

## Annonce de conférence

Mardi 21.2.2017 à 17:15, Salle GC B3 30 (Génie civil)  
(<http://plan.epfl.ch/?lang=en&room=GC+B3+30>)

**Bettina Geisseler, avocate, GEISSELER LAW**

### *Critical success factors of a hydro power plant (HPP) construction & erection contract*

**Abstract:** The construction & erection of a HPP is a complex project. The contract between the Employer (Maître d' Ouvrage) and the Contractor should be carefully drafted in order to minimize typical project related risks.

Among the critical success factors the most important is a clear – cut unambiguous description of the Scope of Works including a clear definition of the guaranteed technical parameters. The description will be the benchmark for the question whether the Contractor has performed the works in accordance with the contract. It will decide about the Contractor's potential claims for compensation of extra costs and an extension of time. Depending on the Employer's own experience respectively the requests of the financing institutions the description of the Scope of Works will be a more functional one or a detailed specification of the items to be delivered by the Contractor. A precise definition of the (Provisional) Acceptance procedure stipulating the requirements for the different steps such as the trial run and defining the deadlines, within which the Employer has to react, is essential.



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Critical are the provisions with respect of the responsibilities regarding the interfaces and the attribution of risks in case of unpredictable events (e.g. quality of the rock for the subsoil works).

The more complex the project is, the greater the number of stakeholders and project – related Agreements (e.g. the Concession agreement, a Power Purchase Agreement) is, the more important are the reporting and information obligations to be complied with by the Contractor. Only a regular, actual and accurate reporting on the work progress or events having an impact on the costs or the critical path will enable the Employer to monitor the project

in an appropriate way. The presentation will cover selected other contractual items such as the Employer's remedies in case of defects or delay; an adapted project organisation; the risks/ advantages of broad direction and inspection rights in favour of the Employer and the Employer's approval rights regarding the design and regarding the engagement of suppliers of critical components or major subcontractors.

**Bio:** Bettina Geisseler has long time been working for large international companies in particular in the mechanical and electrical engineering sector (among others ABB Switzerland and Losinger /Bouygues) and negotiated contracts for the erection of power plants and other infrastructure projects all over the world. Today she owns her own law firm GEISSELER LAW in Freiburg i.Br. / Germany and advises suppliers or utilities in all contract related issues for projects all over the world.

Durée de la conférence: env. 45 minutes, suivie d'une discussion et d'un apéritif.

Prof. Dr Anton SCHLEISS & Dr Pedro MANSO  
en partenariat avec le

