



International Federation of  
Consulting Engineers



Uganda Association of Consulting  
Engineers

*Present*  
**FIDIC Contract Courses on:**

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

**12<sup>th</sup> & 13<sup>th</sup> March 2018**

*“The Management of Contract Claims and the Resolution of  
Disputes under the 1999 FIDIC Conditions of Contract”  
(Module 2)*

**14<sup>th</sup> & 15<sup>th</sup> March 2018**

*“The FIDIC Conditions of Contract for EPC/Turnkey  
Projects” (Module 5)*

**16<sup>th</sup> March 2018**

**At Golden Tulip, Canaan Kampala - Kafu Road**

**For Further information contact**

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*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"*

*Module 5: "FIDIC Conditions of Contract for EPC/Turnkey Projects"*

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**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 and 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) and 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.

**EPC Module:** The course begins by introducing FIDIC and the FIDIC contract forms, including latest developments. We place the Silver Book in context by examining the EPC/turnkey model of procurement and the position of the Silver Book within the 1999 suite of contracts. We follow with a clause by clause consideration of the Silver Book general conditions, focusing on such key issues as contractor responsibility for design, fitness for purpose, errors in Employer's Requirements and unforeseeable physical conditions. We see how the Silver Book treatment of these and other topics compares and contrasts with the other design build forms and the Yellow Book in particular.

**SEMINAR TUTOR:**

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, Dams and Water Retaining Structures, Pipelines, Civil and Building Construction, Concrete Structures, Asphalt and Concrete Road Surfacing and most recently Claims Preparation and Defence.

Throughout Kevin's professional career he has managed various business units of one of the largest construction companies in South Africa, owned a Road Surfacing Company which was later sold to a listed company before moving into dispute resolution and claims consulting.

Kevin completed the Fellowship of Arbitrators Qualification and currently specializes in large scale Construction Claims and Dispute Resolution. 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 South Africa and Africa in numerous matters. Kevin is an admitted member of the FIDIC President's List of Adjudicators.

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 facilitates regularly on all the four types of contract documentation both locally and internationally. He is the only FIDIC Accredited Trainer in South Africa.

### **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)
- FIDIC Conditions of Contract for EPC/Turnkey Projects (Silver 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**

- **UACE Member;** delegate fee per course is **USD 800**
- **Non UACE Member;** delegate fee per course is **USD 900**
- **For EPC Module only; UACE Member USD 400 and non-member USD 450**  
Delegate Fee (**includes for coffee, lunch on both days, refreshments and all course materials**)

*Discounts available for more than one person from the same organization!*

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

Day 1: 8:30 – 5:00

Day 2: 9:00 – 5:00

8:30 – 9:00

Registration of Participants

9:00 Session 5:

Clauses 8,9,10,11 &12 (YB)

- Commencement Procedure
- Programme
- Extension of time
- Suspension
- Taking over Certificate
- Defects period & Performance Certificate

9:00

Session 1:

Introduction & Principles

- Background / History
- Examination of Contracts
- Basic Principles
- Risk Analyses
- Selection of Appropriate Contracts

10:30

Coffee Break

10:30 Coffee Break

11:00

Session 2:

Clauses 1 & 2

- General provisions
- Responsibilities of the Employer
- Funding by Employer
- Claims by Employer

11:00 Session: 6:

Clauses 12(RB), 13, & 14

- Measurement
- Evaluation
- Variations
- Payment

1:00

Lunch Break

1:00 Lunch Break

2:00

Session 3:

Clauses 3 & 4

- Responsibilities of the Engineer
- Delegations by Engineer
- Engineers Determinations
- Responsibilities of the Contractor

2:00 Session 7:

Clauses 15,16,17,18 &19

- Termination by Employer
- Suspension / Termination by Contractor
- Risks and Responsibilities
- Insurance
- Force Majeure

3:30

Tea Break

3:30 Tea Break

3:50

Session 4:

Clauses 5 (RB & YB), 6 & 7

- Nominated Contractors (Red Book)
- Design (Yellow book)
- Contractors Documents (Yellow Book)
- Labour Requirements
- Workmanship

3:50 Session 8:

Clause 20

- Contractor's Claims
- Disputes Adjudication Board
- Amicable Settlement
- Arbitration

**Differences between FIDIC & MDB's Harmonised Construction Contract (Provided as Aide Mémoire)**

5:00

End of Day 1

5:00 End of Day 2

*Programme Outline for Module 1*

*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 1: 8:30 – 5:00</u>	<u>Day 2: 9:00 – 5:00</u>
8:30 – 9:00	<b><u>Registration of Participants</u></b>	9:00 <b><u>Session 5:</u></b> <b>Disputes and Establishment of Dispute Adjudication Board (DAB)</b>
9:00	<b><u>Session 1:</u></b> <b>Contractual Risks</b> <ul style="list-style-type: none"> <li>• Risk Management</li> <li>• Causes of Claims</li> <li>• FIDIC Claims Entitlements</li> </ul>	<ul style="list-style-type: none"> <li>• Types of DAB</li> <li>• Terms of Agreement</li> <li>• Payment Conditions</li> </ul>
10:30	<b>Coffee Break</b>	<b>10:30 Coffee Break</b>
11:00	<b><u>Session 2:</u></b> <b>Claims and Contractual Procedures</b> <ul style="list-style-type: none"> <li>• Clause 2.5 Employer’s Claims</li> <li>• Clause 20.1 Contractor’s Claims</li> <li>• Clause 3.5 Engineer’s determination</li> </ul>	<b>11:00 <u>Session 5:</u></b> <b>The Working of the DAB and Procedural Rules (PR)</b> <ul style="list-style-type: none"> <li>• Procedural Rules</li> <li>• DAB Decision Process</li> <li>• Position Papers/ Hearing</li> <li>• DAB Decision</li> <li>• Dissatisfaction with DAB decision</li> </ul>
1:00	<b>Lunch Break</b>	<b>1:00 Lunch Break</b>
2:00	<b><u>Session 3:</u></b> <b>Time related Claims by Contractor</b> <ul style="list-style-type: none"> <li>• Extension of Time</li> <li>• Reasons &amp; justification of time claims</li> </ul>	<b>2:00 <u>Session: 7:</u></b> <ul style="list-style-type: none"> <li>• DAB Work exercises</li> </ul>
3:30	<b>Coffee Break</b>	<b>3:30 Coffee Break</b>
3:50	<b><u>Session 4:</u></b> <b>Additional Payments by Contractor</b> <ul style="list-style-type: none"> <li>• Substantiation</li> <li>• Evaluation by Engineer</li> </ul>	<b>3:50 <u>Session 8:</u></b> <b>Engineer as DAB, Amicable Settlement &amp; Arbitration</b> <ul style="list-style-type: none"> <li>• Engineer as DAB</li> <li>• Amicable Settlement</li> <li>• Arbitration</li> </ul> <p>Aide Mémoire on MDB’s amendments to FIDIC procedures</p>
5:00	<b><u>End of Day 1</u></b>	<b>5:00 <u>End of Day 2</u></b>

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

**“The FIDIC Conditions of Contract for EPC/Turnkey Projects (Silver Book)”**  
**Programme Outline**

**Day 1: (08:30 - 5:00)**

**Contract**

- General Issues
- Contracting strategy- Balanced Contracts
- Law and the Contract

**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

**EPC Contract - Responsibilities of Main Parties**

- General issues
- Responsibilities of the Employer
- The Employer Administration
- The Contractor
- Design

**EPC Contract - Management of Projects - Key Areas Workmanship and Time**

- Staff and Labor
- Plant, Materials and Workmanship
- Commencement, Delays and Suspension
- Tests on completion
- Employer Taking Over
- Defect Liability
- Tests after Completion

**EPC Contract - Financial Clauses and Procedures**

- Variation and Adjustment
- Contract Price and Payment

**EPC Contract - Risks, Force Majeure & Termination**

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

**EPC Contract - Claims Disputes & Arbitration**

- Claims procedures
- Disputes Adjudication Board
- DAB Agreement & Procedures
- Amicable Settlement and Arbitration

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