

The Streetwise Subbie: Providing the Tools for Success

Subcontractors are the back bone of the Construction Industry and are finding it increasingly difficult to manage the commercial needs of the project with more and more onerous contracts coming into play. Increasingly we are seeing Subcontractors fall foul of main contractors relying on your lack of commercial training and knowledge of Statutory Instruments such as the Construction Contracts Act 2002. Concordia can provide contractors across all Trades with training to upskill and provide you with the tools to hold your own, get paid on time and understand your rights and obligations. Many of you are working with no contract at all and some of you are carrying out work on the basis of a phone call!

**THIS IS A ONE DAY
INTENSIVE COURSE
SPLIT INTO 5
MODULES**



Module 1 - Understanding the Contract

- Formation of Contracts and Contract Law
- Drafting simple subcontracts
- How the subcontract fits in with the Main Contract
- Rights and obligations between subcontracts and head contracts
- Current Law, Remedies
- Clause by clause review of rights and obligations under NZS3910:2013 and Subcontracts such as SA-2017

Module 2 - Tendering and Quoting for Work

This session provides you with training and understanding of what exactly you are pricing. Tender documents often lack certain essential information such as Special Conditions, all drawings and specifications. Often Subcontractors are provided with these documents with the contract to sign, hence not including them in the price. This module covers:

- Understanding obligations on pricing what you have been given, clarifying and requesting further information
- How to deal with unwarranted information provided at tender
- What is deemed to be included in your price
- Offers, Counter-Offer and Final Agreement
- Acceptance of tender, rights and obligations and risks
- Setting dates for acceptance of tender and performance of the works
- Staying updated with programme
- What happens when you are instructed to start works after date anticipated

Module 3 - Getting Paid

This session provides you with the tools for getting paid and on time. It covers the following:

- Understanding your obligations under the Construction Contracts Act 2002
- What is needed in a payment claim
- What is needed in a payment schedule
- How to deal with variations, contra charges and other set-offs
- What to do when you have not been paid or provided with a payment schedule
- The right to be paid and remedies such as Statutory Demands and Adjudication
- How do deal with Contra Charges, damages for delay and other set-offs

Module 4 - The Contract Programme

This module deals with rights and obligations around programme. It will cover:

- The Tender programme
- The Contract programme
- Obligations to provide the updated the contract programme to Subcontractors

Module 5 - Time

This module deals with rights and obligations regarding time for the works to be performed. It will cover:

- Clauses of the contract/subcontract which deal with time
- Obligations when there is no contract or programme
- Liquidated damages and general damages
- Extension of Time and Notice provisions
- What is needed for a successful EOT claim
- Time Bars and Condition Precedent Clauses
- Time “at large”, the Prevention Principle
- Current NZ and International Case law

PRESENTED BY:

Raine Selles MSc. Construction Law & Arb., LLB(Hons), FQSi, MCI Arb., MNZIOB, FNZACE

Raine heads the NZ office of Concordia Resolution and Training and as more than 30 years' experience within the construction industry in both project/commercial management and dispute resolution. She has lectured nationally and internationally on most Forms of Contract including NEC and FIDIC, and NZS3910 extensively throughout NZ. She is a member of the Construction Strategy Group, works with the accord and sits on the NZS3910:2013 review panel. Her experience includes the production of contract documents, procurement strategy, management and delivery of Major Construction Projects, as well as the production, negotiation and settlement of contractual claims. She has achieved an enviable success rate in settling large complex claims as well as smaller claims on behalf of various contractors and subcontractors.

Since setting up Concordia (previously named CMC Asia Pacific) 10 years ago, she has helped settle more than 800 disputes and has achieved settlements of more than \$5bn in New Zealand and Australia. Raine practices as an Expert Witness, Adjudicator, Mediator and Arbitrator but her main focus is on facilitating the parties to reach agreement without the need to invoke formal processes. Her background in quantity surveying and commercial/project management and being qualified in law pays dividends in having construction knowledge that lawyers do not.

Raine is NZ's leading authority on NZ3910:2013 and has trained Stakeholders across all disciplines for more than 12 years. She also regularly lectures on Contract Law, Adjudication under the CCA, NEC 4 and more. Here are some comments from a recent course"

"very relaxed and informative" "Easy to understand, communicate with real world examples" "very good overview and pitched at the right level for the group""very thorough on topics covered"Very experienced and easy to discuss items with" "gave so many examples of everyday issues encountered and how they can be dealt with" "this course was so beneficial, we learned so much".



Registration Form

Providing the Tools for Success

Easy ways to register:

Email: office@concordiaresolution.com

Phone: Call us on 021 0845 1837

- Registration 8.30am for prompt start at 9am, completing at 5pm.
- Registration fee includes refreshments, lunch and material to take away.
- **Registration \$895.00 plus GST per day – 10% Discount for 5 or more attendees**
- Payment please to CMC Asia Pacific Account No. **ASB 12 3075 0264207 50**
- **Sorry No Credit Card facilities**

All events will be held at Cliftons Auckland (Christchurch TBC)

Please register me for the following Seminar on 17 September 2024:

Name:
Tel:
Fax:
Mobile:
Email:
Postal Address:
Postcode:

Minimum and maximum numbers apply. Registrations are accepted strictly on a first come / first served basis.

Further information, please phone 021 0845 1837 or email
nz@concordiaresolution.com

www.concordiaresolution.com