

SESSIONS

PRE-CONFERENCE WORKSHOPS (LIVE) - 23/11/
2021

Construction Contracts & Law Conference

Main Conference: 24 - 26 November 2021 / In-Person Workshops: 23 November
2021

Preparing and Pursuing Covid Claims

09:30 - 12:00

Lunch & Networking Lounge

12:00 - 13:00

Understanding Specific Contracts

13:00 - 15:30

- Plant & Design-Build
 - Design-Build & Turnkey Projects
 - EPC/Turnkey Projects
 - Design-Build and Operate (DBO) Projects
 - Design Build Operate Contract for Multilateral Development Banks (MDBs)
 - Construction for Building & Engineering works
 - Procurement & Supply of High-Value Goods & Associated Services
 - Appointment of a Supplier to Maintain a Service Manage and Provide a Service
 - Conditions of Subcontract for Construction for Building and Engineering Works
 - Client/Consultant Model JV Services Agreement
 - Short Form of Contract /Subcontract
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Pre-Conference Reception (Live Networking Event)

15:30 - 17:30

Workshop Leaders and Supporters Closing Speech

17:30 - 17:45

SCHEDULE

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09:00	09:30 - Preparing and Pursuing Covid Claims
10:00	
11:00	
12:00	12:00 - Lunch & Networking Lounge
13:00	13:00 - Understanding Specific Contracts
14:00	
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16:00	
17:00	17:30 - Workshop Leaders and Supporters Closing Speech

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MAIN CONFERENCE - DAY 1 (SUBJECT TO CHANGE) -
24/11/2021

Construction Contracts & Law Conference

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Meet Your Peers - Virtual Networking Area

08:30 - 08:55

An opportunity to meet fellow attendees and speakers in our virtual networking lounge, exchange digital business cards and troubleshoot with our help desk team in this area should you need technical assistance.

Chair's Opening Remarks

08:55 - 09:00

Welcome speech from our distinguished Chair, setting the scene for the compelling sessions to follow.

Latest Case Law and Wider Legislative Developments Impacting the Industry

09:00 - 09:40

This session will present and analyse the impact of latest relevant Case Law as well as discuss other developments impacting the construction industry, which have a wider global or regional significance. Coverage includes:

- Latest Case Law
- Legislation for mandatory adjudication
- Anti-corruption laws
- Other salient developments

Post COVID-19 legal requirements and Jurisdictional Approaches

09:40 - 10:20

This session will provide a comparative analysis of the responses to the Covid-19 pandemic by different jurisdictions with reference to:

- Corona virus-related laws, regulations, and guidelines
- Impact on disputes as:
 - sites are forced to close
 - workers are absent
 - projects are disrupted
 - deadlines are missed
- Negotiating amicable agreements to reduce the risks

Networking Lounge Break

10:20 - 10:35

Contract Risk Allocation & The Use of Standard Contracts and Clauses

10:35 - 11:15

This essential session will explore all aspects of contract risk allocation vis-a-vis standard forms of contract and key clauses. Areas under examinations include:

- Latest industry trends
- Influence on project risks by an early integration of the involved parties
- Identifying deviations in different project stages
- Allocation of design responsibility as a key risk determining factor
- Views of clients, contractors and planners

Technological Developments Shaping the Construction World: BIM and Smart Contracts

11:15 - 11:55

This session will explore how cutting-edge developments such as block-chain technology are advancing the construction and infrastructure industries and redefining project management, approaches to risk and much more besides. Coverage includes:

- Challenges of Implementing BIM – Regional highlights
- Graduating to BIM:
- The benefits of BIM
- Best practice in BIM application
- Smart Contracts – efficiency gains and project delivery ramifications
- Instructional Design Models
- Learning impact of a 4-D digital construction learning environment

Lunch Break & Themed Roundtables (Informal Discussion Groups)

11:55 - 12:30

New Model Forms of Contract

12:30 - 13:10

Structure and Format

13:10 - 13:40

Risk-Determining Factors of Cooperative and Conventional Construction Contracts

13:40 - 14:20

Knowledge Management Challenges within Traditional Procurement Systems

14:20 - 15:00

Design responsibility

15:00 - 15:30

Engagement of Consultants by Employers

15:30 - 16:00

Networking Lounge Break

16:00 - 16:15

Transactional Entities in Construction and Commercial Agreements

16:15 - 16:45

This session will provide a brief but fundamental overview and characterisation of transactional entities available for use in commercial and construction agreements including:

- Teaming
- Joint ventures
- Single asset entities

Time & Baseline Scheduling in Construction Contracts

16:45 - 17:25

- When time should be of the essence and when it shouldn't
- Contract provisions to beware of
- Practical tips on how to foster collaborative construction planning
- Ensuring the work is performed in the most efficient and cost-effective manner
- Technologies for better planning of trade sequencing and man-loading requirements for projects

Chair's Closing Remarks

17:25 - 17:30

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SESSIONS

MAIN CONFERENCE - DAY 2 (SUBJECT TO CHANGE) -
25/11/2021

Construction Contracts & Law Conference

Main Conference: 24 - 26 November 2021 / In-Person Workshops: 23
November 2021

BREAKFAST BRIEFING - Safety, Sustainability and Ethics

08:00 - 09:00

This comprehensive breakfast briefing will provide a 360 overview of key issues in safety, sustainability and ethics for the industry including:

- Sustainable Construction Practices: Improving Contractor Competitiveness
- Safety & Quality Considerations
- Site Conditions and Related Requirements
- Legal Competence

Chair's Opening Remarks

09:00 - 09:05

Welcome speech from our distinguished Chair, setting the scene for the compelling sessions to take place on the second day of the conference.

Liability Issues During the Life of the Project in Construction Disputes

09:05 - 09:45

Collateral Warranties

09:45 - 10:15

Duty to Defend Within the Indemnity Provision of the Construction Contract

10:15 - 10:55

- Just an insurance issue?
- What if my insurance company denies the AI claim do I still owe a duty to defend?
- How do I enforce the duty to defend my client?
- What are the damages?

Networking Lounge Break

10:55 - 11:10

Governmental Immunity

11:10 - 11:50

This session will explore issues related to Governmental Immunity in the context of Cases where such considerations are applicable.

Insurance Update

11:50 - 12:30

Our expert speakers will discuss Insurance in the world of construction litigation and provide an overview of what is new and what's around the bend for this critical field.

Guarantees, Securities and Bonds

12:30 - 13:10

Lunch Break & Themed Roundtables (Informal Discussion Groups)

13:10 - 13:40

Vouching-in: What you need to know

13:40 - 14:10

Common law indemnity in the construction context

14:10 - 14:50

Indemnitee/indemnitor perspectives

14:50 - 15:20

Types of Dispute & Issues on Projects

15:20 - 16:00

This comprehensive session will look at common types of disputes and its causes, with particular reference to:

- Disputes involving delay, disruption, defects and variations
- Remedies and processes under contracts such as suspension and termination.
- Issues arising under contracts associated with the bringing of a claim, such as notices and early warning processes
- Contractual issues associated with disputes, such as design responsibility and ground conditions
- Assessment and limitation of damages

Networking Lounge Break

16:00 - 16:15

Contract and Claims Administration to Avoid Lengthy and Costly Disputes

16:15 - 16:55

- Causes of construction / project delays
- Outlining best practices in
 - record keeping
 - change management
 - early risk identification
 - timely submission of notices
 - managing the supply chain / subcontractors
 - design issues
- Tender systems and processes
- Payment issues
- Payment claims and adjudication systems limitations
- Common types of Claims and others:
 - delay and disruption
 - is a final account claim a payment claim?
 - what statutory adjudication schemes are envisaged for payment only claims?
- Early Warning

Constant Risk Management & Regular Contract Review

16:55 - 17:35

Chair's Closing Remarks

17:35 - 17:40

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12:00	12:30 - Guarantees, Securities and Bonds
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SESSIONS

MAIN CONFERENCE - DAY 3 (SUBJECT TO CHANGE) -
26/11/2021

Construction Contracts & Law Conference

Main Conference: 24 - 26 November 2021 / In-Person Workshops: 23
November 2021

Meet Your Peers - Virtual Networking Area

08:30 - 09:00

Chair's Opening Remarks

09:00 - 09:05

Dispute Avoidance and Resolution

09:05 - 09:50

- Forward-facing dispute resolution strategies to calm conflicts and cut costs
 - Compromise approaches and ADR
 - Commercial negotiation
 - Adjudication
 - Expert determination
 - Dispute Boards: Greater use of review boards
 - Mediation
 - Arbitration
-

Legal Issues in Arbitration

09:50 - 10:35

- Key legal issues in arbitration: updates of key recent cases
 - Jurisdictional issues
 - Statute of limitations
 - Waiver
 - Binding non-signatories – useful to review who can be included in the arbitration
 - Filing lien and bond claims: in litigation or arbitration
 - Appeal of an arbitrator's decision
-

Tools & Techniques: Construction Industry Arbitrations

10:35 - 11:20

- Tools and techniques for effective management of arbitrations
 - Expedited arbitration rules
 - Role of the emergency arbitrator
 - ICC arbitration rules/guidance
 - UNCITRAL, LCIA, CI Arb
-

Networking Lounge Break

11:20 - 11:35

Redressing the Balance with Litigation Funding

11:35 - 12:20

- How to empower your claim with litigation funding
- Counter claims
- Opinions on the value of the claim
- How to sell your claim to the funder

Bankruptcy Basics for Construction Lawyers

12:20 - 13:00

- How to attempt to get paid on partially completed projects
 - The impact of the automatic stay
 - Perfection of liens and issues with lien avoidance
 - Descriptions of bankruptcy proceedings
 - What may be done in them and to your client
-

How to Handle a Claim

13:00 - 13:45

- Preventing claims
 - Documenting claims
 - Presenting claims to dispute boards
 - Arbitration vs. adjudication
 - How to market yourself as an arbitrator vs. adjudicator
 - How to get paid on-time, every time
 - How to write an adjudication decision
 - Various ways to collect on a judgment
-

Lunch Break & Themed Roundtables (Informal Discussion Groups)

13:45 - 14:25

Construction Defects

14:25 - 15:10

- Construction defect claims
 - The right to cure and other rights
 - Pursuing/defending claims
-

Pass-Through Claims

15:10 - 15:55

- Legal and practical issues for:
 - owners
 - general contractors
 - subcontractors
- Competing and complementary venues
- Liquidating agreements
- "diligent pursuit" obligations
- false claim perils
- liability limits
- standing arguments

How to Recover, Negotiate, and Waive Consequential Damages

15:55 - 16:40

- Distinguishing between the two types of damages:
 - direct damages
 - consequential damages
 - Requirements for recovering consequential damages
 - How to negotiate and draft consequential damages waivers
 - Ensuring that the parties are not inadvertently waiving more damages than intended
 - Developing exceptions to enforceability of consequential damages waivers:
 - willful misconduct
 - gross negligence
 - active interference
-

Asserting and Defending against Prompt Payment Claims

16:40 - 17:25

- How to assert and defend against prompt payment claims
 - How PPS intersects with:
 - pay-if-paid provisions
 - the right to stop work
 - How prompt payment claims may be used as a vehicle for the recovery of legal fees
 - Analysing the potential risks of relying on the "good faith" withholding exception
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Chair's Closing Remarks for 2021

17:25 - 17:30

Chair's Opening Remarks

17:30 - 17:35

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16:00	16:40 - Asserting and Defending against Prompt Payment Claims
17:00	17:25 - Chair's Closing Remarks for 2021 17:30 - Chair's Opening Remarks