

David Vlcek

Partner
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Qualifications and Admissions

- LL.B. (summa cum laude)
- Admitted as an Attorney, Notary & Conveyancer in 2007
- Admitted to appear in the High Court of South Africa

Specialisation

- Insurance Litigation arising in the Construction Industry
- Professional Indemnity Insurance Claims in the Construction Industry
- Construction & Infrastructure Law – Drafting and Defending Construction Claims
- Occupational Health & Safety
- Drafting and Reviewing EPC and O&M Agreements in the Construction Industry

Professional Background

David obtained his LLB summa cum laude from the University of KwaZulu-Natal, Durban in 2005. He joined Cox Yeats in 2013 and was appointed a partner in 2014. David was previously employed at an international law firm headquartered in London.

He specialises in Insurance Law specific to the Construction Industry and Construction and Infrastructure Law.

David's experience in insurance litigation includes public liability claims, professional indemnity claims and construction industry related claims (Third Party Property Damage/ Loss of Support/ Collapses/ Deaths on Site and Department of Labour Inquiries /PAR/CAR/ Fire/ Contractual Claims).

David also provides claims teams with input regarding policy response to claims made and assists with the drafting of representations to internal claims arbitrators and the Ombud. He thoroughly enjoys giving training seminars to various insurance bodies throughout the country.

David advises clients on the drafting of and enforcement of building industry specific contracts. He is experienced in negotiation and drafting of JBCC, NEC3, GCC and FIDIC agreements. He specialises in assisting Contractors on large projects with complex construction specific claims for extensions of time and compensation. He has a special interest in road construction.

David has vast experience in Occupational Health and Safety in the built environment and has been involved in Collapse inquiries such as Tongaat Mall, the Grayston Drive bridge and Geroge collapses.

David was voted the top construction lawyer in South Africa in 2015 and 2017 by ILO Lexology. He has also been listed in "Best Lawyers" for a number of years.

Awards and Accolades

- 2015 – International Law Office (ILO) Lexology, Top Construction Lawyer in South Africa
- 2017 – International Law Office (ILO) Lexology, Top Construction Lawyer in South Africa
- 2022 – Best Lawyers®, Construction Law
- 2023 – Best Lawyers®, Construction Law
- 2023 - Chambers Global - Insurance Team
- 2025 & 2026 – Legal 500

Notable Cases and Projects

- Representing the main contractor on a tank construction project on the National Multi Product Pipeline (R500m).
- Assisting a JSE listed construction company to review and set aside the Western Aquaduct Pipeline Tender with eThekwini Municipality (R950 million).
- Assisting a JSE listed construction company to review and set aside the Pipeline Tender with Rand Water (R350 million).
- Assisting a JSE listed construction company to appeal and review all 3 eThekwini Municipality Road Rehabilitation Tenders (R1.1 billion).
- Assisting with drafting and negotiating the Engineer, Procure and Construct (EPC) Agreements and Operate and Maintain (O&M) Agreements in respect of the following Renewable Energy Independent Power Producer Procurement Projects:
  - Letsatsi and Lesedi photovoltaic energy projects
  - Cookhouse Windfarm REIPP EPC Agreement
  - Greefspan and Herbert power plants.
- Representing the Development Bank of Southern Africa in cancelling a project worth R300 million and then calling up the Construction Bonds on its behalf thereby recovering a large portion of its shortfall.
- Acquisition of an entire chemical manufacturing group of companies by one of the shareholders.
- Advising CMC di Ravena, as main contractor, on the construction, claims and risks on the Mount Edgecombe Interchange (R850 million).
- Acting for an Insurance Company on the collapse of the Tongaat Mall in KwaZulu-Natal (acting for design engineer).
- Acting for an Insurance Company on the collapse of a grain silo in the Free State.
- Acting for an Insurance Company on the collapse of a gantry crane in the Durban Harbour.
- Acting for an Insurance Company on the collapse of the Grayston Drive Bridge collapse (acting for main contractor).
- Acting for an Insurance Company on the collapse of the partially constructed apartment block in George, Western Cape (acting for main contractor).
- Acting for an Insurance Company defending a R900 million claim by an insured pursuant to a rejected claim arising from alleged damage and theft on a mine in the Northern Cape.
- Advising a JSE listed construction company on an OHSA Inquiry due to a fatal accident on the N3.
- Drafting the Richards Bay Industrial Development Zones' IDZ Rules.