

PFI and Construction Contracts

◆ David Hickman ◆

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Pfi And Construction Contracts

Andrew Burr



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Pfi and Construction Contracts David Hickman, 2000 Summary This book examines contracts in the construction industry in relation to the Private Finance Initiative PFI such as what distinguishes construction in a PFI environment from a traditional contract The author analyses the key elements of the construction sub contract and interface between contractor and operator The author David Hickman is a Partner with a leading international law firm and has worked on many PFI projects Contents Construction issues on PFI projects output specification project company s solution design and construction standards warranties government regulations timescales lifecycle costs interface between construction operational phase design development performance payment system Flow down of risks to subcontracts how risk is flowed down termination risk termination issues for the construction subcontractor warranties bonds and guarantees Use and adaptation of standard forms for the construction subcontract a standard form JCT 81 or 98 preparation of the contract where a standard form is being adapted bespoke contracts Negotiating key elements of construction subcontract scope of works liability level compensation events and relief events extensions of time liquidated damages payments variations certification completion independent certifier Collateral agreements Interface between contractor operator Finance funding debt finance subordinated debt equity bond finance key funding issues the financial model banks and risk Insurance insurance and risk allocation insurances required by the construction company who effects these levels and breadth of insurance banks and insurance authority issues what the construction company must do Post contract construction phase problems variations during construction disputes DRP at subcontract level overruns extensions of time Future developments Appendices Treasury Taskforce Guidance wordings Sample risk matrix

Construction Contracts Will Hughes, Ronan Champion, John Murdoch, 2015-04-20 The fifth edition of this bestselling textbook has been thoroughly revised to provide the most up to date and comprehensive coverage of the legislation administration and management of construction contracts It now includes comparisons of working with JCT NEC3 and FIDIC contracts throughout Introducing this topic at the core of construction law and management this book provides students with a one stop reference on construction contracts Significant new material covers procurement tendering developments in dispute settlement commentary on all key legislation case law and contract amendments In line with new thinking in construction management research this authoritative guide is essential reading for every construction undergraduate and an extremely useful source of reference for practitioners

The International Compendium of Construction Contracts Phillip Greenham, Society of Construction Law Australia, 2021-05-10 This book examines how the most commonly used construction project contracts are applied in a range of countries around the world The specific situation of each of the almost 40 countries studies is dealt with in a dedicated chapter allowing for easy comparison between differing legal and commercial environments Each chapter contextualizes the relevant contracts within the legal and commercial systems prevalent in a particular country and examines a number of

common issues impacting construction projects around the world This unique book will be an essential resource for construction law specialists around the world because of its focus on commonly used contracts and the contextualizing of these contracts into the legal and commercial environment of each studied country All contributions are from practicing construction project lawyers ensuring that the quality of the information and analysis is of the highest standard

Construction Cost Management Keith Potts,Nii Ankrah,2014-01-23 In this updated and expanded second edition Keith Potts and Nii Ankrah examine key issues in construction cost management across the building and civil engineering sectors both in the UK and overseas Best practice from pre contract to post contract phases of the project life cycle are illustrated using major projects such as Heathrow Terminal 5 Crossrail and the London 2012 Olympics as case studies More worked examples legal cases case studies and current research have been introduced to cover every aspect of the cost manager s role Whole life costing value management and risk management are also addressed and self test questions at the end of each chapter support independent learning This comprehensive book is essential reading for students on surveying and construction management programmes as well as built environment practitioners with cost or project management responsibilities

Adjudication in Construction Contracts John Redmond,2008-04-15 Adjudication was introduced in construction contracts as a requirement of the Housing Grants Construction and Regeneration Act in 1998 to tackle the large number of disputes which dog most projects Provisions for adjudication are now included in all standard construction forms and are implied into all construction contracts that do not expressly include them When adjudication was first launched there were enormous uncertainties about how it would work in practice and books published to coincide with the launch could only speculate on this This new guide written by a construction lawyer and experienced adjudicator is the first to explain how adjudication is actually working in practice It covers all the major court decisions which have clarified enforcement adjudicator errors and problems such as definition of construction contracts jurisdiction insolvency natural justice and human rights It also deals with the complex requirements of the legislation regarding payment terms This will provide a highly readable but authoritative guide for all involved in adjudications whether contracts directors construction consultants lawyers or adjudicators

Delay and Disruption in Construction Contracts Andrew Burr,2024-10-31 Now in its sixth edition Delay and Disruption in Construction Contracts retains its position as a foremost guide to the complex issues arising in the course of construction contracts with robustly updated content throughout and the addition of several new chapters with a focus upon such topics as standard form provisions for the recovery of loss or expense and Chinese and Peruvian construction law amongst others Expertly covering the manner in which delay and disruption should be considered at each stage of a construction project from inception to completion and beyond this book includes Insight from an international team of specialist advisory editors Comparative analysis of the law in this field in Australia Canada England and Wales Hong Kong Ireland New Zealand the United States and in civil law jurisdictions Commentary upon and comparison of standard

forms from Australia Ireland New Zealand the United Kingdom USA and elsewhere including several new forms Chapters on adjudication dispute boards and the civil law dynamic Extensive coverage of Building Information Modelling New chapters on Chinese Nordic Peruvian Singaporean and Malaysian construction law New in depth discussion of the JCT 2016 suite Updated case law linked directly to the principles explained in the text This book is an essential reference for any lawyer dispute resolver project manager architect engineer contractor or academic involved in the construction industry

Construction Insurance and UK Construction Contracts Roger ter Haar, Anna Laney, Marshall Levine, 2016-05-20 Construction Insurance and UK Construction Contracts has long been the premier text for legal professionals looking for a combined analysis of construction contracts and their relation to insurance law In a new and updated third edition this book continues to provide in depth commentary and pragmatic advice on all the most important regulations and policies surrounding contracts and insurance in the construction industry Including brand new chapters on reinsurance and energy products this book covers subjects such as Minor intermediate and major project construction contracts Classes of insurance contract The role of insurance brokers Risks in construction and legal liability Professional indemnity insurance and directors and officers liability insurance Bonds and insurance Latent defect insurance Property insurance Health and Safety and Construction Regulations Contract Insurance FIDIC JCT and NEC 3 regulations PFI PPP projects in the UK Dispute resolution This book is a vital reference tool and practical guide for lawyers and in house counsels involved in the construction industry as well as project managers quantity surveyors construction contractors architects and engineers needing advice from an experienced legal perspective Construction Adjudication John Riches, Christopher Dancaster, 2008-04-15 Adjudication has been the main means of settling construction disputes since it was first introduced by the Housing Grants Construction and Regeneration Act 1996 and a substantial body of case law has now built up This book established itself as the key authority on adjudication when it was first published It has now been revised to reflect the authors experience of adjudication in practice and to cover the large number of court decisions It features useful appendices on adjudication materials

Construction Law Handbook Thomas Telford Limited, 2007 A legal reference on construction law that offers guidance for professionals and addresses the important construction law issues **Facilities Management Contracts 2008**, 2008

Construction Contract Law John Adriaanse, 2017-09-16 This comprehensive and popular textbook aims to bridge the gap between theoretical study and practical application It covers the essentials of construction contracts including how the law has developed the reasoning behind key clauses and how contract law is applied in practice and it helps to make the transition from student to practitioner manageable This text is intended for all undergraduates studying a construction contract law or a contract administration module or unit It is ideal for postgraduate degrees in quantity surveying and building surveying construction project management and construction management Civil engineers and students of architecture and architectural technology will find it provides a comprehensive guide to the law in the construction context It

is also very comprehensive in scope and provides sufficient materials to bridge the gap between the student and professional texts New to this Edition Discussion of the implementation of the Local Democracy Economic Development and Construction Act 2009 amending the Housing Grants Construction and Regeneration Act 1996 Updates to sections on the formation of contracts mistakes in tenders equitable remedies agency and supervision and the immunity of expert witnesses reflecting the latest Supreme Court judgements Clarification of the relationship between construing and implication of terms and the law on construction operations Expansion of the case law on professional liability and on the Defective Premises Act as a statutory term More real world construction examples to illustrate concepts and theories Adjudication in Construction Law

Darryl Royce, 2022-01-20 This book collects all the relevant material regarding the process of adjudication in construction It provides clarity for those involved in the adjudication process or related proceedings with detailed and reliable analysis of them supported by statutory provisions and judicial observations Adjudication in Construction Law discusses the role of true value adjudications following smash and grab decisions on the basis of the absence of a pay less notice the restraint of adjudication by injunction hybrid contracts dealing with both construction operations and other operations and timing and content of payment notices and pay less notices Additionally this book includes a summary of the different procedures adopted in other jurisdictions as well as an explanation of the payment procedures under the statutory framework It also goes on to append all the relevant statutory material contractual adjudication procedures and forms A new feature of this edition is a detailed analysis and discussion of the development and of the rules relating to the acceptability of a wrong answer provided that the right question has been dealt with only one dispute being susceptible to adjudication and the necessity or otherwise of a dispute arising under the construction contract A clear and comprehensive aid this book is an essential read for lawyers or construction professionals involved in adjudication **Private Finance Initiative**

Great Britain: Parliament: House of Commons: Treasury Committee, 2011-08-19 The Treasury Committee concludes that Private Finance Initiative PFI funding for new infrastructure such as schools and hospitals does not provide taxpayers with good value for money and stricter criteria should be introduced to govern its use Higher borrowing costs since the credit crisis mean that PFI is now an extremely inefficient method of financing projects Poor investment decisions may continue to be encouraged across the public sector however because PFI allows Government departments and public bodies to make big capital investments without committing large sums up front There is no convincing evidence that savings and efficiencies during the lifetime of PFI projects offset the higher cost of finance The current Value for Money appraisal system may be biased to favour PFIs and there are problems with the way costs and benefits for such projects are currently calculated Investment could be increased in the long run if government capital investment were used instead of PFI Paying off a PFI debt of 1bn may cost taxpayers the same as paying off a direct government debt of 1.7bn Recommendations include the Treasury should consider scoring most PFIs in departmental budgets in the same way as direct capital expenditure the

Treasury should discuss with the OBR the treatment of PFI to ensure that PFI cannot be used to game the fiscal rules the Value for Money assessment process should be subjected to scrutiny by the NAO the Treasury should review the way in which risk transfer is identified

Construction Law Handbook, 2000 The planning system Financing the project Public sector projects Public private sector partnerships Tender process The construction contract Construction insurance Ways of operating Working with others Working internationally The engineer's appointment Collateral warranties Professional indemnity insurance Copyright and intellectual property Employment law Computers and IT Law of contract Law of tort Environmental law Health and safety law Insolvency in construction Administration of claims Litigation Arbitration Adjudication

Construction Contract Preparation and Management Geoff Powell, 2016-03-18 This practical user friendly textbook starts at the beginning of construction projects and makes important connections between stages accompanied by helpful illustrations and real life industry examples Contracts and agreements underpin the whole construction industry and yet many graduates and young professionals do not realise just how important they are Misunderstandings and mistakes can be extremely expensive and cause considerable delay The textbook provides extensive explanation of the most commonly used forms of contract an introduction to the general principles of contracts and the implications of contract law and negligence as they affect the construction professional Written by an author with extensive previous industry experience before he became a lecturer this text is aimed at students of Contract Management Procedures at both undergraduate and postgraduate level on both Civil Engineering and Construction courses It is also helpful for starting professionals New to this Edition Often overlooked aspects of NEC contracts such as contractor design Coverage of NEC ECC 2013 JCT 2011 CDM 2015 and the revised Public Contracts Regulations 2015 More extensive advice on money time and programmes and their importance

Cost Studies of Buildings Allan Ashworth, Srinath Perera, 2015-07-16 This practical guide to cost studies of buildings has been updated and revised throughout for the 6th edition New developments in RICS New Rules of Measurement NRM are incorporated throughout the book in addition to new material on e business the internet social media building information modelling sustainability building resilience and carbon estimating This trusted and easy to use guide to the cost management role Focuses on the importance of costs of constructing projects during the different phases of the construction process Features learning outcomes and self assessment questions for each chapter Addresses the requirements of international readers From introductory data on the construction industry and the history of construction economics to recommended methods for cost analysis and post contract cost control *Cost Studies of Buildings* is an ideal companion for anyone learning about cost management

Procurement in the Construction Industry William Hughes, Patricia M. Hillebrandt, David Greenwood, Wisdom Kwawu, 2006-07-29 Evidence based assessment of new procurement processes in relation to collaborative working patterns weighing up the costs and benefits to the construction industry

MacRoberts on Scottish Construction Contracts MacRoberts, 2014-11-17 Provides a guide to the general principles of Scottish law

relevant to construction contracts and the main provisions of the standard forms of construction contract used in Scotland including the obligations of employers and contractors certification payment ending a construction contract remedies subcontracts collateral warranties insurance dispute resolution regulatory matters The new edition has been substantially updated and expanded to take account of the latest editions of the Scottish Standard Building Contracts and recent case law Specific updates have been driven by the following changes to legislation and standard contracts Local Democracy Economic Development and Construction Act 2009 and the relative Scheme for Construction Contracts Arbitration Scotland Act 2010 Recognising the significant increase in use of NEC3 standard forms of contract references to NEC3 provisions have been introduced throughout the relevant chapters so that each now covers the common law the SBCC provisions and the NEC3 provisions It also features new chapters on litigation competition the Bribery Act 2010 and guarantees and bonds From reviews of previous editions very approachable and readable I would particularly recommend this book to non legal construction professionals Construction Engineering Law an informative textbook for the practitioner a significant contribution to knowledge Arbitration a highly competent textbook which would be of value for industry professionals with no legal background Construction Law *Construction Law, Costs and Contemporary Developments: Drawing the Threads Together* Julian Bailey, 2018-11-15 Lord Justice Jackson's retirement in March 2018 concluded a career of almost 20 years on the bench His judicial career has seen a remarkable transformation of construction law construction law litigation and the litigation landscape more generally Drawing the Threads Together is a Festschrift which considers many of the important developments in these areas during the Jackson era The Festschrift discusses most of the leading construction cases decided by Lord Justice Jackson with subject matter including statutory adjudication fitness for purpose obligations consideration delays and extensions of time liquidated damages time bar provisions the prevention principle neighbour rights limitation clauses negligence good faith bonds and guarantees and concurrent duties of care It also includes a discussion of the background to the Jackson Review of Civil Litigation Costs 2009 2010 and its impact on litigation as well as considering the development of the Technology and Construction Court during and subsequent to Mr Justice Jackson's tenure as judge in charge of that court **Collaborative Construction Procurement and Improved Value** David Mosey, 2019-04-01 The guide that explores how procurement and contracts can create an integrated team while improving value economy quality and client satisfaction Collaborative Construction Procurement and Improved Value provides an important guide for project managers lawyers designers constructors and operators showing step by step how proven collaborative models and processes can move from the margins to the mainstream It covers all stages of the project lifecycle and offers new ways to embed learning from one project to the next Collaborative Construction Procurement and Improved Value explores how strategic thinking intelligent team selection contract integration and the use of digital technology can enhance the value of construction projects and programmes of work With 50 UK case studies plus chapters from specialists in 6 other jurisdictions

it describes in detail the legal and procedural route maps for successful collaborative teams Collaborative Construction Procurement and Improved Value Examines the ways to create an effective contract that will spell success throughout the procurement process Contains helpful case studies from real world projects and programmes Explores the benefits of the collaborative construction process and how to overcome common obstacles Bridges the gaps between contract law collaborative working and project management Includes the first analysis of the NEC4 Alliance Contract the FAC 1 Framework Alliance Contract and the TAC 1 Term Alliance Contract

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