

Maximizing Value for All Parties in P3 Partnerships

September 26, 2024



- Setting the Project for Success
 - Clear & thorough contract documentation in digitized format (contracts are *data assets*)
 - Collaborative contract management for transparent alignment across all parties
 - Adopt a structured framework for collaborative working
- Data is the New Oil!
 - Using advanced analytics and digital tools to drive transparency and collaboration
 - Real-time, data-driven tracking for progress and compliance.
 - Take advantage of the present. Prepare for the future!
- Dispute Prevention & Risk Mitigation
 - Proactive risk management strategies to minimize and resolve disputes
 - Early disclosure of potential risks to foster a collaborative & transparent environment



Setting Infrastructure Projects Up For Success

- Project Documentation - need to approach documentation as project governance.
- Embedded Collaborative Contract Management
 - What is it?
 - Why do I want it?
 - Do all parties involved in the project have access?
 - Who pays?
- Document Management Options
 - Intelligent Document Formats (IDF)
 - Benefits of IDF
 - Improved project management
 - Reduced fees and costs



Better Project Management Through Efficient Document Management



- Data-led approach to consensus regarding contract performance and compliance
- Document Management can accomplish significant project development efficiencies
 - Progress tracking
 - Risk registers
 - Access to real time performance metrics
 - Proactive management across project parties
 - Timely intervention when needed and information to determine appropriate level of intervention and the parties who need to be involved



Efficient Document Management Prevents Disputes and Provides Opportunities for Mitigation and Resolution



- Why do I care about document management?
 - Documents that are going to be systemically managed and accessible to all parties may be more thoughtfully prepared. One can hope.
 - Searching documents prior to execution can identify inconsistencies across documents, including defined terms
- Most Common/Biggest Project Disputes Turn on Document
 - Errors, omissions and inconsistencies in project documents
 - Project scope - incomplete or bad scoping
 - Impact of post financial close changes
 - Unanticipated developments that may not have been considered when risk was allocated
 - Significant cost overruns
 - Inaccurate projections
 - Project becomes unworkable for one or more parties
 - Inexperienced or incompetent project management

Project Management and Dispute Prevention, Mitigation and Management

- Document management means everyone has access to current/complete documents. It's hard to argue over what the documents say when everyone has the ability to search and retrieve documents.
- Communications are controlled by “one truth”. What the documents actually say not what any one party thinks they say.
- What about the rest of project implementation documentation?
 - Every party needs to manage day to day record keeping on a searchable system
 - Dispute resolution is contract interpretation in light of project performance
 - Sometimes third party assistance is necessary or would be helpful.
 - Some projects benefit from third party neutral assistance to maintain collegiality and collaboration and mutual problem solving.
 - Access to standing neutral, project governing board or other mechanism for evolving disputes.

Karol K. Denniston is the Firm's Global Projects Partner, responsible for expansion and management of Squire's global infrastructure projects practice. During her tenure, working with practice groups across the globe, Karol has expanded the Firm's complex infrastructure project and P3 experience.

With a long history in infrastructure finance and development, Karol has significant experience in working with public sector clients to draft, negotiate and implement project documents designed to deliver value to the public sector and set the table for efficient project management. Karol has been called a "project sponsor whisperer" and praised for being able to "see around corners" in connection with preventing and reducing disputes arising during procurement, prior to financial close and during construction.

Karol is a frequent speaker, lecturer, and trainer on managing the procurement process to reduce public sector risk in connection with complicated construction projects. She has recently delivered speeches on public sector project procurement, working with private sector project sponsors and financiers, and negotiating efficient and cost-effective operations and management provisions in design, build, finance, operate and maintain ("DBFOM") projects.

Karol is a formally trained mediator and has been mediating disputes since 1992. This experience has helped her develop project documents designed to provide pragmatic tools for preventing, managing, and resolving disputes.

Karol has been designated a Legal 500 Leading Municipal Restructuring Lawyer since 2020.



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Sandra McQuain is the founder and CEO of The McQuain Group LLC. She is a passionate advocate for the utilization of the P3 model for building and improving transportation and social infrastructure in the US. Through her media and public relations firm, she provides private and public sector clients with guidance on community engagement strategies for their P3 endeavors. Sandra also serves as director of programs for the Association for the Improvement of American Infrastructure (AIAl), is the national master of ceremonies for P3C Media's seven infrastructure conferences and is a contributing writer to P3 Bulletin, an international publication reporting on P3 projects and trends across the globe.



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With a background in engineering, law, collaborative working and technology, Graham has decades of experience in major projects globally. As a project engineer, Graham initially spent 10 years in large-scale international project management. Transitioning to law, Graham quickly developed an international reputation for successful resolution of complex legal and commercial issues; as a partner of major law firms and as CCO for the largest Independent Power Producer in Asia.

Over the same period, Graham led the development of the 'pure alliance' model in Australia and beyond, and is passionate about the benefits of collaborative working. This unique mix of skills and experience led to an appreciation of the pivotal importance of technology in transforming the understanding and management of complex contracts, which Graham lives and breathes every day as CEO of Affinitext.



Graham Thomson

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Egidio Mosca is responsible for asset management of Fengate's infrastructure portfolio, providing technical oversight of the performance of construction and operations services delivered by third party contractors.

Egidio works with project directors to oversee the management of each of his project agreement documents. He supports quality control and quality assurance. Egidio has extensive expertise in client relationship building, negotiations and conflict resolution. Further, Egidio supports business development through RFQ and RFP submissions as well as participation in client collaborative meetings.

Prior to joining Fengate Infrastructure, Egidio was the Director of Operations – Public Private Partnership (P3) for Honeywell Ltd, where he had full financial accountability and staff management for P3 projects across Eastern Canada. Egidio is a Professional Engineer and holds both a Master and Bachelor of Applied Science in Mechanical Engineering from the University of Windsor. He is also a Facility Management Professional (FMP).



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Ian Gardner is a Programme Director, [PFI Centre of Excellence](#) at the UK's [Infrastructure and Project Authority](#). The PFI Centre of Excellence provides support to government departments and public authorities in managing their operational and expiry PFI projects through a mixture of support assignments, expiry health checks, wider public-private sector engagement and the development of guidance. Ian has been instrumental in establishing our expiry guidance and expiry health check process, and is presently leading the development of guidance on PFI contract and expiry management, primarily for public sector contract managers. Ian continues to investigate the benefits of technology to support PFI contract management.

Prior to joining the IPA, Ian spent 20+ years at the Ministry of Defence, with 10+ years managing a portfolio of infrastructure PFIs providing garrisons, headquarters and utility services to the UK military. During this time Ian oversaw major changes to a number of contracts to facilitate changes in user requirements, completed the partial termination of a project, implemented improved contract management systems including improved focus on compliance, and implemented ISO certificate collaborative working arrangements. Ian's earlier career was as an engineering management on military equipment and he has worked across a number of different business roles in the UK MOD headquarters.



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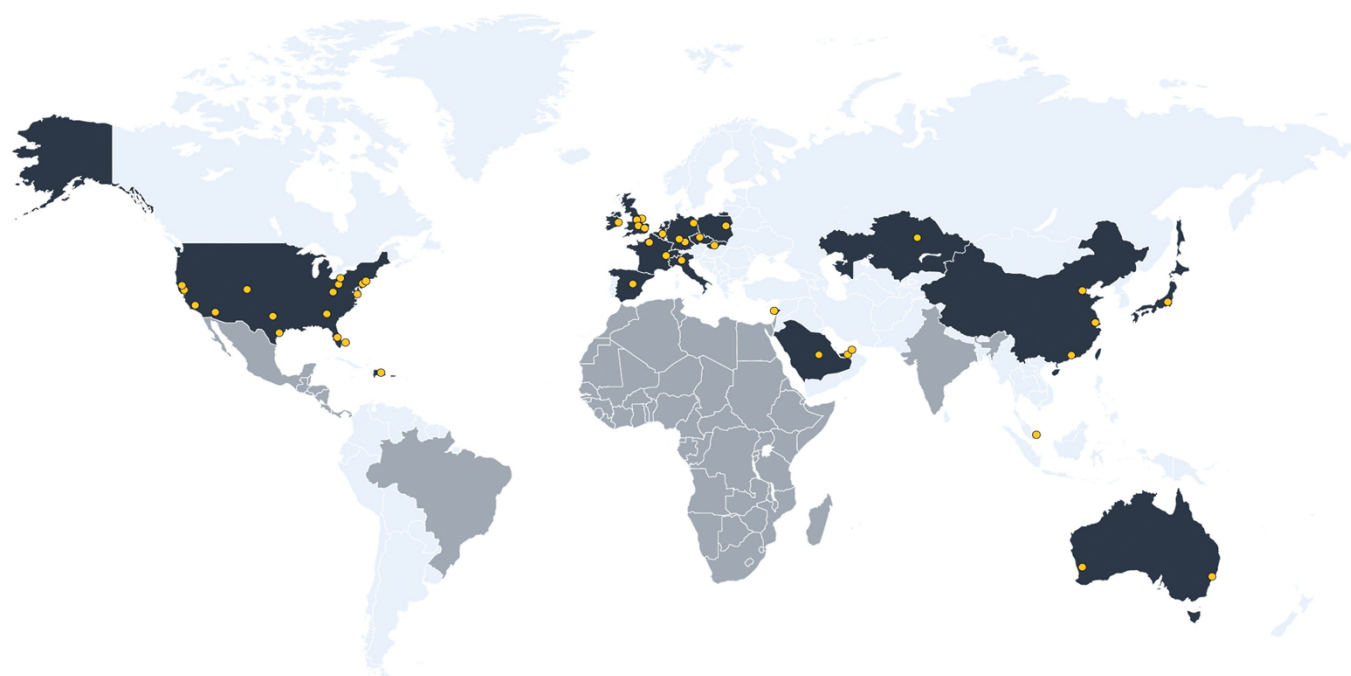
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■ Office locations

■ Regional desks and strategic alliances



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