

Nicola J. Ellis

Partner

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OVERVIEW

Nicola Ellis focuses her practice on the development and construction of energy and infrastructure projects, with a particular focus on rail infrastructure and energy infrastructure, including renewable energy, green hydrogen, nuclear and LNG. Nicola leans on her extensive practice of over 16 years to act for owners, developers, contractors, suppliers and consultants on their infrastructure projects, including on numerous bespoke EPC contracts and standard form contracts (particularly FIDIC, NEC, and JCT), appointments, maintenance agreements, supply agreements and all related construction documentation. In particular, Nicola advises clients on the development of new infrastructure for green hydrogen production, and counsels clients on the intricacies of the developing hydrogen industry.

She has worked on numerous rail projects around the world including both 'brownfield' and 'greenfield' rail signaling projects in the UK, Qatar and Malaysia.

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.

ACHIEVEMENTS

- Recognised by *The Legal 500 United Kingdom* as a Recommended Lawyer in London
  - Construction: Contentious, 2026
  - Construction: Non-Contentious, 2025-2027
  - Power (including electricity and nuclear), 2027
  - Rail, 2024-2027

SPEAKING ENGAGEMENTS

- Speaker, 'Z clauses: Clarity or Curse?', NEC People Conference London 2024, 18 June 2024

EDUCATION

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

ADMISSIONS

- Solicitor of the Senior Courts of England and Wales

THOUGHT LEADERSHIP *POWERED BY HUB*

- September 2024, NEC People Conference, London 2024 with Matthew Smith and Nicola Ellis
- 4 August 2020, COVID-19: EPC and EPCM in Large Construction Projects Post COVID-19
- 29 July 2020, COVID-19: EPC and EPCM in Large Construction Projects Post COVID-19
- 29 July 2020, COVID-19: The New Normal, Social Distancing on Site, and Other Pandemic Problems
- 3 June 2019, NEC4 Update – May 2019
- Spring 2018, In Site - Spring 2018 Edition
- 5 July 2017, NEC4 - The Next Generation
- 10 April 2017, Spring 2017 In Site
- 14 March 2016, Allocating and Managing Risk in Major Rail Projects: International Railway Summit 2016

NEWS & EVENTS

- 21 February 2019, K&L Gates Names 24 New Partners Across Four Continents

AREAS OF FOCUS

- Construction and Infrastructure
- Construction and Infrastructure Dispute Resolution
- Government and Public Procurement

INDUSTRIES

- Corporate Sustainability
- Energy
- Hydrogen
- Life Sciences
- Power
- Rail and Roads
- Renewables
- Transportation and Logistics
- Water and Wastewater

REPRESENTATIVE EXPERIENCE

Green Hydrogen:

- Advising on the design, supply, and commissioning of **electrolyzers** as part of the Green Fuels for Denmark project.
- Advising in relation to design, supply, installation, and commissioning of **multiple electrolyzers with 20 to 100MW** capacity to provide green hydrogen at various locations in Italy.
- Advising in relation to the design, supply, and commissioning of a **100MW capacity electrolyzer** for a project in Lingen, Germany.
- Advised on a tender for the supply of electrolyzers to a hydrogen production facility for the production of **liquid hydrogen for a ferry operator**.
- Drafting template standard terms for the supply of **electrolyzers** to be used in the production of green hydrogen.
- Advising on the terms of an agreement for a Pre-FEED study for the design of a **20MW electrolyzer** for the production of green hydrogen.
- Advising on the c. **US$150m-300m** supply agreement and licensing agreement for a tender for the design, manufacture, and supply of a **250-500MW electrolyzer** for use in a green hydrogen production plant.
- Advised on a template **teaming agreement** and **consortium agreement** for joint ventures between an EPC Contractor and electrolyzer supplier for use on tenders for green hydrogen projects.
- Advising on a letter of interest for a framework agreement for the design, supply, and installation of electrolyzers or various green hydrogen facilities in the UK as part of a **200MW** overall scheme.

- Advising an electrolyzer supplier on a **capacity reservation agreement** for the future supply of electrolyzers on various projects in the UK, US, Europe, and Australia.

Energy:

- Advising an EPC contractor on a turbine supply agreement on a c. US$1.7m **offshore wind** project in South Korea.
- Advising a Singapore-based solar energy provider seeking to develop a portfolio of **solar PV** projects in Indonesia, preparing a standard set of EPC terms based on FIDIC to be used by the client when engaging local Indonesian EPC contractors for these projects.
- Advising an international trading company on and drafting the terms for a bespoke EPC contract for the designing, procuring, supplying, testing, constructing, commissioning, and testing of a **solar PV** system to be installed at the client's facility in the UK.
- Advising a leading manufacturer of wood panels on the contract terms for the design, build, supply, installation, testing, and commissioning of a £1.2m **solar PV** system to be installed at the client's site in the UK.
- 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.
- Advising a US-based investor on an EPC Turnkey contract (based on the FIDIC Silver book) and O&M Contract for the construction, operation, and maintenance of a **waste-to-energy plant** located at Corby, in England.
- Advising a contractor on the EPC contract, design, and build subcontract and consultancy services contract and maintenance relating to the design and construction of a 200MW **battery storage** facility and substation.
- Advising a contractor on a joint venture agreement and construction provisions in relation to the design and construction of a **hydropower plant** in Turkey.
- Advising on a **subsea cabling** project in the UK under a FIDIC Silver Book Turnkey Particular Conditions and drafting associated subcontracts.
- Advising a large oil and gas provider on potential claims and disputes in relation to a US$3bn EPC contract based on FIDIC to engineer, procure, construct, and commission a **liquefied natural gas plant** and associated facilities.

Rail and Transport:

- Advising a Singapore-based engineering contractor in relation to a turnkey project with a value of over SGD 2bn (US$1.49bn) for the procurement of a **new metro line** in Taiwan. Advising on the proposed form of main contract with the employer and identifying key risks, to ensure that these are 'back to back' with the form of consortium agreement and subcontract agreements entered into by the client with its consortium partners and subcontractors, respectively.

- 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 the 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 **signaling 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.
- Advised a state-owned railway company 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 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.

UK Construction:

- 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 a life sciences company on the construction documents for multiple refurbishments and developments of laboratory, pharmacy, and research facilities across the UK and Europe.