

*DEAR READER, ...*

**JIM BOURKE, DGA MANAGING DIRECTOR**

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As some of you will be aware, a lot has happened in the world of DGA since our last Ebrief. I would therefore like to take this opportunity to reiterate the major highlights of the last 6 months.

Since the announcement of DGA's expansion of its delay and planning capabilities in the UK in the April Ebrief, with the acquisition of Chronos, as of 1st June 2023 DGA Group has formed a partnership with the Australian consultancy business TSA Management. Despite it being early days in this new relationship, the signs are very good and we continue to be confident this new venture will benefit both our clients through a wider service offering, and also allow continued growth for the DGA Group services.

Joining TSA has created value, stability and opportunity for our business and staff. The combination and diversity of our expertise, geography, clients and people will result in a business large enough to win and influence sizable global projects, while remaining agile and small enough to care and focus on our people and our clients.

With TSA, DGA staff will have the opportunity to work in new regions and sectors, and with new clients, adding to our individual and collective skills and experience. This is further enhanced by the Henry Riley business in the UK now also being part of the TSA, whose partnership with TSA coincided with our own. As a business DGA, as part of the TSA, are now able to offer a broader service to our clients.

#### **A LITTLE ABOUT TSA MANAGEMENT:**

TSA is a global project management and advisory firm with offices in the UK, Australia, New Zealand and Malaysia.

TSA is a leading presence in the Asia Pacific region, particularly in infrastructure, commercial, health and sustainability spaces. DGA joining TSA means we now have access to over 900 project experts globally and a broader array of services. [www.tsamgt.com](http://www.tsamgt.com)



## HENRY RILEY:

Started by Henry Riley Esq in 1890, after he established a quantity surveying practice in London, the company has traded continuously ever since, growing substantially year on year. Their services focus on cost management, project management, health & safety services and project advisory services.

To compliment both TSA's existing offering and that of Henry Riley, DGA adds Expert Witness, claims & disputes, programming & delay, together with project commercial management expertise to further enhance the TSA's portfolio of services. Our team of specialists will work closely with the Henry Riley and TSA teams to build a large and diverse team that can service all sectors worldwide.

*TSA CEO Andrew Wilson says, "I'm thrilled DGA Group are on board. DGA's presence across the world helps TSA with our own strategic growth goals, as well as expanding our Contracts and Dispute Resolution expertise."*

As with every new partnership there is a period of transition and change. I will endeavor to keep you updated but do keep an eye on our social media, website and the next Ebrief publication in December.

DGA will continue to deliver the highest quality work that our clients have come to expect. I would like to thank you for your continued support of DGA, and I can assure you that whilst the integration progresses, there will be no interruption to our commitment to our clients.

I hope this news is of interest. We are looking forward to working with our new colleagues across the globe. If you would like any further information about the partnership or have any queries about your relationship with DGA please do not hesitate to contact me.

Jim Bourke  
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## COMPLIMENTARY BREAKFAST SEMINAR

### GETTING PAID

#### “SMASH & GRAB ADJUDICATION” – IS IT AS EASY AS THEY SAY?

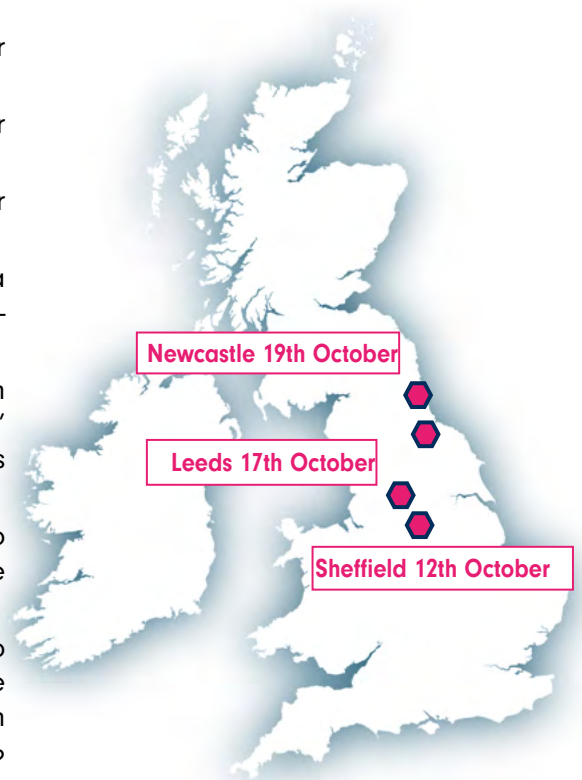
##### About the Seminar

Having lectured on a national and regional level for a number of years [Scott Milner](#) is known for his informative topical seminars. Scott returns in October 2023 with a complimentary breakfast seminar concerning problems faced by parties in applying for and seeking recovery of payment via Adjudication.

This seminar will appeal to **Contractors** and **Subcontractors** that want to gain an up to date understanding of the requirements and arguments in relation to payment notices, pay less notices and payment; and improve their prospects of recovery of payment under JCT and NEC Engineering & Construction Contracts and Sub-Contracts.

In this seminar, we consider:

- The importance of an effective application for payment/ default payment notice.
- The ingredients of a valid application for payment or notice of intention to pay less.
- The danger of multiple applications for payment for the same due date.
- Can a late application for payment operate as a default payee notice (following ISG Retail Limited -v- FK Construction Limited [2023] EWHC 2012)?
- Can an Employer commence a ‘true value’ adjudication when there is already an ongoing ‘smash and grab’ adjudication (following Henry Construction Projects Limited -v- Alu-Fix (UK) Limited [2023] EWHC 2010)?
- Does a smash and grab adjudication in relation to an interim payment notice take precedence over the purported true value in a final certificate?
- We can refer a dispute at ‘any time’ according to s.108 of the HGCRA. Can a true value adjudication be commenced at any time (following AM Construction Limited v The Darul Amaan Trust [2022] EWHC 1478)?



**To book your place please click here >>**  
**Breakfast & registration opens at 8am**

**BOOK YOUR PLACE**

Due to high demand for our seminars, the invitation is for Contractors and Subcontractors and we are at this time limiting the number of delegates per firm / organisation to 2.

## DGA UK IN-HOUSE TRAINING

Due to DGA's expertise in the provision of contractual advice, commercial and programming services, and dispute resolution across all construction industry sectors, we have created educational training seminars on the understanding and administration of the various forms of construction contracts.

Our highly experienced course presenters are able to apply the contract to the day to day tasks and problems encountered by the delegates.

Our in-house training seminars are provided for a fixed fee at your chosen venue. The benefit of this is the ability to choose the number, position type, and experience of delegates who attend without a price increase. We appreciate that workload and training is a fine balance and, therefore, our in-house seminars minimise disruption to the delegates duties that can occur with public seminars.

### NEC3 & NEC4

#### UNDERSTANDING AND USING THE NEC3 ENGINEERING AND CONSTRUCTION CONTRACT

##### FULL DAY SEMINAR

This training seminar is aimed at novice through to professionals with experience of the NEC3 ECC:

- **Introduction - The agreement**  
Contract Data 1 and 2, Risk Register, Site Information, Works Information, Activity Schedule , Main Options, Secondary Options, Z Clauses, precedence of documents.
- **Providing the Works**  
Mutual trust & co-operation, Communication, Early Warning notifications, Works Information, Design, Instructions.
- **Quality**  
Defects, Defect correction, access given/ not given, assessment of cost of correction.
- **Time obligations & Programming**  
Start Date, Access Date, Key Dates, planned Completion, Completion Date, float, Accepted

Programme, Revised programme, Acceleration.

- **Payment**

Activity Schedule, Price for Work Done to Date, Applications for payment, Project Manager's assessment.

- **Compensation events**

Significance of Early Warning notice, notification of compensation events, time barring late notification, an overview of the assessment of the change to the Prices and/or delay (calculation of Defined Cost, Shorter or Full Schedule of Cost Components), dividing date, quotations, rejection of quotations, Project Manager's assessment, implementation.

## UNDERSTANDING AND USING THE NEC4 ENGINEERING AND CONSTRUCTION CONTRACT

### FULL DAY SEMINAR

The NEC4 seminar will follow the NEC3 training (above) format while incorporating the changes in the new NEC4 edition.

### NEC3 TO NEC4 ENGINEERING AND CONSTRUCTION CONTRACT - THE CHANGES AND IMPLICATIONS

#### HALF DAY SEMINAR

This training is an ideal follow on from the Understanding & Using the NEC3 Engineering and Construction Contract. Best suited to professionals with experience of the NEC3 ECC as it solely considers the changes and the impacts from the NEC3 ECC to the NEC4 ECC:

- **Why a new edition?**
- **New terminology**
- **New clauses**
- **Amendments to clauses of the NEC3 ECC**
- **Amendments to Schedules of Cost Components**
- **Questions**

### NEC3/ 4 ECC COMPENSATION EVENTS: THE EVENTS, NOTIFICATION & ASSESSMENT

#### HALF DAY

This seminar considers all of the events that are compensation events, which party is liable to

notify the event, the mechanism for notification and assessment in more detail. The delegates will receive training in correctly assessing and submitting quotations for compensation events.

#### FULL DAY SEMINAR

As above plus workshop

#### TERM SERVICE CONTRACTS

##### FULL DAY SEMINAR

Much like the Understanding and Using seminars (above), this considers the Term Service Contract, looking at Contract Data, works information and providing the service itself.

#### JCT FORM OF CONTRACT

##### JCT MINOR WORKS AND INTERMEDIATE BUILDING CONTRACTS 2016

##### JCT INTERMEDIATE AND STANDARD FORM BUILDING CONTRACTS 2016

##### JCT DESIGN AND BUILD CONTRACT 2016

##### FULL DAY SEMINARS

Each of our JCT contract seminars are full day and consider the Contract Particulars, Execution of the documents, Carrying out the Works, Sub-Contracting, time for completion, delays, valuation, payment; and design (where applicable).

#### CONTRACTUAL & COMMERCIAL AWARENESS

##### FULL DAY SEMINAR

In this seminar, we consider issues commonly encountered during the course of a contract, including but not limited to, formation of contract, deeds, letters of intent, changes to the terms and the scope of works, authority, design liability, records and notification of events, claims for delay, loss and/or expense or damages, payment, liquidated damages, time bar clauses, exclusive remedy provisions, termination and repudiation.

#### WHAT TO DO NEXT?

For more information about our training seminars, please email [scott.milner@dga-group.com](mailto:scott.milner@dga-group.com); or telephone 0113 337 2174

Terms & Conditions apply

## DGA CONTACT INFORMATION

If you would like to find out more details about any of the subjects covered in this Ebriefing please contact DGA Group through the contact details below or at [DGAGroup@dga-group.com](mailto:DGAGroup@dga-group.com)

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