

# FIDIC CONTRACT MANAGEMENT COURSE (MODULE 1 – 4)



**ASSOCIATION OF CONSULTING ENGINEERS TANZANIA (ACET),  
NEW DODOMA HOTEL, DODOMA, 05 - 11 OCTOBER 2019**



## **PAYMENT TERMS**

### **Payment terms**

**Registration is open until 03<sup>rd</sup> October 2019**

Payments by **Cheque/Bank Transfer** are payable to:

Association of Consulting Engineers Tanzania (ACET)

**Bank name:** National Bank of Commerce (NBC)

**Branch:** - Corporate Branch, Sokoine Drive

**Bank Swift Code:** NLCBTZTX

**Branch Code:** 671511

**TZS Account No;** - 011103017100

**USD Account No:** 011105015611

Dar es Salaam, Tanzania

## **COURSE FEE**

Single FIDIC Module costs: **TZS 1,380,000/- or USD 600**

All (4) FIDIC Modules cost: **TZS 5,060,000/- or USD 2,200**

The Fee is payable in advance and covers refreshments, training materials, and lunch for entire 7 days

## **ABOUT THE FIDIC CONTRACTS COURSE**

### **Module I**

Module I provide essential contractual know-how for working on international projects. The course is designed to help participants have confidence in working with these documents whether representing employers, consultants or contractors.

### **Module II**

This training module is designed to provide practical advice to those working with the FIDIC conditions of contract in the management of claims, understanding, defending and achieving the resolution to claims, and the working of the Dispute Adjudication Board and Arbitration.

### **Module III**

This training module clearly explains the procedures and application of the Dispute Adjudication requirements under these contracts, providing a comprehensive understanding of DAB processes and procedures, together with in-depth practical knowledge and problem solving scenarios.

### **Module IV**

This module is designed to give the delegates a sound grounding in the practical procedures and management disciplines required in undertaking FIDIC Contracts whether representatives of the Employer, Engineer or Contractor.

## **COURSE RECOGNITION**

This Course is accredited by the Engineers Registration Board of Tanzania (ERB), and delegates attending this training will be awarded certificates with PDUs

## **WHO SHOULD ATTEND**

Government Ministries and Agencies, Private Sector Employers, Engineers, Consulting Engineers, Financial and Administrative Managers, Project Managers, WorldBank, Procurement Specialists, Quantity Surveyors, Legal Advisers, Building Contractors, Architects and all those who are actively involved with the new generation of International Contract Conditions used worldwide through the World Bank and the Majority of Multilateral DB's.

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## COURSE FACILITATOR



Workshop will be facilitated by FIDIC Accredited workshop trainer Eng. Husni Madi

### **HUSNI MADI- FIDIC ACCREDITED TRAINER**

PMP, PMI-SP, Civil Engineer, Adjudicator and Arbitrator, FIDIC International Accredited Trainer, FIDIC Affiliate Member, Chairman of the FIDIC Task Group TG15 in charge of establishing “FIDIC’s Golden Principles” as part of the FIDIC 2017 Second Editions. Friendly Reviewer of the FIDIC 2017 Second Editions.

### **FOR FURTHER DETAILS CONTACT:**

Executive Secretary

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# Seven Days FIDIC Accredited Training Course: PRACTICAL USE OF THE 1999 FIDIC CONDITIONS OF CONTRACT FOR CONSTRUCTION (RED & YELLOW BOOKS)

## Programme OUTLINE (MODULE 1)

Day 1		Day 2: 09.00 – 17.00	
08:00 – 8:30  8:30	<p><b><u>Registration of Participants</u></b></p> <p><b><u>Session 1: Introduction &amp; Principles</u></b></p> <ul style="list-style-type: none"> <li>• Background / History</li> <li>• Examination of Contracts</li> <li>• Basic Principles</li> <li>• Risk Analyses</li> </ul> <p style="padding-left: 40px;">Selection of Appropriate Contracts</p>	09.00 – 11.00	<p><b><u>Session 5: Clauses 8,9,10,11 &amp;12 (YB)</u></b></p> <ul style="list-style-type: none"> <li>• Commencement Procedure</li> <li>• Programme</li> <li>• Extension of time</li> <li>• Suspension</li> <li>• Taking over Certificate</li> </ul> <p style="padding-left: 40px;">Defects period &amp; Performance Certificate</p>
11.00 – 11.30	<b>Coffee Break</b>	11.00 – 11.30	<b>Coffee Break</b>
11.30 –13.00	<p><b><u>Session 2: Clauses 1 &amp; 2</u></b></p> <ul style="list-style-type: none"> <li>• General provisions</li> <li>• Responsibilities of the Employer</li> <li>• Funding by Employer</li> <li>• Claims by Employer</li> </ul>	11.30 –13.00	<p><b><u>Session: 6: Clauses 12(RB), 13, &amp; 14</u></b></p> <ul style="list-style-type: none"> <li>• Measurement</li> <li>• Evaluation</li> <li>• Variations</li> <li>• Payment</li> </ul>
13.00 - 14.00	<b>Lunch Break</b>	13.00 - 14.00	<b>Lunch Break</b>
	<p><b><u>Session 3: Clauses 3 &amp; 4</u></b></p> <ul style="list-style-type: none"> <li>• Responsibilities of the Engineer</li> <li>• Delegations by Engineer</li> <li>• Engineers Determinations</li> <li>• Responsibilities of the Contractor</li> </ul>		<p><b><u>Session 7: Clauses 15,16,17,18 &amp;19</u></b></p> <ul style="list-style-type: none"> <li>• Termination by Employer</li> <li>• Suspension / Termination by Contractor</li> <li>• Risks and Responsibilities</li> <li>• Insurance</li> <li>• Force Majeure</li> </ul>
15-20 –15-40	<b>Coffee Break</b>	15-20 –15-40	<b>Coffee Break</b>
15-40 – 17.00	<p><b><u>Session 4: Clauses 5 (RB &amp; YB), 6 &amp; 7</u></b></p> <ul style="list-style-type: none"> <li>• Nominated Contractors (Red Book)</li> <li>• Design (Yellow book)</li> <li>• Contractors Documents (Yellow Book)</li> <li>• Labour Requirements</li> <li>• Workmanship</li> </ul>	15-40 –17.00	<p><b><u>Session 8: Clause 20</u></b></p> <ul style="list-style-type: none"> <li>• Contractor's Claims</li> <li>• Disputes Adjudication Board</li> <li>• Amicable Settlement</li> <li>• Arbitration</li> </ul> <p>Differences between FIDIC &amp; MDB's Harmonised Construction Contract (Provided as Aide Mémoire)</p>

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

**Seven Days FIDIC Accredited Training Course:**  
**PRACTICAL USE OF THE 1999 FIDIC CONDITIONS OF CONTRACT FOR**  
**CONSTRUCTION (RED & YELLOW BOOKS)**

**Program OUTLINE (MODULE 2)**

<b>Day 3: 09.00 – 17.00</b>		<b>Day 4: 09.00 - 17.00</b>	
09.00	<b>Session 1:</b> Project Risks & Causes of Claims <ul style="list-style-type: none"> <li>• Project Risk Management</li> <li>• Selection of Contract</li> <li>• FIDIC Risk allocation</li> <li>• Causes of Claims</li> <li>• Legal Issues</li> </ul>	09.00	<b>Session 5:</b> Establishment of Dispute Adjudication Board (DAB) <ul style="list-style-type: none"> <li>• Types of DAB</li> <li>• Terms of Agreement</li> <li>• Payment Conditions</li> </ul>
11:00	<b>Coffee Break</b>	10.45	Coffee Break
11.30	<b>Session 2:</b> Claims and Contractual Procedures <ul style="list-style-type: none"> <li>• Clause 2.5 Employer’s Claims</li> <li>• Clause 20.1 Contractor’s Claims</li> <li>• Clause 3.5 Engineer’s Determination</li> </ul>	11.15	<b>Session 5:</b> DAB Procedural Rules (PR) <ul style="list-style-type: none"> <li>• Procedural Rules</li> <li>• DAB Decision Process</li> <li>• Position Papers/ Hearing</li> </ul>
13.00	<b>Lunch Break</b>	13.00	<b>Lunch Break</b>
14.00	<b>Session 3:</b> Time related Entitlements <ul style="list-style-type: none"> <li>• Employer’s Entitlement</li> <li>• Programme</li> <li>• Extension of Time</li> <li>• Justification of time claims</li> </ul>	14.00	<b>Session: 7:</b> DAB Decision <ul style="list-style-type: none"> <li>• Format of Decision</li> <li>• Dissatisfaction with Decision</li> <li>• DAB Work exercises</li> </ul>
15.30	<b>Coffee Break</b>	15.30	<b>Coffee Break</b>
15.50	<b>Session 4:</b> Additional Payment Claims <ul style="list-style-type: none"> <li>• Employer’s Claims</li> <li>• Contractor’s Claims</li> <li>• Substantiation</li> <li>• Evaluation by Engineer</li> <li>• Prolongation and disruption claims</li> </ul>	15.50	<b>Session 8</b> Engineer as DAB, Amicable Settlement & Arbitration <ul style="list-style-type: none"> <li>• Engineer as DAB</li> <li>• Amicable Settlement</li> <li>• Arbitration</li> </ul> Aide Mémoire on MDB’s amendments to FIDIC procedures
17.00	<b>End of Day 1</b>	17.00	<b>End of Day 2</b>

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# Seven Days FIDIC Accredited Training Course: PRACTICAL USE OF THE 1999 FIDIC CONDITIONS OF CONTRACT FOR CONSTRUCTION (RED & YELLOW BOOKS)

## Program OUTLINE (MODULE 3)

Day 5: 09:00-17.00		Day 6: 09.00 – 17.00	
9:00	<p><b><u>Registration of Participants</u></b></p> <p><b>Session 1 – Adjudication Principles What is a Dispute?</b></p> <ul style="list-style-type: none"> <li>• Background of dispute resolution</li> <li>• Alternative methods of dispute Resolution</li> <li>• Application in USA &amp; Europe</li> <li>• Legal status of adjudicator and DB's</li> </ul> <p>Work exercises on principles</p>	09.00 – 11.00	<p><b><u>Day 2: 09.00 – 17.00</u></b></p> <p><b>Session 4 – Dispute timetable and position papers</b></p> <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> <p>Work Exercises on position papers</p>
11.00 – 11.30	<b>Coffee Break</b>	11.00 – 11.30	<b>Coffee Break</b>
11.30 –13.00	<p><b>Session 2 – DB Establishment and responsibilities</b></p> <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> </ul> <p><b>Termination and replacement of DB Work</b></p> <p>Work exercises on DB establishment</p>	11.30 –13.00	<p><b>Session 5 – Hearing</b></p> <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> <p><b>Work Exercises on a Hearing</b></p>
13.00 - 14.00	<b>Lunch Break</b>	13.00 - 14.00	<b>Lunch Break</b>
	<p><b>Session 3 - Procedural Rules</b></p> <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> <p>Work exercises on Procedural Rules</p>		<p><b>Session 6 – Dispute Decision</b></p> <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> <p>Work exercises on dispute decision</p>
15-20 –15-40	<b>Coffee Break</b>	15-20 –15-40	<b>Coffee Break</b>
15-40 – 17.00	<p><b>Case Studies on DB opinion</b></p> <p><b>End of Day 1</b></p>	15-40 –17.00	<p><b><u>Sub: Taking Over the Works and Defects Notification Period and Contract Completion</u></b></p> <ul style="list-style-type: none"> <li>• Taking Over Certificate</li> <li>• Defects in DNP</li> </ul>

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## Program Outline (Module 4)

<b>Day 7 :09:00-17.00</b>	
9:00	<p><b><u>Registration of Participants</u></b></p> <p><b>Session 1 – Contract Documents &amp; Award</b></p> <ul style="list-style-type: none"> <li>• Contract Award Procedures</li> <li>• Contract Documents</li> <li>• Role and Authority of Engineer</li> </ul> <p><b>Sub: Contract Start-up</b></p> <ul style="list-style-type: none"> <li>• Performance Security</li> <li>• Pre Commencement Date</li> <li>• Appointments</li> <li>• Programme</li> <li>• Insurances</li> <li>• Drawings &amp; Start Up Meeting</li> </ul>
11.00 – 11.30	<b>Coffee Break</b>
11.30 –13.00	<p><b>Session 2 – Post Commencement Date Administration</b></p> <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> <li>• Local Laws</li> <li>• Design &amp; ER Scrutiny</li> <li>• Contractor’s Documents</li> <li>• Plant, Materials &amp; Workmanship</li> </ul>
13.00 - 14.00	<b>Lunch Break</b>
	<p><b>Session 3 - Financial Controls and Disciplines</b></p> <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> <p><b>Sub: Suspension Termination and Claims</b></p> <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>
15-20 –15-40	<b>Coffee Break</b>
15-40 – 17.00	<p><b>Closing &amp; Presentation of Certificates</b></p> <p><b>**Note: Participants are urged to bring their laptops**</b></p>