

## Resolving Common Practical Contractual and Commercial Issues in Construction and Engineering Contracts

### - Contractual and Commercial Awareness – Avoiding the Pitfalls

3, 8, 10, 15 and 16 October, 5 and 12 November 2019

Letters of Intent • Entering into the Contract • Managing Change  
Payment • Adjudication

Disputes in the construction and engineering industries are on the rise, and in our experience as construction and engineering lawyers, the vast majority of disputes tend to be caused by a key group of common contractual and commercial issues. Hawkswell Kilvington are presenting a half-day seminar which uses **case studies**, with sample contract clauses, correspondence and notices, to guide you through the most common problems that are typically experienced on a construction project and provides practical tips and guidance on how to avoid and overcome them. The seminar will provide you with helpful **drafting tips, sample documents including letters and notices, timelines and checklists** to take away with you to ensure you are equipped with the practical knowledge you need to help you avoid and resolve these common problems in the future.

#### The seminar will cover:

##### Letters of Intent

- Reviewing a sample letter of intent – is it binding?
- What are the risks of proceeding under a badly drafted letter of intent?
- Financial caps
- How should a letter of intent be drafted – traps to avoid.
- Drafting tips and sample documents to take away.
- Case studies.

##### Entering into the Contract – Battle of the Forms

- What key issues should different parties focus on when negotiating the terms of a contract?
- What are the implications of failing to conclude the contract properly?
- Sample clause wording and tips on how to negotiate alternative wording to protect your position.
- Understanding problem clauses and how to deal with them.
  - Conditions precedent
  - Best endeavours obligations
  - Indemnities
- Tips to avoid battle of the forms problems- how can you ensure your terms and conditions apply.
- Whose terms and conditions apply – case studies.

##### Managing Change

- What notices to serve, when and how – common mistakes to avoid
- Common contract amendments reviewed
- Capturing entitlement – common pitfalls to avoid
- Variations
- Extensions of Time
- Loss and Expense
- Compensation Events
- Record Keeping

##### Payment

- How do the Construction Act payment provisions work in practice?
- Drafting and serving applications for payment, payment notices and pay less notices – case studies on drafting.
- Common problems to avoid.
- Understanding bespoke payment clauses – what to look out for.
- Notices
  - How and where to serve them
  - Pitfalls to avoid
  - Requirements under JCT and NEC

##### Adjudication

- Key Issues

#### Venues and Seminar Programme

8 Northumberland Avenue, London, WC2N 5BY, 3 October 2019 (AM/PM)

Worsley Park Marriott Hotel & Country Club, Worsley, Manchester, M28 2QT (Jct 13 M60), 8 October 2019 (AM)

Thorpe Park Hotel & Spa, Leeds, LS15 8ZB (Jct 46 M1), 10 October 2019 (AM)

Holywell Park Conference Centre, Loughborough, LE11 3GR (Jct 23 M1), 15 October 2019 (AM)

Ramside Hall Hotel, Durham, DH1 1TD (Jct 62 A1(M)), 16 October 2019 (AM)

8 Northumberland Avenue, London, WC2N 5BY, 5 November 2019 (AM)

The Bristol Golf Club, Bristol, BS10 7TP (Jct 17 M5) 12 November 2019 (AM)

| Seminar Programme  | Morning (except London) | London Morning | London Afternoon |
|--|-------------------------|----------------|------------------|
| Registration   | 7.30-8.00               | 8.30-9.00      | 13.00-13.30      |
| <ul style="list-style-type: none"><li>• Letters of Intent</li><li>• Entering into the Contract</li><li>• Managing Change</li></ul> | 8.00-9.15               | 9.00-10.15     | 13.30-14.45      |
| Coffee Break   | 9.15                    | 10.15          | 14.45            |
| <ul style="list-style-type: none"><li>• Payment</li><li>• Adjudication</li></ul>   | 9.30-11.00              | 10.30-12.00    | 15.00-16.30      |
| Questions/Open Forum   | 11.00                   | 12.00          | 16.30            |

## Who Attends?

Contractors, sub-contractors, developers, project managers, house builders, funders, public bodies, modular builders, local authorities, airports, schools, health trusts, trade associations, architects, quantity surveyors, engineers, insurers, brokers, finance directors, commercial directors, construction directors, chemical and oil companies and utility network operators.

## How to Book

There is a non-refundable charge of £120 **plus VAT** (£144) per delegate, including refreshments on arrival. Please complete the booking form below and return it to: Louise Tankard, Hawkswell Kilvington Limited, 17 Navigation Court, Calder Park, Wakefield, WF2 7BJ ([ltankard@hklegal.co.uk](mailto:ltankard@hklegal.co.uk)).

Payment can be made by:

- Sending a cheque for the appropriate amount made payable to **"Hawkswell Kilvington Limited"**.
- BACS upon your receipt of our VAT invoice.
- Credit card – please email your booking form to [ltankard@hklegal.co.uk](mailto:ltankard@hklegal.co.uk) and we will call you back to take payment.

**Payment must be made within 14 days of receipt of invoice or your reservation may be cancelled.**

If you cannot make the date and want the seminar in house or should you have any queries about the seminars, please contact Louise Tankard on 01924 258719.

## About Us

Hawkswell Kilvington is a specialist law firm, dedicated to addressing and resolving construction and engineering industry issues.

According to Chambers & Partners legal directory, Hawkswell Kilvington is *"a respected construction and engineering boutique with a fine industry reputation. Represents an impressive client base of contractors, developers, utility providers and public bodies in large-scale projects across the country"*.

Jonathan Hawkswell is credited as being someone who *"is a well-established construction disputes lawyer whose impressive reputation extends well beyond the region"*. David Kilvington is *"recommended for his extensive experience in drafting contracts, warranties and other construction documentation"*. Daniel Silberstein is praised by clients for being *"very strong on contractor and subcontractor money disputes,"*. Thomas Salter is renowned for dealing *"with contentious matters, including disputes relating to variations, time extensions, non-payment and breach of contract"*.

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*Hawkswell Kilvington Limited reserves the right to change the order of the topics or content of the seminars. The seminar provides information of general interest about current legal issues but does not provide definitive legal advice. It is prepared for the general information of those attending. Anything stated during the seminar or set out in accompanying material should not be relied upon in any specific situation without appropriate legal advice. If you require legal advice on any of the issues raised during the seminar, please contact one of our specialist construction lawyers. Delegates are not considered to be clients of Hawkswell Kilvington Limited for the purposes of conflicts and Hawkswell Kilvington Limited reserves the right to exercise its complete discretion in this regard.*

Please return this section to Louise Tankard at Hawkswell Kilvington Limited, 17 Navigation Court, Calder Park, Wakefield WF2 7BJ

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CONSTRUCTION & ENGINEERING SOLICITORS

## Resolving Common Practical Contractual and Commercial Issues in Construction and Engineering Contracts - Booking Form

Letters of Intent • Entering into Contracts • Managing Change  
Payment • Adjudication

### Please reserve me ( ) places

- 8 Northumberland Avenue, London, 3 October 2019 (AM)
- Worsley Park, Manchester, 8 October 2019 (AM)
- Holywell Park Conference Centre, Loughborough, 15 October 2019 (AM)
- 8 Northumberland Avenue, London, 5 November 2019 (AM)
- 8 Northumberland Avenue, London, 3 October 2019 (PM)
- Thorpe Park Hotel, Leeds, 10 October 2019 (AM)
- Ramside Hall Hotel, Durham, 16 October 2019 (AM)
- Bristol Golf Club, 12 November 2019 (AM)

### Delegate

Name .....

Position .....

Organisation .....

Address .....

.....

.....

Post code .....

Telephone .....

Email .....

### Additional Delegates

Name: .....

Position: .....

Email: .....

Name: .....

Position: .....

Email: .....

Name: .....

Position: .....

Email: .....

- I enclose a cheque for £144 per delegate payable to Hawkswell Kilvington Limited
- Please issue an invoice for payment by BACS