



International Federation of  
Consulting Engineers



Uganda Association of Consulting  
Engineers

*Present*  
**FIDIC Contract Courses on:**

*“The Contract Management and Administrative Disciplines of 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build) With Reference to MDB’s Harmonised Construction Contract-2010 edition” (Module 4)*

**29<sup>th</sup> & 30<sup>th</sup> October 2018**

*“The Responsibilities and Management for Dispute Adjudication and Dispute Boards (DB) Under FIDIC 1999 editions and MDB Contract” (Module 3)*

**31<sup>st</sup> October & 1<sup>st</sup> November 2018**

**At Golden Tulip, Canaan Kampala - Kafu Road**

**For Further information contact**

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***Module 4: “The Contract Management and Administrative Disciplines of 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build) With Reference to MDB’s Harmonised Construction Contract-2010 edition”***

***Module 3: “The Responsibilities and Management for Dispute Adjudication and Dispute Boards (DB) Under FIDIC 1999 editions and MDB Contract” (Module 3)***

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**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 and Caribbean Development Bank have adopted the 1999 FIDIC Conditions of Contract for Construction with modifications known as Harmonised Construction Contract.

The courses are designed to give the delegates a sound grounding in the practical procedures that apply in the use of a DAB as well as providing confidence in managing & administration either the Red or Yellow Contracts. It provides guidance to those that represent Employers, Engineers and Contractors as well as Funding Agencies. It involves work exercises throughout the course so optimising the involvement of all the delegates.

**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:**

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**

- **UACE Member**; delegate fee per course is **USD 800**
- **Non UACE Member**; delegate fee per course is **USD 900**  
Delegate Fee (**includes for coffee, lunch on both days, refreshments and all course materials**)  
*Discounts available for more than one person from the same organization!*

*“The Contract Management and Administrative Disciplines of 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build) With Reference to MDB’s Harmonised Construction Contract-2010 edition”*

**Programme Outline for Module 4**

	<b><u>Day 1: 09.00 – 17.00</u></b>	<b><u>Day 2: 09.00 – 17.00</u></b>
<b>09.00</b>	<b><u>Session 1:</u></b> <b><u>Contract Documents &amp; Award</u></b> <ul style="list-style-type: none"><li>• Contract Award Procedures</li><li>• Contract Documents</li><li>• Role and Authority of Engineer</li><li>• Performance Security</li></ul>	<b><u>09.00 Session 4:</u></b> <b><u>Financial Controls and Disciplines</u></b> <ul style="list-style-type: none"><li>• Measurement</li><li>• Variation Orders</li><li>• Value Engineering</li><li>• Interim Payment Certificate</li><li>• Final Payment Certificate</li></ul>
<b>10.45</b>	<b>Coffee Break</b>	<b>10.45 Coffee Break</b>
<b>11.00</b>	<b><u>Session 2:</u></b> <b><u>Contract Start Up</u></b> <ul style="list-style-type: none"><li>• Pre Commencement Date</li><li>• Appointments</li><li>• Programme</li><li>• Insurances</li><li>• Drawings</li><li>• Start Up Meeting</li></ul>	<b>11.15 <u>Session: 5:</u></b> <b><u>Suspension Termination and Claims</u></b> <ul style="list-style-type: none"><li>• Suspension by Engineer / Contractor</li><li>• Termination by Employer / Contractor</li><li>• Contractor’s Claims</li><li>• Engineer’s Responses</li><li>• Employer’s Claims</li><li>• Determinations</li></ul>
<b>13.00</b>	<b>Lunch Break</b>	<b>13.00 Lunch Break</b>
<b>14.00</b>	<b><u>Session 3:</u></b> <b><u>Post Commencement Date Administration</u></b> <ul style="list-style-type: none"><li>• Access &amp; possession of Site</li><li>• Site security</li><li>• Contractor s Mobilisation</li><li>• Nominated Sub Contractor</li><li>• Records</li><li>• Progress Reports</li></ul>	<b>14.00 <u>Session 6:</u></b> <b><u>Taking Over the Works and Defects Notification Period and Contract Completion</u></b> <ul style="list-style-type: none"><li>• Taking Over Certificate</li><li>• Defects in DNP</li><li>• Performance Certificate</li><li>• Contract Completion issues</li></ul>
<b>15.30</b>	<b>Tea Break</b>	<b>15.30 Tea Break</b>
<b>15.50</b>	<b><u>Session 3 (Cont): Post Commencement Date Administration</u></b> <ul style="list-style-type: none"><li>• Local Laws</li><li>• Design &amp; ER Scrutiny</li><li>• Contractor’s Documents</li><li>• Plant, Materials &amp; Workmanship</li></ul>	<b>15.50: <u>Session 7:</u></b> <b><u>Disputes, Amicable Settlement &amp; Arbitration</u></b> <ul style="list-style-type: none"><li>• Establishment of DAB</li><li>• Procedures of DAB</li><li>• Amicable Settlement procedures</li><li>• Arbitration procedures</li></ul> <b>Differences between FIDIC &amp;MDB’s Harmonised Construction Contract (Provided as Aide Mémoire)</b>
<b>17.00</b>	<b><u>End of Day 1</u></b>	<b>17.0 <u>End of Day 2</u></b>

*“The Responsibilities and Management for Dispute Adjudication and Dispute Boards (DB) Under FIDIC 1999 editions and MDB Contract”*

**Programme Outline for Module 3**

<b><u>Day 1:</u></b>	<b><u>09.00 – 17.00</u></b>	<b><u>Day 2: 09.00 – 17.00</u></b>
9.00-9.30	<b><u>Registration of Participants</u></b>	09.00 <b><u>Session 4 – Dispute timetable and position papers</u></b>
09.30	<b><u>Session 1 – Adjudication Principles</u></b> <ul style="list-style-type: none"><li>• What is a Dispute?</li><li>• Background of dispute resolution</li><li>• Alternative methods of dispute Resolution</li><li>• Application in USA &amp; Europe</li><li>• Dispute adjudication under FIDIC/ MDB Contracts</li></ul>	<ul style="list-style-type: none"><li>• Establish timetable</li><li>• Nature of Position Papers</li><li>• Responses</li><li>• DB Directions</li><li>• Evidence statements</li></ul>
	<b>Work exercises on principles</b>	<b>Work Exercises on position papers</b>
11.00	<b><u>Break</u></b>	<b><u>10.45 – 11.15 Break</u></b>
11.30	<b><u>Session 2 – DB Establishment and responsibilities</u></b> <ul style="list-style-type: none"><li>• Selection process and appointment/s</li><li>• Contract Agreement</li><li>• Full Term and Ad Hoc responsibilities</li><li>• Fees, expenses and payment terms</li><li>• Termination and replacement of DB</li></ul>	11.15 <b><u>Session 5 – Hearing</u></b> <ul style="list-style-type: none"><li>• Pre-hearing requirements</li><li>• Site visit before hearing</li><li>• Attendees</li><li>• Agenda and procedures</li><li>• Evidence</li><li>• Conclusion of hearing</li><li>• After the hearing</li></ul>
	<b>Work exercises on DB establishment</b>	<b>Work Exercises on a Hearing</b>
13.00	<b><u>Lunch</u></b>	<b><u>13.00 – 14.00: Lunch</u></b>
14.00	<b><u>Session 3 - Procedural Rules</u></b> <ul style="list-style-type: none"><li>• Routine Procedures</li><li>• Full term site visits</li><li>• Opinion and advice</li><li>• Dispute referral</li><li>• DB jurisdiction</li></ul>	14.00: <b><u>Session 6 – Dispute Decision</u></b> <ul style="list-style-type: none"><li>• Reaching the decision</li><li>• 3 Person DB discussion</li><li>• Format of decision</li><li>• Unanimity</li><li>• Enforcement of decisions</li></ul>
	<b>Work exercises on Procedural Rules</b>	<b>Work exercises on dispute decision</b>
15.30	<b><u>Break</u></b>	<b><u>15.30 – 15.50: Break</u></b>
15.50	<b>Case Studies on Site Visit and DB opinion</b>	15.50 <b>Case Studies on DB referrals and decisions</b>
17.00	<b><u>End of Day 1</u></b>	<b><u>17.00 End of Day 2</u></b>

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