



CARENA
International Global Support
for Construction Contracts

Services Brochure 2.013

www.carenacm.com

¿What is Carena?

Carena Construction Management is a consultancy firm specializing in the legal and technical assistance in the management of construction contracts. Carena is strongly focused on giving value to the know-how of its clients, working jointly with them in each of the phases of their contracts, in order to achieve the best performance possible

It is the very nature of construction that the product initially projected develops and evolves to its final outcome. This creates the need to participate actively in the management of contracts. Having the support and expertise of Carena Construction Management means having access to a team of professionals with proven experience and comprehensive technical and legal expertise, focused on monitoring and defending established rights.

¿When do we become involved

On a time scale, Carena Construction Management offers its participation over the life time of the contract:

- *Qualifying*: collaborating in the bidding, drafting and negotiating of contract terms at the level desired by our customers.
- *Implementation Phase*: providing resources and legal tools and techniques for analysis, monitoring, control, documentation, quantification and contractual communication that affect the scope of the contract and any issues arising in its development. Ensuring the defence of the rights established in the contract in the most efficient and effective manner. Establishing and maintaining a base of documentation with the legal and technical content necessary to meet all possible claims.
- *Closing*: identifying and quantifying the incidents that occur in the course of the project. Establishing a legal strategy of settlement support and collaborating in the search for a negotiated solution. Assisting and representing, if necessary, in court proceedings, arbitration, mediation or any other processes required for dispute resolution.

¿How can we be involved?

Closely related and with constant cooperation between them, Carena Construction Management organizes its business into two departments:

- *Legal Department*, this provides the specialized legal assistance required in construction contracts. It's actively involved in the analysis and drafting of the contract, in drafting contractual communication models, and in the establishment and maintenance of document bases necessary for the support or defence of any claim and the established contractual rights.
- *Technical Department*, this provides the manpower and materials, tools and techniques required in planning, monitoring, controlling and evaluation of the scope of the contract and its variations. Working with their clients in identifying cause-effect relationships and determining the quantum of incidents. It also assumes the development of technical documentation for tenders.

OBJE TIVOS

The main aim of Carena Construction Management is to contribute effectively to achieve the best possible performance in the management of construction contracts. The current complexity of these contracts makes it essential to continue the deep analysis of the rights and obligations set forth therein.

The success of a construction project depends, to a large extent, on the effectiveness of the proposed clauses in the contract to resolve disputes that arise during the development of the contract. But to make these clauses productive, active and effective management is necessary. On many occasions, provisions are made for deadlines, communication and incident management. When these deadlines are not fulfilled, this usually results in the loss of the established rights.

For the basic objective of securing the best possible performance of the contract, Carena Construction Management integrates the following actions:

- Identifying, classifying, assessing and controlling the risks of the contract.
- Intervenir en el seguimiento y redacción de las comunicaciones con valor contractual.
- Identifying, documenting and quantifying:
 - o any variation on the scope of the contract.
 - o stoppages, delays and/ or accelerations in fulfilment of the contract.
- Providing the legal information to defend the rights established in the contract, facilitating the resolution of disputes.
- Providing the necessary information and experience to facilitate the adoption of corrective and preventative measures and decisions concerning changes in the scope of the contract.
- Effective coordination of the three phases of the life of the contract (pre, execution and closure) in what is contractually relevant.
- Coordinating the relationship with local law firms.
- Providing staff, both legally and technically, to be integrated into work teams.

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Carena Construction Management personalises the products and services it provides by adapting itself to the needs required, such as:

Tenders

- Preparation of the initial document "Scope of the tender conditions", which includes:
 - o Analysis of administrative demands:
 - Established guarantees
 - Partnership demands
 - o Technical requirements analysis:
 - Deadlines. Milestones
 - Functional and material requirements
 - Staff requirements
 - o Risk Assessment
- Preparation of Technical Bids
- Collaboration in cost analysis
- Development of the Schedule

Contracts

- Drafting contracts,
- Alternative clauses proposal,
- Risk assessment,
- Contractual documentation interpretation,
- Assistance on the resolution of disputes arising during Project developments.

Planning Monitoring and Controlling

- Elaboration of initial document "Scope of the contract", which includes:
 - o List of the contractual documents and their order of priority.
 - o Schedule and resources promised in the tender.
 - o Identification, classification and assessment of risks.
 - o Form and communication models.
 - o Detailed list of all the applicable regulations
 - o Definition of time, cost and quality base-lines.
 - o Legal milestones matrix.
- Assistance to the project with specialized staff, such as a Contract Manager.
- Elaboration of the planning, establishing the necessary contractual breakdown. Establishment of milestones and obligatory resources.
- Monitoring, controlling and assessment of contractual base-lines. Efficiency analysis.
- Monitoring, controlling and assessment of the remaining risks as well as defining the new ones.
- Management of relevant contractual communications.
- Legal assistance and legal representation. Coordination with local law firms.

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Claims

- Identification of variations in the contract that imply rights to increase time frames and/or budgets.
- Determination of the cause-effect relationship in contract modifications. Direct and indirect costs. Finding out the best methodology for their assessment.
- Assessing the budget and time increases due to changes in the scope of the contract, stoppages, delays and/or accelerations in the contractual schedule.
- Drafting, communication and defence of claims.
- Claiming the right to charge what is entitled under the conditions of the contract.

Conflict Management and resolution

- Compilation of relevant contractual communications.
- Revision of baselines and comparing with what was actually built (as-planned vs. as-built).
- Establishment of cause-effect relationships about the changes in the contract. Direct and indirect costs. Choosing the most appropriate method for their assessment.
- Obtaining the quantum of contract modifications, its justification and claim.
- Representation and technical and legal assistance in national and international processes of conflict resolution (Dispute Review Boards, Dispute Adjudication Boards, judicial, arbitration, mediation, negotiation, ..
- Collaboration and coordination with local law firms.

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