SEMINAR – ‘STAY IN CONTROL’
How to successfully manage construction project costs, programme & performance risks and avoid disputes

CMC Asia Pacific is at the forefront of much needed change in our industry. Recently becoming members of the Construction Strategy Group and NZIOB and having assisted Principals, Contractors and Subcontractors throughout the New Zealand, Australia and the UK for nearly 30 years, we are proud to be making a positive difference for our clients and improving project outcomes.

It is widely acknowledged that our industry needs upskilling and, in line with that, we are delivering this 2-day course for anyone involved in Construction and Engineering Projects.

Delay, disruption, variations, contractual and legal issues remain the biggest cause of costly disputes in construction and at the heart of those are ineffective procurement, poor commercial procedures and the lack of contractual knowledge of the Project Team.

The course will be delivered by experienced construction professionals Raine Selles, Steven Evans and Andy Alagappan who will provide you with the tools to understand and manage construction risks and avoid or reduce the impact of disputes.

We are also delighted to announce that joining us will be the Hon. Peter Vickery QC, founding patron of the Society of Construction Law in Australia and former Judge of the Supreme Court of Victoria. Mr. Vickery will talk about his experience of dispute resolution and outline how Dispute Boards are contributing to successful projects.

To book your place:
Email: raine.selles@cmcasiapacific.com
Post: Complete the form attached and post it to us
Tel: Call us on 09 363 3749

WELLINGTON
1 & 2 October 2019

AUCKLAND
8 & 9 October 2019

TIME
8.30am for 9am start, 5pm finish

COST
$1,650 plus GST ($1,550 early bird, before 13 September 2019)
**THE EVENT**

**Day One**

**REGISTRATION AND COFFEE**
8.30am

**MORNING SESSION**
9am to 12.30pm

**Procurement Risk Management**
- Selecting the appropriate contract, with emphasis on NSZ3910:2013
- Getting the tender right, mistakes to avoid at tender with pricing, risk allocation, subcontractors, scope, clarifications and missing documents and information
- Formation of Contract, Standard Clauses, obligations of the parties, current case law
- Counter Offers, Quantum Meruit and quasi contracts
- The advent of Good Faith in Construction Contracts and discussion on recent case law
- Condition Precedent Clauses in Construction Contracts, Time bars and Unfair Contract terms

**AFTERNOON SESSION**
1pm to 5pm

**Effective Contract Administration and Avoidance of Commercial Risk**
- The Role and responsibilities of the Engineer, Principal and Contractor – what they can, cannot and must do
- Obligations in respect of Possession, progress and Completion
- Early Warning Notices, drafting, content, meaning and legal significance
- The variation process, getting them agreed and paid, when a variation is not a variation
- Challenging Liquidated Damages, Engineer’s Determinations and Assessments
- Essential Record keeping for dispute avoidance and resolution

**Day Two**

**MORNING SESSION**
9am to 12.30pm

**Programme Risk Management**
- The significance of the tender and contract programme, float, time risk allowances, dependencies and critical tasks
- Getting the programme right at the outset
- Who owns the float
- Critical and Non-Critical Delay, concurrent delay
- Retrospective Delay Analysis, Time Impact Analysis, Heat Maps and other methods

**AFTERNOON SESSION**
1pm to 5pm

**Delay and Disruption.** This briefing will guide you through the steps of making a claim, the importance of having an up-to-date programme, and a number of fundamental issues which need to be addressed including:
- Concurrent Delay – what happens to time and money
- Time Impact Analysis v Retrospective Delay Analysis
- Working Day Rate v Actual Cost
- How to measure disruption – the various theories including “measured mile”, loss of productivity values etc
- What is prelim thickening? How to present the claim
- Types of claim, how to present a delay and disruption claim
- The Society of Construction Law Delay and Disruption Protocol
- Dispute resolution and the advent of Dispute Review Boards by The Hon. Peter Vickery QC
Raine Selles – Director
LLB(Hons) MSc Cons. Law & Arb. FFAVE(Master) FQSi MCIArb MNZIOB MNZACE
Raine has worked in the construction industry since the age of 17. She relishes the challenges it presents and has built an extremely successful career around the management and resolution of complex construction issues.
Raine spent her formative years working for private quantity surveying practices in the UK and following her gaining membership of the RICS, studied for a law degree and latterly a masters degree in Construction Law and Arbitration whilst in full time employment, and following that, membership of the Chartered Institute of Arbitrators in 1998.
For over 25 years, Raine has advised Clients and Contractors on best practice procurement, commercial management procedures and dispute resolution in addition to lecturing internationally on many related subjects, such as Construction legislation, Arbitration, FIDIC, NEC, NZS and other forms of contract along with commercial management, administration and dispute avoidance.
In doing so, Raine has built up a global reputation for successfully trouble shooting projects and resolving disputes without the need for formal litigation, working on many high profile, international contracts.
Raine founded CMC Asia Pacific in 2013 and, in a short time, has developed it into a professional and well-respected organisation within the region.

Steven C Evans – Director
BSc(Hons) LLB(Hons) FCIArb FAMINZ(Arb) FFAVE(Master) FRICS FCInstCES FCIOB FICE PRI
Steven is an accomplished construction professional with over 30 years’ experience in the industry gained initially as a quantity surveyor for a major multinational contractor, and thereafter in senior quantity surveying and commercial management positions.
Since 2003, he has specialised in contract law and now combines his extensive practical experience with legal qualifications to provide high quality, realistic and cost effective dispute resolution, commercial management and training services to a variety of clients internationally.
That practical experience encompasses a wide range of market sectors, construction types and methods, covering disciplines such as quantity surveying, commercial management, project management, claim preparation and defence, adjudication, arbitration, mediation, contract drafting and vetting and training.
Steven has been a director of a well-established, multi-national construction contract and commercial consultancy. With a professional team, he provided unrivalled and formidable construction and contract advice to clients in the UK, Europe, Australia and New Zealand.
In 2015, Steven joined Raine at CMC Asia Pacific and heads up the Australia region continuing to promote his passion of effective, efficient and collaborative construction.

Andy Alagappan
BE(Hons) MDes
Andy is an astute planner, with skills gained over a decade in diverse industries. He brings a real passion for ensuring the right information gets to the right people at the right time—enabling sound data-driven decisions.
He draws on a broad range of IT skills and project experience in construction, oil and gas, iron and steel manufacturing, and baggage handling systems to ensure works remain or are brought back on track. In collaboration with the project team, he will provide a detailed breakdown of work, cost and organisation structures, identify individual responsibilities and key performance measures. He has a clear desire to logically link Work Break Down Structures to Cost Break Down Structures, Organisational Break Down Structures and Model Break Down Structures to enable 4D planning along with strong Critical Path Management, enabling time and cost saving outcomes.

The Hon. Peter Vickery QC
Mr Vickery needs little introduction. He is the founding patron of the Society of Construction Law in Australia and in his 30 years at the Victorian Bar, His Honour developed a wide ranging practice in trial and appellate jurisdictions in all areas of commercial and administrative law, while maintaining his focusing on engineering and construction law.
He developed the Technology Engineering and Construction List (the TEC List) of the Court and became the first Judge in Charge of the new list, a position he maintained over the last 10 years.
His Honour also managed the Intellectual Property List of the Court, and was a Judge of the Commercial Court of the Supreme Court. He retired from the Court on 8 May 2018.
STAY IN CONTROL SEMINAR
Successfully manage project cost, programme and performance risks and avoid disputes

Registration Form

3 easy ways to register:

EMAIL   raine.selles@cmcasiapacific.com

POST      Complete this form and post to CMC Asia Pacific, L26
          PWC Tower, 188 Quay Street Auckland

TEL       Call us on 09 363 3749

Registration 8.30am for prompt start at 9am, completing at 5pm.
Registration fee includes refreshments, lunch and material to take away.

Registration $1650 plus GST  Early Bird $1550.00 plus GST before 13 September 2019

Payment please to CMC Asia Pacific Account No. ASB 12 3075 0264207 50

Sorry, no credit card facilities

Please register me for the Seminar in:
Wellington 1 and 2 October 2019
Auckland 8 and 9 October 2019

Name: .................................................................................................................................

Tel: ................................................. Fax: ................................................. Mobile: .........................................................

Email: ........................................................................................................................................

Postal Address: ................................................................................................................................

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- Minimum and maximum numbers apply. Registrations are accepted strictly on a first come / first served basis.

- Further information, please phone 09 363 3749 or email raine.selles@cmcasiapacific.com

www.cmcasiapacific.com