



International Federation of
Consulting Engineers



Uganda Association of
Consulting Engineers

PRESENT

International FIDIC Contract Training Courses on:

1. *“Responsibilities and Management for Dispute Adjudication and Dispute Boards Under FIDIC 1999 Editions” (FIDIC Module 3)*

6th & 7th March 2017

&

2. *“The Contract Management & Administration of 1999 FIDIC Conditions of Contract” (FIDIC Module 4)*

8th & 9th March 2017

GOLF COURSE HOTEL

Kampala, Uganda

For further information contact Florence Mamea:

Tel: +256414342536 Mob: +256 787274424 or 0758342536

E-mail: florence@uace.or.ug copy to smwamsamali@fidic.org

Visit web sites:

www.fidic.org/seminars

www.uace.or.ug

1. “Responsibilities and Management for Dispute Adjudication and Dispute Boards Under FIDIC 1999 Editions” (FIDIC MODULE 3)
&
2. “The CONTRACT MANAGEMENT & ADMINISTRATION OF 1999 FIDIC CONTRACTS” (FIDIC MODULE 4)

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, Islamic Bank for Development and the Asian Development Bank have adopted the 1999 FIDIC Conditions of Contract for Construction with modifications.

Module 3 This practical course explains and illustrates the procedures and application of dispute adjudication requirements under FIDIC contracts. The course is designed for both those wishing to work as dispute adjudicators as well as those who will use Dispute Adjudication Boards.

Module 4 explains and illustrates the use of the FIDIC Conditions of Contract for Construction (“Construction Contract”) and the FIDIC Conditions of Contract for Plant and Design-Build (“Design-Build Contract”). The course is designed to help the participants have confidence in working with these documents whether representing Employers, Consultants or Contractors. It provides extensive checking measures and work exercises to give all delegates a comprehensive understanding of the Contracts.

SEMINAR TUTOR:

Jim Maclure (M.Sc., C.Eng. F.I.C.E) is a British Chartered Civil Engineer, with over 40-years of international experience, over 10-years working with a major International firm of Consulting Engineers and over 25-years with Contractors both on site and at management level. Jim was, for 10-years, general manager of a successful medium-sized construction company in Zambia.

During this time Jim has gained experience in the procurement and execution of multi-million construction projects, including projects funded by the World Bank, the European Development Fund, Asian Development Bank, the African Development Bank, DFID, NORAD, CIDA, FAO, and Italian Aid. Roles have included the preparation, negotiation and/or review of terms and conditions of contract, tender evaluation and award, procurement audits, contract management and execution and in providing contractual and technical advice on claims and contract execution for clients in the UK and overseas.

Jim has given advice to clients involved in DA Board proceedings under FIDIC conditions of contract, and taken part in international tender evaluations leading to selection of preferred bidder, and detailed negotiations with contractors particularly on major Turnkey, Design-Build and Civil Works contracts under FIDIC conditions overseas.

Jim has been involved in ‘in-house’ training of graduate engineers in civil engineering contract law and procedure, (including but not limited to the FIDIC White Book, FIDIC 1999 rainbow suite, and more recently the FIDIC 2008 Gold Book). Jim has provided advice on contract provisions and procedures to Employers, Engineers and Contractors on a wide range of issues including claims, extension of time, termination, variations, engineer’s determinations and disputes.

Recently Jim was appointed by the FIDIC Contracts Committee to serve on a task group charged with developing a unique form of contract particularly suited to underground construction works, which form is now at the early review stage. In addition Jim has travelled widely, providing advice on procurement strategy and on-site training particularly on Contract administration to Engineers on site.

COURSE MATERIALS:

All 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 PER PARTICIPANT PER MODULE:

- UACE Member **US\$ 800**
- Non Member **US\$ 900**

Fee includes coffee, lunch and refreshments, certificate of attendance and course materials. There will be a 10% discount for members attending both modules.

“Responsibilities and Management for Dispute Adjudication and Dispute Boards under FIDIC 1999 Editions”

Programme Outline-FIDIC Module 3

<u>Day 1:</u>	<u>09.00 – 17.00</u>	<u>Day 2: 09.00 – 17.00</u>
8.00	<u>Registration and Opening Remarks</u>	900: <u>Session 4 – Dispute timetable and position papers</u>
9.00	<u>Session 1 – Adjudication Principles</u> <ul style="list-style-type: none">• What is a Dispute?• Background of dispute resolution• Alternative methods of dispute Resolution• Application in USA & Europe• Dispute adjudication under FIDIC/MDB Contracts• Legal status of adjudicator and DB’s Work exercises on principles	<ul style="list-style-type: none">• Establish timetable• Nature of Position Papers• Responses• DB Directions• Evidence statements Work Exercises on position papers
11.00	<u>Break</u>	<u>10.45 – 11.15 Break</u>
11.30	<u>Session 2 – DB Establishment and responsibilities</u> <ul style="list-style-type: none">• Selection process and appointment/s• Contract Agreement• Full Term and Ad Hoc responsibilities• Fees, expenses and payment terms• Termination and replacement of DB Work exercises on DB establishment	11.15 <u>Session 5 – Hearing</u> <ul style="list-style-type: none">• Pre-hearing requirements• Site visit before hearing• Attendees• Agenda and procedures• Evidence• Conclusion of hearing• After the hearing Work Exercises on a Hearing
13.00	<u>Lunch</u>	<u>13.00 – 14.00: Lunch</u>
14.00	<u>Session 3 - Procedural Rules</u> <ul style="list-style-type: none">• Routine Procedures• Full term site visits• Opinion and advice• Dispute referral• DB jurisdiction Work exercises on Procedural Rules	14.00: <u>Session 6 – Dispute Decision</u> <ul style="list-style-type: none">• Reaching the decision• 3 Person DB discussion• Format of decision• Unanimity• Enforcement of decisions Work exercises on dispute decision
15.30	<u>Break</u>	<u>15.30 – 15.50: Break</u>
15.50	Case Studies on Site Visit and DB opinion	15.50 Case Studies on DB referrals and decisions
17.00	<u>End of Day 1</u>	16:30 Closing remarks and Certificates <u>17.00 End of Day 2</u>

“The CONTRACT MANAGEMENT & ADMINISTRATION OF 1999 FIDIC CONTRACTS”

Programme Outline FIDIC Module -4

<u>Day 1: 09:00 – 17:00</u>	<u>Day 2: 09:00 – 17:00</u>
08.00 <u>Registration and Opening Remarks</u>	
09:00 <u>Session 1: Contract Documents & Award</u> <ul style="list-style-type: none">• Contract Award Procedures• Contract Documents• Role and Authority of Engineer• Performance Security	09:00 <u>Session 4: Financial Controls & Disciplines</u> <ul style="list-style-type: none">• Measurement• Variation Orders• Value Engineering• Interim Payment Certificate• Final Payment Certificate
10:45 Coffee Break	10:45 Coffee Break
11:00 <u>Session 2: Contract Start Up</u> <ul style="list-style-type: none">• Pre Commencement Date• Appointments• Programme• Insurances• Drawings• Start Up Meeting	11:15 <u>Session: 5: Claims, Suspension & Termination</u> <ul style="list-style-type: none">• Contractor’s Claims• Engineer’s Responses• Employer’s Claims• Determinations• Suspension by Engineer / Contractor• Instruction by Employer / Contractor
13:00 Lunch Break	13:00 Lunch Break
14:00 <u>Session 3: Post Commencement Date Administration</u> <ul style="list-style-type: none">• Access & possession of Site• Site security• Contractor s Mobilisation• Nominated Sub Contractor• Records• Progress Reports	14:00 <u>Session 6: Disputes, Amicable Settlement & Arbitration</u> <ul style="list-style-type: none">• Establishment of DAB• Procedures of DAB• Amicable Settlement procedures• Arbitration procedures
15:30 Tea Break	15:30 Tea Break
15:50 <u>Session 3 (Cont): Post Commencement Date Administration</u> <ul style="list-style-type: none">• Local Laws• Design & ER Scrutiny• Contractor’s Documents• Plant, Materials & Workmanship	15:50: <u>Session 7: Taking Over the Works and Defects Notification Period and Contract Completion</u> <ul style="list-style-type: none">• Taking Over Certificate• Defects in DNP• Performance Certificate• Contract Completion issues <p>Differences between FIDIC & MDB’s Harmonised Construction Contract (Provided as Aide Mémoire)</p>
17:00 <u>End of Day 1</u>	16:40 <u>Closing Remarks and Certificates</u> 17:00 <u>End of Day 2</u>

“Throughout the seminar there will be opportunities for questions and the use of the work exercise”