



FIDIC in Partnership with the EPA Present

THE MANAGEMENT OF CLAIMS UNDER FIDIC:

Based on the FIDIC Approved Module 2 workshop and highlights the processes to be followed for successful claims management

SAFARI COURT HOTEL
WINDHOEK 8-9 June 2016



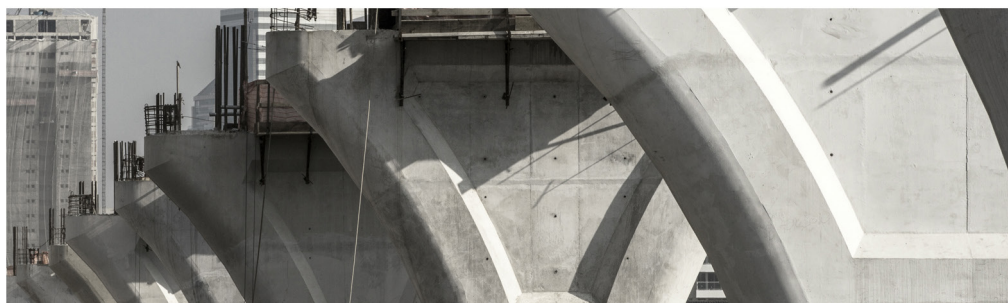
Facilitated by Accredited FIDIC Trainer, Dispute Resolution, Professional Registered Engineer and FIDIC Specialist, **Kevin Spence.**

CPD Accreditation

Accredited by Consulting Engineers of South Africa For 2 CPD Credits.
Validation Number: CESA-707-04/2018



INDUNA
TRAINING & CONSULTING SERVICES



ABOUT THIS COURSE

The course is based on the **FIDIC** Approved Module 2 workshop and highlights the processes to be followed for successful claims management. It highlights such important issues such as double notice provisions, times for submission, and deals extensively with Extensions of Time and Quantum calculations.

The workshop examines the role of the Engineer in making determinations, Employers Claims and the issue of instructions after the Contract Completion Date has passed. Variations and their effect on the programme form an integral part of this workshop.

Important issues are emphasised using appropriate case studies. The course is designed to assist both **Contractors and Employers** to gain a thorough understanding of the claim process.

COURSE OUTLINE

- Management of the claims process from submission to arbitration
- Notices and their importance
- Time bars
- The programme and its importance in assessing extensions of time
- Current best practice with respect to assessing delays and disruption including latest applicable case law
- Variations -how they impact the programme and their effect on the critical path
- Variations after the contract Completion Date-how do they affect the imposition of liquidated damages
- Calculation of the quantum
- Preparation and submission of competent claims
- Claims avoidance and amicable settlement guidelines

LEARNING OUTCOMES

- How to submit a claim
- When to submit notice and when to submit the detailed claim
- The importance of records
- Management of the claims process-“keeping the claim alive”
- The Engineer’s role in the process and his determination.
- The importance of a fully detailed Base Line Programme and its use in assessing the Extension of Time and related quantum.
- Amicable settlement and avoidance of disputes

COURSE MATERIAL

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 - Accompanying electronic material



FACILITATOR



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, Civil and Building Construction, Concrete Structures, Asphalt and Concrete Road Surfacing and Claims Preparation and Defence**.

Kevin was the Managing Director of various Group Companies at LTA Construction before acquiring and building his own business, **Spray Pave (Road Surfacing)**, which was sold to a listed construction company in 2007.

With a passion for the law and extensive construction experience, Kevin completed the Fellowship of Arbitrators Qualification and currently **specialises in large scale Construction Claims and Dispute Resolution**. He is an independent consultant to **Kingsbourne (Pty) Ltd.**, the leading company in South Africa dealing with Arbitrations, Adjudications and disputes in the South African Construction Industry.

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 numerous matters in and out of South Africa

He is an accredited trainer for **Induna Consulting** and provides seminars throughout the year world wide on the **FIDIC** suite of contracts. 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 is an admitted adjudicator on the FIDIC's President's List as well as **the only FIDIC accredited trainer in South Africa**.

WHO SHOULD ATTEND

- Employers
- Funding Agents
- Consulting Engineers
- Legal Professionals
- All those involved in the construction industry-Contractors, Sub-Contractors, Engineers, Quantity Surveyors

REGISTRATION DETAILS

The course will be held at the **Safari Court Hotel in Windhoek on 8-9 June 2016**
The cost for the two days is **N\$7500**

REGISTER:

epa@africaonline.com.na

Contact Tanja Bednarek at epa@africaonline.com.na
or Samuel Mwamsamali at smwamsamali@fidic.org



FIDIC MODULE 2: THE MANAGEMENT OF CLAIMS AND RESOLUTION OF DISPUTES

Programme Outline **DAY ONE: 8:00 – 16:30**

Session 1:

Introduction and Overview

- Introduction and Overview
- Advantages of FIDIC Contracts
- Rules
- Reasonableness
- Selecting the Appropriate Contract

Session 2:

Contractual Risks

- The Agreement
- Particular Conditions
- General Conditions
- Appendices

TEA Break

Session 3:

Claims and Contractual Procedures

- Sub-Clause 2.5 Employers Claims
- Sub-Clause 20.1 Contractor's Claims
- Sub-Clause 3.5 Engineer's Determinations

Session 4:

Time Related Claims by the Contractor

- Extension of Time
- Reasons and Justification of Time Claims

Session 5:

Additional Payments by the Contractor

- Substantiation
- Evaluation by the Engineer

END OF DAY ONE

Programme Outline

DAY TWO

Session 1:

Disputes and Establishment of the Dispute Adjudication Board (DAB)

- Types of DAB
- Terms of Agreement
- Payment Conditions

Session 2:

The Working of the DAB and Procedural Rules

- Procedural Rules
- DAB Process
- Position Papers/hearing
- DAB Decision
- Dissatisfaction with DAB Decision

Session 3:

DAB Work Exercises

- Practical Exercises

COFFEE BREAK

Session 3 Continued

Amicable Settlement and Arbitration

- Amicable Settlement
- Arbitration
- What about Mediation?
- DAB as a Dispute Avoidance Board

END OF DAY TWO