



# Contract Training

Working with Arden University, the Confederation of Construction Specialists has developed a **Construction Contractual Dispute Avoidance level 4 Programme** for the construction industry.

## WHO SHOULD ATTEND THE PROGRAMME?

The programme is designed specifically to provide a broad appeal and is targeted at all construction staff who work with contracts.

The programme is accredited by Arden University. Therefore, candidates should be prepared to meet the university's criteria to complete the programme.

## HOW LONG IS THE PROGRAMME?

The programme covers six modules over seven days.

As each module has an assignment completion element, the course dates for each module will be set approximately six weeks apart. The programme will therefore take approximately seven months to complete.

**Confederation of Construction Specialists members are eligible to receive preferential rates.**

## FAQs...

### Are there any exams to pass?

No, there are not any exams to pass. However, six assignments will need to be passed during the duration of the programme.

### Will I receive a University certificate, and at what level is the programme set?

Yes, an Arden University certificate will be issued on completion of the course. The level of the programme is set at level 4. In addition, on successful completion of the programme, each candidate will be eligible for 1 year's free membership of the Institute of Construction Specialists (IOCS).

## CONTACT US

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Contractual disputes can have severe financial implications for construction companies. By completing the modules of the **Construction Contractual Dispute Avoidance Programme**, candidates will be instilled with the knowledge and confidence to rigorously interrogate contracts so that the risk of contract disputes can be minimised.

## MODULES:

1. Introduction to Contracts
2. Contractually Supervising and Managing Specialist Construction Work
3. Obtaining Payment
4. Handling Claims and Disputes
5. An Alternative Form of Contract
6. Specialist Subcontract Management

## MORE FAQs...

### Are there set assignment submission dates?

At the completion of each module delivery, the lecturer will give a submission date for that module's assignment. The submission date is usually before the next module delivery date.

### Are any materials required?

None, everything is included. However, it is encouraged that candidates bring along contracts for classroom discussion and analysis.

*Confederation of Construction Specialists: working for equitable contracts and fair payment terms.*

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## Introduction to Contracts

### MODULE 1 - INTRODUCTION TO CONTRACTS

#### PROVIDES

- A detailed grounding in the essential elements of contract law and procedures
- Emphasis on the formation of contracts

#### REVIEWS

- Practical aspects of how contracts are formed
- Guidance on how to monitor and control the pre-contract 'battle of forms'
- How to understand the key provisions of the contract
- Includes a very useful simple system for keeping track of the formation of contracts

#### HIGHLIGHTS

- Key points and potential pitfalls in the formation and performance of contracts
- Particular focus on specialist construction work

#### COURSE CONTENT

- English law
- Contract law
- How a contract is formed
- Offer
- Acceptance
- Consideration
- Monitoring the formation of contracts
- Analysing when a contract is formed
- Analysing what a contract consists of
- Implied terms
- Exclusion clauses
- Who is a contract between?
- How can a contract be discharged?
- Limitation periods and deeds
- A typical contract checklist
- Invalidity of contracts
- Key subcontract provisions

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## Supervising and Managing Specialist Construction Work

### MODULE 2 – SUPERVISING AND MANAGING SPECIALIST CONSTRUCTION WORK

#### PROVIDES

- Detailed briefing on key contractual aspects of supervising or managing Specialist work
- Special emphasis on record keeping and good contractual 'housekeeping'

#### CONCENTRATES ON

- How to ensure your company meets its obligations
- How to avoid legal and contractual pitfalls
- How to look after your company's interests
- How to obtain your company's entitlements

#### COURSE CONTENT

##### The Contract

- Scope of Work
- Drawings
- Variations
- Instructions
- Payment for variations
- Delays and extensions of time
- Practical completion
- Damages for delay
- Monitoring progress
- Defects
- Attendance & facilities
- Payment
- Suspending work
- Claims, set-off and contra charges
- Meetings
  - Communicating and recording information
- Design, bonds and warranties
- Summary of dispute resolution procedures
- Insurances

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## Obtaining Payment

### MODULE 3 – OBTAINING PAYMENT

#### PROVIDES

- An intensive and detailed review of the key aspects of obtaining payment for specialist construction work
- Focus on work carried out under building and civil engineering subcontracts

#### AIMS

- To provide a clear and practical understanding of how the payment system operates
- To provide practical advice on how to avoid pitfalls and make the system work for your company

#### COURSE CONTENT

- Subcontract price
- Interim payments (30-day payment)
- Periods of time
- Valuations
- Applications for payment
- Priced activity schedule
- Advanced payment
- Variations
- Valuation of variations & submitting quotations for variations
- Retention
- Discount
- Interest on late payment
- Final account, retentions & contractual obligations
- Fluctuations
- Value Added Tax
- HMRC Construction Industry Scheme
- Remedies

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## Handling Claims and Disputes

### MODULE 4 - HANDLING CLAIMS AND DISPUTES

#### PROVIDES

- A practical review of effective handling of claims (incoming and outgoing; real and spurious)
- A review on disputes; contractual mugging and related problems

#### AIMS

- To provide a clear understanding of the legal background to claims
- How to deal with spurious claims and other types of contractual or financial abuse
- How to minimise and if necessary deal with disputes; and how to prepare valid claims

#### COURSE CONTENT

- Claims
- Breach of contract
- Scope of damages
- Mitigation of loss
- Quantification of damages for breach of contract
- Actual loss vs. liquidated damages
- Delay, disruption and acceleration claims
- Direct loss and/or expense
- Money claims/Extension of time claims
- Set-off
- Resisting spurious claims
- Presenting valid claims
- Specific or global claims
- Contractual remedies
- Adjudication
- Legal remedies
- Resolving disputes
- Methods of resolving disputes



## An Alternative Form of Contract

### MODULE 5 - AN ALTERNATIVE FORM OF CONTRACT

#### PROVIDES

- A detailed analysis of the JCT type sub-contracts and NEC Sub-Contracts.

#### AIMS

- To provide understanding of the difference of importance of the Sub-Contractor's Programme between JCT type Sub-Contracts and NEC Sub-Contracts
- To provide knowledge the difference in administering JCT type and NEC Sub-Contracts

#### COURSE CONTENT

- The difference of importance of the Sub-Contractor's Programme between JCT type Sub-Contracts and NEC Sub-Contracts
  - Background to NEC
  - Main Option Clauses
  - Contract Data
  - Programme
  - Early Warning
  - Changes to Scope
  - Valuing Change
  - Secondary Option Clauses
- The difference in administering JCT type and NEC Sub-Contracts

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## Specialist Sub-Contract Management

### MODULE 6 – SPECIALIST SUB-CONTRACT MANAGEMENT

Please Note: This module consists of two separate days of training

#### PROVIDES

- A comprehensive practical review of sub contract provisions
- Looks at documentation and procedures and other related legal and contractual aspects relevant to the work of specialist construction companies

#### COURSE CONTENT

- Type of contract - Lump Sum/Re-measurement/Prime Cost/Guaranteed Maximum Price
- Range of current Form of JCT Subcontracts
- Range of current NEC Forms of subcontract
- Popular amendments to Standard Forms
- Bespoke subcontracts
- Old standard subcontract Forms still being used
- Design obligations and responsibilities
- Nomination and naming
- Precedents of documents, ambiguities and contradictions
- Negotiation tactics
- Bonds, warranties and guarantees, contractual and statutory limitation procedures
- Ownership of goods and retention of title
- Negligence, nuisance and other torts
- Cash flow management and insolvency

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