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Roads

2015

We are delighted to present our experience in the road sector.

We have drawn on the expertise of our Infrastructure and Project Finance Group to demonstrate our ability to provide both local, and (if required) international expertise in each of the markets in which we operate. We have more lawyers in Europe than any of our competitors, and a fast-growing, dynamic international presence.

As a market leading group in the road sector, CMS's experience extends from the procurement phase, through public works programmes, private sector finance and ongoing operational advice to mergers and acquisitions. Our lawyers have been involved at the cutting edge of developments in the sector:

- in primary markets, our award winning team has considerable experience advising all parties: contracting authorities, sponsors, sub-contractors and lenders on both PPP projects and long term concession contracts;
- in secondary markets, CMS boasts an extremely strong track record, together with extensive experience of liaising with our colleagues across Europe on complex projects: both cross-border transactions and portfolio deals.

We remain optimistic about the future of the infrastructure industry, both across Europe and beyond. The scale of investment requirements is great, though of course the institutional, financial and legal framework within different jurisdictions has a significant bearing on each local market and investment climate.

Whatever the scale and wherever the location of your project, with 59 offices in 33 different jurisdictions, CMS is ideally placed to provide commercially relevant legal advice.

CMS was established in 1999 and today comprises 800 partners and over 3,000 lawyers. CMS is headquartered in Frankfurt, Germany.





Roads

Austria

Austrian construction consortium for A5 PPP Ostregion

Advising an Austrian consortium on the €1 billion PPP project to build the Austrian A5 highway, and representing the consortium in associated procurement litigation.

Construction design for the Koralm highway tunnel

Advising planning engineers in procurement proceedings regarding the Koralm tunnel, the Arlberg tunnel and the A2 motorway.

E18 Koskenylä-Kotka PPP, Finland

Advising STRABAG and its Finish partner in the course of the tender for the €650 million Finish highway PPP project “E18 Koskenylä-Kotka”, including work on procurement law, the PPP contract and the construction contract.

Mistelbach by-pass PPP

Advising an Austrian sponsors’ consortium at the procurement stage of the Mistelbach by-pass PPP, and subsequently advising on obtaining project finance and on operation & maintenance arrangements. Also acting as transaction counsel for the lenders during the procurement phase (project value €53 million).

S10 “Mühlviertler” Highway

Advising a consortium of bidders on the tender procedure, on construction matters and on obtaining project finance for the S10 Mühlviertler Highway.

Zwettl By-pass PPP

Advising the successful sponsors’ consortium at the procurement phase and subsequently in negotiations with the awarding authority and lenders (including the EIB). Also acting as transaction counsel for the lenders, and advising on the construction contracts and subcontracts (project value €80 million).

Belgium

Walloon Region and SOFICO Road Infrastructure

Advising on the setting up of framework arrangements and schemes applicable to new road infrastructure projects.

Bulgaria

Ministry of Regional Development and Public Works

Providing a comparative study on expropriation procedures in Europe to support the Ministry in introducing legislation to facilitate the implementation of its large public/private road infrastructure projects.

Trakya motorway

Advising Credit Suisse on a proposed €825 million project financing of the longest Bulgarian motorway, Trakya, which was to be developed on the basis of a concession agreement signed with the Republic of Bulgaria.

Canada

Edmonton Ring Road

Advising a bidder on the Edmonton Ring Road PPP project in Canada.

Croatia

Croatian Motorways

Advising an international bidders’ consortium during the procurement phase for the award of a concession for the operation and maintenance of the Croatian motorway network (30-50 years, €3 billion).

Czech Republic

D47 Motorway

Advising the Ministry of Transport of the Czech Republic on the renegotiation of an implementation agreement for the first Czech private sector motorway.

France

A88 Motorway Concession

Advising the main sponsor, NGE Group, of the “Alicorne” consortium on the A88 motorway concession project, worth approximately €250 million.

Public Lighting PPP, Val de Reuil

Advising the bidder in relation to this public road lighting PPP, and lenders in respect of the assignment of receivables under the PPP contract.

Germany

A-model BAB A8 Ulm - Augsburg

Advising UniCredit BBVA and other lenders in connection with the operation model for the A8 (A-Model). The advice covered legal due diligence of all project documentation and public procurement/financing law issues, and the preparation and negotiation of the financing and securities documentation.

A-model BAB A1/BM VBS and Lower Saxony Regional Road Construction and Transport Authority

Advising on the concession agreement for the construction, operation and maintenance of the 70 km A1 Bremen – Hamburg federal motorway. The project value was approximately €500 million.

A-model BAB A4/BMVBS and Deutsche Einheit Fernstraßen-planungs-und-bau GmbH DEGES

Advising on the concession agreement for the construction, operation and maintenance of the 40 km A4 federal motorway, bypassing the Hørsel Mountains. The project value was approximately €500 million.

A5 Highway Malsch-Offenburg

Advising on the upgrade of 41 km of motorway and the operation and maintenance of 60 km of motorway between Malsch and Offenburg. This 30 year concession project involved the funding, design, construction, operation and maintenance of the motorway, including a number of noise reduction structures and 105 bridges.

CJV E18 Grimstad-Kristiansand

Advising the consortium consisting of a Danish and two German companies in relation to the PPP project for a motorway in Norway, including advice on corporate law issues and with regard to the implementation of ICC arbitration proceedings.

L192 State Road

Advising the construction company in connection with a PPP project for the construction, conversion and extension and maintenance of the L192 road in Schleswig-Holstein.

Lippe roads maintenance project

Advising the infrastructure construction company Eurovia Infra GmbH on a PPP project for the maintenance and management of a district road network.

PPP State Road Network Südwestfalen und Sauerland Hochstift/PPP Task Force and Landesbetrieb Straßenbau NRW

Advising the authorities in relation to a project for the operation and management of two public/private road networks in the North Rhine-Westphalia State, including developing the project structure and advising on the procurement procedure.

Regional Roads NRW/PPP Task Force NRW

Preparing a conceptual study on the suitability of the PPP model for regional roads maintenance.

Hungary

Electronic Road Toll Collection System

Advising the Hungarian State Motorway Company in relation to planning and construction of the Electronic Road Toll Collection System in Hungary, and advising on the operations phase of this project.

M5 Tolled Motorway

Advising the Government of Hungary on various legal aspects relating to the design, build, financing and operation of the M5 tolled motorway in Hungary.

M6 Motorway

Advising the Vinci, Laing Roads and Housing & Construction consortium in relation to their bid for the concession for the first phase of the M6 Motorway.

Ireland

N25 DBFO Road

Advising the Carillion/Balfour Beatty/J Walls/WS Atkins/Scetaroute consortium on all aspects of the first PPP road project in Ireland – the Waterford N25 DBFO Road, Kiggegad to Killock DBFO Road and the Fermony Bypass DBFO Road Project.

Kazakhstan

International consortium

Advising on the tender for the construction and operation of a 240 km motorway in Kazakhstan (Astana-Karaganda).

The Netherlands

A2 Motorway, Maastricht

Advising a party in the Arcadis/Strukton/Ballast Nedam consortium in tendering for the construction of the tunnel section of the A2 motorway in Maastricht.

A4 Motorway

Advising FCC Construcción S.A. in tendering for the extension of the A4 motorway in Midden Delftland.

Second Coen Tunnel

Advising the Dutch Directorate General for Public Works and Water Management on the tendering process for the second Coen Tunnel (which connects the A8 to the A10 motorway).

Poland

Consortium of German banks

Advising on the PLN 380 million financing of the A4 motorway in Poland (Katowice–Kraków).

CTC S.A.

Advising on the €1.07 billion project for the construction, financing and operation of the A1 motorway in Poland (Gdansk – Torun).

Portugal

Grande Lisboa Concession

Advising the sponsors on the Grande Lisboa Concession project, and advising one of the competing bidders.

West Concession

Advising the sponsors on the first motorway project concluded in Portugal.

Russia

M1 toll road PPP

Advising an international consortium on the proposed M1 (“Odintsovo bypass”) toll road PPP project, with a value of US\$500 million.

Moscow Central Ring Road (CKAD)

Acting for the Ministry of Transport on a feasibility study regarding this concession-based toll road, with a total value of US\$14 billion, including preparing a risk analysis, the draft concession agreement and the tender documentation.

Moscow to St Petersburg toll road

Representing an international consortium on the Moscow-St Petersburg toll road concession tender in relation to the bid and financial close processes, and on operational issues (value approximately US\$2 billion).

Orlovsky Tunnel project

Representing an international consortium on the proposed Orlovsky Tunnel project concession tender, including structuring the consortium (value approximately US\$1.2 billion).

Volgograd bypass

Advising the Volgograd Region Administration in relation to the preparation of concession tender documentation for the US\$1.7 billion toll road in the Volgograd region.

Slovakia

D1 PPP Road Project

Advising the Ministry of Transport on the public procurement of the D1 motorway which was a construction and operation project in Northern and Eastern Slovakia. The project required financing in the amount of approximately €2.5 billion.

Electronic toll collection

Advising the National Motorway Company on the public procurement, implementation and operation of an approximately €1 billion electronic toll collection system. This project became the first nationwide infrastructure PPP project to reach both financial close and the operational phase in the Slovak Republic. As one of the first projects of its type in Europe, the Slovak e-toll projects uses satellite positioning of vehicles and covers approximately 2,000 kilometres of roads.

R1 PPP Road Project

Advising the Ministry of Transport on the public procurement of the R1 expressway which was a construction and operation project in Western and Central Slovakia. The project required financing in the amount of approximately €1 billion and reached financial close in August 2009. The project won the 2009 Infrastructure Deal of the Year from Project Finance International.

Višňové tunnel

Advising a consortium of Alpine Bau, Hochtief Solutions and Váhostav – SK in a tender/public procurement, with an estimated total contract value of approximately €900 million, aimed to select a contractor for a D1 motorway section: Višňové – Lietavská Lúčka – Dubná Skala, the then largest infrastructure project carried out in the Slovak Republic.

Ukraine

ADI

Advising on the preparation, execution and implementation of a concession agreement relating to the development and operation of two tolled motorways in Western Ukraine.

Government working group (Lviv to Krakovets road)

Advising on the construction and operation of the new Lviv to Krakovets motorway.

United Kingdom

Primary

A130

Advising Laing Investments and its funders in relation to the commercial bank refinancing and restructuring of the A130 DBFO road project.

A249 DBFO

Advising the Carillion consortium on the A249 (Stockbury (M2) to Sheerness) design, build, finance and operate (DBFO) road project.

Birmingham Northern Relief Road (M6 toll)

Advising on the franchise under which the Department of Transport and the private sector agreed to work collaboratively to obtain the necessary consents for a new toll road (the first tolled road in England) to the north and east of Birmingham. Advised on the concession agreement and gave post award advice leading into financial close.

M6 Expressway/M54

Advising the Highways Agency on the M6 Expressway/M54 road extension project.

M25

Advising Flow consortium (Vinci, Carillion, Laing and Costain) as short listed bidder on the £3.5 billion M25 DBFO road project, which involved widening a number of sections of the M25 to dual four-lane and operating and maintaining the M25, Dartford Crossing and 200km of connecting roads for 30 years.

National Roads Transmission Service (NRTS)

Advising the GeneSYS consortium on the contract to provide a national roads telecommunications service for the Highways Agency, by way of a 10.5 year concession for telecommunications services.

Second Severn Crossing

Advising the Department for Transport on the award of a 30-year concession to construct and maintain a 5.2 km privately financed toll bridge and providing post-completion advice. The project involved the private sector consortium taking over responsibility for an existing tolled crossing and designing and building a new bridge over the Severn River to complement the existing structure. It then maintained and operated both crossings.

The Mersey Gateway Road Project

Advising the Merseylink Consortium (FCC, Kier and Samsung) on the £600 million PFI project to construct a six lane toll bridge across the River Mersey in North West England. The project reached financial close in March 2014.

Walsall Street Lighting Scheme

Advising the sponsor consortium on the Walsall Street Lighting Scheme which was the first street lighting PFI project to achieve financial close.

Secondary

A249 DBFO road project

Advising Carillion Private Finance on the disposal of a 50% interest in the A249 DBFO road project.

Birmingham Highway Street Services PPP

Advising Equitix on the acquisition of interests in the Birmingham Highways project from Amey.

M40 DPFO

Advising on the disposal of John Laing Plc's 50% interest in the UK Highways M40 DBFO road project.

Street Lighting PFI

Advising the SSE group in relation to its disposal of equity and subordinated debt interests in its portfolio of street lighting PFI projects.

Alfred McAlpine

Advising on the acquisition through pre-emption rights of an interest in the A1(M) Darrington to Dishforth, A1(M) Peterborough to Alconbury and A417/419 Swindon to Gloucester road projects.

InfraRed

Advising on aspects of its successful acquisition of a portfolio of PFI projects (including road assets) from Barclays infrastructure funds.



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