

The logo for FIS (Finishes & Interiors Sector) features the letters 'FIS' in a bold, purple, sans-serif font. The 'F' and 'I' are connected, and the 'S' is slightly larger and positioned to the right.

FINISHES & INTERIORS SECTOR

A Webinar
Presentation 3rd
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VERTICE

Development Management

Quantity Surveyors & Project Managers

FIS
FINISHES & INTERIORS SECTOR



Marc Preston BA (Hons) MRICS MCIOB MBACP



Contracting guide to dealing with Corvid-19

- General common-sense approaches
- Dealing with payments
- Avoiding repudiation
- Dealing with extensions of time
- Entitlement for loss and expense
- Entitlement to Terminate employment under the contract
- Dealing with Warranty Providers and Building Control
- Dealing with funders and Insurers


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COMMON-SENSE

- ✓ Keep calm
- ✓ Good communication up and down stream
- ✓ Gather consensus opinion
- ✓ Make decisions
- ✓ Keep good records- Photos etc,
Quality and programme records
- ✓ Record all agreements

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AVOIDING REPUDIATION



" Sod the contract, I'm off"

" I'm leaving find some another mug to carry this out"

" Sort out your own problems"

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“ Just give me the keys and leave

“ On your way out could you leave your coronavirus mask”

“ You were always useless; my mate will do a better job than you”

INDUSTRY SECTOR

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PAYMENT NOTICES

**YOU STILL NEED TO ISSUE PAYMENT AND
PAYLESS NOTICES EVEN IF THERE IS ZERO
PAYMENT-- CORVID OR NO CORVID**

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EXTENSION OF TIME (JCT)

JCT (Main forms and Intermediate)- Relevant Events

- The exercise by the UK Government or local authority of any statutory power (not as a result of default by the Contractor) which directly affects the execution of the works
- Force majeure

Minor Works

- Delay occurs for reasons beyond the control of the Contractor

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EXTENSION OF TIME (JCT)

JCT (Main forms and Intermediate)- Notices

- **Delays still have to be notified**
 - **As soon as it becomes reasonably apparent**
 - **Material circumstances including cause of delay stating this is a Relevant Event**
 - **Give particulars of expected effects**
 - **Estimate of delay (can and should be updated as required)**

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LOSS & EXPENSE

No Entitlement

LIQUIDATED DAMAGES

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No Entitlement

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TERMINATION

The same provisions that apply to EOT are grounds for either Party to terminate their Employment (not terminate the contract)

- If the Works are suspended for longer than period stated in particulars (standard 2 months continuous period)
- ✓ Give Notice in writing of intention to terminate within 7 days
- ✓ Second Notice of actual termination

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TERMINATION- CONSEQUENCES of SUSPENSION (NB These are different in the event of insolvency)

- No further payments
- Contractor can remove all his stuff INCLUDING site materials
- Contractor to provide drawings O&M manuals etc
- Submit Final account within specified period which can include DIRECT loss and expense caused to the Contractor by the Termination

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TERMINATION- Insolvency

If either party becomes insolvent the Employment of the Contractor ends

- Take advice on next steps
- Notice periods might vary if there are Funders Warranties
- Register as a creditor
- Don't forget to Notify Subcontractors

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OTHER PARTIES

Insurers – Make sure they are aware of material changes in circumstances– Agree any site security measures

Building Control / 10yr Warranty providers- Agree if possible measures to prevent the works deteriorating -- Pigeon guano

Funders- Keep an open dialogue- be aware of different or separate Notice requirements

Your Bank- Keep an open dialogue

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BE SAFE BE WELL





VALUING AND MANAGING EXCELLENCE

Vertice Development Management Ltd
37th Floor, One Canada Square, Canary Wharf, London E14 5AA
[\(E\) marc@vertice-dm.co.uk](mailto:marc@vertice-dm.co.uk) (M) 07899 067 580
www.verticedevelopmentmanagement.co.uk
www.verticeqsonline.co.uk