



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)*

4th & 5th July 2016

&

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

5th & 6th July 2016

AT SILVER SPRINGS HOTEL

Kampala, Uganda

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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:

Mr. Bogdan Oprea (BSc CEng DEA) a registered professional engineer accredited FIDIC trainer, Mediator, Adjudicator, Dispute Adjudicator/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:

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”
- Notes on changes incorporated in the MDBs’ Harmonised Construction Contract, 2010 edition
- 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.
10% discount for attending both modules.

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

PROGRAMME OUTLINE FOR MODULE 1

Contract

- General issues

Introduction to the 1999 FIDIC documents

(Construction Contract; Plant and Design-Build, Turn Key, Short Form Contract)

- Background and reasons for change
- Examination of format and content of General Conditions
- Examination of Guide to Particular Conditions
- Annex to documents
- Selection of appropriate Contract

Responsibilities of Main Parties

- General issues
- Responsibilities of the Employer
- The Engineer
- The Contractor

Management of Projects - Key Areas Workmanship and Time

- Staff and Labor
- Plant, Materials and Workmanship
- Commencement, Delays and Suspension
- Tests and Defects liability

Financial Clauses and Procedures

- Measurement and Evaluation,
- Variation and Adjustment
- Contract Price and Payment

Risks, Force Majeure & Termination

- Termination by Employer
- Suspension & Termination by Contractor
- Risks and Responsibilities
- Force Majeure

Claims and Disputes & Arbitration

- Claims procedures
- Disputes Adjudication Board
- DAB Agreement & Procedures

Amicable Settlement and Arbitration

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

PROGRAMME OUTLINE FOR MODULE 2

FIDIC Introduction and presentation of 1999 FIDIC documents

(Construction Contract; Plant and Design-Build, Turn Key, Short Form Contract)

- FIDIC introduction
- Contracting strategy- Balanced Contracts
- Law and the Contract
- Background and reasons for change

Management of claims

- **Claims Causes and Risk**
 - Inherent project risks
 - Allocation of risks under various FIDIC 1999 Contracts
 - Analysis of Contractual risk
- **Claims procedure**
 - Clauses require notice by the Contractor
 - Employer’s claims
 - Delegation by the Engineer
 - Engineer’s determination
- **Contractor’s claims**
 - Notification of claims
 - Engineer’s assessment
 - Contemporary records
 - Preparation of claims
- **Responsibilities of the main parties**
 - Responsibilities of the main parties
 - Termination by the Employer
 - Termination by the Contractor
 - Force majeure
- **The Resolution of disputes**
 - Principles governing the DAB
 - Working with DAB
 - Post DAB Decision
 - FIDIC alternative – Engineer acting as DAB
 - Amicable settlement
 - Arbitration
- **The Dispute Boards Procedure and Practice**
 - General Adjudication Principle
 - Procedural Rules
 - Dispute Time Table and Position Papers
 - Reaching the Decision

Other Alternative Dispute Resolution Methods

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