



## Gregory K. Smith

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### Areas of Practice

Construction Law & Litigation | Energy | Transportation | Manufacturing | Litigation/Trial Practice | Construction Project Counseling | Construction Contract Drafting | Government Procurement | Global Supply Chains and Onshoring

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Gregory (Greg) K. Smith is a Partner in the Construction, Energy, and Government Contracts Practices at Smith Gambrell Russell, LLP.

Mr. Smith practices in all areas of construction law, energy law, contract law, and government procurement. His practice consists of dispute resolution and litigation, counseling in contracting issues, counseling in government procurement, and the drafting, structuring, and reviewing of energy, construction, and other contracts. He advises businesses on a wide range of legal, compliance, and strategic issues. Being trained in transactions and disputes, he understands the complex interplay and consequences of decisions faced by businesses.

Mr. Smith has written and edited many presentations and papers on dispute resolution, construction contracting, government procurement, and construction fraud. He is a frequent speaker at seminars related to the construction industry. Since 2015, he has been recognized by Georgia Trend as one of Georgia's "Legal Elite." The Legal Elite is a list of Georgia's top attorneys, nominated and chosen by their peers.

He is a founding member and vice chair of the State Bar of Georgia's Construction Law Section. Mr. Smith serves on the steering committee for the International Construction Division of the American Bar Association Forum on Construction Law. He is also the Southeast Regional Director for the Society of Construction Law North America.

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Mr. Smith graduated, *magna cum laude*, from Georgia State University with a bachelor's degree in Political Science. He graduated with a J.D., *cum laude*, from the Walter F. George School of Law at Mercer University. While at Mercer, Mr. Smith served as the Editor in Chief of the *Mercer Law Review*. He is a member of the State Bar of Georgia and the American Bar Association. Prior to practicing law, Mr. Smith served in the United States Navy.

## Representative Experience

- Represented an investor-owned electric utility with large infrastructure projects related to coal combustion residuals, electric power generation, transmission, and distribution, and renewable energy programs in Georgia. This work includes every facet of contract drafting, negotiation, management, and implementation. He provides ongoing counsel as issues arise throughout the life of projects.
- Represented the design-build-finance contractor in connection with claims by and against it relating to one of the largest public private partnership projects in Georgia. The project entailed rebuilding one of the busiest highway interchanges in the State of Georgia while maintaining traffic flow through the interchange.
- Represented Metropolitan Atlanta Rapid Transit Authority in its 20-year program to renovate and expand its infrastructure and facilities, known as "MARTA 2040." This work included updating and streamlining many of MARTA's Capital Projects contract documents, assisting with bidding and negotiating contracts for upcoming infrastructure projects, and serving as "project counsel" for MARTA's infrastructure projects.
- Represented international fiber board manufacturer in dispute over the construction of state-of-the-art fiber board mill.
- Represented a large multinational toll system provider performing public-private partnership projects with the Virginia Department of Transportation.
- Represented a multinational infrastructure contractor performing public-private partnership transportation projects with the North Carolina Department of Transportation.
- Advised German metals recycler with development and construction of a €300 million multi-metal recycling plant.
- Advised multi-national infrastructure contractor with claims related to project to rebuild interchange of two interstates.
- Drafted design agreements, construction agreements, and other service contracts for construction projects in diverse industries and projects valued from \$25,000 to over \$1 billion.
- Represented Latvian owner of a fiberglass manufacturing facility in claims against its general contractor for defects, delay, and other related claims.
- Advised international infrastructure contractor regarding performance, management, and completion issues with government-funded projects in the United States.

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- Represented a Dutch EPC contractor in an LCIA arbitration arising out of a force majeure dispute related to an oil refinery in Kurdistan.
- Advised national senior living developer, manager, and owner regarding real estate and construction issues.
- Represented a Colombian coal mine owner with claims related to delay, warranty issues, and liquidated damages in an ICC arbitration with a German materials supplier.
- Advised Japanese manufacturer with negotiations for construction of international manufacturing plants.
- Represented German manufacturer with warranty, delay, defect, and cost claims against its contractor related to design and construction of manufacturing facility.
- Represented large mechanical subcontractor in claims delay and defect claims related to work on the Savannah Harbor Expansion Project.
- Advised family-owned business on becoming designated as a minority business enterprise.
- Represented international financial institution in arbitrations related to financial services.
- Represented a joint venture of Dutch and Saudi Arabian energy companies in a CPR arbitration with an EPC contractor regarding the massive expansion of an oil refinery.
- Represented a German transportation company in a successful bid protest involving a U.S. Department of Defense contract.
- Counseled many clients, in diverse businesses, on government procurement issues, including federal procurements under noncompetitive bid regulations, disputes with government agencies, negotiations with government entities over contract terms and other issues, claims relating to unpaid contract amounts, delay and disruption issues, SBA regulations, MBE/WBE and related minority contracting, and contract change issues.
- Represented Dutch energy company in negotiations for contract amendments with German equipment supplier on a Brazilian energy project.
- Represented global supplier of cellulose specialties products in a dispute with an international design-build contractor related to a cellulose specialties plant conversion.
- Represented a Fortune 50 company in litigation in London, England with an international EPCM contractor arising out of construction and process defects in a state-of-the-art soft drink concentrate manufacturing facility in Europe.
- Represented a large school district pursuing claims of breach of contract, breach of fiduciary duty, fraud, and State RICO violations against a program management firm hired to manage the district's \$1 billion construction program.
- Represented a global mining company in a multi-million-dollar dispute arising out of the engineering and construction of a \$1 billion copper mining facility located in the Andes Mountains of Chile.

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- Represented a multi-national provider of identification systems in defense of government bid protest.
- Counseled an international aircraft manufacturer regarding sales of aircraft to the United States Department of Defense.
- Represented a global firearms manufacturer in a protest with governmental entities.

## Speeches and Publications

- *A Legal Perspective of Construction Fraud*, Construction Audit & Cost Control Institute Best Practices Workshop, Scottsdale, Arizona (June 2021)
- *Viewpoint: Court ruling opens door to construction litigation*, Atlanta Business Chronicle, [https://www.bizjournals.com/atlanta/news/2019/12/13/viewpoint-court-ruling-opens-door-to-construction.html?iana=hpmvp\\_atl\\_news\\_headline](https://www.bizjournals.com/atlanta/news/2019/12/13/viewpoint-court-ruling-opens-door-to-construction.html?iana=hpmvp_atl_news_headline) (December 13, 2019)
- *"Legal" Fraud*, Construction Audit & Cost Control Institute Best Practices Roundtable, Las Vegas, Nevada (November 2019)
- Toward an Understanding of Willful Misconduct in International Construction Contract, *The Construction Lawyer (Journal of ABA Forum on Construction Law)*, Vol. 39, No. 2 (May 2019)
- Issues and Solutions in International Construction Contracting, *The American Journal of Construction Arbitration & ADR*, Vol. 2, No. 1 (2018)
- Substantial Completion – A Contractor's Perspective, *UNDERGROUND CONNECTION*, April 2018, at 14.
- *Nuances of Fraud – A Legal Perspective*, Construction Audit & Cost Control Institute Best Practices Workshop, Dallas, Texas (November 2017)
- Issues and Solutions in International Construction Contracting, *The Construction Lawyer*, Volume 36, Number 4 (Fall 2016)
- *Fundamentals of Construction Law - Learning from the Pros*, moderator, ABA Forum on the Construction Law, Atlanta, Georgia (November 2016)
- *Managing Risks on Energy Projects: Here and Away*, moderator, ABA Forum on the Construction Law fall meeting, Chicago, Illinois (October 2016)
- *Construction in Argentina and LatAm: Making the Deal Happen, The Time Has Come: Investing in Argentina's Infrastructure and Energy Sectors*, Buenos Aires, Argentina (June 2016)
- *Protection Through Project Documents, Lawyer Roundtable: Practical Answers to Common Legal Problems*, Georgia Construction Finance Conference, Atlanta, Georgia (May 2016)
- *What Does Fraud Look Like in a Construction Project?* National Association of Construction Auditors, Orlando, Florida (March 2016)

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- Construction Audit & Cost Control Best Practices Roundtable Workshop, Construction Audit and Cost Control Institute, Las Vegas, Nevada (December 2014)
- Contributing author, The Annotated Construction Law Glossary, *American Bar Association Forum on the Construction Industry* (2010)

## Admissions

Georgia

## Memberships

American Bar Association

State Bar of Georgia

Society of Construction Law

## Recognitions

Chambers USA: Leading Business Lawyers, Construction - Georgia, (2022- 2023)

The Best Lawyers in America©, Construction Law, (2022)

The Best Lawyers in America©, Litigation - Construction, (2021-2022)

The Best Lawyers in America©, International Arbitration - Commercial (2022-2023)

The Best Lawyers in America©, Commercial Litigation (2022-2023)

Georgia Super Lawyers, Construction Litigation, (2014-2022)

Georgia Trend's Legal Elite, (2015-2022)

Rising Star, Construction Litigation, (2010)

Construction Lawyers Society of America, Charter Fellow