

Contract advisory services

Improving project definition through better contract advice and strategic planning

The construction process is by its very nature complex, often involving a number of companies with specialist skills and conflicting interests. The role of the contract which governs the project and the relationship, accountabilities, responsibilities and obligations of all parties involved, is therefore absolutely fundamental.

Objectives of the contract advisory service

- Ensuring our clients adopt the most appropriate procurement strategy, best meeting the needs and requirements of the project
- Ensuring the correct form of contract is used to support the chosen procurement strategy
- Ensuring our client is fully protected, by ensuring that the contract is drafted properly and robustly, based around industry best practice

The scope of our service

- Developing the procurement strategy
- Contract drafting
- Contract review

This scope ensures the contract is fit for purpose in relation to the needs and requirements of the project, and that our client is fully protected.

Our team of professional advisors are equipped to assist our clients throughout the process of developing a construction contract, adopting industry best practice at all stages of the process.

Developing the procurement strategy

We help our clients determine the most appropriate form of contract for their project by firstly determining which is the most appropriate procurement strategy to adopt, based on a number of criteria, including:

- Degree of input and control the client wishes to have on the design of a proposed construction project
- Time pressures faced by the client
- Amount of funds available for the proposed construction
- Number of parties involved in the construction process

www.contractadvisory.mottmac.com

The benefits of contract advisory services

- Ensures a fit for purpose contract, meeting the needs of the client and project
- Client protection, commercially, legally and financially

“ If you don't know where you are going, you are certain to end up somewhere else ”

Yogi Berra b.1925



Getting the contract right at the outset will have a major influence on the cost, timescales and quality of any planned construction project.


Mott MacDonald



We focus on helping clients maximise, through their contracts, the efficiency and bottom line performance of their business to ensure their projects are implemented to an agreed cost and scope.

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Drafting the contract

Based on our detailed knowledge of the industry and construction law, we draft the contract and provide commercial advice at all stages in the process, ensuring that our clients are always fully protected, commercially, legally and financially. As part of this process we liaise with other parties involved as necessary.

Reviewing the contract

We review the contract as prepared for the client by its nominated lawyers, ensuring that the correct form of contract has been adopted and that the drafting of the contract has incorporated all the elements and clauses needed to protect our client.

Additionally, we review any amendments to the contract as proposed by other parties involved in the project, making recommendations as appropriate to our client, or our client's lawyers.

Our approach

The first task is to ensure that we fully understand our client's requirement in relation to the project. We document the requirements as we understand them and ask the client to confirm that our understanding is correct.



Based on the agreed requirements of the project as they affect the contract, we then determine the most appropriate form of contract to use. We walk our client through all the viable options, based on the agreed requirements, and explain the rationale for recommending a particular form of contract to be used for the project.

Once we have obtained approval to proceed based on our recommendation, we then begin the task of drafting the contract, if this is within the scope of our assignment. In drafting the contract we will bring to bear industry best practice, suitably modified to meet the particular needs of the project.

Throughout the drafting process we meet with our client at key points along the way in order to review the contract as it stands and resolve problems as they arise. This is typically an iterative process, prior to obtaining client sign off.

In undertaking the review we utilise our in depth knowledge of construction law and industry best practice. We recommend any changes that we believe are necessary in order to meet the requirements of the project, and provide full protection of our client. We liaise with the client's lawyers in order to expedite the changes as recommended and agree with our client.

Deliverables

The deliverables, regardless of how many stages we are involved in, will be an agreed and signed off fit for purpose contract.