



## Case Study - Dispute Strategy / Distressed Project Recovery

### Client Challenges

Our client, Farrans Construction, a UK Main Contractor involved in Major Civil Engineering projects, contracted CPUK to devise a strategy to optimise opportunities, identify latent risks and implement management processes to ensure mitigation of future risks and to help ensure the company's success.

The client had recently entered a programme of complex multi million pound engineering contracts under an NEC3 Framework Agreement and the employer interpreted contracts to suit their own commercial interests with no regard for CPUK client's rights or obligations. Many of the contracts contained a high degree of ambiguities, exposing the client to additional and unquantifiable risks.

While this is often the case with these types of contracts, we aim to provide our clients with crystal clear understanding of their obligations under these contracts, in order to mitigate risks to their companies.

Our biggest concern was the fact that our Client's liabilities under the design element of the works was wide-reaching and highly ambiguous, and they wanted to avoid an escalation of any disagreements into full blown disputes, while at the same time trying to recover and mitigate any commercial losses, which our client could not afford.

As it were, there were already some disagreements, so CPUK had to step right in with valuable solutions to rescue the situation while maintaining our client's reputation.

### The Solution

CPUK set out to assist by first reviewing the Framework Agreements and project specific contracts, using our expert knowledge of the sector and of NEC3 Frameworks and Contracts.

Yosof analysed the Client's issues pertaining to commercial positioning and change management and discussed and advised upon these aspects from a high-level, strategic point of view, as well as from a practical operational standpoint.

In the process, he identified that the Employer had a pattern of misinterpretation of several key contract terms, as well as a clear misunderstanding of the Risk Profile of the projects. Yosof then advised the commercial staff on actual contract entitlement for change events. As it turned out, he identified additional sums due by the Employer under the contract.

**Anticipation of risk is a critical part of the tender process. Failure to ensure risks are identified and accurately costed can have serious consequences once the contract begins.**

**CPUK have nearly 25 years of major contract experience, which ensures our clients are well placed to maximise commercial opportunities at all stages in the life cycle of their contracts.**

**Yosof Ewing  
MD, CPUK**

**Thanks to CPUK, Farrans Construction now had a clear understanding of the weaknesses in their processes, and received useful recommendations which they could take forward in their business. These facts will enable them to conduct concise negotiations from a position of strength, and alleviate any potential future conflict.**



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### The Result

CPUK believes in empowering all stakeholders, and also the staff, who were equipped with:

- \* a much deeper understanding of how the NEC3 change process was intended to operate, which gave them the confidence to pursue entitlements on behalf of the company.

- \* a better understanding of how the NEC3 contract worked and what they should look out for in terms of risk and opportunity, both pre- and post-contract award.

We also provided our client with recommendations on how best to devise more appropriate procurement strategies in order to avoid exposing themselves to conflict and unnecessary risks in future.

**"We employed Yosof to review our forms of contract and offer advice on the resolution of several contractual issues. Yosof was extremely thorough in his work and provided some very useful analysis and recommendations of the various issues."**

**- Sean Bradley, Commercial Director,  
Farrans Construction**

### CPUK - Restoring Balance

CPUK Restore Balance in contract relationships at any stage in the project life cycle.

There's a better way of doing business in the construction industry and you've just found it. In the world of construction and infrastructure projects, disputes are often the norm. Relationships between once trusted partners often become soured through the confusion of complex contracts and heightened emotions. But it doesn't have to be this way....

Uniquely, dispute prevention is at the heart of CPUK's service. Their cutting-edge process is specifically designed to bring clarity and simplicity to complex projects.

Because prevention is better than cure....

When you, like many other construction and infrastructure businesses already have, engage the services of CPUK, you are engaging with a company whose core values are embodied by its' owner and founder, Yosof Ewing.

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For more information visit [www.constructpro.com](http://www.constructpro.com)

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