book and a complete set of contract documents.
- Advising on a framework agreement and call-off conditions for the design, supply, installation and maintenance of elevators and escalators across the network for a new metro project using a modified FIDIC Yellow Book for the call-off conditions.
- Advising a developer on the procurement strategy and full suite of construction documents for a design and build multi use development (based on JCT Design and Build 2016) to create a new commercial and financial centre on the outskirts of London.
- Advising on a subsea cabling project in the UK under a FIDIC Silver Book Turnkey Particular Conditions and drafting associated subcontracts.
- Advising a contractor on the EPC contract, design and build subcontract and consultancy services contract and maintenance relating to the design and construction of 200 MW battery storage facility and substation.
- Advising a large oil and gas provider on potential claims and disputes in relation to a \$3bn EPC contract based on FIDIC to engineer, procure, construct and commission a Liquefied Natural Gas Plant and Associated Facilities.

- Advising on contracts for pier construction and ferry procurement c. £200m, involving advising on the procurement strategy with a two stage procurement to allow for early contractor involvement on the pier construction using NEC4 Option A and a bespoke contract for ferry procurement with a 10 year operation and maintenance element. We also advised on the ground investigations appointment based on NEC3 Option B.
- Advised a leading e-commerce company on its private wire solar power purchase agreement in relation to the procurement of solar energy for a commercial site.