



Nestor Bildungsinstitut GmbH



ΣΥΛΛΟΓΟΣ ΠΟΛΙΤΙΚΩΝ ΜΗΧΑΝΙΚΩΝ ΚΥΠΡΟΥ  
CYPRUS ASSOCIATION OF CIVIL ENGINEERS



Federation of  
International  
Consulting  
Engineers

# FIDIC for PRACTITIONERS

## TRAINING COURSES

presents

**Two-Day Course on:**

**“Management of Claims and Disputes resolution under the  
FIDIC 1999 Conditions of Contract”**

**01<sup>st</sup> February & 02<sup>nd</sup> February 2017**

**Venue:**

**Educational & Cultural Centre of the Technical Chamber of Cyprus  
8 Thiseos street, 1513 Nicosia**

**Principal Tutors:**

**Dr. Götz-Sebastian Hök**, Lawyer, Experienced Arbitrator (Member of the  
German Institution of Arbitration), FIDIC approved Adjudicator, fully FIDIC  
accredited trainer

**Dipl.-Ing. Robert Werth**, FIDIC approved Adjudicator, FIDIC accredited trainer

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Visit web sites [www.fidic.org/seminars](http://www.fidic.org/seminars)

[www.fidic-for-practitioners.com](http://www.fidic-for-practitioners.com)

## OVERVIEW

### Management of Claims and Disputes [FIDIC Module 2]

This course on **claims and disputes** has been designed to be highly practical and includes active participation in discussion sessions. The special two-day training offers a comprehensive and in depth up-to-date review of how to effectively and successfully present and defend claims under the FIDIC suite Contracts, 1999 edition. This claims' class is suitable for all the Parties and other stakeholders involved with a FIDIC Contract, 1999 edition – the Employer, the Project Manager, the Contractor, the Engineer, and the DAB Members.

## CLAIMS & DISPUTES

### FIDIC 1999

By having a good understanding of the FIDIC contract and claim management approach and the resulting responsibilities and rights of the Parties under a 1999 FIDIC Contracts, efficient claim may be achieved. The tutors of the course are a very experienced German engineer and a renowned German lawyer, who both have had extensive involvement with management of projects and related dispute resolution. Dr. Hök has conducted trainings in various parts of Africa, Asia, and Europe. He worked for ADB, MCC and JICA and KfW.

## FEEDBACK

### Contract Claims and Disputes

Feedback from the delegates from previous classes in Copenhagen was excellent and Nestor is looking forward to presenting the claims' course in Cyprus in collaboration with CAYCE.

## FORECAST

### Dispute Adjudication

We are working with our tutors to develop a further detailed two-day course which will look at the more practical side of **dispute resolution**, including an in depth training on the use of DABs and arbitral tribunals. Anyway, this two-day course will be of benefit to all who are involved in claims under FIDIC forms of Contract, 1999 edition. This course goes through the claims' procedures and claims including the change clause. It covers CPM issues, delay analysis, causation issues and quantum problems. Contractor's views and Engineer's views will be discussed. Finally the course will show how a DAB works and explain typical situations in dispute preparation and resolution.

under 1999 FIDIC Conditions of Contract (Construction/Design-Build), Claims & Disputes

## COURSE TUTORS

### Accredited Trainers

The course is provided by Nestor Bildungsinstitut GmbH, a Germany based training company, in collaboration with FIDIC and CYACE and as FIDIC licensed training company. Nestor has cooperation agreements with the German and the Croatian Association of Consulting Engineers. Nestor specializes in training in the consultancy to international construction and infrastructure industries. Nestor tutors have provided over 150 training courses worldwide in the last years on the use of FIDIC documents. Most of them are continuously involved in the drafting of FIDIC forms of Contract and defending claims and/or as a dispute resolver. Thus, the seminar tutors are highly qualified in their experience of FIDIC Claims and Contracts.

## COURSE MATERIALS

### Module 2

All delegates will be provided the following materials, in English:

- FIDIC Conditions of Contract for Construction [Red Book, 1999 edition]
- FIDIC Conditions for Plant and Design Build [Yellow Book, 1999 Edition]
- Course notes, especially written for using "Construction Contracts"
- Set of Powerpoint slides used during the seminar - to be used as a work book

## WHO SHOULD ATTEND

### this Claims Class

The course provides the essential knowledge for professionals from Government Ministries, Departments and Agencies, Private Sector Employers, Consulting Engineers, Contractors, Sub- Contractors, Quantity Surveyors, Architects, Legal Advisers and all who are involved in the management of change under FIDIC Contracts, 1999 edition.

# EXPERIENCE and LICENCE

## **FIDIC trainings 1999 FIDIC Conditions of Contract (Construction/Design-Build), Claims & Disputes**

### **Particular Experience**

FIDIC Nestor trainings are based on the particular experience of its trainers being involved in projects throughout the world. Their deep experience in all type of projects based on FIDIC Books (Red Book, Yellow Book, Silver Book, Gold Book, Subcontract) enables the trainers to focus on the real problems. The trainers have acted and act as Engineers, counsels for both employers and contractors, as well as conciliators, mediators, adjudicators and arbitrators.

### **Tested Course materials**

Nestor trainers have published various articles and books dealing with practical issues under FIDIC contracts. The training materials have been tested and used with great success in Africa, Asia and Europe. The trainers have been involved in the updating of the FIDIC books and also in the translation of FIDIC books in French and German. In 2010 Axel Jaeger and Sebastian Hök have published the book headed FIDIC for Practitioners.

### **Adjudicator's assessment**

The Nestor team has also established a FIDIC course system in Germany, which leads to an adjudicator's assessment for the German adjudicator's list held by the German Association of Consulting Engineers VBI with the kind permission of FIDIC. Over the past five years the Nestor team has successfully trained all German speaking adjudicators having been listed on the German list. This training and assessment concept has been adopted by JICA and used for the initial adjudicator assessment in Japan, Philippines, Indonesia, Sri Lanka and Vietnam. It was also successfully tested in France and Tanzania.

### **FIDIC License**

Nestor trainers are FIDIC accredited. Nestor courses and seminars are authorized by FIDIC. Participants will have the benefit of direct access to FIDIC knowledge and FIDIC accredited and licensed trainers. All attendees will be provided with a Certificate of Attendance.

Please complete the attached registration form.

## REGISTRATION FORM

**Two day training course entitled:**  
**"Contract, Claims and Dispute"**

☐ 01<sup>st</sup> & 02<sup>nd</sup> February, 2017,

Educational & Cultural Centre of the Technical  
Chamber of Cyprus, 8 Thiseos street, 1513 Nicosia

**Please complete in BLOCK/ CAPITALS ONLY**  
**Participant & Company details:**

First  
Name.....

Family  
Name.....

Job  
Title.....

Organization  
Name.....

Organization  
Address.....

Telephone:.....EXT.....

Organisation Email: .....

Participant (s) Email:.....

☐ I confirm payment of € 1,200\* per delegate\*\*

**\*plus VAT if any**

**\*\*Special prices for CYACE members on demand**

EU resident: yes: ☐ no: ☐  
if yes: VAT ID number .....

Our services are subject to Value-added-Tax-regulations  
in Germany and the EU. According to legal requirements  
the following regulations apply:

a) Entrepreneurs/ Companies headquartered within the EU  
(VAT-ID is strictly required!)\*<sup>1</sup>) will get an 'reverse-charge'  
invoice.

b) Entrepreneurs/ Companies headquartered outside the  
EU<sup>1</sup>) will get an invoice without VAT

c) Entrepreneurs/ Companies headquartered in Germany  
will be invoiced plus 19 % VAT

d) All other participants will be charged the local VAT (VAT  
of the venue).

<sup>1</sup>) If the entrepreneurial capacity is not proven in case of b), no  
VAT-ID is stated or the VAT ID is not valid in case of a) , the local  
VAT of the venue (see d)) has to be invoiced and paid additionally!

With your signature you accept these regulations as  
mandatory.

**Payments by:**

Certified Cheque or Bank Transfer payable to:

Nestor Bildungsinstitut GmbH  
Alt Blankenburg 1aD - 13129 Berlin  
Berliner Volksbank eG  
Account No. 8301874015  
BIC (Swift Address): BEVODEBB  
IBAN: DE61 1009 0000 8301 8740 15

Wire Transfers/ Deposits attract bank  
charges which are for your account.

**Note:** You will be invoiced for these charges  
should they be charged to Nestor's account.

### Terms and Conditions

#### PAYMENT RECEIPTS:

All registered delegates will receive an  
acknowledgement of registration, together with  
confirmation of payment 5 days before the course.

#### CANCELLATIONS:

Cancellations by delegates must be made in  
writing and received two weeks before the  
seminar. It is regretted that no refunds will be  
made or invoices cancelled after this date and the  
full registration fee will be payable. Substitutions  
may be made at any time.

**NOTE:** Should registration be conducted outside of  
cancellation period, registrant will be subject to  
established cancellation policy.

#### CANCELLATION BY THE ORGANIZERS:

We reserve the right to cancel the event if it is under  
subscribed or for any other reason. In the event of  
cancellation we will endeavor to give delegates two  
weeks' notice and the fee will be refunded in full.  
The organizers will not bear any costs due to the  
cancellation under this clause.

#### **AUTHORIZATION**

***I have read and accept the above Terms and  
Conditions***

Name: .....

Job Title:.....

Signature:.....

- ✓ Please note that the registration process is  
only **complete** when acknowledgement of  
receipt of registration form and proof of  
payment is received from the Nestor via fax,  
email at least five days before the course.
- ✓ Questions or queries should be directed to  
Ms. Jacobi at Tel: ++49 30/ 3000-7600
- ✓ Fax: ++49 30 3000 760 33 or  
Email: info@fidic-for-practitioners.com
- ✓ **All Registration forms to be submitted on or  
before: 25.01.2017.**

<p><b><u>Day 1: 09.00 – 17.00</u></b></p> <p><b><u>Session 1:</u></b></p> <ul style="list-style-type: none"> <li>• Manage Change</li> <li>• Think legally</li> </ul> <p><b>11.00 Coffee Break</b></p> <p><b><u>Session 2:</u></b></p> <ul style="list-style-type: none"> <li>• Role of the Engineer as a determination maker and certifier</li> </ul> <p><b>13.00 Lunch Break</b></p> <p><b><u>Session 3:</u></b></p> <ul style="list-style-type: none"> <li>• Managing change</li> <li>• Variations <ul style="list-style-type: none"> <li>◦ Instructions,</li> <li>◦ Value Engineering</li> <li>◦ Evaluation</li> </ul> </li> </ul> <p><b>15.00 Tea Break</b></p> <p><b><u>Session 4:</u></b></p> <ul style="list-style-type: none"> <li>• Contractor's and Employer's Claims <ul style="list-style-type: none"> <li>◦ Overview</li> <li>◦ Introduction</li> </ul> </li> </ul> <p><b><u>Session 5:</u></b></p> <ul style="list-style-type: none"> <li>• Claims Procedures</li> <li>• Notices</li> <li>• Record keeping</li> <li>• Particulars</li> </ul> <p><b><u>Session 6:</u></b></p> <ul style="list-style-type: none"> <li>• Engineer's Determinations <ul style="list-style-type: none"> <li>◦ Procedure</li> <li>◦ Duty</li> <li>◦ Breach of duty</li> </ul> </li> </ul> <p><b>17.00 <u>End of Day 1</u></b></p>	<p><b><u>Day 2: 09.00 – 17.00</u></b></p> <p><b><u>Session 7:</u></b></p> <ul style="list-style-type: none"> <li>• Cost an EOT Claims</li> <li>• Particulars Quantum (mitigation an acceleration, claims for additional payment)</li> </ul> <p><b>10.45 Coffee Break</b></p> <p><b><u>Session: 8:</u></b></p> <ul style="list-style-type: none"> <li>• Cost an EOT Claims</li> <li>• Preparation an Presentation of Claims</li> <li>• Processing Contractor's &amp; Employer's Claims</li> </ul> <p><b>13.00 Lunch Break</b></p> <p><b><u>Session 9:</u></b></p> <ul style="list-style-type: none"> <li>• DAB <ul style="list-style-type: none"> <li>◦ Appointment of DAB</li> <li>◦ Use of DABs</li> </ul> </li> </ul> <p><b>15.30 Tea Break</b></p> <p><b><u>Session 10:</u></b></p> <ul style="list-style-type: none"> <li>• DAB's Procedure</li> <li>• Principles</li> </ul> <p><b><u>Session 11:</u></b></p> <ul style="list-style-type: none"> <li>• DAB's Procedure in detail</li> <li>• Dispute-Appointment-Referral</li> </ul> <p><b><u>Session 12:</u></b></p> <ul style="list-style-type: none"> <li>• Arbitration</li> <li>• ICC Rules</li> <li>• 1958 New York Convention</li> </ul> <p><b><u>Session 13:</u></b></p> <ul style="list-style-type: none"> <li>• Case Studies &amp; Exercises</li> </ul> <p><b>17.00 <u>End of Day 2</u></b></p>
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**Throughout the seminar there will be opportunities for questions**  
(Seminar Fees include: Lunch, refreshment and course material)