

CONSTRUCTION AND ENGINEERING GROUP



High calibre individuals with good industry knowledge and a proven track record

Client

MANAGING RISK SERVICE

Our Construction and Engineering group understands how disputes can arise and how best to avoid them. We work closely with clients to proactively ensure that systems are put in place at the start of a project to avoid disputes where possible.

WHAT WE DO

Our Managing Risk Service gives you and your project management team the legal resource, information and advice that you need, when you need it, during the construction phase of your project; allowing you to make informed decisions at the right time, thereby reducing cost and risk.

Having acted for you during the drafting stages, we understand the requirements of the contracts, the structure of the wider transaction, your commercial priorities and the dynamics of your project team.

The service is geared to addressing the challenges and requirements presented by the contracts to help you maintain relationships with all interested parties. Whatever contract is used, legal input at the right time can make a real difference, particularly where the form of contract may be unfamiliar to some members of the project team.

In our experience, the following are common examples of issues which may arise under the Development Agreement / Building or Engineering Contract / project documents which if not dealt with properly and timeously, can be costly.

- Defective works
- Variations / Changes
- Payment and pay less notices
- Sectional Completion / Practical Completion
- KPIs / Testing
- Liquidated damages / Limits on liability
- Notices and contractor's claims for extension of time/compensation events and loss and expense
- Insolvency / Termination / Bond claims

Each of the above can give rise to issues where legal advice is required. Having the dedicated legal resource, on hand, without having to instruct us separately, will enable you to be informed of issues and deal with them early.

THE SERVICE

Our Managing Risk Service provides proactive, strategic advice during the implementation phase of the project, together with training to help you to obtain the full benefits you contracted for and achieve completion of your project on time and on budget. The service is entirely flexible and we would like to discuss your needs with you. The central parts of the service are:

- An AG team dedicated to managing legal risk on your project. This team will include the construction partner you dealt with at the drafting stage working alongside our experienced specialist risk management construction lawyers.
- A familiarisation and training session with your project team at the outset, such that they understand the legal resource available to them, the contract and that we understand how you would like us to operate and report within the team.
- The production of a "Risk Management Manual" containing guidance and pro forma documents for use by the project team when administering the contract. This minimises the risk of non-compliance with contractual procedures and, at the same time, assists the project team to understand and perform the contractual obligations.
- Advice at any time, whether by email, telephone or in person.
- Periodic attendance at client project meetings and preparing an "outstanding issues tracker", as a catalyst for discussion, giving advice and resolving issues proactively.
- Periodic reports covering areas of legal/contractual risk, recommending solutions and confirmation of any advice given, in a form to suit you and your team; from weekly to quarterly.

OUR EXPERIENCE

- Advising a national museum in relation to a major museum extension.
- Acting for the developer of one of the largest motorway service areas in Europe, supporting the project team with a form of contract unfamiliar to them and advising on issues such as the diversion of the M25.
- Acting for the developer of a £35m hotel during a 30 month construction programme, assisting the client with issues such as major insolvency, bond claims and adjudication proceedings.
- Working with a contracting JV in respect of a £250m scheme to construct a wastewater treatment works. Our involvement from the outset of the project and the use of regular advice surgeries meant disputes were avoided where possible and dealt with quickly and cost effectively when they did arise.
- Assisting one of the 'Big 6' UK energy providers to resolve a number of multi million pound issues with a series of PFI street lighting contracts without recourse to dispute resolution. The client concerned was both the funder and the service provider. Our advice helped the client to reduce and quickly settle its adjustments liability so that it could achieve a sale of its stake to a third party within the requisite timescales and without incurring a significant loss.
- Providing ongoing assistance to a global power systems company to manage the design and construction of an advanced manufacturing and technology facility. This includes the defence of a circa 52 week extension of time claim and ensuring that the client utilises all the mechanisms available to it under the contract to achieve its commercial aims without recourse to dispute resolution.

WHO TO CONTACT

Please do not hesitate to contact our team to discuss how we can help you.

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