



PFI contract management: how we can help

At Capsticks Solicitors LLP we understand the importance of maximising value from a PFI contract and that this can be a major challenge for you and your NHS Trust.

The challenges of PFI contract management

Dealing with a PFI contract requires informed and consistent contract management to ensure that all available levers under the contract are used to obtain the best possible performance from the PFI contractor.

We are currently seeing a number of PFI projects where there is significant under-performance from the PFI contractor and our experience indicates that NHS Trusts may not be aware of all of the rights and remedies available to them under their PFI contracts.

Our specialist PFI team is currently supporting a number of NHS Trusts across the country on key issues which are impacting on their PFI arrangements which includes the failure of the PFI contractor to:

- design and build the PFI buildings in accordance with fire safety legislation and relevant standards;
- report service failures and applicable deductions from the monthly service payments;
- perform backlog life-cycle works; and
- properly appoint Authorised Engineers (AEs) and Authorised Persons (APs).

Our specialist team have expertise and market leading insight into any contractor default and potential termination issues relating to PFI you may have, as well as an understanding of DHSC and NHSE/It's approach and preferences.

Is your PFI contract working for you?

We are currently offering a free consultation to NHS Trusts on issues relating to PFI contracts. Our consultation covers matters such as:

- **Performance:** including ways in which to incentivise the PFI contractor to deliver more.
- **Cost savings:** for example, bringing services back "in-house".
- **Variations:** to add new buildings or to re-purpose existing facilities.
- **Dispute resolution:** for example, we are adept at using the relevant dispute resolution mechanisms to enforce applicable performance standards and/or the proper operation of the Payment Mechanism.
- **Expiry:** for example, the issues that Trusts should consider in relation to the PFI buildings, services and people before and after the expiry date.

Contact

If you would like to have a free consultation about any issues relating to your PFI contract, please contact any member of our Healthcare Infrastructure Projects team using the details below:



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