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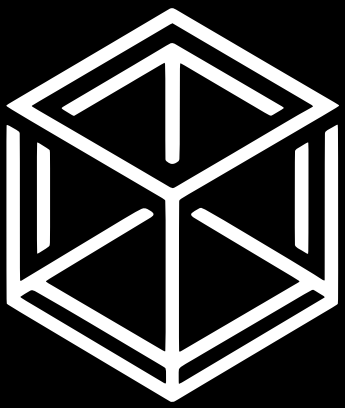
CONSTRUCTION AND INFRASTRUCTURE SECTOR



S MAX International Consulting Company is an international consultancy with a presence in the markets of the European Union and the Western Balkans.

Our work lies where business is commercially won or lost: regulatory compliance, project implementation, contracting and contract management, in both domestic and cross-border business. Our team has international experience in the most strictly regulated environments: projects of international financial institutions and development banks, operations of multinational companies and projects financed under intergovernmental agreements. We have advised both sides of the table, up to the highest levels of decision-making.

From the first procedure to a successfully delivered project.

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1. Project Structuring

Setting up the project before costs and commitments are incurred: what may be built on the site and under which conditions, who builds, through which legal entity and how it is financed, in what order procedures run and which contracts are needed, and what the project realistically costs and how much risk it carries in that set-up.

Site Due Diligence 01

What the plan permits on the plot, title status, infrastructure and constraints, before purchase or contract.

Project and Financing Model 02

Investor, legal entity and financing method, sequence of procedures and contracts, indicative budget and key risks.

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2. Regulatory and Procedural Compliance

Administrative procedures, permits and approvals.

Guiding the project through administrative procedures: planning the sequence of procedures and managing the entire process before the competent authorities, from planning conditions and the building permit to the occupancy permit. Coordination of all parties involved and follow-up of the case until the final decision.

Stalled procedures: identifying the causes of delay, correcting the application and restarting the case until it is resolved.

01 Permits and Procedure Management

Managing the procedure before the competent authorities, from planning conditions and the building permit to the occupancy permit: the application is prepared to pass the first time, every request from the authority is answered, grounds for rejection are removed and, where the procedure requires, legal remedies are used.

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Inspection and Construction Compliance 02

Guiding the project through the construction phase so that the works match the issued permit at all times: notifications and any permit amendments are made on time, and documentation is kept ready for inspection. Managing inspection procedures and removing grounds for suspension of works.

Development Charges and Infrastructure 03

Proceedings before local authorities and public bodies: verifying the calculation of development contributions and grounds for reduction, contracting the joint construction of missing infrastructure and recognition of the investment, up to the transfer of the infrastructure into public ownership.

Formal legal acts, such as certification of documents, legal opinions, drafting of submissions and representation in disputes, are carried out by partner law firms in accordance with the regulations of each jurisdiction.

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04 Land and Title Issues

Verification of land ownership, encumbrances and co-ownership, and resolution of title issues before the administrative procedure and construction begin.

05 Expropriation

Acquisition of land for public purposes and management of the procedure before the competent authorities, from preparation of the proposal to determination of compensation.

06 Legalisation and Land Registration

Legalisation procedures, alignment with the survey report, and registration of the building and its individual units.

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3. Contract Drafting and Negotiation

A contract is written to protect the client's commercial interest: who bears which risk, how and when payment is made, how it is secured, which deadlines apply and what follows if they are missed. Drafting, review of contracts prepared by the other party and negotiation through to signature, with formal legal review by a law firm.

01 Construction Contracts

Contracts with the contractor and subcontractors: scope of works and time for completion, price and payment schedule, guarantees and security instruments, variations and additional works, termination and consequences of non-performance.

02 Project Financing Agreements

The contractual side of financing and lending: aligning the lender's conditions with the construction contracts, security and the drawdown schedule.

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03 Contract Review

Review of contracts prepared by the other party: identification of risks and unfavourable provisions, proposed amendments and negotiation to an acceptable version.



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4. Contract Administration

Most contractual obligations arise only during construction. We follow the contract through to handover, so the investor pays for what was agreed and delivered.

Contract Administration 01

Managing the contract during construction: assessing variations and additional works, controlling payments and the release of retention, managing security instruments and contractual correspondence. Preparing and resolving claims.

5. Payment Certification

Every payment application submitted by the contractor is a request for payment: before payment, we verify it against the contract and the works actually performed.

Payment Certification and Cost Control 01

Expert review of interim and final payment applications against the agreed unit rates and payment terms, control of measured quantities and grounds for payment, and reconciliation of accounts with the contract documents.

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6. Public Procurement

On the contracting authority side:

Managing the public procurement procedure from planning to contract award, with responsibility for the legality and sustainability of the procedure: the type of procedure, qualification requirements, award criteria and form of contract are set according to the authority's actual needs and market conditions, not merely according to form. This way the procedure withstands scrutiny, and the awarded contract is performed as the procurement was intended.

01 Complex and High-Value Procurement

Structuring procurement where a standard approach is not enough, such as design and build, framework agreements, multi-year contracts and FIDIC-based contracts.

02 IFI-Financed Procurement

Procedures under EBRD and EIB rules, alignment with the bank's requirements and national legislation.

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Review Procedures 03

Expert support to the evaluation committee from receipt of a complaint to the conclusion of the procedure before the competent review body, including assessment of the complaint's merits, preparation of the response and implementation of the decision.

Contract Performance 04

Monitoring the performance of contractual obligations, analysing requests for variations, additional works and extensions of time, and preparing decisions and amendments within the limits of permitted contract modifications.

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On the bidder side:

Support throughout the entire procurement cycle: from the decision to participate in the procedure to the completion of the contract with the contracting authority.

05 Tender Procedure

Analysis of tender documents and qualification requirements, assessment of risks in the draft contract, preparation of the bid and evidence of compliance, requests for clarification and amendment of the documents, monitoring of the evaluation, and filing a complaint where necessary.

06 Public Contract Performance

Managing the contract on the contractor's side within the limits allowed by public procurement rules: contract modifications, additional works and extensions of time, security instruments and contractual correspondence with the contracting authority.

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7. Commercial Procurement Optimisation and Construction Materials Sourcing

Establishing and managing the procurement function for contractors and investors: analysis of the cost structure and existing procurement processes, division of procurement into packages, and identification of the categories where direct sourcing or a different procurement approach has the greatest impact on price and time.

Procurement Function Optimisation 01

Assessment of existing procurement processes, organisation and supplier contracts, development of category strategies, introduction of procedures and control mechanisms, and support to the procurement team in implementation.

What to Buy and How 02

Analysis of project costs and division of procurement into packages: what is worth buying directly and what should be left to the contractor.

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03 Supplier Sourcing and Contracting

Identifying and vetting suppliers in domestic and international markets, collecting quotations and comparing them on a like-for-like basis, negotiating prices, delivery times and payment terms, and concluding contracts on the most favourable terms, with measurable savings on purchase value.

04 Import of Materials and Equipment

Sourcing from foreign markets: manufacturer checks, contracting of delivery and payment terms, and tracking of goods through to delivery to site.

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8. Company Formation and Business Registration

Incorporation of a company at home and abroad and registration of construction activity, up to the point where the company can operate and carry out works: registration, work permits, posting of workers, and the tax and legal framework of the business.

Market Entry Model 01

The decision before incorporation: a new company, a branch or the acquisition of an existing company. The implications for taxes, founders' liability, timelines and the use of references are assessed.

Regulatory Compliance of Operations 02

Compliance of operations with the regulations and conditions for carrying out construction activity in the country of operation: work permits, posting of workers, and the legal and tax framework.

01 PROJECT STRUCTURING

Site Due Diligence
Project and Financing Model

02 REGULATORY AND PROCEDURAL COMPLIANCE

Permits and Procedure Management
Inspection and Construction Compliance
Development Charges and Infrastructure
Land and Title Issues
Expropriation
Legalisation and Land Registration

03 CONTRACT DRAFTING AND NEGOTIATION

Construction Contracts
Project Financing Agreements
Contract Review

04 CONTRACT ADMINISTRATION

05 PAYMENT CERTIFICATION

06 PUBLIC PROCUREMENT

CONTRACTING AUTHORITY SIDE
Complex and High-Value Procurement
IFI-Financed Procurement
Review Procedures
Contract Performance
BIDDER SIDE
Tender Procedure
Public Contract Performance

07 COMMERCIAL PROCUREMENT OPTIMISATION AND CONSTRUCTION MATERIALS SOURCING

Procurement Function Optimisation
What to Buy and How
Supplier Sourcing and Contracting
Import of Materials and Equipment

08 COMPANY FORMATION AND BUSINESS REGISTRATION

Market Entry Model
Regulatory Compliance of Operations

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