

PRESENTED AT

2019 Renewable Energy Law Conference

January 28-29, 2019

Austin, Texas

EPC Contract Considerations for Renewable Energy Projects

Alan Cohen and Spencer Preis

Alan Cohen
Stahl, Davis, Sewell, Chavarria & Friend,
L.L.P.
7320 N. MoPac, Suite 211
Austin, TX 78731
(512) 346-5558
acohen@sbaustinlaw.com

Spencer Preis
Southwire Company, LLC
One Southwire Drive
Carrollton, GA 30309
(770) 832-5281
spencer.preis@southwire.com

EPC Contract Considerations for Renewable Energy Projects

January 28, 2019

Alan Cohen
Stahl, Davies, Sewell, Chavarria & Friend, LLP
Partner and Member of Renewable Energy,
Real Estate and Construction Practice Groups

Spencer Preis
Southwire Company, LLC
Vice President, Associate General Counsel

GENERAL DISCUSSION OF EPC CONTRACTS

Purpose

- Intended for turnkey projects

Benefits to Owner

- Single point of contact

Challenges

- Contract price fixed before design finalized – design-build vs. design-bid-build
- Where a fixed price is agreed before design is finalized, there generally is significant pricing risk to be managed through contract's Ts and Cs
- Needs to be financeable

OWNER PRIORITIES

1. Complete the work on time for the agreed price
2. Work completed should be free of defects
3. Contractor should defend and indemnify Owner against third party claims
4. Contractor should be answerable under warranty provided by Contractor for anything that goes wrong after final completion
5. Contractor's limitation of liability should not apply across the board
6. The EPC Contract must be financeable

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: EPC Contract Considerations for Renewable Energy Projects

Also available as part of the eCourse
[2019 Renewable Energy Law eConference](#)

First appeared as part of the conference materials for the
2019 Renewable Energy Law session
"EPC Contract Considerations for Renewable Energy Projects"