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Working Together for Success

“The key to success is using your own expertise, but also knowing when to ask other experts for their experience and input.”

Richard Brackenbury - Head of Construction

Fraser Brown Solicitors

Welcome to our Autumn Edition Newsletter!

In this newsletter, we bring you updates from the industry, news from the Technology and Construction Courts and exciting new developments from KJT which will expand the range of support services available to our clients within the industry.

As always, we are here to support our clients and therefore welcome any feedback you may have for our next edition.

Please contact us at info@kjtaylorconsulting.com.



What our Clients Say about KJ Taylor Consulting..



Meet Richard Brackenbury for Fraser Brown Solicitors

In a testimonial by Richard Brackenbury of Fraser Brown Solicitors, a Nottingham based law practice with a specialist construction division, the head of construction tells of their previous and successful relationship with that of KJ Taylor Consulting on various projects.

Having previously worked successfully with KJ Taylor Consulting, Fraser Brown have no hesitation in contacting Kelly where matters arose in connection with the NEC suite of contracts - NEC3 and more recently NEC4.

Richard felt the need to call on KJ Taylor Consulting (Kelly) where a particular case required in-depth knowledge of the NEC suite of contracts.

‘Kelly was able to negotiate a way through the issue to resolve and enabled all parties to move forward.’

Success can be a two-way path, in another instance, Fraser Brown was able to utilise their own field of Law Expertise to ensure that the outstanding payment relating to an Adjudicating case which Kelly was instrumental in winning for her client was paid in a timely manner.

So What Lesson Should We take?

Success doesn't need to be a challenge, working collaboratively, with each company using their own area of expertise can draw the same outcome, with a smoother and more timely conclusion.

Recruitment — Quantity & Commercial Manager Required

Over the last 12 months, we have assisted our clients to fill key roles with market-leading candidates of exceptional calibre. Whilst this was more in a 'who do you know' capacity as opposed to a service offering, it has become very apparent; our clients have benefited enormously from our assistance in this regard.

As a result of the feedback from our clients, KJT has now launched a recruitment division. This service offers both head hunter and ready placement services and we can therefore, facilitate all of your recruitment requirements.

For Further Information please contact us or go to

<https://www.kjtaylorconsulting.com/recruitment/>





Payless Notice for Construction Contracts (A reminder...)



It is trite law that if a client or contractor intends to pay less than the sum assessed or applied, there is a statutory requirement under the Housing Grants, Construction and Regeneration Act 1996 - as amended (the "Construction Act") that any part intending to pay less **MUST** present a Payless Notice or a payment notice, where the Act applies.

Further, a payless notice must be presented even if the amount that they intend to pay is £nil.

Section 110 of the Act sets out that a pay less notice must identify the amount that is to be paid less, so that the sum, and where there are multiple zones, each of those sums and reason for paying less.

In general, what we have is a requirement for a contractor that is intending to pay less to essentially notify the payee why. If you have a situation whereby you have submitted your valuation and its made up of that cycle or monthly cycle of works which may include half a dozen or a dozen of work activities on there, if the client is going to pay you for activity one to four, but they are not going to pay you for the rest, they need to demonstrate those particular sums and why the pay less assessment is lower (than yours) or have the works has been found defective in part?

Whatever the reason may be they need to identify those reasons within a payless notice.

The specific requirements of when that pay less notice needs to be issued to you

Depending on the contractual requirements, there are prescriptive time implications attached and pay less amounts need to be identified to the payee party and within specified time limits. If the client does not issue a pay less notice, they must pay the amount stated within the default payment notice.

Conclusion:

Across the industry, we still see many cases of none payment and none compliance the with statute in this regard. It is of paramount importance for us all to understand that where those situations arise, there **MUST** be a pay less notification identifying why the Payer has paid less than applied for at least then both parties can work together to remedy differential and the reasons therefore.





Recruitment Notice Board...

Role of the Month...

WE'RE HIRING!!!

REQUIRED: SENIOR QUANTITY SURVEYOR

An exciting opportunity has opened for an experienced and highly professional Quantity Surveyor to work with one of our valued clients.

This role will cover Highways, Earthworks, Infrastructure, Structures, River and Sea Defence sectors and therefore guarantees variety.

Duties include (although are not limited to):

- Preparing plans, contracts, budgets, bills of quantities and other documentation.
- Administration of NEC3, JCT & FIDIC Contracts (Experience of CEMAR Advantageous).
- On-site measurement and measurement of drawings and Take-Off as required.
- Identifying potential risks and evaluate options for control.
- On-going cost analysis and control and construction work.
- Feasibility studies of client requests.
- The review and assessment of Sub-Contractors tender submissions.
- Preparation and assessment of variation accounts.
- Preparation and assessment of interim valuations and final accounts.
- Preparation of relevant certification for contract payments to supply chain.
- Compiling evidence for resolution of disputes.
- Ensure compliance with quality, safety and environmental policies and the requirements of the company procedure.
- Drive compliance with quality, safety and environmental objectives.

Are you the person we are looking for?

This role would suit a highly ambitious individual with great communication skills, who is highly professional and confident with a flexible approach.

The successful candidate will be able to demonstrate extensive experience in the areas outlined above and innovative approaches to problem solving and the ability to negotiate across the various levels of construction.

In addition, they must be able to demonstrate the ability to handle the financial and mathematical demands of the role by possessing outstanding numeracy and IT skills.

The ideal candidate must have extensive experience working as a QS in a similar role.

If you are ideally placed for this role, submit your CV to
fran@kjtaylorconsulting.com or visit
www.kjtaylorconsulting.com/recruitment

For further information or to apply please contact - info@kjtaylorconsulting.com
 Or call 0115 9336131





Technology and Construction Court (TCC) —Annual Report

The annual report issued by the TCC is always a good market barometer as to the trend in claims within the industry as a year on year measure.

In the recently released Annual Report for 2017-2018 from the TCC, in the period from October 2017 to September 2018, there were 428 new claims brought to the London TCC, up by 50 (or 13%) of new claims from the previous year which saw 378 claims registered.

The main categories are as follows:

Construction	127 cases	9%
Adjudication Enforcement	96 cases	14%
Domestic Building Disputes	71 cases	11%
Part Walls-Appeals	71 cases	11%
Procurement	63 cases	9%
Professional Negligence	37 cases	6%
Tree Roots	37 cases	6%

Source— www.lexology.com TCC Annual Report: Claims, hearings and trials –accessed 11.08.19



Meet the newest member of our Team

We are thrilled to introduce Frances Galvin, our new Commercial Support Administrator.

Before starting in the construction industry she spent over 10 years in the retail sector managing accounts for Sainsburys, Tesco, Asda to name but a few.

After a successful career in retail Fran moved onto the Construction industry and began by handling small Construction start-up firms before moving up to handle Multi National Accounts such as Carillion, McAlpine and National House Builders.

Having worked within the construction sector for over 20 years in various roles including Project Manager, Business Development Manager & Business Support Manager, it is fair to conclude Fran has an in depth knowledge of the sector from both an operational and commercial perspective.

Prior to joining the team at KJT, Fran had moved into the commercial sector of the industry, providing commercial support to contractors and specialist subcontractors within the sector.

Fran has co-ordinated and delivered projects nationwide in Leeds- Birmingham, Scotland and Nottingham—including a recently completed build of 2 new properties.

In her spare time Fran enjoys trying new sports (archery, anyone?) and managing a small property rental business.

[You can reach Fran at fran@kjtaylorconsulting.com](mailto:fran@kjtaylorconsulting.com)

New Office Opening

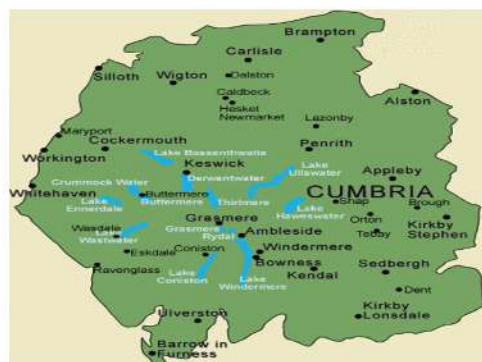
Due to client demand we are expanding!

From October 2019 we will have a permanent presence in Cumbria allowing us to increase the service offering to client's in this area.

Further, we are finalising plans to have a presence in London from January 2020!

[Watch this space!](#)

[Details to follow.](#)



Have a question?

Call us on 0115 9336131 or email us info@kjtaylorconsulting.com

