



The FIDIC EPC/Turnkey Contract: The Silver Book

1-2

November 2018

Country Club Johannesburg
WOODMEAD

An outstanding
INTERACTIVE
two-day
WORKSHOP
on FIDIC Contracts

BEE Level 4 Contributor
Accredited Training Provider – MERSETA
Central Supplier Database: MAAA0321383



INTERACTIVE WORKSHOP
facilitated by **Kevin Spence**

Pr Eng, BSc Eng (Civil)(Wits), MSAICE, FAAR, FIQ
Reg. Professional Engineer, Mediator,
Adjudicator & Arbitrator
Accredited FIDIC Trainer

In Partnership with



WHO SHOULD ATTEND

The course will benefit all built environment practitioners (engineers, quantity surveyors, lawyers, project managers, etc.) Funding agents, such as Development Banks will also benefit enormously from the workshop.

COURSE OVERVIEW

This two day Workshop will provide a thorough understanding of the FIDIC EPC/Turnkey form of contract. Following on from a brief overview of FIDIC contracts the course looks at the background to EPC/Turnkey projects and their specific features.

It has been 18 years since the last release of the FIDIC Rainbow Suite. After many years of interaction with industry, the consulting profession and affected stakeholders, FIDIC formally announced the release of the new 2017 Suite of Contracts. Significant changes have been made to the 2017 additions adding to the already complex construction contract documents.

The first day will focus on the 1999 FIDIC Editions. The second day will provide a high-level overview of the major changes to the 2017 Editions and detailed information on the new key clauses.

The manner in which the Silver Book approaches these features will be compared to and contrasted with the approach taken by the more traditional FIDIC contract forms. The introduction will be followed by a detailed explanation of each clause with emphasis on the key issues such as:

- General Conditions
- Guidance for the Preparation of the Particular Conditions
- Forms of Tender and Contract Agreement
- Parties to the Contract
- Performance Security
- Contractors responsibility for design
- Fitness for purpose
- The Programme
- Testing
- Payments
- Variations
- Risk
- Errors in Employer's requirements
- Unforeseeable physical conditions
- Standard Schedules to the agreement
- Suspension and Termination
- DAAB Agreement

Kevin is a registered Professional Engineer, Mediator, Adjudicator and Arbitrator with over 40 years' experience in the Construction Industry. His experience spans across Freeway Construction, Airport Runway Rehabilitation, Dams and Water Retaining Structures, Pipelines, Civil and Building Construction, Concrete Structures, Asphalt and Concrete Road Surfacing and most recently Claims Preparation and Defence.

Throughout Kevin's professional career he has managed various business units of one of the largest construction companies in South Africa, owned a Road Surfacing Company which was later sold to a listed company before moving into dispute resolution and claims consulting.

Kevin completed the Fellowship of Arbitrators Qualification and currently specialises in large scale Construction Claims and Dispute Resolution. Over the last 10 years Kevin has been involved as Mediator, Adjudicator, Arbitrator and expert witness on approximately 60 dispute matters. He is presently appointed on Dispute Adjudication Boards (DAB) in South Africa and Africa in numerous matters. Kevin is an admitted member of the FIDIC President's List of Adjudicators.

Kevin is considered an expert on the FIDIC suite of contract documentation as well as the other three forms of contract prescribed by the CIDB. He facilitates regularly on all the four types of contract documentation both locally and internationally. He is the only FIDIC Accredited Trainer in South Africa.

REVIEWS

Kevin shows passion for his work especially on DABs, would be great to have Mr Spence as a mentor. ~ MD Contracts Consultant
Kevin was a true professional, an expert in the industry. ~ Raubex
Kevin Spence has been such an excellent facilitator and gives constructive trainings. ~ World Food Programme

REGISTER

www.indunatraining.co.za OR info@indunatraining.co.za OR smwamsamali@fidic.org
Register and pay before 1 September 2018 and receive Early Bird Discount of R100

COURSE OUTLINE

DAY ONE

Session 1

Welcome, Introduction and Overview

- Rules
- Reasonableness
- Selecting the Appropriate Contract

Session 2

Signatories and Parties to the Contract

- Introduction to the EPC/Turnkey Contract
- Why choose the Silver Book
- Advantages and disadvantages
- Role players under the Silver Book
- Risk

Session 3

Clause 3; Clause 4; Clause 5

- Clause 3: Employers Administration
- Clause 4: The Contractor
- Contractors General Obligations
- Unforeseeable Difficulties
- Clause 5 Design

Session 4

Clause 5, Clause 6, Clause 7

- Documentation
- Record Keeping
- Case Study

Session 5

The Time Clause

- Commencement of Works
- The Programme
- Extensions of Time
- Delayed Damages
- Suspension of Work

Session 6

Clause 10 and Clause 11

- Taking-Over the Works
- Case Study
- Defects Liability
- Case Study

Session 7

Clause 12, Clause 13, Clause 14

- Tests on Completion
- Variations
- Adjustments for Changes in Legislation
- Contract Price and Payment

DAY TWO

Session 8

Suspension and Termination

- Employer to terminate the contract
- Contractor to suspend or terminate the contract

Session 9

Risk, Liability and Force Majeure

- Risk
- Liability
- Force Majeure/Exceptional Circumstances

Session 10

Updates and Comparisons between the 1999 and 2017 Editions

- Updates to the new FIDIC 2017 Editions
- Major comparisons between the 1999 and 2017 Editions

Session 11

Major Amendments to the FIDIC Silver Book

- General Provisions
- The Employer
- Fitness for Purpose
- Performance Security
- Access Routes
- The Programme
- Liquidated damages
- Change in Law
- Payment
- Suspension and Termination
- Employers Risks
- Indemnities
- Exceptional Circumstances
- Insurances

Session 12

Claims, Disputes and Arbitration (FIDIC 1999 Editions)

- Sub-Clause 20.1
- Claims Procedure
- DAB Procedure
- Amicable Settlement
- Arbitration

Session 13

Claims, Disputes and Arbitration (FIDIC 2017 Editions)

- Contractors Claims
- Employers Claims
- Agreement or deviation
- Disputes
- Establishment of a DAAB
- Procedures of a DAAB
- Amicable Settlement Procedures
- Arbitration Procedures

COURSE INCLUDES

- * A copy of the **FIDIC SILVER BOOK** (Valued at R800)
- * Pre course questionnaire
- * Post workshop FIDIC Accredited Assessments and case studies for the year as well as access to Accredited FIDIC Trainer and dispute resolution expert.

CPD
CREDITS



COURSE COST

R7,850 EXCL. VAT / INCL SILVER BOOK.
US\$600 INCL.SILVER BOOK



COURSE THE FIDIC EPC/Turnkey Contract: The Silver Book
DATE THURSDAY 1st - FRIDAY 2nd November 2018
VENUE Country Club Johannesburg, WOODMEAD

❖ PERSONAL DETAILS

Title _____
Surname _____
Name _____
Cellular _____
E-mail _____

❖ COMPANY DETAILS

Company Name _____
VAT Number _____
Postal Address _____
Physical Address _____

❖ INVOICED ISSUED TO:

Company Name _____
Participant _____

❖ SPECIFIC REQUIREMENT

Dietary _____
Disability Assistance _____
Additional Notice _____

DECLARATION

I, _____ (Name/Surname)
have read and accept the TERMS & CONDITIONS as stipulated in this
REGISTRATION form.

SIGNATURE

DATE

TERMS & CONDITIONS

❖ REGISTRATION

- Participants may register by e-mail with payments by EFT.
- Please complete and send this form to: info@indunatraining.co.za
Closing date for the REGISTRATION and PAYMENT is 1 week before the course begins.

❖ COURSE COST

Registration FEE per participant

ZAR 7,850 EXCL VAT

- Includes copy of **SILVER BOOK**

US\$ 600

- Includes copy of **SILVER BOOK**

❖ PAYMENT DETAILS

➤ EFT

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ACC NO.: 1075 331 765
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❖ CANCELLATION & TRANSFERS

- Cancellations by delegates must be in writing and received 1 week before the course begins.
- It is regretted that no refunds will be made or invoices cancelled after the 1-week period.
- Substitutions may be made at any time
- We reserve the right to cancel the event if it is under subscribed or for any other reason.
- In the event of cancellation, we will endeavour to give delegates 2 weeks' notice and payments received will be refunded in full.
- INDUNA CONSULTING cannot be held liable for any pre-booked travel or accommodation costs.