



International Federation of
Consulting Engineers

In Partnership with



Ghana Consulting
Engineers Association

PRESENT

Accredited FIDIC Contract Courses on:

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

May 31st & June 1st 2021

“The Management of Contract Claims and the Resolution of Disputes Under the 1999 FIDIC Contracts” (Module 2)

2nd & 3rd June 2021

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

4th & 5th June 2021

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

For Further information, please 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 “The FIDIC Conditions of Contract for EPC/Turnkey Projects”*

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.

EPC Module 5: 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 (Module 1 & 2):

Dipl.-Ing. Robert Werth Member of FIDIC, VBI, IKB-NRW, DRBF, MCI Arb, DGA-Bau, DIS e.V., GMAA and the ICC He is listed on the German list of Adjudicators; FIDIC President’s List of Adjudicators, he is FIDIC Accredited International Trainer and affiliated Member of FIDIC. He founded ‘Werth-Consult’ in 2008 and provides consulting services for international contracts, specially related to claims, disputes and dispute avoidance and staff training. Acting in Adjudication as a sole Adjudicator on a Dispute Board and as Arbitrator. Acting as a party adviser for preparation or implementation of dispute adjudication/arbitration procedures.

SEMINAR TUTOR (Module 5/EPC):

Bogdan Oprea (BSc CEng DEA) is accredited FIDIC trainer and experienced in the use of FIDIC Contracts who gained International experience in various civil engineering fields in a number of countries (Europe, Far East, Middle East and Africa). He is a member of Dispute Resolution Board Foundation of the Romanian Association of Consulting Engineers. He served recently as Mediator, Negotiator and Adjudicator under FIDIC conditions of Contract on several International contracts. Bogdan is a facilitator in the fields of Civil Engineering, Buildings and Infrastructures.

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:

Delegate fee for Module 1 & 2 is €750.00 per module while delegate fee for EPC/Turnkey (Module 5) is €900.00

Delegate fee includes coffee break and lunch, refreshments and all course materials.

PROGRAMME OUTLINE FOR MODULE 1

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

Day One: 8:30 – 5:00

- 8:30** **Registration of Participants**
- 9:30** **Session 1: Introduction & Principles**
- Background / History
 - Examination of Contracts
 - Basic Principles
 - Risk Analyses
 - Selection of Appropriate Contracts
- 10:30** **Coffee Break**
- 11:00** **Session 2: Clauses 1 & 2**
- General provisions
 - Responsibilities of the Employer
 - Funding by Employer
 - Claims by Employer
- 1:00** **Lunch Break**
- 2:00** **Session 3: Clauses 3 & 4**
- Responsibilities of the Engineer
 - Delegations by Engineer
 - Engineers Determinations
 - Responsibilities of the Contractor
- 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
- 5:00** **End of Day 1**

Day Two: 8:30 – 5:00

- 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
- 10:30** **Coffee Break**
- 11:00** **Session: 6: Clauses 12(RB), 13, & 14**
- Measurement
 - Evaluation
 - Variations
 - Payment
- 1:00** **Lunch Break**
- 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**
- 3:50** **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 2**

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

PROGRAMME OUTLINE FOR MODULE 2

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

	<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: Disputes and Establishment of Dispute Adjudication Board (DAB)</u>
9:00	<u>Session 1: Contractual Risks</u> <ul style="list-style-type: none">• Risk Management• Causes of Claims• FIDIC Claims Entitlements	<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: Claims and Contractual Procedures</u> <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: The Working of the DAB and Procedural Rules (PR)</u> <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: Engineer as DAB, Amicable Settlement & Arbitration</u> <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

PROGRAMME OUTLINE FOR MODULE 5

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

Day One: (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

Day Two: (08:30 - 5:00)

EPC Contract - Management of Projects - Key Areas Workmanship & 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.

NOTE:

- All general COVID-19 protocols will be observed during the training.