



in association with

MATRIX Seminars

A 3-day FIDIC accredited training course on:

The FIDIC Silver and Gold Books: practical use of the EPC/Turnkey and Design-Build-Operate forms of contract

London (England) 26-28 November 2014



Matrix Seminars is an accredited FIDIC training supplier

To register or for further information:

Telephone +44 (0) 203 390 0421

Fax: +44 (0) 203 390 0423

Email: info@matrix-seminars.com

www.matrix-seminars.com

The FIDIC Silver and Gold Books: practical use of the EPC/Turnkey and Design-Build-Operate forms of contract

About the course

This 3 -day intensive course will provide a thorough understanding of two FIDIC forms of contract of growing importance in international projects: the EPC/Turnkey (Silver Book) form of contract and the relatively recent (2008) Design-Build-Operate (Gold Book) form.

The course is accredited by FIDIC and each delegate will receive a course completion certificate.

Topics covered

The course begins by introducing FIDIC and the FIDIC suite of contracts, including latest developments. We place the Silver and Gold Books in context, examining the specific needs or objectives which each form was introduced to meet and showing how each relates to and contrasts with the other FIDIC forms.

We follow with a detailed consideration of the individual clauses of the two Books, beginning with the EPC/Turnkey model of procurement underlying the Silver Book and highlighting the main distinguishing features of this FIDIC design-build form. We examine the main clauses of the Gold Book, comparing and contrasting its design-build elements with the Silver Book on such key issues as contractor responsibility for design, fitness for purpose, errors in Employer's Requirements and unforeseeable physical conditions. We highlight the new procedures, terminology and structure of the Gold Book so that delegates will have a thorough grasp of this complex area.

Topics to be covered include practical points about drafting particular conditions (including the new structure in the Gold Book) and the need to co-ordinate them with the general conditions; progress and programme; delays and extensions of time; delay damages – penalties and liquidated damages; plant, materials and workmanship; testing, taking over or commissioning; operation service provisions in the Gold Book; defects liability; the contract price; variations, adjustments and payment; termination and suspension; allocation of specific risks; insurance obligations; force majeure (Silver Book) or exceptional risks (Gold Book); contractor's and employer's claims (including the sub- clause 20.1 time bar in Silver Book and the new provisions in the Gold) .

We also consider how the contracts provide for resolving disputes: the DAB process in both Books and the new provisions in the Gold; dispute avoidance, amicable settlement and arbitration, including the different arbitration institutions and how arbitration awards may be enforced. We look at practical points about claims, managing a dispute and reducing the risk of lengthy and expensive proceedings.

Throughout the 3 days there will be ample opportunity to discuss and debate the material covered aided by case studies and active participation will be encouraged.

Who should attend?

This course is aimed at providing systematic and practical guidance to anyone engaged in international projects with a design-build element. It will appeal to representatives of contractors, employers, developers, project sponsors and funders, insurers, plant and equipment manufacturers, engineers, project managers, lawyers and any others engaged in design-build and DBO projects with a cross-border element.

About the speakers

The course leader will be William Godwin supported by Ewan Maclean.



William is a London-based specialist construction and engineering practising lawyer (barrister) and FIDIC expert with over twenty years' experience. He has successfully conducted numerous training courses on the FIDIC forms and is accredited by FIDIC as an instructor.

A regular speaker at the FIDIC international users' conferences and the annual Cambridge Construction Law Summer School, William writes and speaks widely on construction. In February 2013 Wiley-Blackwell published his latest work, *International Construction Contracts: a Handbook*, which includes a commentary on the FIDIC contractor-design forms.

William holds a doctorate from Oxford University and is an arbitration panel member of the China International Economic and Trade Arbitration Commission, the Shanghai International Arbitration Center and the Dubai International Arbitration Centre. He is an approved adjudicator of the English Technology and Construction Bar Association.



Ewen Maclean is a UK chartered engineer and European engineer with over twenty years' experience. An MEng honours graduate of Birmingham University, Ewen is a prominent expert in the fields of delay and disruption analysis and associated prolongation costs and has worked for both international consultants and contractors. His extensive experience covers major building, civil engineering, oil and gas, mechanical and electrical and highway projects and he has considerable project management and data analysis expertise.

What will be provided?

All those attending and completing the course will be provided with

- a certificate verifying their participation in this FIDIC accredited event.
- a copy of the Conditions of Contract for Design, Build and Operate Projects (1st Ed, 2008) (Gold Book)
- a copy of the Conditions of Contract for EPC Turnkey Projects (First Edition, 1999) (Silver Book),
- a course booklet containing the PowerPoint presentation used
- all refreshments and lunch on all three days.

Where will the course be held?

Our London course will be held at the Hotel Novotel Tower Bridge, 10 Pepys Street, London EC3N 2NR, close to all amenities and just a ten minutes' drive from London City airport.

<http://www.novotel.com/gb/hotel-3107-novotel-london-tower-bridge/index.shtml>

The hotel can be contacted directly for sleeping room reservations.

PROGRAMME

DAY ONE	DAY TWO	DAY THREE
09.00 - 09.30 Registration		
09.30-11.00 Overview of FIDIC and the FIDIC construction contracts <ul style="list-style-type: none"> Outline of FIDIC and the FIDIC contracts. The main current construction forms: Red, Yellow, Silver and Gold Books; the MDB harmonised edition Latest developments 	09.00-11.00 <ul style="list-style-type: none"> Clauses 4 and 5: Contractor's obligations; Design, execution, fitness for purpose in the Silver and Gold Books Unforeseeable difficulties/physical conditions; errors in Employer's Requirements; Contractor's Documents; securing performance 	9.00-11.00 <ul style="list-style-type: none"> Insurance obligations; Force Majeure (Silver)/Exceptional Risks (Gold) - meaning and effect Clause 20: Claims; sub-Clause 20.1 time bar in Silver/contrast with Gold; importance of contemporary records; notices
11.00 - 11.30 Refreshments	11.00 - 11.30 Refreshments	11.00 - 11.30 Refreshments
11.30 – 13.00 The FIDIC Silver and Gold : principles and detail <ul style="list-style-type: none"> EPC/turnkey projects and the Silver Book Main distinguishing features of the Silver Book The Gold Book: design-build/operate-maintain in a single contract Aims and approach Structure of the Silver and Gold Books 	11.30 – 13.00 <ul style="list-style-type: none"> Clauses 6, 7 and 8: Staff and labour; Plant, Materials and Workmanship; commencement, delays and suspension; the contract programme; extensions of time and delay damages; Gold Book Contract Completion and Handback requirements Clauses 9-12: Gold Book Design-Build period and Operation Service provisions; testing regime in Gold and Silver Books 	11.30 – 13.00 Dispute resolution in the FIDIC contracts through DAB and Arbitration <ul style="list-style-type: none"> Practical points about claims, managing disputes and reducing the risk of lengthy and expensive proceedings The DAB process: what is a DAB and how does it work? Gold Book variants What happens if the dispute is not finally resolved after a DAB? Amicable settlement
13.00 - 14.00 Lunch	13.00 - 14.00 Lunch	13.00 – 14.00 Lunch
14.00 - 15.20 <ul style="list-style-type: none"> Clauses 1-3: the General Provisions; law and language of the contract; the priority of documents; importance of the Particular Conditions (Gold Book: contract data and special provisions); co-ordinating the General with the Particular Conditions 	14.00 - 15.20 <ul style="list-style-type: none"> Employer's Taking Over (Silver) / Commissioning (Gold); responsibility for defects Clauses 13 and 14: Variations, Adjustments and Payment in Silver and Gold Books including Gold Book asset replacement and maintenance retention provisions 	14.00 -15.20 <ul style="list-style-type: none"> Arbitration: what is arbitration? Why use arbitration? How is an arbitration conducted? If you succeed in an arbitration how do you enforce your award? Arbitration institutions and the FIDIC forms
15.20 - 15.40 Refreshments	15.20 - 15.40 Refreshments	15.20 - 15.40 Refreshments
15.40 - 17.00 <ul style="list-style-type: none"> Roles of Employer, Contractor and their Representatives in the Silver and Gold Books; principal documents; Employer's Requirements; Employer's claims (clause 20.2, Gold Book). 	15.40 - 17.00 <ul style="list-style-type: none"> Clause 15: Termination by Employer; Contractor default, termination for convenience Clause 16: Suspension and Termination by the Contractor Clauses 17-19: Allocation of specific risks in Silver and Gold Books 	15.40 - 17.00 <ul style="list-style-type: none"> Concluding discussion and presentation of certificates

How to register

You can register:

- by email to info@matrix-seminars.com providing the above information or the Booking Form
- by faxing the completed Booking Form to +44 (0) 203 390 0423
- by visiting www.matrix-seminars.com and following the instructions for on-line booking
- by phone on +44 (0) 203 390 0421

Course Fee

The course fee is 1850 Euros per delegate. If your organisation registers more than one delegate then the fee is reduced to 1750 Euros for the second and subsequent delegates.

Fees are payable in full in advance and include the three days' training, course materials, certificate of completion of the course, a copy of the FIDIC contracts discussed as well as all refreshments and lunch on all three days.

We will provide receipts for each registered and paid place on the course.

Delegates are responsible for arranging their own travel, any necessary visas and hotel accommodation and these are not included in the fee. Please see the following link for accommodation at the Novotel Waterloo.

<http://www.novotel.com/gb/hotel-3107-novotel-london-tower-bridge/index.shtml>

Payment Methods

Payment is due in full in advance and may be made by any of the following methods:

Bank transfer to the account shown below

Online, at www.matrix-seminars.com (see link under Events)

HSBC Bank
Sort Code: 40 06 29
A/c Number: 91846140
IBAN: GB28MIDL400629 91846140
Swift Code: MIDLGB22
Branch Identifier Code: MIDLGB2107P
Beneficiary Name: Matrix Seminars Ltd

Cancellations and alterations

Cancellations by delegates must be made in writing at least 21 days in advance of the course and in that event a refund less 10% for administration costs will be made. It is regretted that after this date no refunds of fees will be made. Substitutions of delegates may be made at any time.

Matrix Seminars reserves the right to cancel the course because it is undersubscribed or for any other reason and in that event a full refund of fees paid will be made automatically. Such refund will be the full extent of Matrix Seminars' liability and it will not be responsible for any travel, accommodation or other costs or losses that might be incurred as a result of the cancellation.

Matrix Seminars reserves the right to change the speakers, timing or venue of the course if necessary.

Booking Form

The FIDIC Silver and Gold Books: practical use of the EPC/Turnkey and Design-Build-Operate forms of contract

London (England) 26-28 November 2014

Delegate details

First Delegate	Second Delegate
Title (Mr , Mrs, Ms Dr or other) and first name -----	Title (Mr , Mrs, Ms Dr or other)and first name -----
Surname/Family name -----	Surname/Family name -----
Company/Organisation -----	Company/Organisation -----
Job Title -----	Job Title -----
Any Special dietary requirements? -----	Any Special dietary requirements? -----
Email address -----	Email address -----

For third and subsequent delegates please provide the above details on a separate sheet.

Contact details

Please give details of the person in your organisation who will act as our point of contact with your organisation for this event. (Please note: Joining instructions and invoice will be sent to this contact unless otherwise specified)

Title (Mr , Mrs, Ms Dr or other) and first name

Company

Surname/Family name

Address

Job Title

Telephone

Email

Cost per delegate: 1850 Euros

If more than one delegate from your organisation, 1750 Euros for the second and any subsequent delegate.

Number of delegates: _____ Total: _____

Payment method (see below): _____ Invoice my organisation ref: _____

Course Organisers

Matrix Seminars Ltd

Tel: + 44 (0) 203 390 0421

16 Manor Way

Fax: + 44 (0) 203 390 0423

London SE3 9EF

Email: info@matrix-seminars.com

England

www.matrix-seminars.com

Registered in England no 7316176