

Working with Contracts (for Non-Lawyers) and In-depth PPA Review

Course Overview

The first part of the course is designed for non-lawyers (or junior lawyers or lawyers who are new to working on projects) who want to become more familiar with basic legal terminology and concepts and develop tools for reading, understanding, and working with legal contracts. We will focus on common drafting flaws and errors, the perils of ignoring “boilerplate” language, and the importance of communicating effectively among lawyers, business teams, and engineers. The class will review redlines to discuss how and why documents are revised in negotiations. Attendees will have the opportunity to read sample agreement provisions, identify drafting flaws, and discuss ways to address and resolve those issues to provide participants with a better understanding of the intricacies involved with drafting various terms and conditions, as well as to demystify some of the “legalese.”

The second part of the course will focus on power purchase agreements (PPA). After a brief overview of the PPA’s role in the development and financing of a project, the instructor will discuss the key concepts and points of negotiation in a PPA, such as:

- Sale and Purchase Obligations
- Energy, Environmental Attributes and Capacity Rights
- Incorporation of Energy Storage
- Point of Delivery
- Declaration of Commercial Operation
- Development and Completion Risk
- Curtailment
- Change in Law
- Excusable Delay/Force Majeure
- Delay Damages
- Security
- Dispute Resolution
- Defaults, Cure, Remedies
- Special Purpose Entity protections

The class will review a form of PPA used by SCPPA and read sample provisions and redlines from other PPAs. The class will also review how to avoid common drafting flaws and share real-life examples applying the concepts covered during the course.

Who Should Attend?

Anyone who works with, manages, negotiates, or reads contracts (including PPAs and related agreements such as purchase options). Anyone who would like a better understanding of how contracts work, how to review and revise contracts, and where to focus attention when negotiating a contract.

Registration Info

- Provider: Holland & Hart LLP
- Date: Wednesday June 22 - Thursday, June 23, 2022
- Time: 8:00 a.m. - 12:00 p.m. each day
- Length: 2 days
- Capacity: minimum of 15 attendees; maximum of 40 attendees

Instructors

Leslie Boyle, Stephanie Edinger and Ashley Wald are partners at Holland & Hart LLP. They have worked with SCPPA and its members for more than a decade on numerous projects, leading SCPPA's negotiation of 22 PPAs, multiple O&M contracts and energy exchange agreements, and 7 project acquisitions.