



RISKS. CHALLENGES. SUCCESS.

A CONSTRUCTION CONTRACTS MASTERCLASS

A one-day forum on the risks and challenges faced by construction industry stakeholders

30 NOVEMBER, 2017
LONDON

A dark, atmospheric photograph of St Paul's Cathedral in London at night. The building is illuminated, with its iconic dome and classical architecture clearly visible against the dark sky. The foreground shows a street with some lights and a railing, suggesting a view from an elevated position.

HKA. DECODING COMPLEXITY.

A CONSTRUCTION CONTRACTS MASTERCLASS

Demand for new infrastructure translates into unprecedented growth in the construction industry. Combined with globalisation and increasing project complexity, today's climate presents an exciting but unnerving combination of unparalleled opportunities and greater potential for risk.

It is increasingly important to keep up-to-date with current techniques and case law. One thing is certain: the risks of time and cost overrun and technical challenges leading to disputes on projects are ever present.

WHY ATTEND?

HKA brings together the very best international construction and legal experts to share their knowledge and experience. Take advantage of this wealth of outstanding expertise and learn how to minimise risks and avoid legal challenges.

WHAT'S COVERED?

- › What makes a project successful?
- › How can you ensure you are prepared for a dispute before it arises?
- › What legal and contractual risks can be avoided?
- › What lessons can we learn from recent judgements?

WHERE IS IT?

The Dickens Suite
De Vere Holborn Bars
138-142 Holborn

MASTERCLASS TIMETABLE

Masterclass Host: **Toby Hunt, Partner, HKA**

08:15 Registration and refreshments

08:40 Welcome

08:45 **Martin Rowark, Executive Consultant, HKA**
Procurement and Risk on Complex Infrastructure Projects

- The informed infrastructure client
- The '6 pillars' of procurement
- Supply chain engineering

09:30 **Gregory Buckley Partner, Eversheds Sutherland**
Managing Major Project Risks, The Lawyer's Perspective

- Why should you manage risk?
- Identifying the critical risk areas
- Using contracts to reduce risk

10:15 Break

10:30 **Charlie Woodley, Director, HKA**
David-John Gibbs, Managing Consultant, HKA
Records in a Digital World

- What are the risks and opportunities with big data?
- What does good BIM and bad BIM look like?
- Can digital tech improve record keeping?
- How can I gain intelligence from my data and use it proactively?

11:15 **Adrian Bell, Partner, CMS**
Legal Case Update

- Interpretation of technical schedules
- Reasonable skill and care versus fitness for purpose
- The meaning of "design life" obligations
- Exclusive remedies clauses

12:00 Lunch

13:00 **David Latham, Partner, HKA**
Payment Notices

- What is the basis of smash and grab?
- Does it apply to interim and final payment?
- What are the defences available in a smash and grab adjudication?

- 13:45 Geoff Bewsey, Partner, HKA**
Understanding and Analysing Delay and Disruption
- Methods of analysis and the new SCL protocol
 - Concurrent delay
- 14:30 Break**
- 14:45 David Nitek, Partner, Herbert Smith Freehills LLP**
Contract Termination
- When can a contract be terminated?
 - Steps to take to terminate lawfully
 - What happens if you get it wrong?
 - What to do and what not to do?
- 15:30 Damian Waters, Partner, HKA**
Advancing and Defending Claims
- What key mistakes are made by contractors and employers when advancing and defending claims?
 - What records should be maintained as a matter of good practice?
 - How can parties preserve commercial relationships?
- 16:15 Franco Mastrandrea, Partner, HKA**
Claims Assessment, the Perspective of a Dispute Resolver
- Delay:**
- As built
 - Where has time been lost?
 - Why is the critical path relevant?
- Quantum:**
- Cost or value?
 - Has the money been spent?
 - What on?
 - Why?
 - Has it been spent extravagantly?
- 17:00 Round Table Discussion**
Members of the audience are invited to present questions to the panel
- Chair:**
Franco Mastrandrea, Partner, HKA
- Panellists:**
Rob Horne, Partner, International Law Firm
Rachel Ansell QC, 4 Pump Court
Damian Waters, Partner, HKA
- 17:30-18:30 Drinks Reception**

MASTERCLASS LEADERS

TOBY HUNT

PARTNER, HKA

Toby has a strong background in business development and operations, with responsibility for the strategic development of HKA's advisory, consulting and expert business across Europe. He has extensive experience of a broad spectrum of projects, including infrastructure and utility systems, power generation and distribution, oil and gas facilities, hospitals, airports and production facilities, and commercial and residential developments. Toby holds an MBA from Warwick Business School, sits on the UK Executive Committee of the World Petroleum Council and is an elected member of the WPC Congress Programme Committee. Previously, he was a Non-Executive Board Director for the Energy Industries Council.

GREGORY BUCKLEY

PARTNER, EVERSHEDES SUTHERLAND

Gregory specialises in the resolution and avoidance of large-scale infrastructure, energy, chemical and general construction and engineering disputes. He has experience of mediation, adjudication, litigation, and domestic and international arbitration. Gregory has acted for employers, funders, developers, professionals, contractors, and subcontractors across a wide range of projects. He works with clients' commercial delivery and construction/engineering teams on the delivery of major projects, and has undertaken numerous "mini-secondments" to client teams for the purpose of providing strategy and project management advice.

MARTIN ROWARK

EXECUTIVE CONSULTANT, HKA

Martin, a Fellow of the Royal Institution of Chartered Surveyors, specialises in complex acquisition and commercial strategies within the infrastructure sector. Previously Director of Commercial at TfL, prior to which, Martin was Procurement Director at Crossrail and counts his contribution to the procurement of the London 2012 Olympics as a career highlight. Other notable contributions include leading the authorship of the Procurement Module of the Infrastructure and Projects Authority (IPA): Project Initiation Route Map best practice tool kit. Martin is Chairman of the RICS Infrastructure Steering Group, a Member of the QS and Construction Board, and a member of HS2's Independent Assurance Panel.

CHARLIE WOODLEY

DIRECTOR, HKA

Charlie has over 17 years' industry experience and is an established construction informatics specialist with a focus on strategic digital advisory and problem solving on complex, high value projects programmes or disputes. He advises stakeholders and expert teams on how to best leverage data to inform strategic decision-making, optimise efficiency and improve outcomes.

DAVID-JOHN GIBBS

MANAGING CONSULTANT, HKA

David-John obtained a doctorate through industry research into BIM and dispute resolution. He was positioned in industry throughout this period and continues to work with our delay team on building, industrial, infrastructure, oil and gas, and power and utility disputes, with some projects exceeding \$1bn value. He also advises on digital working around the world and regularly presents, reviews and publishes work on BIM.

ROB HORNE

PARTNER, INTERNATIONAL LAW FIRM

Rob has specialised in finding solutions to problems on construction projects for 25 years. He advises and represents parties on a range of projects in the UK and internationally and has contributed to the following books; The Expert Witness in Construction, Human Dynamics in Construction Risk Management and International Construction Contracts. He is a recognised expert on the NEC form of contract, a Chartered Arbitrator and adjudicator, and is the senior examiner with the RICS for adjudication and arbitration. He is mentioned in Legal 500 for construction, rail and international arbitration.

ADRIAN BELL

PARTNER, CMS

Adrian is Co-Head of Infrastructure, Construction and Energy Disputes at CMS. He specialises in the avoidance, management and resolution of complex disputes and represents clients in high-value court proceedings and arbitrations both in the UK and internationally. Adrian is recognised in Who's Who Legal in 2017 as a leading construction lawyer. He is individually ranked by Legal 500 in international arbitration, commercial litigation and construction disputes, and one of only two lawyers to be individually ranked in all three of Chambers & Partners' construction categories (international arbitration, purchaser and supplier).

DAVID LATHAM

PARTNER, HKA

David has specialised in construction dispute resolution in arbitration, adjudication and mediation for almost 30 years. He has experience of a wide range of international and domestic construction and engineering projects and has managed disputes on most major standard and non-standard forms of contract. David has acted as expert witness on quantum and on disputes in arbitration and litigation. He is a member of the RICS panel of adjudicators and regularly acts as adjudicator to construction disputes. He is experienced in all major standard forms including NEC and JCT and is a leading provider of training on all contractual issues.

DAVID NITEK

PARTNER, HERBERT SMITH FREEHILLS LLP

David specialises in the resolution of construction and engineering disputes through adjudication, litigation and arbitration. He advises both employers and contractors in a variety of sectors, with a particular focus on transport and infrastructure. He has advised on disputes arising from some of the UK's largest infrastructure projects of recent years. He has extensive experience in the Middle East, having previously worked in the firm's Dubai office.

GEOFF BEWSEY
PARTNER, HKA

Geoff has over 40 years' experience in construction working in engineering design, contracting and consultancy. He started his career as a site engineer and progressed through both site and contracts management before appointment as commercial director. He moved into consultancy in 1999, drawing on his management and commercial experience in construction to assist and advise clients on project management, dispute avoidance and bid management. Geoff has given expert evidence on numerous occasions in delay and disruption and he specialises in delay analysis, productivity analysis and the quantification of disruption in engineering works.

FRANCO MASTRANDREA
PARTNER, HKA

Franco Mastrandrea is a chartered quantity surveyor with over 35 years' experience in the construction industry. He has acted as project manager delay and quantum expert, and has given evidence in court and at arbitration. Franco holds a degree in law and is called to the English bar. He has extensive experience of the administration and application of standard and bespoke forms of contract. He graduated top of his project management master's degree at Reading University. He holds a doctorate addressing the law, practice and quantification of claims for construction work, and has written extensively on this topic. Franco is a CEDR accredited mediator, an accredited adjudicator, and a Chartered Arbitrator.

DAMIAN WATERS
PARTNER, HKA

Damian has over 30 years' experience in the construction industry in building, civil engineering, oil and gas, power, marine and offshore renewable sectors. He has provided commercial and contractual advice to contractors and employers on a number of major international projects and has significant experience in managing large multi-disciplinary teams both in pursuing and defending construction claims. Damian has acted as an expert witness on quantum matters in arbitration and litigation and has represented clients in mediation, adjudication and arbitration proceedings. He holds an honours degree in law, a master's degree in construction law and is a Chartered Construction Manager and a Fellow of the Chartered Institute of Arbitrators.

RACHEL ANSELL
QC, 4 PUMP COURT

Rachel's international arbitration practice focuses on large-scale energy, construction and engineering disputes across the globe, particularly in the Middle East. She covers all types of projects, including infrastructure and transport, mixed use developments, specialist leisure and scientific buildings. Rachel is adept at dealing with technical cases and is regularly instructed to advise on engineering disputes involving chemical, civil, electrical, electronic, geotechnical, industrial, manufacturing, marine, mechanical, process and structural engineering and on cases involving defective equipment, machinery and systems.

BOOKING FORM



PLACES ARE LIMITED, PLEASE BOOK EARLY TO AVOID DISAPPOINTMENT

1. PERSONAL INFORMATION

Name	Job Title
Email	Telephone

PLEASE COPY THIS FORM FOR FURTHER DELEGATES

2. COMPANY DETAILS

Company Name	Nature of business
Address	

3. BOOKING DETAILS

This event constitutes 7.5 hours CPD. The fee includes a comprehensive delegate pack, refreshments throughout the day, a two-course restaurant lunch and a one-hour networking drinks reception.

Early Rate (until 7th November)	£335 (inc VAT)	<input type="checkbox"/>	Number of places required	<input type="checkbox"/>
Standard Rate (from 8th November)	£420 (inc VAT)	<input type="checkbox"/>	Number of places required	<input type="checkbox"/>

4. PAYMENT

Payment is due at the time of booking to secure your place.

A VAT receipt will be emailed once your payment has been received.

Payment by Cheque: Please make cheques payable to HKA Global Ltd.

Payment by Mastercard / Visa: Please fill in your details and a member of the seminars team will contact you.

Contact name for payment	Telephone
Email address	

Please return your completed booking form to:

e: masterclass@hka.com or post to: **Masterclass - HKA, 11 Pilgrim Street, London EC4V 6RN**
for further details contact **Abigail Gordon on +44 (0)20 7618 1200**

Joining instructions will be forwarded to delegates one week prior to the event. If you do not receive these 3 working days before the seminar, please contact us to ensure you place has been booked.

PRINCIPAL TERMS & CONDITIONS

1. Authority

1.1. A certificate of attendance will be provided to each delegate. Neither the certificate or the Masterclass carry any academic authority, nor do they provide any qualification in the subjects discussed at the Masterclass, or authority for the delegate to teach or practice in any of the subjects discussed.

1.2. HKA will not be responsible for anything said or produced by any of the speakers at the Masterclass.

2. The booking fee and cancellation

2.1. The event fee, which must be paid in full before a place can be confirmed, is non-refundable, subject to the following conditions:

2.1.1. Cancellations: Refunds (less 20% admin charge) will be made for all cancellations received in writing by the organisers not

later than 2 weeks prior to the seminar; cancellations after that date will be non-refundable.

2.1.2. In the unlikely event of cancellation of the course, due to circumstances beyond the control of HKA, a full refund fee will be provided. Should any of our seminars not take place on the date or at the location stated, delegates may be given an alternative option. HKA shall not be liable to the delegate, or the party making the booking, for any damage, consequential loss, cost, expense or the like howsoever arising.

3. The Programme

3.1. We reserve the right to alter or change the programme at any time, and may replace speakers if necessary due to such circumstances as illness or sudden unforeseen unavailability.