



**INDUNA**  
TRAINING & CONSULTING SERVICES



## University of Technology, Jamaica

Caribbean Procurement Training and Consultancy Centre (CPTCC)  
*in collaboration with*  
**INDUNA Training and Consulting Services and**  
**the International Federation of Consulting Engineers (FIDIC)**

*present*

FIDIC Module 4: The Management and Administration of FIDIC Contracts (2017 Editions)  
FIDIC Module 2: The Management of Claims and Resolution of Disputes under FIDIC Contracts (2017)

Dates: October 22-23, 2019 / October 24-25, 2019 | Time: 8 AM - 5 PM

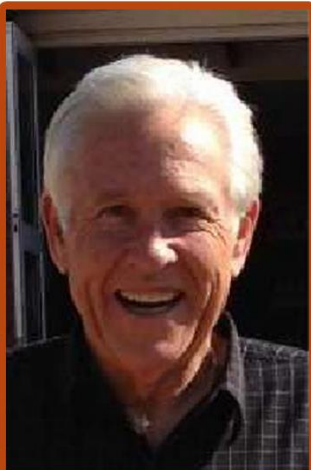
US \$ 1,500  
Per workshop

VENUE:

Technology Innovation Center (TIC)  
Papine Campus

**-REGISTRATION DEADLINE-**

Tuesday, September 24, 2019



**Mr. Kevin Spence** | Course Facilitator  
Co-founder, INDUNA Training & Consulting Services



**Understand how to utilize FIDIC Contracts to the maximum benefits  
for your employer and client.**

**For further information contact:**

Ms. Trudy-Ann Walters

| Email: | [cobamconsultancy@utech.edu.jm](mailto:cobamconsultancy@utech.edu.jm)

| Tel: (876) 970-5688

*Excellence Through Knowledge*

# **FIDIC Module 4: The Management and Administration of FIDIC Contracts (2017 Editions) October 22-23, 2019**

## **WHO SHOULD ATTEND?**

The course will benefit all built environment practitioners (engineers, lawyers, quantity surveyors, project managers, etc.) Funding agents, such as development banks, will also benefit enormously from the workshop.

## **COURSE OVERVIEW**

This two day course is based on the FIDIC Approved Module 4 workshop.

After many years of interaction with industry, the consulting profession and affected stakeholders, FIDIC formally announced the release of the new 2017 versions of the Red, Yellow and Silver Book contracts. Significant changes have been made to the 2017 additions adding to the already complex construction contract documents. The course will give a high-level overview of the changes after-which the course will go through the new Clauses in detail.

The FIDIC Conditions of Contract are being increasingly used by the International Construction Industry throughout the World. The multi-lateral Development Bank has adopted the FIDIC Conditions of Contract for Construction with modification.

The purpose of the course is to ensure that FIDIC contracts are managed and administered correctly by understanding the full contract cycle from contract award, conditions of contract, start-up, the pre-commencement meetings, performance security, daily diaries, the programme, financial control, on-going supervision, taking-over the works, suspension and termination and dispute resolution.

This practical training course explains and illustrates the use of the FIDIC Conditions of Contract for Construction and the FIDIC Conditions of Contract for Construction and the FIDIC Conditions of Contract for Plant and Design-Build. The course is designed to help participants have confidence in working with the FIDIC Red and Yellow Contract Documents whether representing Employers, Consultants or Contractors.

## COURSE OUTLINE

### DAY ONE

<b>Session ONE</b> <b>Welcome, Introduction and Overview</b> <ul style="list-style-type: none"><li>• Introduction and overview</li><li>• Rules</li><li>• Reasonableness</li><li>• Selecting the Appropriate Contract</li></ul>	<b>Session TWO</b> <b>Contract Documents &amp; Awards</b> <ul style="list-style-type: none"><li>• Contract Award Procedures</li><li>• Contract Documents</li><li>• Role and Authority of Engineers</li><li>• Performance Security</li></ul>
<b>Session TWO (Continued)</b> <b>Contract Documents &amp; Award</b> <ul style="list-style-type: none"><li>• Clause 3: The Engineer</li><li>• Clause 4: The Contractor</li></ul>	<b>Session THREE</b> <b>Contract Start Up</b> <ul style="list-style-type: none"><li>• Pre Commencement Date</li><li>• Appointments</li><li>• Programme</li></ul>
<b>Session THREE (Continued)</b> <b>Contract Start Up</b> <ul style="list-style-type: none"><li>• Insurances</li><li>• Drawings</li><li>• Start Up Meeting</li></ul>	<b>Session FOUR</b> <b>Post Commencement Date Administration</b> <ul style="list-style-type: none"><li>• Access &amp; possession of Site</li><li>• Site Security</li><li>• Contractor's Mobilisation</li><li>• Nominated Sub Contractor</li><li>• Records</li><li>• Progress Reports</li></ul>
<b>Session FOUR (Continued)</b> <b>Post Commencement Date Administration</b> <ul style="list-style-type: none"><li>• Local laws</li><li>• Design &amp; ER Scrutiny</li><li>• Contractor's documents</li><li>• Plant, Materials &amp; Workmanship</li></ul>	

### DAY TWO

<b>Session FIVE</b> <b>Financial Procedures</b> <ul style="list-style-type: none"><li>• Measurements</li><li>• Variation Orders</li><li>• Value Engineering</li><li>• Interim Payment Certificate</li><li>• Final Payment Certificate</li></ul>	<b>Session SIX</b> <b>Claims, Suspension and Termination</b> <ul style="list-style-type: none"><li>• Contractor's Claims</li><li>• Engineer's Responses</li><li>• Employer's Claims</li><li>• Determinations</li><li>• Suspension by Engineer/Contractor</li><li>• Instruction by Employer/Contractor</li></ul>
<b>Session SEVEN</b> <b>Disputes, Amicable Settlement and Arbitration</b> <ul style="list-style-type: none"><li>• Procedure of DAAB</li><li>• Amicable Settlement Procedures</li><li>• Arbitration Procedures</li></ul>	<b>Session EIGHT</b> <b>Taking over the Works and Defects</b> <ul style="list-style-type: none"><li>• Taking over certificate</li><li>• Defects in the DNP</li></ul>
<b>Session EIGHT (continued)</b> <b>Taking Over the Works and Defects</b> <ul style="list-style-type: none"><li>• Performance Certificate</li><li>• Contract Completion issues</li></ul>	

## **FIDIC Module 2: The Management of Claims and Resolution of Disputes under FIDIC Contracts (2017) October 24-25, 2019**

### **WHO SHOULD ATTEND?**

The course will benefit all built environment practitioners (engineers, quantity surveyors, lawyers, project managers, etc.) Funding agents, such as Development Banks will also benefit enormously from the workshop.

### **Course overview**

The construction industry has a reputation for disputes and conflict. For example it is estimated that 50% of all legal costs incurred in construction projects are associated with disputes and that 10% of the total project cost was legal cost. The correct preparation and submission of contractual claims is fundamental to a Party's success in being awarded additional time and monies on a project.

Failure to adhere to the very strict procedural laid down in the various contracts will in most cases render the claim invalid. To avoid claims being rejected it is vital that the most procedure are followed. This training module is designed to provide practical advice to those working with the FIDIC Conditions of Contract in the management of claims, understanding, defending and achieving the resolution to claims, and the workings of the Dispute Avoidance and Adjudication Board and Arbitration.

It highlights important issues such as double notice provisions, times for submission and deals extensively with extensions of Time and Quantum calculation. The workshop examines the role of the Engineer in making determinations, Employers Claims and the issue of instructions after the Contract Completion Date has passed. Variation and their effect on the programme form an integral part of this workshop.

## Course outline

### DAY ONE

<b>Session 1</b> <b>Introduction and overview</b> <ul style="list-style-type: none"><li>• Introduction and Overview</li><li>• Advantages of FIDIC Contracts</li><li>• Rules</li><li>• Reasonableness</li></ul>	<b>Session 2</b> <b>Contract Risks</b> <ul style="list-style-type: none"><li>• Risk Management</li><li>• Causes of Claims</li><li>• FIDIC Claims Entitlements</li></ul>
<b>Session 3</b> <b>Claims and Contractual Procedures (Amended Causes in FIDIC 2017)</b> <ul style="list-style-type: none"><li>• The Importance of Giving Notice</li><li>• Sub-Clause 3.7 Agreement or Determination</li><li>• Clause 20 Employer's and Contractor's Claims</li></ul>	<b>Session 4</b> <b>Time Related Claims by the Contractor</b> <ul style="list-style-type: none"><li>• Extension of Time</li><li>• Reasons and Justification of Time Claims</li></ul>
<b>Session 5</b> <b>Additional Payment by the Contractor</b> <ul style="list-style-type: none"><li>• Substantiation</li><li>• Evaluation by the Engineer</li></ul>	

### DAY TWO

<b>Session 6</b> Disputes and Establishment of Dispute Avoidance and Adjudication Board (DAAB) <ul style="list-style-type: none"><li>• Types of Dispute Boards</li><li>• Terms of Agreement</li><li>• Payment Conditions</li></ul>	<b>Session 7</b> The Working of the DAAB and Procedural Rules <ul style="list-style-type: none"><li>• Procedural Rules</li><li>• DAAB Process</li><li>• Opinions and Dispute Avoidance</li><li>• Position Papers/hearing</li><li>• DAAB Decision</li><li>• Dissatisfaction with DAAB Decision</li></ul>
<b>Session 8</b> <ul style="list-style-type: none"><li>• DAAB work Exercises</li><li>• Practical Exercises</li></ul>	<b>Session 9</b> <b>Amicable Settlement and Arbitration</b> <ul style="list-style-type: none"><li>• Amicable Settlement</li><li>• Arbitration</li><li>• What about Mediation?</li><li>• DAB as a Dispute Avoidance Board</li></ul>

## **Course Facilitator**

**Kevin Spence**

### **Introduction**

Kevin is a registered Professional Civil Engineer, Mediator, Adjudicator and Arbitrator with over 45 years' experience in the Construction Industry. His experience spans across Earthworks, Freeway Construction, Airport Runway Rehabilitation, Civil and Building Construction, Dams, Water Retaining Structures, Power Projects, Pipeline Construction, Concrete Structures, Asphalt and Concrete Road Surfacing.

With a passion for the law and extensive construction experience, Kevin completed the Fellowship of Arbitrators Qualification and the Specialisation in Construction Law [Post Graduate Course offered by the Association of Arbitrators] and currently specialises in large scale Construction Claims and Dispute Resolution.

Kevin is considered an expert on the FIDIC suite of contract documentation as well as the other three forms of contract prescribed by the South African Construction Industry Development Board (CIDB), namely GCC, NEC and JBCC. 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.

In the past 5 years, Kevin has conducted training in the FIDIC Suite of Contracts to over 600 delegates in Southern Africa.

Kevin is an admitted member of the FIDIC President's List of Adjudicators

Over the last 15 years, Kevin has been involved as Mediator, Adjudicator, Arbitrator and expert witness on approximately 60 dispute matters.

Presently appointed on Dispute Adjudication Boards (DAB) in numerous matters in and out of South Africa.

Direct Line: (876) 970 5688

Contact Nigel Cooper/Trudy-Ann Walters

Mobile: (876) 825 6598 (WhatsApp/Call)

# Registration Form

Email: [cobamconsultancy@utech.edu.jm](mailto:cobamconsultancy@utech.edu.jm)

FIDIC Module 4 and Module 2  
October 22-23, 2019 and October 24-25, 2019

## Please Select the Module/Modules that you would like to Attend

<input type="checkbox"/> Module 4 (October 22-23, 2019)	USD 1,500
<input type="checkbox"/> Module 2 (October 24-25, 2019)	USD 1,500
<input type="checkbox"/> Both Module 2 and Module 4	USD 2,900

Fee inclusive of course documentation, luncheons, and refreshments

### DELEGATES' DETAILS

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Email: \_\_\_\_\_

### \*Company Details

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: ( ) \_\_\_\_\_ Email \_\_\_\_\_

### Declaration:

I, \_\_\_\_\_ (name/Surname)  
have read and accept the TERMS and CONDITIONS as  
stipulated in this REGISTRATION form.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### \*Authorisation

Signatory must be authorised to sign on behalf of contracting  
organisation.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

*This registration form is invalid without signature &  
company stamp*

### INDEMNITY

Should for any reason outside the control of INDUNA Training Services and the Caribbean Procurement Training Centre and Consultancy (CPTCC) at the University of Technology, Jamaica the venue or trainers change or the event be cancelled due to Extreme Weather Conditions or Industrial Action, INDUNA Training Services and the CPTCC will endeavor to reschedule but the client hereby indemnifies INDUNA Training Services and the CPTCC from any and all costs, damages and expenses.

### TERMS AND CONDITIONS

#### ❖ REGISTRATION

- Participants may register by e-mail with payment by DIRECT DEPOSIT.
- Please complete and send this form to: [cobamconsultancy@utech.edu.jm](mailto:cobamconsultancy@utech.edu.jm)  
Closing date for the REGISTRATION and PAYMENT is 4 weeks before the course begins and is subject to space

#### ❖ PAYMENT DETAILS

##### For Local Payments:

University of Technology, Jamaica

Acc. No.: 371277358

Name of Bank: National Commercial Bank

Address: Matilda's Corner Branch

15 Northside Plaza

133 Old Hope Road

Kingston 6, Jamaica W.I.

##### For Regional or International Payments:

Bank Name: Bank of New York Mellon, New York

ABA Routing#: 021000018, SWIFT Code:

IRVTUS3N, Account Name: National

Commercial Bank Jamaica limited

A/C #:8033407727,

SWIFT Code: JNCBJMKX,

For Further Credit to:

University of Technology, Jamaica

Account #: 376089223

#### ❖ CANCELLATION & TRANSFER

- Refunds before 4 weeks 100 percent refund less any banking fees, 4 to 2 weeks 50 percent refund less any banking fees, 2 weeks or less no refund Substitutions may be made at anytime
- We reserve the right to cancel the event if it is under subscribed or for any other reason.
- In the event of cancelation, we will endeavor to give delegates 2 weeks' notice and payments received will be refunded in full less bank charges.

