

# TRAINING FOR BUILDING AND CONSTRUCTION

## SEPARATELY BOOKABLE SEMINARS

### Construction Contracts and Building Law

5 & 6 July 2011 – Auckland  
26 & 27 July 2011 – Wellington

#### Key Learning Objectives:

- Administer construction contracts to boost your performance and profitability
- Avoid common contractual pitfalls
- Ascertain when to terminate a contract and when to seek legal help

### Preconstruction Budgeting and Construction Phase Cost Management

12 & 13 July 2011 – Auckland  
2 & 3 August 2011 – Wellington

#### Key Learning Objectives:

- Understand and use the right tools for accuracy, reliability and efficiency
- Prepare and present budgets
- Develop effective cost management best practices

## Facilitators:

Stephen Price



Peter Waterhouse



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Management Training

# Construction Contracts and Building Law



**Auckland**  
5 & 6 July 2011  
Mercure Hotel

**Wellington**  
26 & 27 July 2011  
Amora Hotel

## Examining the Construction Contracts Act

- Examining the practical implications of the Act
- An overview of various processes that will be impacted by the Act
- The impact on the tendering process

## The Act and standard conditions of contract for building and civil engineering construction

In light of the new legislation, the Standard Conditions of Contract for Building and Civil Engineering construction such as NZ S 3910, NZ S 3915 and NZIA:SCC1, as well as many other contracts currently used in the industry, may need to be revised.

- Different standard conditions used by various sectors of the construction industry
- Contract provisions required to deal with the new legislation
- Contract procedures required to deal with the new legislation

## Understanding how enforcement provisions of the Act will affect your contractual status

- Assessing the scope of enforcement
- Examining the various options and their applicability
- What are the other alternatives to the unpaid party?

## Drafting a legally effective construction contract

- What essential ingredients constitute a construction contract?
- Analysis of the principles underlying binding construction contracts
- Offer, acceptance and consideration
- Balancing legal necessities against commercial realities
- Structure of effective contracts
- Parties
- Recitals
- Obligations
- Covenants
- Warranties
- Insurance
- Specific provisions
- Boilerplate clauses
- What formalities are required to make the contract legally binding?
- Terms to avoid or include
- Mistakes commonly made in forming contracts
- Standard obligations of the contractor with regard to workmanship and materials
- Requirements of the Building Code and other standards
- The design/build relationship
- Performance bonds, retention and security

## How to read and understand construction contracts

- What clauses should you look out for in pre-printed contracts?
- Foreseeing problems before they arise
- Identifying common danger areas in construction contracts
- Pinpointing criteria that may lead to a breach of a construction contract
- Legal jargon explained: What are the terms that you are likely to come across?

## Determining which type of construction contract is best suited to your project needs

- Analysis of the different types of construction contracts used in New Zealand
- Examining the merits and demerits of each as experienced by the principal and the contractor
- Choosing the best contract type for your project based on your project objectives
- Fitting the contract type to your business strategy

## Managing construction contracts - preventing disputes

- How to avoid common administrative problems in existing contracts
- Understanding the remedies available in the event of a dispute
- Making use of dispute management and resolution options
- Knowing when and how to terminate a construction contract
- What claims can be made under the Act?
- Dealing effectively with lawyers and the legal system

## Preparing for mediation

- Preparing a client's building case for mediation
- Who should attend the mediation?
- Assessing the role of experts in the mediation
- What documentation should be used?
- Navigating the tendering process

## What legal obligations do you undertake when submitting a tender?

- Getting the most out of the tendering process
- Communicating your business objectives
- Determining how to structure your tender
- Innovative approaches
- Managing risk and cost



**Stephen Price**  
Partner, Minter Ellison Rudd Watts

Stephen is an experienced construction lawyer and leads Minter Ellison Rudd Watts' Construction Division.

Stephen specialises in providing advice in all aspects of construction and commercial property issues for both commercial and residential matters, from negotiation and administration through to dispute resolution. He also advises clients on building and construction contracts, leases, property, general commercial and Fair Trading Act matters.

Stephen also appears in the District and High Courts, the Court of Appeal and the Supreme Court. He is also very experienced in arbitrations and mediations, as well as adjudications and enforcement of payment claims under the Construction Contracts Act 2002. Stephen recently presented the Auckland District Law Society seminar on the Construction Contracts Act.

# Preconstruction Budgeting and Construction Phase Cost Management



**Auckland**  
12 & 13 July 2011  
Mercure Hotel

**Wellington**  
2 & 3 August 2011  
Museum Hotel

## Introduction to the preconstruction budgeting process

- Overview of current and projected market trends
- Overview of preconstruction budget and cost management
- Defining your project scope
- Organising the preconstruction budgeting process
- Conducting preconstruction cost evaluation

## Construction cost development and management

- Developing a cost model
- Sources of cost data
- Gathering accurate construction cost data
  - obtaining preliminary estimates from subcontractors, vendors and suppliers
- Establishing preliminary costs
- Conducting constructability reviews
- Evaluating lifecycle costs
- Tracking cost performance

## Value management

- Understanding the methodology
- Best implementation strategies
- Case Studies

## Risk management

- Identifying risk factors
- Sensitivity analysis
- Making Contingency provisions
- Risk and resource management

## Project delivery systems and contract pricing

- Procurement Options
- Forms of Contract
- Key contract considerations from a construction project perspective
- Contract Price Resolution
- Special issues of subcontracts

## Construction phase cost management

- Effective project team communications
- Payment mechanisms
- Cost to Complete requirements for Funders

## Cashflow analysis and reporting

- Establishing effective cashflow forecasts
- Cash flow monitoring and reporting

## Establishing ideal cost reporting systems

- Key deliverables in keeping cost management control
- Formats for effective cost management communications
- Identifying and assessing cost changes
- Tracking and reporting cost changes

## Effective management of variation claims

- Establishing a process for administering variation claims
- Avoiding dispute delays and cost overruns
- Processing and resolving construction claims
- Negotiation techniques

## Peter Waterhouse Director, Value Solutions



Peter Waterhouse has worked and lived in United Kingdom and has been a director of a nation-wide consultancy practice of Quantity Surveyors and Project Managers for 30 years in New Zealand.

Peter has established Value Solutions Ltd which specialises in facilitation of project improvement processes such as Value Management, Strategic Planning and Risk Management, together with Project Management and Engineers to the Contract and Client Representative Roles for public and private sector organisations throughout New Zealand. He has developed value management and cost engineering commercial models for best practice across a number of industries, most particularly construction.

Among some of Peter's project experience include Britomart Office Building Developments, Redevelopment of Eden Park, Carisbrook Stadium Trust, Wellington Waterfront Redevelopment, Christchurch Street Renewals, University of Auckland New Business School, Viaduct Harbour Development and on-going governance/management structure, Botany Town Centre redevelopment, Telstra Pacific Events Centre and many more.

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# TRAINING FOR BUILDING AND CONSTRUCTION

## Construction Contracts and Building Law

## Preconstruction Budgeting and Construction Phase Cost Management

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Preconstruction Budgeting and Construction Phase Cost Management	\$1895 plus GST SAVE \$200 (24 May 2011*)	\$2095 plus GST (24 May 2011*)

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