

**ANDREW VAN NIEKERK**

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Overview

Andrew is a senior partner in our Johannesburg office in the Banking and Finance department and heads up our construction offering. He provides specialist EPC / PPP / IPP related legal services in the infrastructure, energy, mining & resources, transport and real estate domains.

Andrew has advised clients on projects in multiple jurisdictions including Botswana, the Central African Republic, the Democratic Republic of Congo, Egypt, Equatorial Guinea, Ghana, Jordan, Kenya, Kuala Lumpur, Lebanon, Lesotho, Madagascar, Mauritius, Malawi, Mozambique, Namibia, Oman, Rwanda, Saudi Arabia, Singapore, South Africa, Swaziland, Tanzania, United Arab Emirates, Zambia and Zimbabwe.

Experience

Andrew has advised:

- Zimborders Limited in respect of the Beitbridge Border Post Modernisation PPP Project in Zimbabwe. The PPP concession entails the upgrade and modernization of the existing physical and ICT infrastructure of the Beitbridge border post to increase speed of transit through and the revenues at the border post. Project capital value is circa ZAR4 billion.
- Manannan Hydro Limited (the concessionaire) in respect of 1,500MW (phase 1) - 2,400MW (phase 2) Mphanda Nkuwa Hydropower Plant and CESUL Transmission Line Projects (Mozambique) with a combined capital value of USD4.6 billion.
- The Zambezi River Authority in respect of the 2,400MW Batoka Gorge Hydro-Electric Scheme in Zambia and Zimbabwe. Project capital value is circa USD5 billion.
- Frontiere Energy in respect of the adequacy of Power Purchase Agreement for an Integrated Hybrid Generation Power Station IPP in Madagascar, in particular focusing on material departures from standard practice / an acceptable risk allocation under the Power Purchase Agreements for similar projects.
- An equity sponsor and offtaker in respect of the acquisition and refurbishment of a Brownfields glass manufacturing plant, including all OEM, raw material / gas supply, EPC and offtake contract documentation, financed on a limited recourse basis with a capital value of circa ZAR3 billion;
- Palabora Mining Company (with the majority shareholder stake being owned Chinese consortium made of Hebei Iron & Steel Group Co, Taewoo, General Nice and China Africa Development Fund) as developer legal counsel in respect of the Lift II brownfield copper mining expansion project in Palabora (South Africa). Project capital value is circa ZAR9 billion.
- The equity sponsors and offtakers in respect of the procurement strategy for the construction of a Greenfields Wet Mill project to produce maltose, dextrose and high fructose corn syrup, as well as the EPC, O&M, feedstock supply and foodstuff offtake tender and contract documentation. Project capital value is circa ZAR4.6 billion.
- WBHO in respect of a national road project in Swaziland.
- First Quantum Minerals in respect of transactions involving Zesco and Eskom for an electrical energy cross border wheeling arrangements through Botswana, Mozambique, Namibia, South Africa, Zambia and Zimbabwe.
- MMG Kinsevere (a subsidiary of [China Minmetals Corporation](#)) and Metorex (a subsidiary of the Jinchuan

- Group) in respect of:
- a range of agreements to be entered into with regards to power supply and sharing arrangements with SNEL and CEC respectively in the Democratic Republic of Congo and Zambia. Transaction value is circa ZAR 1 billion; and
 - their participation in an independent power project and an energy trading business within the SAPP region.
- Pembani Remgro as equity investor for the Liwonde Logistical Hub Gateway Project in Malawi.
 - Group 5 in respect of:
 - a 270MW coal fired power project in the Democratic Republic of Congo;
 - a 40MW gas fired power plant in Chokwe, Mozambique; and
 - a 340MW CCGT power plant in Kpone, Ghana.
 - Mota-Engil Engenharia e Construcao as sponsor counsel for the Liwonde Logistical Hub Gateway Project in Malawi.
 - Kilwa Energy Company Limited on an independent power project in Tanzania for a 320MW closed cycle gas fired power station. Project capital value is circa USD1 billion.
 - Barclays Africa Group Limited in respect of independent power projects using a variety of technologies in multiple African jurisdictions, including South Africa, Mozambique, Namibia, Kenya and Tanzania.
 - International Marine Services (Mauritius) Pty. Ltd in respect of the RfP for the construction and delivery of an IFO380 terminal in the reclaimed Mer Rouge area, adjacent to Mer Rouge Oil Storage Terminal, within the District of Port Louis.
 - Petredec LPG South Africa Proprietary Limited in respect of the EPC Contract for the design, construction and commissioning of LPG storage tanks and ancillary infrastructure for the storage and handling of LPG owned by Petredec at Richards Bay (South Africa).
 - Boss Mining Sprl in respect to the reinforcement of a 220kv substation and rehabilitation of a 120kv line in the Democratic Republic of Congo.
 - The Lundin Group of Companies in respect of a project financed Greenfield diamond mining and processing project in Botswana.
 - Isolux Corsan (Pty) Ltd respect of a 220 kV Transmission System Project in Rwanda.
 - Actom in respect of the Medupi, Kusile and Khanyisa power projects (South Arica).
 - Australia Platinum (Pty) Ltd in respect of drafting all contractor mining agreements and a platinum process plant O&M agreement for one of its mines (South Arica) and representing client in arbitration proceedings in respect to one of its terminated contractors.
 - African Development Bank as lender counsel in respect of the contractor mining agreement for a brownfield manganese mining project in the Northern Cape (South Arica). Contract value is circa ZAR4.8 billion.
 - Peu Capital Partners (Pty) Ltd (Peu) and Total Utility Management Services (Pty) Ltd (TUMS) with regards to a pre-paid smart meter network for the City of Tshwane (South Arica). Project value is circa ZAR 8 billion.
 - Doosan Heavy Industries & Construction in respect of :
 - the UAE's largest gas fired power (2000MW) and desalination project in Jebel Ali; and
 - the 760 MW Fujairah gas fired power and desalination plant.
 - Anglo American in respect of a 450MW Greenfield Khanyisa coal fired power plant project (South Arica).
 - Cennergi in respect of its bid submission for a 300MW coal baseload power plant in respect of the Botswana Morupule B Phase II Independent Power Procurement Programme.
 - Inter alia, Abengoa Solar (Pty), Alfanar, York Timbers, Standard Bank, OPIC, Mulilo Renewable Energy (Pty) Ltd, Hydro Tasmania, Longyuan South Africa (Pty) Ltd, GLOBALEQ, Scatec Solar and BrightSource Energy Inc. On numerous wind, hydro, bio waste to power and solar (PV and CSP) projects in respect of the South African IPP Procurement Programme for New Generation Capacity.
 - Fibreco Telecommunications Ltd for a fibre optic network infrastructure project between Cape Town and Johannesburg in value of circa ZAR 1 billion.
 - CitiConnect (Pty) Ltd in respect of a 900km broadband network to service the city of Johannesburg (South Arica). Project value is circa ZAR 1.7 billion.
 - Thebe Investment Corporation in respect of its 20% shareholding in the project company for a 300MW power project selected as preferred bidder under round 1 of the DoE Coal Baseload IPP Programme (South Arica).
 - Meraas Holding LLC (Dubai) on the Jumeira Gardens City Project (project budget of USD 100 billion) which involvement included drafting and negotiating.
 - all relevant agreements in respect of the dredging, reclamation and infrastructure works in respect

- of the Pearl Jumeirah Project adjacent to Port Rashid (Dubai);
- o a Master Developer Agreement and all relevant RFP documents and contractual appointments for a built form project;
- o multiple Consultancy Service Agreements for local and international consultant appointments to carry out concept, schematic and detailed design, master planning, supervision and QS services, etc.;
- o multiple minor and civil works agreements (including dewatering, road infrastructure works, demolition and grading works, etc.); and
- o several framework design and build contracts for a residential development on behalf of a master developer.
- Nakheel PJSC (Dubai) in respect of the mixed use Al Burj Tower (project in Dubai (project budget of USD 25 billion). Andrew:
 - o structured and concluded all early works design and build agreements with an international consortium to undertake the substructure works for the Al Burj Tower project; and
 - o concluded all design, supervision, cost consulting, civils works, infrastructure contracts, etc. for the Al Burj Tower project.
- Nakheel PJSC (Dubai) in respect of the Waterfront and Palm Jebel Ali projects in Dubai (project budget of USD 60 billion). Inter alia, Andrew:
 - o advised on Reverse Osmosis, District Cooling, Gas and Waste Water and Sewage Treatment concessions to be let out on a BOOT basis in respect of respectively the Waterfront, Palm Jebel Ali and Jumeirah Golf Estate projects in Dubai, the UAE;
 - o drafted all necessary contracts for the dredging and reclamation works, including all infrastructure development, in respect of the Palm Jebel Ali project adjacent to the Jebel Ali Port (Dubai);
 - o developed a strategy for smart city ICT services for the Waterfront to be rolled out group wide; and
 - o drafted and negotiated:
 - a framework agreement with Samsung Corporation for the development of canal bridges for the Waterfront Project;
 - miscellaneous dredging, reclamation, grading and infrastructure (roads, wet works such as canals, quay walls, marinas, utility networks, etc.) deals amounting to circa USD 5 billion in respect of the Waterfront project;
 - a Master Development Agreement for the development of marinas in respect of the Dubai Creek, the Palm Jumeirah, the Palm Jebel Ali, the Palm Deira, the World, the Waterfront and Dubai Promenade projects;
 - a Concession Agreement in respect of the development of a district cooling system for Port Rashid (Dubai);
 - multiple 132kv power substation EPC agreements;
 - framework alliance agreements with major contractors for approved future developments;
 - mixed use towers/hotel development contracts on a GMP, D&B basis with pain/gain share principles in the sum value of USD 2 billion;
 - all design, pm, master planning, costing, supervision and construction contracts for 1400 luxury villas on the Veneto (Waterfront) project in total value at least ZAR 7 billion;
 - all design, pm, master planning, costing, supervision and construction contracts for a full residential community comprising of infrastructure, utilities, facilities, villas, town houses etc for the mid income Badrah housing project in total value of at least ZAR 4 billion; and
 - a host of EPC, EPCM, PM, Cost Consultancy, Design, Peer Review agreements, etc. that are necessitated by projects of the above named magnitude and type.

Andrew has been recognised by the following reputable rating agencies:

- Chambers Global (2013 to 2019) rated Andrew as a Leading Lawyer in Construction.
- IFLR1000 (2013 to 2019) rated Andrew as a Highly Regarded Lawyer for Energy and Infrastructure, Project Development, Banking and Project Finance.
- Legal 500 Europe, Middle East & Africa (2014 to 2019) rated Andrew as a Leading Individual in Construction.
- Construction & Real Estate Expert Guide (2019) rated Andrew as an expert in his field.
- Euromoney's Guide to the World's Leading Construction Lawyers (2013 to 2019) rated Andrew as an expert in his field.
- IFLR1000's Guide to Energy and Infrastructure (2016) rated Andrew as a Leading Lawyer in Energy and

Infrastructure.

- The Guide to the Industry's Leading Law Firms and Lawyers, Energy & Infrastructure (2016) rated Andrew as a Leading Lawyer in Energy and Infrastructure.
- Petroleum Economist: Africa Energy & Infrastructure Guide (2013 to 2014) rated Andrew as a leading lawyer Concessions, Corporate & Commercial and Infrastructure.
- Legal 500 Guide to Outstanding Lawyers (2013) rated Andrew as a Leading Lawyer in Banking & Finance.