

NEC People – 30 Years of NEC Interaction and Collaboration

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Conference Agenda – Morning Session

08.00 Registration, coffee and bacon rolls

09.15 **Introduction to Conference (Matthew Smith/Glenn Hide)**

An introduction to the day's proceedings from the lead sponsor K&L Gates welcoming attendees to this year's event

09.35 **Should we co-operate, collaborate or just not bother? (Lesley Hunt, Jon Broome)**

This session aims to challenge conventional wisdom by exploring the differences between co-operation, collaboration and what's in-between and beyond these two words. It will look at the minimum requirements of the contract and, if you decide it is worthwhile doing more than this, what you could do in terms of contract strategy, supplier selection and setting up the project organisation as well as tangible actions in delivery

10.20 **Avoiding trouble with logical actions (Faye Allen)**

This session will provide some examples of issues that occur when those working with NEC do not properly set up, control or understand the contract and act in a reactive rather than proactive way. For example:

- conflicted Scope and Site Information – Yes please, but do we really need to throw the kitchen sink in there?!
- I notified an Early Warning but failed to notify a Compensation Event – does it really matter?!
- the perils of insufficiently substantiated costs – why can't I get paid?

11.00 Tea/coffee break

11.25 **I'm in two minds about the role of project manager (Damian Wilkinson, Neil Earnshaw)**

The role of the project manager is pivotal to the effective operation of the NEC4 Engineering and Construction Contract however performing it requires the wearing of two hats – one as client's agent and the other as independent certifier. This presentation will look at the project manager's role from both a legal and contractual point of view, discuss common dilemmas they find themselves dealing with, and question whether it's ever possible for them to get it right.

12.00 **X29 – Climate Change (Richard Patterson and Barry Trebes)**

Richard Patterson was part of the 4-person team that drafted NEC's new secondary option X29, Climate change. X29 is now available for all but the short NEC contracts. In the ECC it: prompts the Client to include 'Climate Change Requirements' in the Scope, and allows the contract to include a 'Performance Table' in which to set or ask bidders to offer targets for anything. Those targets could be for climate related issues or even for 'social value' issues. The Client may include bonuses for beating and/or damages for not meeting those targets. Richard and Barry will provide a review of these clauses and how they should/could be administered.

12.35 **NEC4 legal developments (Nicola Ellis)**

A review of the latest NEC4 2023 amendments and sharing legal developments and case law relating to NEC contracts in the past year since our last conference.

13.10 Lunch

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Conference Agenda – Afternoon Session

- 14.10 2023 Z clause of the year award and what would we like to see in NEC5: (Glenn Hide)**
 A brief consideration as to examples of ways contracts have been amended through Z clauses over the past year and if possible picking a winner as to the worst of all. Also a reflection on feedback from the group as to what would be good to see included in NEC5 (whenever that is!) to kick-start the next 30 years of NEC contracts.
- 14.45 Who Wants to be an NEC4 Millionaire (Chris Farrant Woodbridge)**
 A very special edition of Who Wants to be a Millionaire, with contestants chosen from the audience to play and win up to £1000 for charity. All questions will be related to NEC contracts and there will be some life lines available including the “ask the audience” and “phone an expert”
- 15.25 Coffee break**
- 15.50 Mock Adjudication: (Adjudicator - Andy Thompson)**
 Back by popular demand, this final session will consider the cultural and behavioural issues that can exist and explores the contractual/practical answer to a series of issues that might occur on a project. After hearing a (brief) defence from both *Client* and *Contractor*, the audience gets to vote on the result of a series of mini-adjudications. The *Adjudicator* will then make a judgement – which will obviously be very straight forward and always agree with the audience’s decision!!!
- 16.30 Question Time Panel:**
Jon Broome, Neil Earnshaw, Nicola Ellis, Barry Trebes, Richard Patterson,
 Your chance to ask questions of the panel of experts about any of their presentations or any other aspect of NEC contracts generally.
- 17.10 Close**
- 17.15 -19.15 Drinks reception for all attendees**

Attendees are invited to join sponsors/speakers to a cocktail reception for drinks