

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



International Federation of
Consulting Engineers



Arbitration Institute

**ADDIS ABABA CHAMBER OF COMMERCE AND SECTORAL ASSOCIATIONS,
ADDIS ABABA, ETHIOPIA, 28 OCTOBER - 02 NOVEMBER 2019**



Payment terms

Payments by cash for local currency are payable to
Addis Ababa chamber of Commerce and Sectoral Associations
Bank name: Dashen Bank S.C
Branch: - Africa Andinet Area
Account NO; - **5232130706011**
Addis Ababa, Ethiopia

COURSE FEE

For local delegates is 10,000 ETB/delegate per MODULE
For Foreign delegates is Euro 500/delegate per MODULE

The Fee covers tea break, lunches, and refreshment and
training materials.

ABOUT THE SEMINAR

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 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.

WHO SHOULD ATTEND

The workshop will provide the necessary information for professionals from Governmentministries and Agencies, Private Sector Employers, Engineers, Consulting Engineers, Financial and Administrative Managers, Project Managers, World Bank, 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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WORKSHOP FACILITATORS

Workshop will be facilitated by FIDIC Accredited workshop trainer Mr Robert WERTH

ROBERT WERTH- FIDIC ACCREDITED TRAINER

Robert has worked as a principal engineer for more than 60

international projects in more than 15 countries, most of them infrastructural projects such as roads, bridges, water plants, wastewater plants, waste incineration plants, under several different contract conditions such as FIDIC yellow, Red, Silver books but also long term operation contracts , BOT, BOOT MODEL form contracts, concession agreements etc.

DATE OF THE SEMINAR

Module I- October 28 and 29

Module II October 30 and 31

Module III November 1 and 2

CONTACT US:

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Programme OUTLINE (MODULE 1)

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

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Program OUTLINE (MODULE 2)

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

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Program OUTLINE (MODULE 3)

Day 1:09:09-17.00		Day 2: 09.00 – 17.00	
9:00	<p><u>Registration of Participants</u></p> <p>Session 1 – Adjudication Principles What is a Dispute?</p> <ul style="list-style-type: none"> • Background of dispute resolution • Alternative methods of dispute Resolution • Application in USA & Europe • Legal status of adjudicator and DB's <p>Work exercises on principles</p>	09.00 – 11.00	<p><u>Day 2: 09.00 – 17.00</u></p> <p>Session 4 – Dispute timetable and position papers</p> <ul style="list-style-type: none"> • Establish timetable • Nature of Position Papers • Responses • DB Directions • Evidence statements <p>Work Exercises on position papers</p>
11.00 – 11.30	Coffee Break	11.00 – 11.30	Coffee Break
11.30 –13.00	<p>Session 2 – DB Establishment and responsibilities</p> <ul style="list-style-type: none"> • Selection process and appointment/s • Contract Agreement • Full Term and Ad Hoc responsibilities • Fees, expenses and payment terms <p>Termination and replacement of DB Work</p> <p>Work exercises on DB establishment</p>	11.30 –13.00	<p>Session 5 – Hearing</p> <ul style="list-style-type: none"> • Pre-hearing requirements • Site visit before hearing • Attendees • Agenda and procedures • Evidence • Conclusion of hearing • After the hearing <p>Work Exercises on a Hearing</p>
13.00 - 14.00	Lunch Break	13.00 - 14.00	Lunch Break
	<p>Session 3 - Procedural Rules</p> <ul style="list-style-type: none"> • Routine Procedures • Full term site visits • Opinion and advice • Dispute referral • DB jurisdiction <p>Work exercises on Procedural Rules</p>		<p>Session 6 – Dispute Decision</p> <ul style="list-style-type: none"> • Reaching the decision • 3 Person DB discussion • Format of decision • Unanimity • Enforcement of decisions <p>Work exercises on dispute decision</p>
15-20 –15-40	Coffee Break	15-20 –15-40	Coffee Break
15-40 – 17.00	<p>Case Studies on Site Visit and DB opinion</p> <p>End of Day 1</p>	15-40 –17.00	<p>Case Studies on DB referrals and decisions</p>

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