

The Streetwise Subbie – Providing the Tools for Success

Subcontractors remain both under-skilled and under-valued in today's construction market and regularly fall foul of main contractors relying on your lack of commercial training and knowledge of Statutory Instruments such as the Construction Contracts Act 2002. CMC are therefore providing Subcontractors across all Trades with training to upskill you and provide you with the tools to hold your own, get paid on time and understand your rights and obligations. Many of you are working with no contract at all and some of you are carrying out work on the basis of a phone call! We have split the training into three full day training sessions to fit in with busy schedules. Each session will be approximately 8 hours long, covering one module in the morning and one in the afternoon, with breaks and refreshments provided. Join Andy, Steve and Raine on the following dates to upskill yourself and make all your future projects a financial success.

COURSE PROGRAMME

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|--------------------------|------------------------------|--------------------------|
| Modules 1 & 2 | Christchurch 16/09/21 | Auckland 28/09/21 |
| Modules 3 & 4 | Christchurch 05/10/21 | Auckland 06/10/21 |
| Modules 5 & 6 | Christchurch 14/10/21 | Auckland 20/10/21 |

Module 1 – Understanding the Contract

This session provides you with training on the basic law of contract, formation of contract and rights and obligations. It covers the following:

- Formation of Contracts and Contract Law
- Drafting simple subcontract
- How the subcontract fits in with the Main Contract
- Rights and obligations between subcontracts and head contracts
- Current Law, Remedies
- Clause by clause review of rights and obligations under NZS3910:2013 and Subcontracts such as SA-2017

Learning Outcomes – Understand the Principles of Contract Law, why contracts are necessary, how to interpret contract clauses and rights and obligations of each party

Module 2 – Getting Paid

This session provides you with the tools for getting paid and on time. It covers the following:

- Understanding your obligations under the Construction Contracts Act 2002
- What is needed in a payment claim
- What is needed in a payment schedule
- How to deal with variations, contra charges and other set-offs
- What to do when you have not been paid or provided with a payment schedule
- The right to be paid and remedies such as Statutory Demands and Adjudication

Learning Outcomes – Understand the Payment Process, what to do in case of non-payment and the remedies for non-payment

Module 3 – Tendering and Quoting for Work

This session provides you with training and understanding of what exactly you are pricing. Tender documents often lack certain essential information such as Special Conditions, all drawings and specifications. Often Subcontractors are provided with these documents with the contract to sign, hence not including them in the price. This module covers:

- Understanding obligations on pricing what you have been given, clarifying and requesting further information
- How to deal with unwarranted information provided at tender
- What is deemed to be included in your price
- Offers, Counter-Offer and Final Agreement
- Acceptance of tender, rights and obligations and risks
- Setting dates for acceptance of tender and performance of the works
- Staying updated with programme
- What happens when you are instructed to start works after date anticipated

Learning Outcomes – An understanding of the tendering process, avoid pitfalls of not pricing certain elements and clarifying interpretation of information.

Module 4 – The Contract Programme

This module deals with rights and obligations around programme. It will cover:

- The Tender programme
- The Contract programme
- Obligations to update the contract programme
- The significance of the tender and contract programme, float, time risk allowances, dependencies and critical tasks
- Getting the programme right at the outset, what is a work bank structure and more
- Who owns the float
- Critical and Non-Critical Delay, concurrent delay
- Retrospective Delay Analysis, Time Impact Analysis, Heat Maps and other methods

Learning Outcomes – An understanding of the importance of the contract programme, preparing, updates, critical path, links, float and RISK.

Module 5 – Time

This module deals with rights and obligations regarding time for the works to be performed. It will cover:

- Clauses of the contract/subcontract which deal with time
- Obligations when there is no contract or programme
- Liquidated damages and general damages
- Extension of Time and Notice provisions
- What is needed for a successful EOT claim
- Time Bars and Condition Precedent Clauses
- Time “at large”, the Prevention Principle
- Current NZ and International Case law

Learning Outcomes – Understanding obligations regarding performance and time, preparation of Notices of Delay and Claims for Extensions of Time and the risks associated with delay - liquidated and general damages

Module 6 – Variations – Getting them paid

This module deals with rights and obligations in relation to variations and includes:

- What is a variation?
- Variations may not have cost impact
- What are the rules of valuation, evidence of cost
- The risks of accepting variations paid “on account”
- Timely and contractual notification of variations
- How to get variations paid in a timely manner
- Variations and the Final Account

Learning Outcomes – an understanding of the variation process, what is required to justify price and how to agree variations expeditiously

PRESENTERS

Raine Selles MSc. Construction Law & Arb., LLB(Hons), FQSi, MCI Arb., FFAVE, MNZIOB, MNZACE

Raine heads the NZ office of CMC Asia Pacific and has more than 30 years' experience within the construction industry in both project/commercial management and dispute resolution. She has lectured nationally and internationally on most Forms of Contract including NEC and FIDIC, and NZS3910 extensively throughout NZ. She is a member of the Construction Strategy Group, works with the accord and sits on the NZS3910:2013 review panel. Her experience includes the production of contract documents, procurement strategy, management and delivery of Major Construction Projects, as well as the production, negotiation and settlement of contractual claims. She has achieved an enviable success rate in settling large complex claims as well as smaller claims on behalf of various contractors and subcontractors.

Since setting up CMC Asia Pacific 9 years ago, she has helped settle more than 800 disputes and has achieved settlements of more than \$5bn in New Zealand and Australia. Raine practices as an Expert Witness, Adjudicator, Mediator and Arbitrator but her main focus is on facilitating the parties to reach agreement without the need to invoke formal processes. Her background in quantity surveying and commercial/project management and being qualified in law pays dividends in having construction knowledge that lawyers do not.

Raine is NZ leading authority on NZ3910:2013 and has trained Stakeholders across all disciplines for almost 10 years. She also regularly lectures on Contract Law, Adjudication under the CCA, NEC 4 and more. Here are some comments from a recent course"

"very relaxed and informative" "Easy to understand, communicate with real world examples" "very good overview and pitched at the right level for the group" "very thorough on topics covered" "Very experienced and easy to discuss items with" "well experienced practical knowledge"

Andy Alagappan BE(Hons) Mech Eng., MDes., Planning Expert

Since 2009 Andy has worked as a planner in a diverse range of industries including Construction, Oil & Gas, Iron / Steel Manufacturing & Baggage Handling Systems.

Over the last 10 years, Andy has developed strong leadership skills, commercial acumen, and the ability to inter-relate and intuitively present valuable data (information) to tell a story.

Andy heads his own consultancy [Strategic Planning](#), providing project controls and planning services, having previously worked with Fletcher construction as the lead planner for complex mega projects (>\$400M) such as Auckland International Airport Phase 3, Commercial Bay, Auckland Central (>\$700M) and New Zealand International Convention Center (>\$1b)

Andy's specialized skill set is planning and delays analysis using various planning techniques such as CPM – Critical path methodology, and Linear Scheduling method, utilizing software such as Primavera P6 and Microsoft Projects.

He is an "Expert Witness" on the panel of the [Construction Dispute Resolution Board](#) in New Zealand.

Some recent and past achievements include:

Rewriting the entire project plan to completion for the Commercial Bay project, Auckland to ensure the client had confidence in the plan, along with establishing a suite of well-structured reports to track variances, highlight risks, and enable PM's to come up with mitigation plans, providing Fletcher HQ and the client confidence in the programme. Establishing a completion plan for the rebuild of Auckland international airport as part of which I set up systems and processes in place to deal with circa 200 variations a month (Time and Cost). Lead planner for the deployment of the Ultrafast Broadband network in Auckland. Lead planner for design and installation of baggage handling system in countries all around the world such as Vancouver Airport, Toronto Airport, Boise Airport, Cochin airport, Kelowna airport, Bermuda airport, Queenstown airport, Auckland airport, Wellington airport, Sydney and Lima.

Registration Form

Providing the Tools for Success

| | | |
|---------------------------------|--------------|---|
| 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 |
| | PHONE | Call us on 021 0845 1837 |

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

Registration \$495.00 plus GST per day covering 2 modules

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

Sorry No Credit Card facilities

All events will be held at Cliftons Auckland and Christchurch

Please register me for the following Seminar on: (Tick)

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Name:

Tel: **Fax:** **Mobile:**

Email:

Postal Address:

..... **Postcode**

- **Minimum and maximum numbers** apply. Registrations are accepted strictly on a first come / first served basis.
- **Further information**, please phone **021 0845 1837** or email nz@cmcasiapacific.com

www.cmcasiapacific.com