



International Federation of
Consulting Engineers



Uganda Association of
Consulting Engineers

PRESENT

International FIDIC Contract Training Courses on:

1. *“The Practical Use of the 1999 FIDIC Conditions of Contracts for the Construction & Design-Build” (FIDIC Module 1)*

2nd & 3rd May 2016

&

2. *“The Management of Contract Claims & Disputes Resolution” (FIDIC Module 2)*

4th & 5th May 2016

AT SILVER SPRINGS HOTEL

Kampala, Uganda

For further information contact Florence Mameba:
Tel: +256 414 342 536 or Mob: +256 772 855 940

E-mail: florence@uace.or.ug copy to smwamsamali@fidic.org

Visit web sites:

www.fidic.org/seminars

www.uace.or.ug

1. “The Practical Use of the 1999 FIDIC Conditions of Contracts for the Construction and Design-Build” (FIDIC Module 1)

&

2. “The Management of Contracts Claims & Disputes Resolution” (FIDIC Module 2)

OVERVIEW & COURSE OBJECTIVES:

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

Module 1 gives the delegates a sound understanding on the practical use of the FIDIC Construction (Red Book) & Design-Build (Yellow Book) Contracts. The procedures and application of the Contract clauses are explored & made realistic through extensive work exercises. Delegates will be much more confident in using these complex Contracts after completing the course.

Module 2 is designed to provide practical assistance to those working with the FIDIC 1999 Contract Conditions in the management of claims whether time &/or cost related. The objective is to avoid claims becoming disputes but should this occur the FIDIC Dispute Adjudication process is fully explained. As with Module 1 work exercises bring the Contract clauses to “life” with the participation of all delegates in their solution.

Both courses are applicable to all the Parties involved within a 1999 FIDIC Contract including representatives of the Employer, the Contractor, the Engineer, and associated professionals. By having a professional understanding of the responsibilities and rights of the Parties under 1999 FIDIC Contracts, the prospects for successful projects are greatly increased and the resolution of claims will be achieved more successfully.

SEMINAR TUTOR:

The seminar tutor is **Robert Werth**. He is a Civil and Construction Engineer, experienced in international construction business and FIDIC assest Adjudicator, with extensive experience in preparing and defending quantum and time related claims and in providing contractual advice and training in a broad range of construction sectors, including civil engineering, marine, water, wastewater, solid waste, building, mechanical and electrical sectors and operation services.

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, White Book, or EPC-Contracts, also Concession-, BOT- or BOOT-agreements and various kinds of tailor made contracts. Robert specialises in provision of dispute avoidance and resolution services in project, contract, claim, dispute and commercial management and regularly conducts training and workshops. Robert is a FIDIC accredited international Trainer.

COURSE MATERIALS:

All 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 PER PARTICIPANT EACH MODULE:

- UACE Member **US\$ 800**
- Non Member **US\$ 900**

Fee includes coffee, lunch and refreshments, certificate of attendance and course materials.

“The Practical Use of the 1999 FIDIC Conditions of Contracts for Construction & Design Build”

Programme Outline - FIDIC Module 1

	<u>Day 1: 8:30 – 5:00</u>	<u>Day 2: 9:00 – 5:00</u>
8:00 – 8:30	<u>Registration of Participants</u>	9:00 <u>Session 5: Clauses 8,9,10,11 &12 (YB)</u>
8:30	<u>Session 1: Introduction & Principles</u> <ul style="list-style-type: none"> • Background / History • Examination of Contracts • Basic Principles • Risk Analyses • Selection of Appropriate Contracts 	<ul style="list-style-type: none"> • Commencement Procedure • Programme • Extension of time • Suspension • Taking over Certificate • Defects period & Performance Certificate
10:30	Coffee Break	10:30 Coffee Break
11:00	<u>Session 2: Clauses 1 & 2</u> <ul style="list-style-type: none"> • General provisions • Responsibilities of the Employer • Funding by Employer • Claims by Employer 	11:00 <u>Session: 6: Clauses 12(RB), 13, & 14</u> <ul style="list-style-type: none"> • Measurement • Evaluation • Variations • Payment
1:00	Lunch Break	1:00 Lunch Break
2:00	<u>Session 3: Clauses 3 & 4</u> <ul style="list-style-type: none"> • Responsibilities of the Engineer • Delegations by Engineer • Engineers Determinations • Responsibilities of the Contractor 	2:00 <u>Session 7: Clauses 15,16,17,18 &19</u> <ul style="list-style-type: none"> • Termination by Employer • Suspension / Termination by Contractor • Risks and Responsibilities • Insurance • Force Majeure
3:30	Tea Break	3:30 Tea Break
3:50	<u>Session 4: Clauses 5 (RB & YB), 6 & 7</u> <ul style="list-style-type: none"> • Nominated Contractors (Red Book) • Design (Yellow book) • Contractors Documents (Yellow Book) • Labour Requirements • Workmanship 	3:50 <u>Session 8: Clause 20</u> <ul style="list-style-type: none"> • Contractor’s Claims • Disputes Adjudication Board • Amicable Settlement • Arbitration
		Differences between FIDIC & MDB’s Harmonised Construction Contract (Provided as Aide Mémoire)
5:00	<u>End of Day 1</u>	5:00 <u>End of Day 2</u>

“The Management of Contracts Claims & Disputes Resolution”

Programme Outline - FIDIC Module 2

Day 1: 9.00 – 5.00

Day 2: 9.00 - 5.00

8.00 – 8.30

Registration of Participants

8.30

Session 1:

Project Risks & Causes of Claims

- Project Risk Management
- Selection of Contract
- FIDIC Risk allocation
- Causes of Claims
- Legal Issues

11.00

Coffee Break

11.30

Session 2:

Claims and Contractual Procedures

- Clause 2.5 Employer's Claims
- Clause 20.1 Contractor's Claims
- Clause 3.5 Engineer's Determination

1.00

Lunch Break

2.00

Session 3:

Time related Entitlements

- Employer's Entitlement
- Programme
- Extension of Time
- Justification of time claims

3.30

Coffee Break

3.50

Session 4: Additional Payment Claims

- Employer's Claims
- Contractor's Claims
- Substantiation
- Evaluation by Engineer
- Prolongation and disruption claims

5.00

End of Day 1

09.00 Session 5:

Establishment of Dispute Adjudication Board (DAB)

- Types of DAB
- Terms of Agreement
- Payment Conditions

10.45 Coffee Break

11.15: Session 5:

DAB Procedural Rules (PR)

- Procedural Rules
- DAB Decision Process
- Position Papers/ Hearing

1.00 Lunch Break

2.00 Session: 7:

DAB Decision

- Format of Decision
- Dissatisfaction with Decision
- **DAB Work exercises**

3.30 Coffee Break

3.50 Session 8:

Engineer as DAB, Amicable Settlement & Arbitration

- Engineer as DAB
- Amicable Settlement
- Arbitration

Aide Mémoire on MDB's amendments to FIDIC procedures

5.00 End of Day 2

“Throughout the seminar there will be opportunities for questions and the use of the work exercise”