



Fenwick Elliott In-house Seminar Topics

1 Procurement: practice and procedure:

- Case-law update;
- Getting the OJEU process right;
- Procurement strategies
- The practical complications of e-tendering;
- Managing the competitive dialogue process;
- Making a challenge to the tender process;
- Managing or avoiding a challenge to the procurement process

Fenwick Elliott Clash Point: Challenges to the procurement process – hear the views of the contracting authority contrasted against those of the disappointed contractor.

2 Getting paid:

- Securing the release of retention
- Adjudication: the best and quickest route?
- Insolvency and the use of winding up petitions
- Payment notices and withholding
- Interest and compensation
- Payment guarantee and other forms of security
- Commercial awareness in construction – knowing your client

3 The standard forms of contract

Talks can be either be on a specific contract form, for example the NEC3, GC Works or JCT or based on a selection of contracts, where we focus on the most important clauses, those we are most often subject to dispute and disagreement.

- Choosing the right contract
- Key clauses and common amendments to them
- Amending standard forms: anarchy or commonsense?
- Most disputed clauses

Fenwick Elliott Clash point: hear why employers and contractors take the positions they do when negotiating contracts

4 Adjudication:

- Case law update
- Current trends in adjudication
- Practical tips when making and defending claims in adjudication
- Payment and withholding notices

Fenwick Elliott Clash Point: making and defending claims in adjudication – an opportunity to examine the opposing strategies and tactics.

5 Contract administration: a guide to the pitfalls

- What should your professional team be doing for you?
- Should you appoint a Project Manager?
- Liability of professionals
- Design liability
- Professional negligence



- Paying your professional team [maybe a sub topic]
- Professional services – getting scopes right and impact of novation

Fenwick Elliott Clash Point: explore the views of the employer and the professional team

6 Framework agreements

- Types of framework agreements: the standard forms
- Framework agreements and the EU Procurement Rules
- Managing or avoiding a challenge to the procurement process

7 Dispute avoidance

- Anticipating the early signs of a dispute
- Managing claims: cost efficient use of your lawyer!
- The alternatives to litigation
- How and when to settle
- Case law update

8 So do I have a contract or not?

- Understanding the rules of contract formation
- Negotiating your Contract
- Compiling and completing your Contract Documents
- Letters of intent: practice and pitfalls

9 General contract update: common contract issues

- Letters of intent
- Delays and extensions of time
- Managing variations
- Liquidated or delay damages
- Payment
- Termination
- Insurance

10 Putting a claim together

- Anticipating the early signs of a dispute
- Documentary evidence
- Practical tips on how to put a claim together
- When to make a claim
- Claims for management time
- Interest and costs

11 Termination

- Understanding the termination of contracts
- When to terminate
- The practical consequences of termination
- What does repudiation mean?
- The potential legal consequences of wrongful termination
- [Insolvency issues?]



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The construction & energy law specialists

12 Challenges, strategies and solutions to weather the economic storm

- Projects in crisis: suspension, determination and step in rights
- Dispute resolution: how and when to settle
- Protecting investment value: third party rights, collateral warranties and performance security (bonds/guarantees)

13 Sustainability

- Why does sustainability still matter in the current economic climate?
- Sustainable development and sustainable building
- What do the standard forms say?

For more information about the above seminars please contact Susan Kirby -
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