



Thembela Ndwandwe

Associate

Disputes, litigation and arbitration

Primary practice

Disputes, litigation and arbitration

About Thembela Ndwandwe

Thembela is an associate in our Global Project Disputes Practice and is based in Dubai.

He is broadly experienced in the energy and infrastructure sectors with both private and public sector experience. His experience includes litigation and alternative dispute resolution processes, as well as drafting of construction agreements. He has advised on a broad range of projects within the construction and engineering practice area, including energy, industrial plants, rail transport and commercial property. In doing so, he has worked extensively with various standard form construction contracts, including FIDIC, NEC and JBCC.

Recent work

- *Advising an EPC contractor on a concentrated solar power project in relation to various disputes against its employer with high dispute values, arising from a high-value contract. Also advising the same EPC contractor in relation to disputes with its earthwork's subcontractors relating to measurement and valuation of the earthworks and interpreting Technical Specifications under the bespoke agreements and which disputes were the subject of arbitration proceedings.
- *Advising a large UK-headquartered contractor in relation to revising its standard form NEC3 Engineering and Construction Subcontracts to align with the NEC4 Engineering and Construction Subcontract.
- *Advising a design and construction contractor on large and high-profile power station projects relating to various downstream disputes and providing project advisory services in relation to downstream issues.
- *Advising a contractor joint venture in relation to the construction of a high-profile bridge in South Africa with regard to issues of, among other things, Force Majeure, contract securities and termination where the contract was in the form of a FIDIC Red Book (1999 edition).
- *Advising an employer in relation to various disputes arising under its large and high-profile power station projects. These represented large-scale, high value, and critical power projects with great national significance.
- *Advising an employer in relation to disputes arising from its Namibian projects under bespoke and FIDIC suite contracts.

- *Advise an employer in relation to its dispute with a contractor relating to on-track machine maintenance services contract, which are high value contracts with a high dispute values, and in the form of the NEC3 Term Services Contract.
- *Advise an employer in a dispute against a contractor arising out of an NEC3 Engineering and Construction Contract for the provision of mechanical and piping works, with high contract and dispute values. The matter is very technical and involved vast forensic delay analysis and quantification principles of the NEC3, as amended in the particular contract.

*Lawyer experience prior to joining Freshfields.

Qualifications

- Qualified in South Africa, 2016
- LLB, University of the Witwatersrand, 2013

Contact Thembela

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