



Module 2: "The Management of Contract Claims and the Resolution of Disputes under the 1999 FIDIC Contracts (Red & Yellow Book)"

Module 4: "The Contract Management and Administration of the 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build)"

OVERVIEW:

The 1999 FIDIC Conditions of Contract are being increasingly used by the international Construction Industry throughout the World. The Multi-Lateral Development Banks, including the World Bank, Inter -American Development Bank & Caribbean Development Bank have adopted the 1999 FIDIC Conditions of Contract for Construction with modifications known as Harmonised Construction Contract.

Module 2: provides practical assistance to those working with the FIDIC 1999 Contract Conditions in the management of claims whether time and/or cost related. The objective is to avoid claims becoming disputes but should this occur the FIDIC Dispute Adjudication process is fully explained.

Module 4: It explains and illustrates the use of the FIDIC Conditions of Contract for Construction (the "Construction Contract") and the FIDIC Conditions of Contract for Plant and Design-Build (the "Design-Build Contract"). The course is designed to help the participants have confidence in working with these documents whether representing Employers, Consultants or Contractors.

Both courses are applicable to all the Parties involved within a 1999 FIDIC Contract including representatives of the Employer, the Contractor, the Engineer, and associated professionals. By having a professional understanding of the responsibilities and rights of the Parties under 1999 FIDIC Contracts, the prospects for successful projects are greatly increased and the resolution of claims will be achieved more successfully.

SEMINAR TUTOR:

The seminar tutor will be Dr. Munther Saket, an internationally accredited FIDIC trainer. Dr. Saket is a construction management consultant. He is a civil engineer by training (University of Manchester/UK 1982) with MSc (University of Birmingham/UK 1983) and PhD (University of Dundee/UK 1987) degrees in construction management (UK universities). Currently, partner and deputy Managing Director at Allied Planning & Engineering Corporation, Amman-Jordan, Dr. Saket has some 30 years of experience in providing consultancy services in areas of contract and construction management, construction claims and construction disputes adjudication and arbitration. Dr. Saket has extensive international training experience and has also over 15 years lecturing experience in universities on numerous topics including project and contracts management. Dr. Saket is a Member of the Jordan Arbitrators Society, founding chairman of the Arab Foundation for Engineering Arbitration and an ex-member of the National Building Council of Jordan.

COURSE MATERIALS:

Delegates will be provided the following materials, in English:

- FIDIC Conditions of Contract for Construction 1999 Edition (Red Book)
- FIDIC Conditions of Contract for Plant & Design-Build, 1999 Edition – (Yellow Book)
- Schedule of overheads used during the seminar – to be used as "Work Book"
- Work Exercises

WHO SHOULD ATTEND?

The training course provides the necessary knowledge for professionals from Government Ministries and Agencies, Private Sector Employers, Consulting Engineers, Contractors, Quantity Surveyors, Architects, Legal Advisers and all involved with the implementation and management of large Works Contracts. It is particularly important to those involved in preparing or managing infrastructure projects financed under MDBs' Funds, the EU Cohesion and Structural Funds, as all their Works Contracts use the FIDIC Conditions of Contract.

REGISTRATION FEE:

Delegate fee is Rs 25,000 per module. Delegate Fee includes for coffee and lunch on both days, refreshments and all course materials

PRESENT

The FIDIC Contracts Training Courses:

"The Contract Management and Administration of the 1999 FIDIC Conditions of Contract (Construction & Plant Design-Build)"

5th & 6th December 2017

&

"The Management of Contract Claims and the Resolution of Disputes under the 1999 FIDIC Contracts"

7th & 8th December 2017

at



For further information contact:

Tel: +230 454 4545

The course will be run under the aegis of the CIDB Training Centre and MQA approval is in process



E-mail: admin@acemauritius.mu copy to smwamsamali@fidic.org

Module 4:

“The Contract Management and Administration of the 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build)” – 5 and 6 December 2017

Day One: 8:30 – 5:00 (5 December 2017)

09:00 Registration of Participants

09:15 Session 1:

Contract Documents & Award

- Contract Award Procedures
- Contract Documents
- Role and Authority of Engineer
- Performance Security

10:45 Coffee Break

11:00 Session 2:

Contract Start Up

- Pre Commencement Date
- Appointments
- Programme
- Insurances
- Drawings
- Start Up Meeting

13:00 Lunch Break

14:00 Session 3:

Post Commencement Date Administration

- Access & possession of Site
- Site security
- Contractor’s Mobilisation
- Nominated Sub Contractor
- Records
- Progress Reports

15:30 Tea Break

15:50 Session 3 (Cont): Post Commencement Date Administration

- Local Laws
- Design & ER Scrutiny
- Contractor’s Documents
- Plant, Materials & Workmanship

17:00 End of Day 1

Day Two: 9:00 – 5:00 (6 December 2017)

9:00 Session 4:

Financial Controls and Disciplines

- Measurement
- Variation Orders
- Value Engineering
- Interim Payment Certificate
- Final Payment Certificate

10:45 Coffee Break

11:15 Session 5:

Suspension Termination and Claims

- Suspension by Engineer / Contractor
- Termination by Employer / Contractor
- Contractor’s Claims
- Engineer’s Responses
- Employer’s Claims
- Determinations

13:00 Lunch Break

14:00 Session 6:

Taking Over the Works and Defects Notification Period and Contract Completion

- Taking Over Certificate
- Defects in DNP
- Performance Certificate
- Contract Completion issues

15:30 Tea Break

15:50 Session 7: Disputes, Amicable Settlement & Arbitration

- Establishment of DAB
- Procedures of DAB
- Amicable Settlement procedures
- Arbitration procedures

Differences between FIDIC & MDB’s Harmonised Construction Contract (Provided as Aide Mémoire)

17:00 End of Day 2

“Throughout the seminar there will be opportunities for questions and where appropriate case studies will be introduced”

Module 2:

“The Management of Contract Claims and the Resolution of Disputes under the 1999 FIDIC Contracts (Red & Yellow Book)”- 7 and 8 December 2017

Day One: 9:00 – 17:00 (7 December 2017)

08:30 Registration of Participants

09:00 Session 1:

Contractual Risks

- Risk Management
- Causes of Claims
- FIDIC Claims Entitlements

10:30 Coffee Break

11:00 Session 2:

Claims and Contractual Procedures

- Clause 2.5 Employer’s Claims
- Clause 20.1 Contractor’s Claims
- Clause 3.5 Engineer’s determination

13:00 Lunch Break

14:00 Session 3:

Time related Claims by Contractor

- Extension of Time
- Reasons & justification of time claims

15:30 Coffee Break

15:50 Session 4:

Additional Payments by Contractor

- Substantiation
- Evaluation by Engineer

17:00 End of Day 1

Day Two: 9:00 – 17:00 (8 December 2017)

9:00 Session 5:

Disputes and Establishment of Dispute Adjudication Board (DAB)

- Types of DAB
- Terms of Agreement
- Payment Conditions

10:30 Coffee Break

11:00 Session 6:

The Working of the DAB and Procedural Rules (PR)

- Procedural Rules
- DAB Decision Process
- Position Papers/ Hearing
- DAB Decision
- Dissatisfaction with DAB decision

13:00 Lunch Break

14:00 Session 7:

- DAB Work exercises

15:30 Coffee Break

15:50 Session 8:

Engineer as DAB, Amicable Settlement & Arbitration

- Engineer as DAB
- Amicable Settlement
- Arbitration

Aide Mémoire on MDB’s amendments to FIDIC procedures

17:00 End of Day 2

“Throughout the seminar there will be opportunities for questions and where appropriate, case studies will be introduced”