

Litigation Support • Legal Project Management • Commercial Management

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### KGC History, Development & Growth

KGC has now achieved an 8-year milestone in business in 2023. The diversity of our project experience geographically spans five provinces and the Yukon Territory. We have worked on dispute assignments ranging from \$30,000 to \$200,000,000+, achieving an 80% repeat or referral success rate.

We have provided service to Owners, Developers, REITS, Vendors, Contractors, Subcontractors, Engineers, Designers, Insurers, and homeowners. The diversity of projects includes bridges, civil, health care, infrastructure, freezers, commercial developments, transportation, recreation centres, pipelines, refineries, single-family, multi-residential and high-rise projects.

## **Commercial Management & Contract Administration Training**

KGC is receiving more requests to provide in-person or online Commercial Management and Contract Administration Training to project managers working in public sector departments and private enterprise companies. The reasons are varied and include a combination of the following:

- A substantial knowledge loss due to baby boomers retiring in the last 3 years
- A significant administration skills gap in younger PMs to effectively manage contract risk under the terms and conditions of the contract
- More demanding Owners and General Contractors with in-house legal counsel and contract administrators holding general and trade contractors more accountable to the required terms of conditions of the prime or subcontract
- Lack of training investment, which assists in employee retention (no one ever quits an organization because they got good training)

### KGC LinkedIn Marketing Posts

KGC established a dedicated LinkedIn Website in 2022 to provide helpful content updates in both English and French. As the firm approaches an online following in excess of 500 industry stakeholders, lenders, developers, owners, lawyers, builders, and consultants, we thank you for your impressions and comments.

# **Adjudication News Update**

ARCANA (AB) as the appointed Nominating Authority under the Prompt Payment and Construction Lien Act (PPCLA) in the Province of Alberta, is conducting a free online information session on October 24, 2023, 9-10:30 a.m. MT. You can register for the event here.

The roster of ARCANA (AB) Adjudicators can be located at ADR Institute of Alberta.







services that exceed expectations and drive project success.

#### **Public Speaking Events**

On September 28, the Canadian Western Bank, in collaboration with MacLeod Law LLP, Blaney McMurtry LLP, and KGC, presented a seminar on the Prompt Payment & Construction Lien Act and Adjudication Regulation to CWB clients at the Manulife Building Conference Centre in Calgary.

KGC co-presented with FTI Consulting, Revay & Associates Limited, and HKA Canada on October 19 on the topic of Understanding the Importance of Commercial Project Management & Contract Administration at the BUILDEX Conference held at the Calgary Telus Convention Centre.



### **Previous Clients**



FASKEN





Kennaley Construction Law

# Large Project Risk & Larger Productivity Losses

As supply chains' scale and inter-connected global complexity continue to assert downward pricing pressures and adjustments to just-in-time logistics for procuring materials, a larger inescapable reality emerges.

The more complex the project, the more vulnerable the precarious risk exposure to productivity losses begins to emerge. A lack of competently skilled designers and engineers to generate quality designs on the "Issued for Construction" drawings will likely result in more reliance on contractors and trade contractors to fill in the design gaps.

This will also come with an additional liability to the contracting community if not properly documented and controlled. More troubling is the fact that construction industry productivity from the design office to the project commissioning field teams has not only failed to increase in recent years, but there are also more publications and white papers in circulation documenting decreases in productivity around the globe in all work construction workplace environments. Executive outcome-based bias combined with skilled labour shortages, management turnover, decreases in productivity, inadequate design, and ever-sophisticated complex commissioning procedures will invariably give rise to ever more considerable project risk and massive financial losses.

Nailing Construction Productivity - A Blueprint for Reform

Crossrail Project 2019 to 2023: Completing the Elizabeth Line



MLTAIKINS



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