FIDIC CAPACITY BUILDING PROGRAMME

Management of Claims and the Resolution of Disputes (Contracts Module 2)

Programme: two-day seminar or training course (also available as a one-day course or seminar)

With all FIDIC contracts there will be claims. This training module is designed to provide practical advice to those working with the FIDIC conditions of contract in the management of claims, understanding, defending and achieving the resolution to claims, and the workings of the Dispute Adjudication Board and Arbitration.

Day 1	**Introduction**
	General Introduction Introduction to the FIDIC Contracts
	Managing Variations
	Variations covered by Clause 13 and related clauses Definition Initiation and instruction of variations Role of the Engineer FIDIC approach (Construction versus Plant and Design-Build Contract)
	The Management of Claims
	Claims: causes and risks Inherent project risks Allocation of risks under FIDIC contracts Analysis of contractual risk
	Notices and claims procedures Clauses requiring notice by the Contractor Employer's/Engineer's claims, Sub-Clause 2.5 Delegation by the Engineer, Sub-Clause 3.2
	Contractor's claims, Sub-Clause 20.1 Notification of claims Contemporary records Preparation of claims Engineer's assessment and principles of claim Engineers valuation Engineer's determination, Clause 3.5
	Claims for delay Extension of time, Sub-Clause 8.4 and 8.5 Force majeure, Sub-Clause 19.4 Delay damages
	Claims for additional payment I Ground conditions, Sub-Clause 4.12 Late possession, Sub-Clause 2.1 Breaches of contract
	Employer's financial claims Procedure Delay damages Defects in works and/or design Defects in work and design Retention and bonds

	Case study on claims procedures Actions by the Contractor Actions by the Employer Actions by the Engineer
Day 2	**The Responsibilities of the Main Parties**
	General Issues The Employer The Engineer The Contractor Termination by the Employer Suspension and Termination by the Contractor Risk and responsibility Force majeure
	The Resolution of Disputes
	Dispute Adjudication Board principles Types of DAB Guarantees and general obligations of the DAB Nomination of DAB Qualifications and selection of members Cost and Payments to the DAB
	Dispute Adjudication Board working Appointment Failure to agree Referral to the DAB Presentation of evidence to the DAB The DAB's decision
	Post-DAB decision processes Implementation Post-DAB mediation Enforcement Amicable settlement Arbitration
	Case study of dispute resolution by DAB Presentation by Contractor Employer's response DAB adjudication and decision
	Arbitrating Claims
	ICC Rules Selecting arbitrators Use of experts

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