

Our offer

We recognise the financial constraints that our public sector clients operate under. There is an ever-increasing need for savings and efficiencies combined, often, with reducing availability of the internal resources needed to deliver them.

To support our clients in this, we are launching Public Private Partnership (PPP) review. The key features of this innovative service are:

- genuine risk share - our fees are linked to your savings
- the input of senior lawyers with many years' experience of PPP arrangements and outstanding commercial awareness
- a structured approach which will clearly identify the opportunities and assist you in delivering on them.

How it works

Phase one - initial review and strategy

After the rigours of completing a PFI arrangement or other major PPP, public and private sector partners alike move on to the operational phase of the agreement. It is often not practical to monitor every provision of a complex contract exhaustively.

In phase one, we will therefore review the PPP documents, focussing on areas such as:

- benchmarking
- insurance
- utilities
- indexation
- change
- payment mechanism.

With an understanding of your specific PPP, we will hold an initial strategy meeting to discuss operation of the contract to date, your objectives for savings and efficiencies, and our strategy for getting there. The output of this initial review and meeting will be a legal impact report, setting out all legal and commercial issues and which will develop through the project, a project plan and draft savings spreadsheet.

Phase two - wider commercial issues

We will discuss with you the wider commercial issues surrounding your PPP. For example:

- is there any element of 'gold-plating' in service delivery that might be addressed?
- can adjustment in estates strategy /mothballing facilities lead to any benefits?
- can lifecycle and/or handback requirements be deferred or reduced?
- is there anything that might be appealing to the contractor (for example, introducing new services or extending the term)?
- can the existing contract be managed in accordance with its terms, but more effectively?
- linked to this, can monitoring be carried out more exhaustively?
- are there any elements of the new PF2 model (for example, greater flexibility and transparency provisions) that can be introduced into the PPP?
- is there a genuine partnering culture. If so, how can this be used to achieve mutually beneficial aims. If not, can one be engendered?

Phase three - discussions with the contractor

Following phases one and two, we will have a completed legal impact report and project plan, setting out clearly our commercial aims and objectives. Discussions with the contractor will be informed by this detailed preparation.

Some changes may require formal changes to the contract, and we will lead the legal and commercial elements of these negotiations for you.

Phase four - implementation and assessment of savings

We will:

- document any changes (for example, through a deed of variation)
- work with you to implement any changes in practice or operation
- work with your internal or external finance advisers to complete the savings spreadsheet, and detail the net present value of the savings generated.

What our clients say....

"Browne Jacobson dealt with the legal and commercial issues arising from the re-negotiation of our strategic PPP. Their proactive and expert advice helped us get the best deal and, ultimately, drive efficiencies. We had access to a powerhouse of expertise... that worked seamlessly like an extended arm of the authority".

A unitary authority

"The 'excellent' lawyers at Browne Jacobson LLP 'become a part of the client's core team'... Craig Elder 'secures the best commercial position in direct discussions with bidders, and uses his experience to assess risk'."

Legal 500 2013

"The firm has demonstrated a sound understanding of local government and has a wide breadth of knowledge and experience across the range of legal disciplines."

Chambers and Partners 2014

Our team

Craig Elder *"has advised local authority, central government and private sector clients on high-value and innovative procurements including MoD on the combined Aerial Target Service PPP - a £700m transaction named 'Best PPP to sign' in 2007".*

Legal 500 2013

Peter Ware *"a recognised force in local authority projects and procurement matters."*

Chambers and Partners 2014

talk to us...

Craig Elder | 0115 976 6089 | craig.elder@brownejacobson.com

Peter Ware | 0115 976 6242 | peter.ware@brownejacobson.com

