



International Federation of
Consulting Engineers

In Partnership with



Ghana Consulting
Engineers Association

PRESENT

**The FIDIC Contracts Training Courses
(with highlighting the principal changes of the
2017 Edition of the FIDIC Books) on:**

***Module 4: “The Contract Management and Administration of the 1999
FIDIC Conditions of Contract (Construction & Plant & Design-Build)***

6th & 7th November 2018

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

8th & 9th November 2018

**At Engineers Centre, Roman Ridge
Accra, GHANA**

For Further information

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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:

Dipl.-Ing. Robert Werth is a Civil and Construction Engineer, experienced in international construction business; a Member of FIDIC President's List of Approved Dispute Adjudicators and a FIDIC accredited international Trainer and currently a Member of FIDIC Task Group 8 – update of the Green Book.

Robert has over two decades of international experience gained when working with or on behalf of owners, operators, contractors, lawyers and consulting organisations, on numerous projects throughout Germany, Austria, Slovenia, Croatia, Lithuania, Latvia, Estonia, Russia, Ukraine, Denmark, Serbia, Slovakia, Turkey, Czech Republic, Poland, Malts Cyprus, acting in various capacities, including advocate in pursuit and defence of claims, as an independent expert and/or as appointed Adjudicator in case of disputes.

He serves on FIDIC contracts, such as Red, Yellow, Silver, Gold, Yellow plus operation, Gold Book, White Book, or EPC-Contracts, also Concession-, BOT- or BOOT-agreements and various kinds of tailor made contracts.

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.

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

REGISTRATION FEE:

Fee per delegate is **€800** per course and **€1600** for both courses

Delegate Fee (**includes coffee break and lunch, refreshments and all course materials**)

**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

Day 1: 09.00 – 17.00

Day 2: 09.00 – 17.00

09.00 – 09.15 **Registration of Participants**

**09.00 Session 4:
Financial Controls and Disciplines**

- 09.15 **Session 1:
Contract Documents & Award**
- Contract Award Procedures
 - Contract Documents
 - Role and Authority of Engineer
 - Performance Security

- Measurement
- Variation Orders
- Value Engineering
- Interim Payment Certificate
- Final Payment Certificate

10.45 **Coffee Break**

10.45 Coffee Break

11.00 **Session 2:**

11.15 Session: 5:

Contract Start Up

Suspension Termination and Claims

- Pre Commencement Date
- Appointments
- Programme
- Insurances
- Drawings
- Start Up Meeting

- Suspension by Engineer / Contractor
- Termination by Employer / Contractor
- Contractor's Claims
- Engineer's Responses
- Employer's Claims
- Determinations

13.00 **Lunch Break**

13.00 Lunch Break

14.00 **Session 3:
Post Commencement Date
Administration**

14.00 Session 6:

- Access & possession of Site
- Site security
- Contractor's Mobilization
- Nominated Sub Contractor
- Records
- Progress Reports

**Taking Over the Works and Defects
Notification Period and Contract Completion**

- Taking Over Certificate
- Defects in DNP
- Performance Certificate
- Contract Completion issues

15.30 **Tea Break**

15.30 Tea Break

15.50 **Session 3 (Cont): Post
Commencement Date Administration**

- Local Laws
- Design & ER Scrutiny
- Contractor's Documents
- Plant, Materials & Workmanship

15.50: Session 7:

Disputes, Amicable Settlement & Arbitration

- Establishment of DAB
- Procedures of DAB
- Amicable Settlement procedures
- Arbitration procedures

**Differences between FIDIC & MDB's
Harmonised Construction Contract
(Provided as Aide Mémoire)**

17.00 **End of Day 1**

17.0 End of Day 2

The Responsibilities and Management for Dispute Adjudication and Dispute Boards Under FIDIC 1999 editions and MDB Contract

PROGRAMME OUTLINE FOR MODULE 3

<u>Day 1:</u>	<u>09.00 – 17.00</u>	<u>Day 2: 09.00 – 17.00</u>
9.00-9.30	<u>Registration of Participants</u>	09.00 <u>Session 4</u> – Dispute timetable and position papers
09.30	<u>Session 1</u> – Adjudication Principles <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	<ul style="list-style-type: none">• Establish timetable• Nature of Position Papers• Responses• DB Directions• Evidence statements
	Work exercises on principles	Work Exercises on position papers
11.00	<u>Break</u>	<u>10.45 – 11.15 Break</u>
11.30	<u>Session 2</u> – DB Establishment and responsibilities <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	11.15 <u>Session 5</u> – Hearing <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 DB establishment	Work Exercises on a Hearing
13.00	<u>Lunch</u>	<u>13.00 – 14.00: Lunch</u>
14.00	<u>Session 3</u> - Procedural Rules <ul style="list-style-type: none">• Routine Procedures• Full term site visits• Opinion and advice• Dispute referral• DB jurisdiction	14.00: <u>Session 6</u> – Dispute Decision <ul style="list-style-type: none">• Reaching the decision• 3 Person DB discussion• Format of decision• Unanimity• Enforcement of decisions
	Work exercises on Procedural Rules	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>	<u>17.00 End of Day 2</u>

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