



International Federation of
Consulting Engineers (FIDIC)

My Experience in Attending FIDIC-ACEG European Infrastructure Conference Tbilisi

By: Rafat Al Bouri, Saudi Arabia



It has been great experience attending and speaking in **FIDIC-ACEG European Infrastructure Conference** that was held in Biltmore Hotel of Tbilisi between 6 and 7 March 2018, and I thank FIDIC-ACEG for such a wonderful opportunity.

The event was well arranged by FIDIC and ACEG (Association of Consulting Engineers Georgia), sponsored by PS Consulting, and DCR Dispute Resolution Center, while being supported by DRBF (Dispute Resolution Board Foundation) and EFCA (European Federation of Engineering Consultancy Associations).

The two day sessions of the conference were full of valuable information discussing various aspects of best practices from different perspectives (including Employer, Engineer and Contractor), the main topics of the sessions were as follows:

The Changes from 1999 to 2017

The presenters discussed the changes and applications of the new edition of Red, Yellow and Silvers Books. It was discussed that the new editions mainly on the enhancement of project management tools and mechanisms, clarity and certainty, the balance of risks between the parties, the role of the engineer, and the standing DAAB (Dispute Avoidance and Adjudication Board).

The Need for Contract Administration

The importance of a proper Contract administration by qualified resources from all parties, including the Employer, Engineer, and Contractor was deeply discussed in the conference. It discussed how to ensure that construction conforms to construction documents and lessen project risks and resolve issues early on the spot. It also discussed ways of communication and minimization of the gaps in early reporting and identification of problems.

There were also major discussions on Contractor's difficulty in turning their claims into cash due to improper contemporary records, failure to provide cause and effect, and inability to quantify their disruption or acceleration claims.

The Role of Engineer and its Challenges

The role of the engineer from different perceptivities and the common issues of independency, qualifications, contract administration and determinations were deeply discussed in the conference. It was highlighted that the Engineer's issues were common on most of the represented countries.

The Engineer has obligations and tasks all over the conditions of contract which shall be administered appropriately, such as SC 4.7 Setting Out, SC 10.2 Taking Over Parts, SC 11.2 Cost of Remedying Effects – Engineer's determination, SC 12.1 Works to be Measured, CS 12.3 Valuation of the Works, SC 13.3.1 Variation by Instruction, SC 13.3.2 Variation by Request for Proposal, SC 13.5 Day work, SC 1404 Schedule of Payments, SC 14.5 Plant and Materials intended for the Works, SC 14.6 Issue of IPC, SC 15.3 Valuation of Termination for Contractor's Default and SC 15.6 for Employer's Default, SC 18.5 Optional Termination, SC 20.1 Claims and SC 20.2 Claims for Payment and/or EOT.

In addition to above, the Engineer is an agent of the Employer and shall perform the following tasks on the Employer's behalf; administer the contract, be the technical advisor, ensures payments goes as planned, assure and control quality of the Works and keep records in accordance with the project's requirements.

The Importance of Standing DAAB

It was discussed that the dominant reason for disputes which cannot be resolved on site is the lack of documented proof as their basis for contractual entitlement 'claims'. The disputes arise from lack of effective communication,

lack of professional project management procedures,, lack of mutual respect and lack of social skills, as well as different in perceived truths and interpretations. The session was concluded with the following statement,

“The Most Effective DAAB is The One That Never gets called into Action! And if it does, will be able to decide quickly, fairly, and honestly based on factual merit, acquire the trust of the parties as they know the facts to be true, incur the parties the least costs in the process”. (Leo Grutters)

Other Relevant Topics

In addition to the above topics widely discussed during the conference, other topics were also presented including best practices in adapting the FIDIC forms of contracts and agreement to national requirements in the central eastern European and Eurasian region.

Also, various cases studies were presented by experts and professionals in the conference including construction lifecycle, variations, delay analysis and payment issues in great detail. Another session discussed how FIDIC’s 1999 and 2017 deals with time from Lawyers perspective comparing common law and civil law.

Conference Workshop

The program started on 5 March 2018 with an intensive workshop discussing the changes in FIDIC’s forms of contracts in 2017’s edition, followed by the two day sessions of the conference, then a final workshop discussing the role and importance of DAAB as standing board and attended by various professionals.

Great examples, cases, applications and differences between the 1999 and 2017 editions were discussed deeply and interactively.

Networking and Social Activities

The conference was attended by decent professionals, and expert matters. The networking during the conference and out of the conference was very usual to learn different applications of FIDIC’s terms and conditions in other countries and entities.

The City, Tbilisi, and its nationals were quite kind and very welcoming that made the conference and chemistry between the attendees stronger.

A Great Experience...!

