

RIAS ABERDEEN

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Past Chair SBCC 2016

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Your Presenter

Len CH Bunton FRICS FCIArb Hon FRIAS



**Bunton
Consulting**

Len is founder and Principal of Bunton Consulting. He has over forty years of unparalleled experience in the industry, predominantly as a dispute resolver (Adjudicator, Arbitrator, Mediator, Expert Determiner). Len acts as an adviser and representative of numerous contracting organisations, various trade bodies, the SBCC, and several professional institutions. He is a Past Chairman of the CIArb Scottish Branch and immediate past chair of SBCC. Len was recently elected an Honorary Fellow of the RIAS for his decades of work in resolving and preventing disputes in the construction industry.

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Why do construction projects go wrong?

- **Procurement Issues**
- **Professional Fees**
- **Suicidal tenders**
- **The solution**
- **Issues in Adjudication**
- **Current Developments**

- **Procurement Issues – long term objective S Govt involvement**
- **Starting point is fee levels**
- **Outcome is projects not being fully designed**
- **Increase in D&B, CDP packages**
- **Outcome is more variations which have impact on time and costs**
- **More claims and more disputes**
- **85% of the disputes I deal with are about ££££££££££**

- **Professional fees** – select on track record, capability and personnel – not price
- One solution is to fix the fee by an independent Architect and scope the services
- Be clear on what you are doing and not doing
- **Suicidal** tenders – what is the point of accepting a low bid?
- What can you do
- S Govt Guidelines

- **The Solution** – a radical overhaul of the whole procurement process
- Future of Main Contracting – Construction Management an alternative
- Lessons learned – V&A Museum and other successful projects
- Why do certain contractors not get involved in disputes ? What are they doing differently

- **Common Issues in Adjudication**
- Is there a Contract ?
- Design responsibility – interface with CDP
- Scope of CDP
- Is it a variation or not?
- Cost of variations
- Payment procedures
- Issuing notice and pay less notices

- Suspension
- Termination
- Quality and defects
- Extension of time and loss and expense
- Valuation and measurement disputes

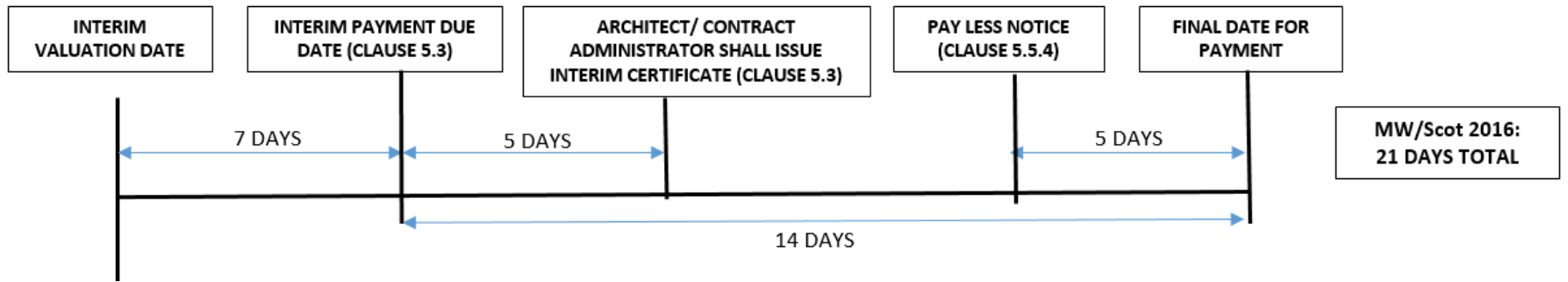
Some Changes

- Project Bank Accounts – PBA's
- Conflict Avoidance Processes – CAP
- Reducing payment periods – SEC Group
- Retention – get rid of it
- Better quality on sites
- CSILG – Procurement Group
- Is the S Govt listening – Yes it is! Economic Committee Enquiry into the Industry – June 2019

Future CPD

- 3 X 2 hour seminars on the SBCC 2016 Family of Contracts
- Look at the main issues
- Case studies
- Planned for September 2019

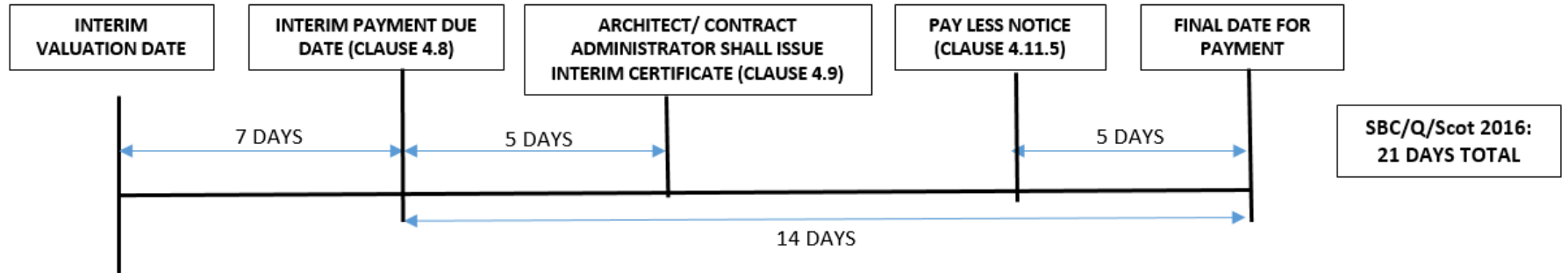
MW/Scot 2016 - Payment Timeline



Seminar 1 – SBCC 2016 Minor Works

- **Agreement**
- **Contract Particulars**
- **Recitals**
- **Articles**

SBC/Q/Scot 2016 - Payment Timeline



DB/Scot 2016 - Payment Timeline

