

Legal considerations in a PFI project

A journey through the legal process

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Itinerary

- The start of the journey – OBC
- Bringing partners and stakeholders along
- Staying in control of the process
- The end of the journey – financial close

Outline business case

Understanding the risks ahead

- Planning and planning
 - risk analysis
 - more than a tick in a box
 - affordability implications
 - early mitigation
- Project documentation
 - standardisation
 - awareness of project-specific exceptions

Joint working

The lawful impediments

- Drivers for collaboration
 - critical mass
 - procurement efficiencies
 - operational efficiencies
- Legal considerations/limitations
 - separate legal roads
 - Inter-Authority Agreement
 - lead authority
 - ownership of assets

The procurement process

Staying in control

- Clarity of project scope and objectives
- Non-negotiable points and concession areas
 - balance against objectives
 - maximising standardisation benefits
- Bidders will exploit uncertainty

Project documentation

Bringing everything together

- The Project Agreement is not just 'legal'
 - technical specifications
 - payment mechanism
 - policies and procedures
- Component parts must talk to each other
- and work from an operational perspective

Further information

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