



King's College London and FIDIC

Centre of Construction Law and Dispute Resolution

Intense FIDIC Training Programme

Summer 2023



KING'S COLLEGE LONDON FIDIC SUMMER SCHOOL 2023

FEES, PROGRAMME AND CONTRIBUTORS

In June 2023 the King's College London Centre of Construction Law will run, in cooperation with FIDIC, an intensive one-week course covering the FIDIC standard form contracts in practice. The FIDIC contract forms lie at the heart of many international projects, and this course will build on common law and civil principles in examining how FIDIC provisions and processes operate in various legal systems.

The course will be provided by leading practitioners and is designed to equip talented commercial managers, engineers and lawyers with advanced legal, commercial and practical knowledge in relation to FIDIC contracts and the legal background within which they operate. The FIDIC 1999 suite and the new FIDIC 2017 Red, Yellow and Silver books will be analysed in detail, with references to older FIDIC contracts such as the 1987 Red Book and 1995 Orange Book when focusing on experience drawn from particular projects.

The 2023 course intake is limited to 28 students and the course fees for 2023 are £1,800.

The course provides 30 hours under the SRA CPD scheme & BSB CPD (ref: 1546). Fees are inclusive of educational versions of the main FIDIC contract forms plus a drinks reception, dinner and other refreshments.

Places will be allocated at the discretion of King's College London, with a maximum of two students from any one organisation, and *applications should be made to Olivia Nicolaou at: ccldr@kcl.ac.uk* using the form annexed.

The course dates are Wednesday 28th June to Sunday 2nd July 2023 following registration and welcome drinks at 5pm on Tuesday 27th June 2023. Teaching is from 9 am to 6 pm each day, concluding at 4.30pm on Sunday 2nd July.

The course venue is the Moot Court & Ante Room in the iconic Somerset House East Wing.

Course topics include:

- Procurement strategies, tendering and contract formation.
- Party obligations: Employer, Engineer and Contractor.
- Design responsibility, risk and insurance.
- Early contractor involvement and BIM.
- Prices, valuation, payment, variations and claims.
- Change management and quality management.
- Notices and claims procedures.
- Time, delays, extensions of time, damages and taking over.
- Delay analysis, proving delay and technique selection.
- Quantifying the costs of change, prolongation, disruption, profit and overheads.
- Suspension, termination, *force majeure* and exceptional events.
- Dispute resolution, dispute boards, amicable settlement and ICC arbitration.
- Workshops including delay analysis, practical issues of quantum and dispute board fundamentals.

The course leaders are Visiting Professor Nicholas Gould and the Centre Director Professor Renato Nazzini. *The lecturers may include:*

Sir Robert Akenhead

Murray Armes

Nicolas Bouchardie

Edward Corbett

Jane Davies Evans

Siobhan Fahey

Jason Fry

Jeremy Glover

Mark Hackett

Richard Harding KC

Mrs Justice Jefford DBE, (High Court Judge, TCC)

Professor David Mosey

Aisha Nadar

Sir Vivian Ramsey

Lindy Patterson KC

John Uff CBE KC

The structure of the teaching programme is as follows (subject to modification):

Day 1 – Wednesday 28 June 2023: Contract formation, civil and common law and procurement.

Time	Subject
9.00 – 9:30	<p>Welcome and Introduction to FIDIC & King’s College London.</p> <p><i>Introduction to the Course and Tutors and the Delegates., Visiting Professor Nicholas Gould</i></p> <p><i>Chief Executive Officer, FIDIC: Dr Nelson Ogunshakin OBE</i></p> <p><i>Director of the Centre of Construction Law and Dispute Resolution: Professor Renato Nazzini</i></p>
9.30 – 10:50	<p>Procurement and the FIDIC suite of contracts:</p> <ul style="list-style-type: none"> • Procurement pathways and contract selection. • FIDIC and its structure, role and Task Groups. • The FIDIC suite of contracts. • Risk allocation. • Form selection. • FIDIC contract structure: Red, Yellow and Silver (1999 & 2017). • Sequence of principal events under FIDIC.
10:50 – 11:10	Coffee break.
11:10 – 13:00	<p>FIDIC structure, funding and ancillary agreements:</p> <ul style="list-style-type: none"> • General Provisions and Contract Data. • Particular Conditions and Golden Principles. • Letters of intent and the FIDIC Letter of Acceptance. • Funding arrangements. • Bonds and guarantees. • Direct agreements and warranties.
13:00 – 14:00	Lunch.
14:00 – 15:50	<p>FIDIC legal framework in common and civil law comparisons:</p> <ul style="list-style-type: none"> • Contract formation under common and civil law. • Contract interpretation and implied terms. • Use of Contract Data and Particular Conditions.

	<p>The impact of Particular Conditions in different jurisdictions and local versions of FIDIC by reference to:</p> <ul style="list-style-type: none"> • English Law; • French law; and • Middle East law (UAE, Kingdom of Saudi Arabia).
15:50 – 16:10	Coffee break.
16:10 – 18:00	<p>FIDIC, collaborative working, and frameworks alliances:</p> <ul style="list-style-type: none"> • Collaborative features of the 2017 FIDIC White Book and Red Book. • Early contractor involvement and joint risk management. • Collaborative working with BIM under the FIDIC Red Book 2017. • Integrating FIDIC contracts under an FAC-1 framework alliance. • FIDIC and supply chain collaboration.

Day 2 – Thursday 29 June 2023: Parties, Obligations and Fundamental Terms

Time	Subject
9.00 – 10:50	<p>The FIDIC parties and their obligations:</p> <ul style="list-style-type: none"> • The Employer's obligations. • The Contractor's obligations. • The role of the Engineer and Engineer's Representative. • Subcontractors, nominated subcontractors and the other supply chain members.
10:50 – 11:10	Coffee break.
11:10 – 13:00	<p>Key risk allocation:</p> <ul style="list-style-type: none"> • Unforeseeable ground conditions. • Setting out. • Design, design liability, and design life. • Errors in the FIDIC Specification, Drawings and Schedules.
13:00 – 14:00	Lunch.
14:00 – 15:50	<p>Risk and scope of FIDIC liability under various legal systems:</p> <ul style="list-style-type: none"> • Limitations, defects liability and decennial liability. • Risk, responsibility and insurance. • Limitation and exclusion clauses.

	<ul style="list-style-type: none"> • Bribery and corruption.
15:50 – 16:10	Coffee break.
16:10 – 18:00	<p>Managing your project:</p> <ul style="list-style-type: none"> • Project planning, FIDIC programmes and progress reports. • Creating and exchanging data through BIM and other systems. • Early warning and management meetings. • Quality management and compliance systems. • Change management: the proactive approach to dealing with change. <p>Workshop 1 – Who manages the project and using what tools?</p>
19:00	Dinner.

Day 3 – Friday 30 June 2023: Suspension, Termination, Time Management and Delay Analysis

Time	Subject
9.00 – 10:50	<p>Suspension, termination and exceptional events:</p> <ul style="list-style-type: none"> • Suspension and termination by Employer and Contractor. • Force majeure and exceptional events. • Resulting delay and financial consequence. <p>Workshop 2 – who terminated?</p>
10:50 – 11:10	Coffee break.
11:10 – 13:00	<p>Time; FIDIC terms and legal issues:</p> <ul style="list-style-type: none"> • Commencement and possession. • Delays and extensions of time. • Suspension and acceleration. • Completion, tests on completion, taking over and tests after completion. • Sectional completion and partial possession. • Delay damages and penalties (common law and civil law).
13:00 – 14:00	Lunch.
14:00 – 15:50	Extension of time claims:

	<ul style="list-style-type: none"> • Proving delay, forensic delay analysis techniques, protocols and practice. • Critical Path Method. • Excusable and compensable delay. • Concurrency, pacing, float, contingencies, and mitigation. • Introduction to SCL Protocol and the AACE Forensic Schedule Analysis. • Productivity and disruption claims.
15:50 – 16:10	Coffee break.
16:10 – 18:00	Workshop 3 - forensic delay analysis.

Day 4 – Saturday 1 July 2023: Price, Variations, Valuations, Payment and Claims

Time	Subject
9.00 – 10:50	<p>Contract price and payment:</p> <ul style="list-style-type: none"> • Contract price and its adjustment. • Claims under or in connection with the contract. • Valuation, payment, applications for payment, interim certificates. • The final statement and financial management. • Variations (scope of works and design development).
10:50 – 11:10	Coffee break.
11:10 – 13:00	<p>Claims for damages:</p> <ul style="list-style-type: none"> • Breach and proving loss (common law and civil law comparison). • Evidence, progress reports and the meaning of contemporary records. • Valuing change, variations. • The impact of notices. • Extensions of time. • Payment of claims.
13:00 – 14:00	Lunch.
14:00 – 15:50	<p>Money claims:</p> <ul style="list-style-type: none"> • Cost and value reconciliation. • Valuing change. • Global claims. • Prolongation.

	<ul style="list-style-type: none"> • Disruption and productivity. • Head office overheads and profit. <p>Workshop 3 – cost to value reconciliation.</p>
15:50 – 16:10	Coffee break.
16:10 – 18:00	<p>Claims for money:</p> <ul style="list-style-type: none"> • Typical heads of claim, logic, calculation and substantiation. • Claims review. <p>Typical issues and problems encountered and their resolution.</p> <p>Workshop 5 – Review and analysis of a financial claim led by a QS expert.</p>

Day 5 – Sunday 2 July 2023: Claims Procedure and Dispute Resolution

Time	Subject
9.00 – 10:50	<p>Claims procedures:</p> <ul style="list-style-type: none"> • Claims and dispute resolution overview. • Dispute avoidance. • Notices, time bars and conditions precedent. • Engineer's determinations.
10:50 – 11:10	Coffee break.
11:10 – 12:00	<p>The DAB/DAAB in practice:</p> <ul style="list-style-type: none"> • DB Member's agreement. • Avoidance role and dealing with disputes. • Timetable, process and procedure in practice. • Meetings. • Drafting the Decision. <p>Enforcement of DAB/DAAB decision.</p> <p>Workshop 6 – DAB/ DAAB fundamentals, establishing the DAB/DAAB and its role in practice</p>
12:00 – 13:00	Lunch.

13:00 – 14:50	<p>Dispute resolution overview under FIDIC:</p> <ul style="list-style-type: none"> • Arbitration and amicable settlement. • ICC rules, overview of practice and procedure. • Selecting the tribunal. • IBA Guidelines on Conflicts of Interest in International Arbitration and the IBA Guidelines on the Taking of Evidence in International Arbitration. • The role of experts.
14:50 – 15:10	Coffee break.
15:10 – 16:30	<p>Enforcement of awards:</p> <ul style="list-style-type: none"> • NYC 1958, use of ICSID. • Interim relief, and the distinction between orders and awards. • The emergency arbitrator and dispute boards. • Summary and expedited processes, and the relationship with DAB/DAAB decisions.
16:30	Course ends.