

Luther.



Construction and Real Estate Industry Law

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Comprehensive Advice from the Planning Stage to Implementation

Our construction and real estate industry consulting field is represented with around 55 lawyers at eight Luther locations. We provide comprehensive advice throughout the entire development cycle of a property – from the purchase, through financing, planning, building and use, to the sale.

We run complex property transactions and construction projects for the public sector and private companies, as well as for international funds and property developers.

Nationally and internationally we collaborate with the best qualified interdisciplinary partners from consulting companies with which we are closely acquainted for your profitability and the success of your project. Together with these partners and the tax and financing experts from Luther we are able to support you with all matters relating to the property.

For the public sector – as well as for private bidders – we also realize life cycle-oriented projects (e.g. PPP).



Our Consulting Services

Transactions

Property transactions are major investments which often tie up significant amounts of the capital available. Their careful planning is therefore essential. We support you with:

- Heads of terms and broker agreements
- Due diligence, acquisition and sales
- Fund and portfolio structuring
- Support in the post-closing phase
- Enforcement of/defence against warranty claims

Planning and Construction

Successful construction projects must satisfy a wide range of requirements in order to be cost-effective. We therefore advise architects, building owners and building contractors, owners, tenants and other project participants on:

- Planning: architects and engineering contracts, the fee arrangements
- Construction: contract design, negotiations, execution
- Property developer regulations, all-inclusive/fixed-price arrangements („GMP“), turnkey, residential/part-ownership, building leases
- Use: commercial tenancy agreements, rights of use

Financing

The developing requirements of the financial market have led to fundamental changes in the financing of complex property projects and its protection. In order to ensure that these requirements are complied with, we advise you in the following areas:

- Standard property financing
- Sale and lease back
- Acquisition of non-performing loan portfolios
- Crisis analysis and creation of financial flexibility:
Refinancing, renegotiation of the tenancy agreements
- Optimisation of the cash flow: changes to the use concept, corporate restructuring

Procurement and Safeguarding of Building Rights

Building projects are subject to a variety of requirements under public law. Their early incorporation into the planning process is essential for the success of the project. We keep an eye on the legal perspectives on your behalf with respect to:

- Planning approval, land use planning, regional planning
- Approvals, neighbourhood protection
- Nature conservation and land reallocation
- Urban development contracts and land improvement contracts
- Contaminated soil, emission controls, green building

Life Cycle-oriented Building Projects, PPP

With a view to improving the overall cost-effectiveness of building and operating costs, public-sector construction and infrastructure projects are increasingly being carried out using private operator models (e.g. PPP). Here we offer, together with the best qualified and experienced economic and technical cooperation partners inter alia the following services:

- Economic assessment and feasibility studies
- Market analyses/investor searches
- Preparation of the tender documents
- Structuring and implementation of the whole public procurement procedure
- Construction legal controlling and prevention of additional claims

Public Procurement Law

The proper award of public contracts is becoming increasingly complicated and requires particular attention. Error-free execution of the process is therefore of key importance. Our team pays attention to all of the details on your behalf:

- Selection of the procedure, structuring, formulation of the selection and award criteria
- Design of the tender documents, model contracts, oversight of the award process
- Monitoring, objections to awards, review procedures

Consultation Service for the Public Sector, Privatisations

The economic activities of the public sector are largely aligned to their own properties, which are always accessible to optimisation.

We support states, municipalities and local authorities with:

- Inventory management and potentials for savings
- Involvement of private entities in property management
- Privatisation of property portfolios

JURTEC – Joint Legal and Technical Project Management

Successful construction projects are inconceivable without multi-disciplinary cooperation. Technical matters have to be evaluated from legal aspects, while legal issues can only be assessed with technical expertise. For the above purposes there is JURTEC. We advise you on the legally-compliant documentation of all processes in regard to:

- Project control, project management
- Supplemental services management and construction delays
- Tenant relocation management (TRM)
- Facility management
- Litigation and arbitration proceedings

Luther Rechtsanwaltsgesellschaft mbH advises in all areas of business law. Our clients include medium-sized companies and large corporations, as well as the public sector.

Berlin, Brussels, Cologne, Dusseldorf, Essen, Frankfurt a. M., Hamburg, Hanover, Leipzig,
London, Luxembourg, Munich, Shanghai, Singapore, Stuttgart, Yangon

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Hits the mark. Luther.

