



International Federation of
Consulting Engineers

In Partnership with



Ghana Consulting
Engineers Association

PRESENT

The FIDIC Contracts Courses on:

*“The Practical Use of the 1999 FIDIC Conditions of Contract
for Construction & Design-Build”*

27th & 28th June 2016

&

*“The Practical Management of Contract Claims and the
Resolution of Disputes”*

**Under the 1999 FIDIC Contracts and Multi-lateral Development Banks’ Harmonised
Construction Contract 2010 FIDIC**

29th & 30th June 2016

**At Engineers Centre, Roman Ridge
Accra, GHANA**

For further information, registration and payment please contact:

The Administrative Officer, GCEA Secretariat at the Ghana Institution of Engineers, Engineers Centre, 13

Continental Road, Roman Ridge, Accra, Tel. Nos.: +233 307 038 379 or +233 269 019 476

E-mail Addresses: info@gcea.org.gh

Module 1 “The Practical Use of the 1999 FIDIC Conditions of Contract for Construction & Design-Build”
Module 2 “The Management of Claims & Resolution of Disputes under 1999 FIDIC Contracts”

OVERVIEW:

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 and 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 and/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 course tutor will be **Eng. Bogdan Oprea (BSc. CEng DEA)**. He is a registered professional engineer, accredited FIDIC trainer, Mediator, Adjudicator, Dispute Adjudicator/FIDIC Review Board Member and facilitator in the fields of Civil Engineering, Buildings and Infrastructures.

He also a consultant and advisor on contractual issues such as Contract Risk Analysis, Contract negotiation, Contract interpretation, Project Management, Unforeseeable site conditions, Payment provisions, Claims preparation and Dispute avoidance.

COURSE MATERIALS:

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
- Notes on changes incorporated in the MDBs’ Harmonised Construction Contract, 2010 edition

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:

Delegate fee is **€750** per course and **€1500** for both courses

Delegate fee includes for coffee and lunch on both days, refreshments, all course materials and certificate of participation.

PROGRAMME OUTLINE FOR MODULE 1

	<u>Day One: 8:30 – 5:00</u>	<u>Day Two: 9:00 – 5:00</u>
8:30 – 9:00	<u>Registration of Participants</u>	
9:00	<u>Session 1:</u> <u>Introduction & Principles</u> <ul style="list-style-type: none">• Background / History• Examination of Contracts• Basic Principles• Risk Analyses• Selection of Appropriate Contracts	9:00 <u>Session 5:</u> <u>Clauses 8,9,10,11 &12 (YB)</u> <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:</u> <u>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:</u> <u>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:</u> <u>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:</u> <u>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:</u> <u>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:</u> <u>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 (<i>Provided as Aide Mémoire</i>)
5:00	<u>End of Day 1</u>	5:00 <u>End of Day 2</u>

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

“The Practical Management of Contract Claims and the Resolution of Disputes”

PROGRAMME OUTLINE FOR MODULE 2

	<u>Day One: 8:30 – 5:00</u>	<u>Day Two: 9:00 – 5:00</u>
8:30 – 9:00	<u>Registration of Participants</u>	9:00 <u>Session 5:</u>
9:00	<u>Session 1:</u> Contractual Risks <ul style="list-style-type: none">• Risk Management• Causes of Claims• FIDIC Claims Entitlements	Disputes and Establishment of Dispute Adjudication Board (DAB) <ul style="list-style-type: none">• Types of DAB• Terms of Agreement• Payment Conditions
10:30	Coffee Break	10:30 Coffee Break
11:00	<u>Session 2:</u> 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	11:00 <u>Session 5:</u> The Working of the DAB and Procedural Rules (PR) <ul style="list-style-type: none">• Procedural Rules• DAB Decision Process• Position Papers/ Hearing• DAB Decision• Dissatisfaction with DAB decision
1:00	Lunch Break	1:00 Lunch Break
2:00	<u>Session 3:</u> Time related Claims by Contractor <ul style="list-style-type: none">• Extension of Time• Reasons & justification of time claims	2:00 <u>Session: 7:</u> <ul style="list-style-type: none">• DAB Work exercises
3:30	Coffee Break	3:30 Coffee Break
3:50	<u>Session 4:</u> Additional Payments by Contractor <ul style="list-style-type: none">• Substantiation• Evaluation by Engineer	3:50 <u>Session 8:</u> 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
5:00	<u>End of Day 1</u>	5:00 <u>End of Day 2</u>

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