

Legal Advice and Construction Contract Law

1-Contractual, Commercial and Procurement Advice

A planned approach is the key to commercial success in construction. Wherever you are in the industry, I can protect your interests and help you succeed by providing you with expert advice.

- Authoritative advice on the drafting, interpretation and selection of the appropriate standard and other forms of contract, bespoke contracts, terms of professional engagement, warranties and contracts of supply.
 - Identification of risks and opportunities at the time of tender through a pre-contract review.
 - Investigating and reporting on the economic performance and prospects of construction companies, their resources, management and organisation. Advice on the contractual position of all contracts, recovery prospects, and discharging and assigning contracts.
 - How to protect your interests and ensure your contractual and financial entitlements.
 - Professional opinion on the contractual position of contracts during their currency with strategic advice on administration and contract management to maximise your entitlements, recoveries and to protect your overhead and profit margins.
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- Informed drafting, interpretation and selection of the appropriate standard and other forms of contract is the key to commercial success in construction. Consulting provides authoritative advice on selection of the most suitable contract to meet clients' needs on every project, to improve the limitation.
- I work closely with our clients to gain a thorough understanding of their organisations. I can develop complete contract procedures manuals tailor-made to suit our clients' individual requirements. The manuals assist our clients in the effective management of their projects from inception to expiry of the defects liability period.
- I can provide user-friendly interpretation of the standard forms of contract commonly used by our clients, including easy to follow flow-charts illustrating the contract mechanisms to be adopted.

- Include a considerable number of key responses, such as standard letters for common contractual problems.
- Encompass procedures for controlling claims made against our clients.
- Provide an up-to-date review of current case law pertinent to the standard forms of contract used by our clients.
- The modern day engineering or construction contract is commonly an amended standard form, client standard form or one-off specifically drafted contract. My clients benefit from the experience, have gained in advising upon a broad range of international contracts covering civil engineering, building, process, petrochemical, offshore, telecoms and shipbuilding works. Services which clients find of value are:
 - The drafting, interpretation and selection of appropriate standard or non-standard form of contract or sub-contract, terms of professional engagement, warranties, bonds, guarantees and contracts of supply.
 - The reporting upon commercial risks within tender documentation and negotiation of revised conditions of contract or sub-contract.
 - The investigation and reporting on the performance and prospects of engineering and construction companies, including the independent valuation of “work in progress” within accounts

2-Contract Law Claim, Damages Preparation and Appraisal Services

Claims Preparation and Appraisal

Provide you with the expert advice on the contractual validity of a claim, together with definitive opinions on the extent of the financial entitlement or liability.

Guidance on admissible heads of claim and timing and content of submissions. Computer aided claims evaluation and presentation which will demonstrate the critical effect of extensions of time, loss and expense and matters causing delay and disruption.

Identification and costing of resources such as labour, plant and general overheads.

Advice in relation to all problems of payment, contra charges, set-off and counter claims.

- Full claims preparation service or guidance and direction for such preparation in-house in an overseeing advisory role to format claim documents.

- Expert advice on the contractual and legal validity of a claim and assessment of the extent of contractual and financial value, entitlement or liability.
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Consulting has the expertise both legal and technical, to provide clients with the best value solutions when claims arise. I can be mobilised to work at a client's office or site to either prepare, appraise or defend claims for extensions of time, prolongation cost, disruption cost, analyse the legal and contractual position,

Claims preparation

Clients request MIG Consulting to advice on claims at three different stages of a project.

At the outset of a major project MIG Consulting can ensure that the procedures for proper evaluation and payment of contractual entitlements through the currency of the project are in place. This benefits contractors and subcontractors who then receive early payment of their claims.

During the construction phase when a claim situation arises, the involvement of MIG Consulting at an early stage will ensure proper records are kept and that there is a prompt claim submission and payment of monies.

I can help even after completion of a project when, for example, a contractor has had difficulty in establishing an entitlement to claim or has not received proper payment for claims matters. I will review the prepared claims, and, if necessary, in a persuasive and professional manner make appropriate amendments and represent the claim.

Appraisal and Defence

Employers or contractors who are on the receiving end of contractual correspondence relating to the interpretation of the contract or claims for more time and additional cost are advised to take great care in making the appropriate responses. Should the subject matter of the correspondence develop into a full scale dispute the manner and content of these responses could become very relevant. I have many years of experience in providing a service in drafting responses to correspondence of this nature.

The dispute may be unresolved and a fully documented claim be submitted.

GENERAL MANAGEMENT SERVICES

Offers a professional service for Best Value and Value for Money practices, Interim Management, Business Support and Commercial Management for projects from set-up to completion, for the Building, Construction, Engineering and Oil and Gas industries, being a comprehensive management service.

Management combines the commercial and construction management, and it is intended to give both construction clients and supply side companies a full service to set-up a project efficiently, deliver it on a win-win basis and ensure effective performance during the course of the project.

There are three parts to the service. The first is effective commercial management - choosing the right procurement route, correct contract procedures and risk management. This involves the whole team at an early stage on a best practice basis to improve performance in terms of the bottom line.

The service also encompasses cost monitoring and budget control including evaluation of work in progress, payment applications, final account settlement agreement and close out.

The construction industry is changing all the time and it is important for company's to keep abreast of these changes in order to offer their best to their clients. I have the expertise to help with this.

Please do not hesitate to contact me to discuss how we may be able to help you.

The role of the Commercial Manager on a project can include responsibility for all or part of the service elements above. Consultancy advice and/or practical assistance on an interim basis can also be provided for each service element and according to individual client requirements.