


# Construction, Energy, and Infrastructure Disputes

ankura  | LATIN AMERICA



projects in  
**72** countries



**3,000+**  
clients



**2,000+** people  
worldwide



**44** languages  
spoken

Ankura Consulting Group, LLC is an independent global expert services and advisory firm that delivers services and end-to-end solutions to help clients at critical inflection points related to conflict, crisis, performance, risk, strategy, and transformation. Collaborative Lateral Thinking™, hard-earned experience, expertise, and multidisciplinary capabilities drive results and Ankura is unrivaled in its ability to assist clients to Protect, Create and Recover Value™.

Clients around the world rely on the expert advice and data-driven opinions of Ankura's dispute resolution professionals. We develop insightful and practical solutions and deliver robust quantum analyses, presenting findings and conclusions in a clear, concise and objective manner.

**We provide services, solutions and expert testimony in the following areas:**

- Damages analysis: historical and lost profits
- Cost/quantum analysis
- Schedule/program/delay analyses
- Labor productivity and production analyses
- Professional liability and defective construction analyses
- First-party insurance claims
- Expert oral and written testimony
- Project design/development/management
- Regulatory advice/tariff reviews/optimal pricing
- Optimal concession and contract design, risk allocation, government procurement

## UNPARALLELED EXPERIENCE

Ankura's dispute resolution professionals provide proven results, delivering written and oral testimony in venues around the globe, including:

- International Centre for Settlement of Investment Disputes (ICSID)
- International Centre for Dispute Resolution (ICDR)
- International Chamber of Commerce (ICC)
- Permanent Court of Arbitration (PCA)
- Panama's Chamber of Commerce (CECAP)
- Dubai International Arbitration Centre
- Hong Kong International Arbitration Centre
- Arbitration Institute of the Stockholm Chamber of Commerce
- Asian International Arbitration Centre
- London Court of International Arbitration
- U.S. Court of Appeals
- U.S. District Court
- U.S. Bankruptcy Court
- U.S. Federal and State Court
- Armed Services Board of Contract Appeals (ASBCA)
- Federal Regulatory Energy Commission
- General Services Boards of Contract Appeals
- Technology and Construction Court of England and Wales
- Commercial Court of England and Wales
- Singapore High Court

## ANKURA'S TEAM OF PROFESSIONALS HOLD NUMEROUS CREDENTIALS, INCLUDING:

- Accredited mediator (CEDR)
- American Institute of Architects (AIA)
- Association of project managers (APU)
- Certified cost professional (CCP)
- Certified in financial forensics (CFF)
- Certified forensic claims consultant (CFCC)
- Certified management accountant (CMA)
- Certified public accountant (CPA)
- Certified general contractor (CGC)
- Chartered Arbitrator (CA)
- Chartered global management accountant (CGMA)
- Chartered quantity surveyor (CQS)
- Construction adjudicator (CA)
- Registered Architect (RA)
- National Council of Architectural Registration Boards (NCARB)
- Planning and scheduling professional (PSP)
- Professional Engineer (PE)
- Project management professional (PMP)
- The Chartered Institute of Arbitrators (CIArb)
- The Royal Institution of Chartered Surveyors (MRICS)
- The Singapore Institute of Arbitrators (SIArb)



**Scott D. Gray** is a Senior Managing Director at Ankura based in Miami. Scott has thirty-seven years of consulting experience, including the analysis of costs and quantum related to over 350 construction projects. Prior to that, Scott was a staff consultant with the Grace Commission, studying the policies and procedures of the US Federal Government. Scott is the leader of Ankura's Latin America Construction operations group with the global construction practice. Scott has been recognized as Global Elite Thought Leader, Arbitration and Construction expert by Who's Who Legal. He has a B.A in economics from Colgate and an M.B.A from Georgetown universities. [scott.gray@ankura.com](mailto:scott.gray@ankura.com)



**Israel Almodovar** is a Senior Managing Director at Ankura, based in Phoenix, with over 25 years of experience in the construction industry. He specializes in providing expert witness and advisory services on domestic and international construction projects in the areas of schedule delay, cost overruns, and other project management issues. Since 2017, Israel has been recognized as a Construction, Consulting and Arbitration expert by Who's Who Legal. He has lectured at various international conferences regarding project administration and construction claims issues. Israel holds a B.S in Civil Engineering from the University of Puerto Rico, an M.B.A. from Rutgers University and an M.S. in Civil Engineering from MIT. [israel.almodovar@ankura.com](mailto:israel.almodovar@ankura.com)



**Andrés Chamboleyron** is a Senior Managing Director at Ankura, based in Miami. He has over 29 years of experience in regulatory and antitrust economics as well as a testifying expert assessing damages in arbitration cases in sectors such as electricity, oil and gas, internet and telecoms, water, mining, manufacturing, airports and infrastructure in general. He has been recognized by Who's Who Legal as a Thought Leader as well as an International Arbitration and Energy Expert. He has been Argentina's Undersecretary of Energy and Electricity Regulator. Andrés holds a B.S in Industrial Engineering from UNC, Argentina and a Ph.D. in Economics from the University of Texas at Austin. [andres.chamboleyron@ankura.com](mailto:andres.chamboleyron@ankura.com)



**Agustin Ros** is a Senior Managing Director at Ankura based in Boston. Agustin has more than 30 years of experience in regulatory and antitrust economics in network and heavily regulated industries, including aviation, electricity, natural gas, postal, telecommunications, transport, and water, as well as in statistical and econometric analysis. Agustin has worked as an economist at the Illinois Commerce Commission, the FCC, the OECD, and the Mexican Competition Commission and has published widely in academic journals. He is an adjunct professor at the International Business School at Brandeis University where he teaches a course on global regulatory and antitrust economics. Agustin holds a Ph.D. in Economics from the University of Illinois. [augie.ros@ankura.com](mailto:augie.ros@ankura.com)



**Ana Maria Casas** is a Managing Director at Ankura and is based in Miami. She specializes in providing advisory services in the areas of project controls, risk management, contract administration, disputes, and other commercial aspects of projects. Her experience includes the preparation, and defense of claims related to delay and damages. She has been retained to provide independent expert opinion in mediation, domestic and international arbitration, and litigation. Ana María holds a B.S in Civil Engineering from USF, an M.S in Project Management from FIU and an M.B.A from Northwestern University. [ana.casas@ankura.com](mailto:ana.casas@ankura.com)



**Joseph Vergara** is a Managing Director at Ankura based in Miami. Joseph specializes in developing claims and analyzing issues related to construction projects within the US and internationally, across industry sectors. He brings legal expertise and more than 20 years of combined experience with the construction industry to provide litigation and other support to clients in addressing costs overruns, cost estimating, change order reviews, loss-of-productivity analyses, critical path method (CPM) scheduling, and delay analyses. Joseph holds a J.D and a B.S in Civil Engineering from the University of Puerto Rico. [joseph.vergara@ankura.com](mailto:joseph.vergara@ankura.com)



**CHILE**

**TRANSMISSION LINE**

Our team was engaged by a concessionaire in Chile to conduct a delay analysis and damage quantification related to the design and construction of a 750+ km transmission line, under a concession decree with the State. The State charged the concessionaire over US\$ 80 million in delay penalties. The concessionaire argued delays were a result of lack of site access due to force majeure events. Ankura prepared a delay analysis and presented conclusions in support of US\$ 235+ million ICSID arbitration.



**ARGENTINA**

**COMBINED CYCLE POWER PLANT**

Our professionals were engaged by one of the partners of a consortium responsible for the design and construction of an 800MW combined cycle power plant in Argentina. The delays in this project were caused by force majeure events, inefficiencies, and personnel demobilizations, among other events. Ankura prepared a delay analysis and presented our conclusions during an ICC arbitration, supporting a claim for delay penalties of over US\$ 65 million against another consortium partner.



**MEXICO**

**GAS PIPELINE CONCESSION**

Our team was engaged by the concessionaire of a gas pipeline in Mexico to conduct a delay analysis and quantify the damages associated with the termination of the concession contract when the project was still under construction. The contract termination was due to delays owing to lack of access to the right of way from events the concessionaire considered force majeure. As part of an arbitration before the LCIA, we presented our opinions on delays, cost overruns, and lost profits of the concessionaire, supporting a claim of US\$ 225+ million.



**PERU**

**ROAD CONCESSION**

Our experts were engaged by the concessionaire of a road in Peru to conduct a delay analysis and damage quantification related to the delays in the construction of a 350+ km road in Peru. The delays were caused by lack of access to the right of way by the State, which were considered force majeure events by the concessionaire. As part of the arbitration process, we prepared a delay analysis and presented our conclusions during an ICSID arbitration, supporting a concessionaire's claim of over US\$ 150 million.



**PERU**

**GAS PIPELINE**

Our team was engaged to conduct a delay analysis related to the construction of a US\$ 200 million, 300 km gas pipeline in Peru. According to our analysis, based on the As-Planned vs. As-Built methodology in windows, the main delays in the project were due to lack of site access due to force majeure issues, mainly related to archaeological findings and permits.



**MEXICO**

**WIND FARM CONCESSION**

Ankura was retained by the legal firm of an Operations and Maintenance contractor of a Wind Farm to assess claims by the concessionaire for alleged economic damages for: (i) cost overruns for the replacement of access roads; (ii) lost profits; and (iii) cost overruns associated with contract resolution. Ankura presented its opinions on the claimed economic damages in an ICSID arbitration in Mexico City.



**CARIBBEAN**

**POWER GENERATION/DISTRIBUTION**

Our experts were retained by a power distribution company to analyze and compute damages due to the alleged violation of a Power Purchase Agreement (PPA) signed between a Thermal generating plant and the distribution company. The PPA established a minimum capacity payment per MW of required capacity that the distribution company had to pay to the power generator to cover fixed costs. The dispute concerned the amount of minimum capacity required during the pandemic.



**ECUADOR**

**OIL SERVICES AND PRODUCTION**

Our professionals were retained by a provider of oil recovery services in Ecuador on a PCA case against a major oil company in a dispute relating to the interpretation of the amount of oil used to pay the oil service company for its services; whether the payment should remunerate the company based on the total amount of oil produced above the natural decline curve of the oil field, or on the oil produced above the decline line that was produced by the oil service company.



**BRAZIL**

**SATELLITE SERVICES**

Our economists were retained by a satellite operator in Brazil in an ICC commercial arbitration claim against another satellite operator over the commercial exploitation of an orbital position. Damages to our client were assessed following three methodologies: (i) contract sale value, (ii) capacity replacement cost approach, and (iii) discounted cash flows. The arbitration resulted in an award favorable to our client.



**MEXICO/CENTRAL AMERICA**

**RENEWABLE POWER GENERATION**

Our professionals were retained by a manufacturer of Wind Turbine Generators (WTG) in two ICC arbitration cases, one against the concessionaire of a wind farm that claimed that the manufacturer had provided failed WTG parts for a wind farm in Mexico, and the second against a provider of logistics services that allegedly failed to deliver WTG parts to the construction site, delaying the construction of a wind farm in El Salvador. Both cases were resolved satisfactorily for our client.



**CENTRAL AMERICA**

**AIRPORT TERMINAL**

Our economists provided an independent assessment of the lost profits suffered by an airport's operator due to the delays caused by a construction company on the construction of a terminal. As a result of these delays, the airport terminal experienced substantial losses due to foregone sales and profits. The hearing took place in August 2023 in the Chamber of Commerce of a Central American country and the arbitration panel awarded approximately \$30 million in damages to our client.



**MEXICO**

**GOLD MINING CONCESSION**

Our experts are currently providing expert testimony and assessing damages in an ICSID claim filed by an investor against the Mexican government for the alleged expropriation of a gold mining concession. Damages are being assessed based on the Fair Market Value valuation standard, actual and comparable transactions. The hearing will take place in Washington DC in late 2025.

# ANKURA'S EXPERTS HAVE BEEN ENGAGED IN A WIDE VARIETY OF INDUSTRIES ACROSS LATIN AMERICA, INCLUDING:



## ENERGY

### Argentina

- Simple and combined cycle power plants
- Power transmission line

### Bolivia

- Gas pipeline and plant

### Brazil

- Hydroelectric power plant
- Floating production and storage facility

### Chile

- Thermal power plant
- Wind power generation plant
- Cogeneration plant

### Colombia

- Oil refinery
- Oil production

### Costa Rica

- Hydroelectric power plant

### Dominican Republic

- Biomass power plant
- Thermal power plant

### Ecuador

- Oil and gas production

### El Salvador

- Hydroelectric power plant
- Wind power generation plant

### Guatemala

- Hydroelectric power plant
- Thermal power plant

### Mexico

- Solar power plant
- Oil refinery
- Gas pipeline

### Peru

- Power transmission line
- Oil and gas production
- Hydroelectric power plant

## INFRASTRUCTURE/INDUSTRIAL

### Argentina

- Transmission line

### Brazil

- Metro system (Sao Paulo)
- U.S. Consulate
- Polyethylene plant
- Petrochemical plant

### Chile

- Road concession
- Airport terminal
- Copper mine
- Gold mine
- Wood pulp plant
- Transmission line

### Costa Rica

- Hotel resort

### El Salvador

- Border crossing

### Mexico

- Sulphur dehydration plant

### Panama

- Airport terminal
- Panama Canal expansion
- Water treatment plant

### Peru

- Hotel
- Logistics center
- Copper mine
- Gold mine
- Ethanol plant
- Airport facilities

### Puerto Rico

- Railroad concession
- Shopping center
- Airport terminal
- Parking lot at federal building

### Uruguay

- Wood pulp plant

### Venezuela

- Iron briquette plant
- U.S. Embassy

## PUBLIC UTILITIES

### Argentina

- Water concession
- Gas distribution
- Gas transportation
- Electricity distribution
- Electricity transmission

## TELECOM/COMPETITION

### Argentina

- Demand elasticities of fixed telecoms
- Pre-merger analysis of mobile telecoms

### Chile

- Elasticities of demand of mobile services
- Mobile interconnection charges

### Colombia

- Resale of mobile services
- Mobile interconnection charges

### Honduras

- Competitive effects of joint venture

### Mexico

- Price cap tariff review
- Analysis of total factor productivity

### Peru

- Broadband internet networks



ENERGY

TELECOM/COMPETITION

INFRASTRUCTURE/INDUSTRIAL

PUBLIC UTILITIES