



DGA GROUP

TRAINING & SEMINAR DETAILS



PRIVATE & CONFIDENTIAL

NEC3 and NEC4 Training Seminars

Using and Managing the NEC3 or NEC4 Engineering and Construction Contract (Training Seminar)

Introduction

Background to NEC, Contract Data, Early Warning (Risk) Register, Site Information, Scope (Works Information)

Providing the Works

Works Information, mutual trust & co-operation, Early Warning notifications, Design, Instructions, Quality/ Defect correction, Contractor's proposals (value engineering)

Time obligations & Programming

Start Date, Access Date, Key Dates, planned Completion, Completion Date, Accepted Programme, revised programme, Acceleration.

Payment

Main Options, valuation of the works for each Main Option, applications for payment, Project Manager's assessment, calculation of Defined Cost, Schedule of Cost Components

Compensation events

Notification of, time barring late notification, basis of assessment of change to the Prices and/or delay, dividing date, quotations, rejection of quotations, Project Manager's assessment, implementation

Dispute Resolution

Application of Options W1 and W2, Adjudication, Senior Representatives, Dispute Avoidance Boards, Arbitration/ Litigation

Termination

Termination reasons and procedure

Using and Managing the NEC3 or NEC4 Engineering and Construction Subcontract (Training Seminar)

Introduction

Background to NEC, Subcontract Data, Early Warning (Risk) Register, Site Information, Scope (Works Information)

Providing the Subcontract Works

Works Information, mutual trust & co-operation, Early Warning notifications, Design, Instructions, Quality/ Defect correction, Contractor's proposals (value engineering)

Time obligations & Programming

Start Date, Access Date, Key Dates, planned Completion, Completion Date, Accepted Programme, revised programme, Acceleration.

Payment

Main Options, valuation of the works for each Main Option, applications for payment, Contractor's assessment, calculation of Defined Cost, Schedule of Cost Components

Compensation events

Notification of, time barring late notification, basis of assessment of change to the Prices and/or delay, dividing date, quotations, rejection of quotations, Contractor's assessment, implementation

Dispute Resolution

Application of Options W1 and W2, Adjudication, Senior Representatives, Dispute Avoidance Boards, Arbitration/ Litigation

Termination

Termination reasons and procedure

Using the Managing the NEC3/ NEC4 Term Service Contract (Training Seminar)

Introduction

Background to NEC, Contract Data, Early Warning (Risk) Register, Scope (Service Information)

Providing the Service

Mutual trust & co-operation, Early Warning notifications, Design, Instructions, Task Orders, Quality/ Defect correction, Contractor's proposals (value engineering); Task Order Quotations

Time obligations & Programming

Starting Date, Service Period, Task planned Completion, Task Completion Date, Accepted Plan, revised plan, Task Order programme, Acceleration

Payment

Main Options, valuation of the works for each Main Option, applications for payment, Service Manager's assessment, calculation of Defined Cost, Schedule of Cost Components

Compensation events

Notification of, time barring late notification, basis of assessment of change to the Prices and/or delay, dividing date, quotations, rejection of quotations, Service Manager's assessment, implementation

Dispute Resolution

Application of Options W1 and W2, Adjudication, Senior Representatives, Dispute Avoidance Boards, Arbitration/ Litigation

Termination

Termination reasons and procedure

Target Cost Contracting under the NEC3 or NEC4 with Options C and D (Training Seminar)

Introduction

Background to NEC, Contract Data for Options C or D, Early Warning (Risk) Register, Site Information, Scope (Works Information)

Providing the Works

Works Information, mutual trust & co-operation, Early Warning notifications, Design, Instructions, Quality/ Defect correction, Contractor's proposals (value engineering)

Time obligations & Programming

Start Date, Access Date, Key Dates, planned Completion, Completion Date, Accepted Programme, revised programme, Acceleration.

Payment

Main Options C and D, valuation of the works for each Main Option, applications for payment, Project Manager's assessment, calculation of Defined Cost, Schedule of Cost Components; calculation of share

Compensation events

Notification of, time barring late notification, basis of assessment of change to the Prices and/or delay, dividing date, quotations, rejection of quotations, Project Manager's assessment, implementation

Dispute Resolution

Application of Options W1 and W2, Adjudication, Senior Representatives, Dispute Avoidance Boards, Arbitration/ Litigation

Termination

Termination reasons and procedure

Notification and Assessment of compensation events under the NEC3/ NEC4 (Training seminar & Workshop)

The compensation events

The core clauses. The main options. The secondary options. Additional compensation events.

Notification of compensation events

Period to notify; Consequences of failure of Contractor to notify. Events the Project Manager should notify; Events the Contractor should notify; Project Manager's response to a Contractor notification.

Contractor's quotation

When to submit and timeframe for submission. Revised Quotations. Project Manager's Assumptions. Cost of preparing quotations.

Assessment of compensation events

Assessment of compensation events. Defined Cost, Fee, Cost risk allowances; delay to completion; time risk allowances; reference to the Accepted Programme. Absence of early warning notification.

Project Manager's assessments of compensation event

When, how and the records can be used; Assessing the impact on the remaining works

Implementation of a compensation event

Workshop

Mock scenario, notification of an event, assessment of time and cost

NEC3 Engineering & Construction [Contract/ Subcontract] - Nightmares and their resolution (Training Seminar)

Contract Documents

Precedence of contract documents; Conflict in or between contract documents; site information is limited, what should the Contract do?

First and revised Programme

Failure of Contractor to submit a programme for acceptance; Failure of Project Manager to accept or reject a programme submitted for acceptance

Payment

The Project Manager has failed to issue a payment certificate; What are amounts retained?

Compensation events

The Contract Data does not specify the weather station to obtain weather data; Failure of Contractor to notify a compensation event; Failure of Project Manager to notify a compensation event; Failure of Project Manager to request a quotation; Failure of Contractor to notify Project Manager that it has failed to respond to compensation event quotation; Failure of Contractor to provide an Early Warning notice; Is there an obligation to use agreed rates in lieu of defined costs to assess the change to the Prices due to a compensation event? Assessment of compensation events when the parties have not followed the contract or partially followed the contract; Project Managers Assessment – which records can be used; how does it assess time? What are disallowed costs?

FIDIC

- Condition of Contract for Construction (Red Book, Pink Book)
- Conditions of contract for Plant & Design/ Build (Yellow Book)
- Conditions of Contract for EPC/Turnkey Projects (Silver Book)

Topic's typically covered in each contract specific seminar:

Overview of the contract

- Relevance & application

Roles of the Employer & Engineer

- Employer's arrangements
- Duties and authority of the Employer
- Duties and authority of the Engineer
- Determinations

Time for completion and delay

- The Contractor's obligation
- Extensions of time for completion
- Acceleration
- Penalties for delay

Design

- Responsibility
- Reasonable skill care v fitness for purpose
- Employer's requirements

Risk and Insurance

- Principles of risk and risk allocation
- Indemnity and insurance

Claims for money

- Notices
- Contractor's claims (delay possession; late information, ground conditions)
- Employer's claims (defects and delay damages)
- Unforeseeable physical conditions
- Prolongation and disruption

Procedure for payment, Variations

- Payment Certificate and Procedure
- Variation procedure
- Evaluation
- Retention and Bonds

Ending the project

- Taking over and commissioning
- Defect notification period
- Suspension and termination

Disputes and resolution

- Methods of resolution
- Rules
- Settlement

JCT 2016 Training Seminars

JCT Minor Works and Intermediate Building Contracts 2016 (Training Seminar)

Introduction

Main criteria for selection of the contract. Layout: Recitals, Articles, Contract Particulars, Conditions and Schedules

Execution of the Contract & Contract Documents

Execution under hand or as a Deed? Documents; Conflict in or between documents; With/Without Contractor's Design

Carrying out the Works

Contractor's general obligations; Architect/ Contract Administrator's duties; Design responsibility. Design, Materials and workmanship. Instructions, Variations. Defects and rectification. Supply of information/documentation. Communications. Collateral Warranties/ Rights of 3rd Parties.

Sub-contracting

Named or Domestic Sub-Contractors. Consent to Sub-contract. JCT Sub-Contract Forms.

Time obligations

Possession of the Site. Completion Date; Regularly and diligently; practical completion. Relevance of programme. Delay; Relevant Events; Adjustment of Completion date; Information release. Suspension. Liquidated Damages. Sectional Completion. Early use; Partial Possession.

Valuation of the Works and Payment

Pricing Document (BQ/ Specification/ Work Schedules; or Contract Sum Analysis [if the JCT Intermediate applies]) Adjustment of the Contract Sum; Payment Applications; Certificates; Interim and Final payments, interim and final. Valuation of Variations; Loss and/or Expense. Interest. Advance Payment. Payment for offsite goods and materials.

JCT Intermediate and Standard Building Contracts 2016 (with/ without Quantities; with Approximate Quantities) (Training Seminar)

Introduction

Main criteria for selection of the contract. Layout: Recitals, Articles, Contract Particulars, Conditions and Schedules

Execution of the Contract & Contract Documents

Execution under hand or as a Deed? Documents; Conflict in or between documents; With/Without Contractor's Design

Carrying out the Works

Contractor's general obligations; Architect/ Contract Administrator's duties; Design responsibility. Design, materials and workmanship. Instructions, Variations. Defects and rectification. Supply of information/documentation. Communications. Collateral Warranties/ Rights of 3rd Parties.

Sub-contracting

Named or Domestic Sub-Contractors. Consent to Sub-contract. JCT Sub-Contract Forms.

Time obligations

Possession of the Site. Completion Date; Regularly and diligently; practical completion. Relevance of programme. Delay; Relevant Events; Adjustment of Completion date; Information release. Suspension. Liquidated Damages. Sectional Completion. Early use; Partial Possession.

Valuation of the Works and Payment

Pricing Document (BQ/ Activity Schedules; or Contract Sum Analysis [if the JCT Intermediate or SBC Without Quantities applies]); Adjustment of the Contract Sum; Payment Applications; Certificates; Interim and Final payments, interim and final. Valuation of Variations and Provisional Sums; Loss and/or Expense. Interest. Advance Payment. Payment for offsite goods and materials.

JCT Design and Build Contract 2016 (Training Seminar)

Introduction

Main criteria for selection of the contract. Layout: Recitals, Articles, Contract Particulars, Conditions and Schedules

Execution of the Contract & Contract Documents

Execution under hand or as a Deed? The Contract Documents

Design

Liability; Limitation of liability; Design Submission Procedure; Acceptance/ approval; Employer's Requirements; Contractor's proposals; Conflict in or between documents

Carrying out the Works

Contractor's general obligations; Architect/ Contract Administrator's duties; Design responsibility. Materials and workmanship. Instructions, Variations. Defects and rectification. Communications. Collateral Warranties/ Rights of 3rd Parties.

Sub-contracting

Named or Domestic Sub-Contractors. Consent to Sub-contract. JCT Sub-Contract Forms.

Time obligations

Possession of the Site. Completion Date; Regularly and diligently; practical completion. Relevance of programme. Delay; Relevant Events; Adjustment of Completion date; Information release. Suspension. Liquidated Damages. Sectional Completion. Early use; Partial Possession.

Valuation of the Works and Payment

Pricing Document (BQ/ Activity Schedules; or Contract Sum Analysis; Adjustment of the Contract Sum; Payment Applications; Certificates; Interim and Final payments, interim and final. Valuation of Variations and Provisional Sums; Loss and/or Expense. Interest. Advance Payment. Payment for offsite goods and materials.

Contractual and Commercial Awareness (Training Seminar)

The Contract

Formation; Deeds; The use and risk of letters of intent and what to look out for; Conflict between documents; Interpretation; Priority of documents

Sub-Contracting

Transfer of risk; Reference to the Main Contract; Collateral Warranties/ Rights of Third Parties Act/ negligence

Design

Duty of care - expressed and implied; Reasonable skill and care or fitness for purpose; Approval/ acceptance; Novation

Managing the Contract

Records – why and types; Notices; Communications – type and place to be sent

Managing Change

Part of the scope or additional works/ variations – power to instruct, types and valuation

Contract Mechanisms and Common Law

Payment – Timing, assessing and amount due, application, payment notice, pay less notices; Suspension; Termination

Claims/ Breach of Contract – Types; Notification; Condition's precedent to entitlement; Assessment of damages at common law, express requirements

Delays, assessment, extension of time/ adjustment of the completion date

Liquidated/ Unliquidated damages