



International Federation of
Consulting Engineers

In Partnership with



Ghana Consulting
Engineers Association

PRESENT

The FIDIC Contracts Training Courses:

Module 4: *“The Contract Management and Administration of the 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build”*

6th & 7th November 2017

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Module 3: *“The Responsibilities and Management for Dispute Adjudication and Dispute Boards (DB) under FIDIC (1999 Editions) & MDB Contract”*

8th & 9th November 2017

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

For Further information

Tel. no. +233 307 038 379, +233 269 019 476

E-mail: gceagh@gmail.com

Module 3: “The Responsibilities and Management for Dispute Adjudication and Dispute Boards (DB) Under FIDIC (1999 Editions) & MDB Contract”

Module 4: “The Contract Management and Administration of the 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build)”

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 4: It explains and illustrates the use of the FIDIC Conditions of Contract for Construction (the “Construction Contract”) and the FIDIC Conditions of Contract for Plant and Design-Build (the “Design-Build Contract”). The course is designed to help the participants have confidence in working with these documents whether representing Employers, Consultants or Contractors.

Module 3: It 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.

SEMINAR TUTOR:

The seminar tutor is Robert Werth. He is a Civil and Construction Engineer, experienced in international construction business and FIDIC asst 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:

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:

Delegate fee is €900 per course and €1800 for both courses

Delegate Fee (includes for coffee and lunch on both days, refreshments and all course materials)

PROGRAMME OUTLINE FOR MODULE 4

“The Contract Management and Administration of the 1999 FIDIC Conditions of Contract (Construction & Plant & Design-Build)”

	<u>Day 1: 09.00 – 17.00</u>	<u>Day 2: 09.00 – 17.00</u>
09.00 – 09.15	<u>Registration of Participants</u>	<u>09.00 Session 4:</u>
09.15	<u>Session 1:</u> <u>Contract Documents & Award</u> <ul style="list-style-type: none">• Contract Award Procedures• Contract Documents• Role and Authority of Engineer• Performance Security	<u>Financial Controls and Disciplines</u> <ul style="list-style-type: none">• Measurement• Variation Orders• Value Engineering• Interim Payment Certificate• Final Payment Certificate
10.45	Coffee Break	10.45 Coffee Break
11.00	<u>Session 2:</u> <u>Contract Start Up</u> <ul style="list-style-type: none">• Pre Commencement Date• Appointments• Programme• Insurances• Drawings• Start Up Meeting	<u>11.15 Session: 5:</u> <u>Suspension Termination and Claims</u> <ul style="list-style-type: none">• Suspension by Engineer / Contractor• Termination by Employer / Contractor• Contractor's Claims• Engineer's Responses• Employer's Claims• Determinations
13.00	Lunch Break	13.00 Lunch Break
14.00	<u>Session 3:</u> <u>Post Commencement Date Administration</u> <ul style="list-style-type: none">• Access & possession of Site• Site security• Contractor s Mobilisation• Nominated Sub Contractor• Records• Progress Reports	<u>14.00 Session 6:</u> <u>Taking Over the Works and Defects Notification Period and Contract Completion</u> <ul style="list-style-type: none">• Taking Over Certificate• Defects in DNP• Performance Certificate• Contract Completion issues
15.30	Tea Break	15.30 Tea Break
15.50	<u>Session 3 (Cont): Post Commencement Date Administration</u> <ul style="list-style-type: none">• Local Laws• Design & ER Scrutiny• Contractor's Documents• Plant, Materials & Workmanship	<u>15.50: Session 7:</u> <u>Disputes, Amicable Settlement & Arbitration</u> <ul style="list-style-type: none">• Establishment of DAB• Procedures of DAB• Amicable Settlement procedures• Arbitration procedures
17.00	<u>End of Day 1</u>	<u>17.00 End of Day 2</u>

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

PROGRAMME OUTLINE FOR MODULE 3

“The Responsibilities and Management for Dispute Adjudication and Dispute Boards (DB) Under FIDIC (1999 Editions) & MDB Contract”

Day 1:	09.00 – 17.00	Day 2: 09.00 – 17.00
9.00-9.30	<u>Registration of Participants</u>	09.00 <u>Session 4</u> – Dispute timetable and position papers
09.30	<u>Session 1</u> – Adjudication Principles <ul style="list-style-type: none">• What is a Dispute?• Background of dispute resolution• Alternative methods of dispute Resolution• Application in USA & Europe• Dispute adjudication under FIDIC/ MDB Contracts• Legal status of adjudicator and DB’s Work exercises on principles	<ul style="list-style-type: none">• Establish timetable• Nature of Position Papers• Responses• DB Directions• Evidence statements Work Exercises on position papers
11.00	<u>Break</u>	10.45 – 11.15 <u>Break</u>
11.30	<u>Session 2</u> – DB Establishment and responsibilities <ul style="list-style-type: none">• Selection process and appointment/s• Contract Agreement• Full Term and Ad Hoc responsibilities• Fees, expenses and payment terms• Termination and replacement of DB Work exercises on DB establishment	11.15 <u>Session 5</u> – Hearing <ul style="list-style-type: none">• Pre-hearing requirements• Site visit before hearing• Attendees• Agenda and procedures• Evidence• Conclusion of hearing• After the hearing Work Exercises on a Hearing
13.00	<u>Lunch</u>	13.00 – 14.00: <u>Lunch</u>
14.00	<u>Session 3</u> - Procedural Rules <ul style="list-style-type: none">• Routine Procedures• Full term site visits• Opinion and advice• Dispute referral• DB jurisdiction Work exercises on Procedural Rules	14.00: <u>Session 6</u> – Dispute Decision <ul style="list-style-type: none">• Reaching the decision• 3 Person DB discussion• Format of decision• Unanimity• Enforcement of decisions Work exercises on dispute decision
15.30	<u>Break</u>	15.30 – 15.50: <u>Break</u>
15.50	Case Studies on Site Visit and DB opinion	15.50 Case Studies on DB referrals and decisions
17.00	<u>End of Day 1</u>	<u>17.00 End of Day 2</u>

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