



in association with

 **MATRIX** Seminars

supported by Z and Partners



**PRESENT**

**A 2-day FIDIC accredited training course on:  
The FIDIC Construction and Design-Build Contracts: Practical Use of the Red and Yellow Books  
in Budapest, Hungary, on 27-28 November 2013**



Matrix Seminars is an accredited FIDIC training supplier

**To register or for further information:**

**Telephone +44 (0) 203 390 0421**

**Fax: +44 (0) 203 390 0423**

**Email: [info@matrix-seminars.com](mailto:info@matrix-seminars.com)**

**[www.matrix-seminars.com](http://www.matrix-seminars.com)**

**Local partner: [www.zandpartners.com](http://www.zandpartners.com)**

**About the course**

This 2-day intensive course will provide a thorough, up-to-date understanding of two of the main FIDIC contract forms in current use: the Construction (Red Book) and Plant & Design-Build (Yellow Book) forms of contract. The provisions of these two contract forms will be considered in detail and compared and contrasted and there will be ample opportunity for discussion.

The course is fully accredited by FIDIC and each delegate will receive a certificate of participation.

**Topics covered**

The course begins by introducing FIDIC and the FIDIC suite of contracts, including latest developments. We put the Construction and Plant & Design-build forms in context, identifying the distinctive aims and structure of each Book. We follow with a detailed consideration of the main clauses of the two Books, covering such key issues as the role of the Engineer, the contract price, measurement and evaluation and testing.

Other topics to be covered include practical points about drafting particular conditions and the need to co-ordinate them with the general conditions; progress and programme - importance and requirements; delays and extensions of time; delay damages – penalties and liquidated damages; performance securities; plant, materials and workmanship; taking over; defects liability; variations, adjustments and payment; termination and suspension; allocation of specific risks; force majeure - meaning and effect of force majeure events; contractor's and employer's claims, including the sub- clause 20.1 time bar.

We also consider how the contracts provide for resolving disputes: the DAB process, amicable settlement and arbitration, including the different arbitration institutions and how arbitration awards might be enforced. Throughout the two days there will be ample opportunity to discuss and debate the material covered, aided by case studies, and active participation will be encouraged.

### **About the speakers**

The seminar will be led by practising lawyer William Godwin and practising consulting engineer Zoltán Záhonyi.

William is a London-based barrister specialising in construction, engineering, energy and infrastructure projects. He has over twenty years' experience of international construction including FIDIC and is a member of a number of international arbitration panels. He regularly speaks at the FIDIC international users' conferences and has successfully conducted numerous training courses on the FIDIC forms. An accredited FIDIC instructor, William also writes and speaks widely on construction and other law topics and in February 2013 Wiley-Blackwell published his latest work, *International Construction Contracts: a Handbook*, which includes a commentary on the FIDIC contractor-design forms

Zoltán is a Hungary-based consulting engineer with extensive experience in using FIDIC contracts from each stakeholder's point of view. He is a member of the FIDIC Contracts Committee and a regular speaker at the FIDIC international users' conferences. Zoltán is taking an active part in a number of FIDIC Task Groups drafting new FIDIC conditions of contract; he also delivers FIDIC courses globally, as an accredited international FIDIC trainer. Zoltán has been the translator for nearly all of FIDIC's major books into the Hungarian language

### **Who should attend?**

This course is aimed at providing systematic and practical guidance to anyone engaged in international and domestic projects. It will appeal to representatives of contractors, employers, developers, project sponsors and funders, insurers, plant and equipment manufacturers, engineers, project managers, lawyers and any others engaged in projects with a cross-border element.

### **What will be provided?**

All those attending and completing the course will be provided with a certificate verifying their participation in this FIDIC accredited event. The course fee also includes a copy of both the Red and Yellow Book general conditions, course materials and all refreshments and lunch for both days.

### **Where will the course be held?**

The course will be held at the NOVOTEL Budapest Danube  
1027 Budapest I Bem rakpart 33-34. |

(+36 1 458 4964 | (+36 30 518 6293 | )+36 1 458 4910 | \* [h6151-sb@accor.com](mailto:h6151-sb@accor.com)

## COURSE PROGRAMME

Day One		Day Two	
0.900	Registration	9.00 - 11.00	<ul style="list-style-type: none"> <li>Clauses 6, 7 and 8: Staff and labour; Plant, materials and Workmanship;</li> <li>Commencement, delays and suspension; the contract programme; extensions of time in the Red and Yellow Books</li> <li>Delay damages – right to levy - liquidated damages and penalties.</li> <li>Clauses 9-11: Tests on completion; Employer's Taking over; defects liability</li> <li>Clause 12 Red Book: measurement and evaluation; Yellow Book : testing after completion</li> </ul>
09.30	Course starts		
09.30 – 11.00	<b>Overview of FIDIC and the FIDIC construction contracts</b> <ul style="list-style-type: none"> <li>Outline of FIDIC and the FIDIC contracts.</li> <li>The main current construction forms: Red, Yellow, Silver and Gold Books; the MDB harmonised edition</li> </ul>		
11.00 – 11.30	Refreshments	11.00 – 11.30	Refreshments
11.30 – 13.00	<ul style="list-style-type: none"> <li>Latest developments</li> </ul> <b>The FIDIC Red and Yellow Books</b> <ul style="list-style-type: none"> <li>Their development, uses and the roles of Employer, Contractor and Engineer in the two Books</li> <li>Contractor-design and allocating risk in the Yellow Book; the lump sum fixed price basis of payment</li> </ul>	11.30 – 13.00	<ul style="list-style-type: none"> <li>Clauses 13 and 14: Variations, Adjustments and Payment.</li> <li>Clause 15: termination by Employer; Contractor default; notices to correct ; termination for convenience.</li> <li>Clause16: Suspension and Termination by the Contractor.</li> <li>Clauses 17-19: Allocation of specific risks; insurance obligations; Force Majeure - meaning and effect of force majeure events.</li> </ul>
13.00 – 14.00	LUNCH	13.00 – 14.00	LUNCH
14.00 – 15.20	<p>Structure of the Red and Yellow Books</p> <ul style="list-style-type: none"> <li>Clauses 1-3: the General Provisions ; law and language of the contract; the priority of documents; importance of the Particular Conditions; coordinating the General with the Particular Conditions</li> <li>Roles of Employer, Contractor and Engineer; principal documents; Employer's Requirements in the Yellow Book and responsibility for errors; Employer's claims.</li> </ul>	15.20 – 15.40	<ul style="list-style-type: none"> <li>Clause 20: Contractor's claims; the Sub-Clause 20.1 time bar; importance of contemporary records; notices of claim; identifying claim events and circumstances.</li> </ul> <b>Dispute resolution in the FIDIC contracts through DAB and Arbitration</b> <ul style="list-style-type: none"> <li>the DAB process: what is a DAB and how does it work?</li> <li>What happens if the dispute is not finally resolved after a DAB ?</li> <li>Amicable settlement</li> <li>Arbitration: what is arbitration and how is an arbitration conducted?</li> <li>How can the successful party enforce an arbitration award?</li> </ul>
15.20 – 15.40	Refreshments		
15.40 – 17.00	<ul style="list-style-type: none"> <li>Clause 4: the contractor's obligations in both Books; his design obligations in the Yellow Book (clause 5). Unforeseeable physical conditions; Contractor's Documents (clause 5 Yellow Book); performance security; progress.</li> <li>Close of Day One</li> </ul>		
15.40 – 17.00		15.40 - 17.30	<ul style="list-style-type: none"> <li>Arbitration: what is arbitration and how is an arbitration conducted?</li> <li>How can the successful party enforce an arbitration award?</li> <li>Practical points about managing a dispute and reducing the risk of lengthy and expensive proceedings.</li> <li>concluding discussion;</li> <li>Presentation of certificates</li> </ul>

## Booking Form

### The FIDIC Construction and Design-Build Contracts: Practical Use of the Red and Yellow Budapest, 27-28 November 2013

Delegate details

First Delegate	Second Delegate
Title (Mr , Mrs, Ms Dr or other) and first name -----	Title (Mr , Mrs, Ms Dr or other)and first name -----
Surname/Family name -----	Surname/Family name -----
Company/Organisation -----	Company/Organisation -----
Job Title -----	Job Title -----
Any Special dietary requirements? -----	Any Special dietary requirements? -----
Email address -----	Email address -----

For third and subsequent delegates please provide the above details on a separate sheet.

### Contact Details

Please give details of the person in your organisation who will act as our point of contact with your organization for this event. (Please note: Joining instructions and invoice will be sent to this contact unless otherwise specified)

Title (Mr, Mrs, Ms, Dr or other) and first name

Company

Surname

Address

Job Title

Telephone

Email

### Cost per delegate:

- GBP 800 for the first delegate from an organisation
- If more than one delegate from your organisation, GBP 700 for the second and any subsequent delegate

Number of delegates:

Total GBP \_\_\_\_\_

Payment method (see below): \_\_\_\_\_ Invoice my organisation ref: \_\_\_\_\_

### How to register

You can register –

- By email to [info@matrix-seminars.com](mailto:info@matrix-seminars.com) providing the above booking information or the Booking Form
- By faxing the completed Booking Form to: +44 (0) 203 390 0423
- By visiting [www.matrix-seminars.com](http://www.matrix-seminars.com) and following the instructions for on-line booking
- By phone on: +44 (0) 203 390 0421

### Course Fee

The course fee is GBP 800 per delegate. If your organisation registers more than one delegate then the fee is reduced to GBP 700 for the second and subsequent delegates.

Fees are payable in full in advance and include the two days' training, course materials, certificate of completion of the course, a copy of the FIDIC general conditions discussed as well as all refreshments/lunch on each day.

We will provide receipts for each registered and paid place on the course.

Delegates are responsible for arranging their own travel, any necessary visas and hotel accommodation and these are not included in the fee. Please contact the hotel directly:

NOVOTEL Budapest Danube

1027 Budapest I Bem rakpart 33-34. |

(+36 1 458 4964 | (+36 30 518 6293 | )+36 1 458 4910 | \* [h6151-sb@accor.com](mailto:h6151-sb@accor.com)

### **Payment methods**

Payment is due in full in advance and may be made by any of the following methods:

- Bank transfer in GB pounds to the account shown below
- By cheque, payable to Matrix Seminars Ltd in GB pounds drawn on a UK bank.

#### **HSBC Bank**

**Sort code: 40 06 29**

**A/c number: 91846140**

**IBAN: GB28MIDL 400629 9184614**

**Swift Code: MIDLGB22**

**Branch Identifier Code: MIDLGB2107P**

**Beneficiary Name: Matrix Seminars Ltd**

### **Cancellations and alterations**

Cancellations by delegates must be made in writing at least 21 days in advance of the course and in that event a refund less 10% for administration costs will be made. It is regretted that after this date no refunds of fees will be made. Substitutions of delegates may be made at any time.

Matrix Seminars reserves the right to cancel the course because it is undersubscribed or for any other reason and in that event a full refund of fees paid will be made automatically. Such refund will be the full extent of Matrix Seminars' liability and it will not be responsible for any travel, accommodation or other costs or losses that might be incurred as a result of the cancellation.

Matrix Seminars reserves the right to change the speakers, timing or venue of the course.

### **Course organisers**

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