



in association with

MATRIX Seminars

A 3-day FIDIC accredited training course

Understanding and using the FIDIC Design-Build Contracts (Yellow and Silver Books) and Preparing and Defending Claims in FIDIC contracts

Istanbul, Turkey, Tuesday 6th, Wednesday 7th and Thursday 8th October 2015



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

www.matrix-seminars.com

Understanding and using the FIDIC Design-Build Contracts (Yellow and Silver Books) and Preparing and Defending Claims in FIDIC contracts

About the course

This 3-day intensive training course will combine providing a thorough, up-to-date understanding of the main FIDIC design-build construction forms of contract with a practical workshop on preparing and defending claims in FIDIC contracts.

For the first two days we will be examining the provisions of the Plant and Design-Build (Yellow Book) and EPC/Turnkey (Silver Book) contracts in detail. We will consider which form to use as the basis for a design-build project. What are the risks involved for the contractor and the employer? How can I better manage these risks and use and operate the contract more effectively and with better results than before? Assisted by case studies, there will be ample opportunity for discussion.

The third and final day of our course will comprise a practical workshop on preparing and defending FIDIC claims. For this we will be joined by highly experienced UK and European engineer and claims specialist Ewen Maclean.

The course is 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 design-build forms in context, looking at the basic differences in risk allocation between the EPC/turnkey model of the Silver Book and the more traditional Yellow Book.

We follow with a detailed consideration of the individual clauses of the two Books, comparing and contrasting them with respect to such key issues as contractor responsibility for design, fitness for purpose, errors in Employer's Requirements, and unforeseeable physical conditions.

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; tests on and after completion; taking over; defects liability; the contract price; variations, adjustments and payment; termination and suspension; allocation of specific risks; force majeure.

For the claims workshop our legal expert and course director Dr William Godwin is joined by UK/European engineer and claims specialist Ewen Maclean to lead detailed case studies and group discussion on preparing and defending claims in FIDIC contracts. This will include the DAB process, amicable settlement and making and defending claims in arbitration (including such questions as choice of forum, evidence, use of experts).

Who should attend?

This course is aimed at providing systematic and practical guidance to anyone engaged in international 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.

About the speakers

The course leader will be William Godwin supported by Ewen Maclean.



William is a London-based specialist construction and engineering practising lawyer (barrister) and FIDIC expert with over twenty years' experience. He has successfully conducted numerous training courses on the FIDIC forms and is accredited by FIDIC as an instructor.

A regular speaker at the FIDIC international users' conferences and the annual Cambridge Construction Law Summer School, William writes and speaks widely on construction. In February 2013 Wiley-Blackwell published his latest work, *International Construction Contracts: a Handbook*, which includes a commentary on the FIDIC contractor-design forms.

William holds a doctorate from Oxford University and is an arbitration panel member of the China International Economic and Trade Arbitration Commission, the Shanghai International Arbitration Center and the Dubai International Arbitration Centre. He is an approved adjudicator of the English Technology and Construction Bar Association.



Ewen is a UK chartered engineer and EurEng with over twenty years' experience. An MEng honours graduate of Birmingham University, Ewen is a prominent expert in the fields of delay and disruption analysis and associated prolongation costs and has worked for both international consultants and contractors. His extensive experience covers major building, civil engineering, oil and gas, mechanical and electrical and highway projects and he has considerable project management and data analysis expertise.

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
- training copies of both the Yellow and the Silver Books general conditions
- a course booklet containing the PowerPoint presentation used
- refreshments and lunch for all three days

Where will the course be held?

The course will be held in the five star hotel, **DoubleTree by Hilton Istanbul-Moda** Caferaga Mah. Albay Faik Sozdener Cad. No:31 34710, Kadikoy +90,216,542 43 44 <http://www.doubletreemoda.com/iletisim.html>

Course Fee

The course fee is 1150 Euros per delegate. If your organisation registers more than one delegate then the fee is reduced to 1050 Euros for the second and subsequent delegates.

Early Bird discount: book your place before 1 July 2015 and receive a 15% discount!

Fees are payable in full in advance and include the three days' training, course materials, certificate of completion of the course, a copy of the FIDIC contracts discussed as well as all refreshments and lunch on the three days.

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. Sleeping rooms can be reserved by contacting the hotel directly.

PROGRAMME

DAY ONE	DAY TWO	DAY THREE
08.30 – 09.00 Registration		Claims Workshop: Making and Defending claims in FIDIC Contracts
9.1 – 10.30 Overview of FIDIC and the FIDIC construction contracts <ul style="list-style-type: none"> Outline of FIDIC and the FIDIC contracts. The main current construction forms: Red, Yellow, Silver and Gold Books; the MDB harmonised edition Latest developments 	09.00 – 10.30 <ul style="list-style-type: none"> Clauses 4 and 5: the Contractor's obligations; design, execution, fitness for purpose in the Yellow and Silver Books. Unforeseeable difficulties/physical conditions; errors in Employer's Requirements; Contractor's Documents; performance security; progress. 	09.00 – 10.30 <ul style="list-style-type: none"> Giving notice and making a claim: notices and the procedure for Contractor's claims - clause 20.1; failing to notify and the time bar (what does it mean?); Employer's claims - clause 2.5. Contractor delay claims: claims notices and claiming and disputing claims for extensions of time;
10.30 – 11.00 Refreshments	10.30 – 11.00 Refreshments	10.30 – 11.00 Refreshments
11.00 – 12.30 The FIDIC Yellow and Silver Books : principles and detail <ul style="list-style-type: none"> FIDIC's Yellow Book: its development, use and the roles of Employer, Contractor and Engineer Background to EPC / Turnkey Projects: why the Silver Book? What is an EPC or turnkey project? When is an EPC/turnkey type of project delivery used? 	11.00 – 12.30 <ul style="list-style-type: none"> Clauses 6, 7 and 8: Staff and labour; Plant, materials and Workmanship; Commencement, delays and suspension; the contract programme; extensions of time in the Yellow and Silver Books Delay damages – right to levy - liquidated damages and penalties. Clauses 9-12: Tests on and after completion; 	11.00 – 12.30 <ul style="list-style-type: none"> Delay analysis; data and records; problem areas in time –related claims Contractor's money claims: claims for additional payment under the contract/claims for compensation for breach of contract; variations Prolongation and disruption claims; global claims; quantifying and analysing claims for payment
12.30 – 13.30 Lunch	12.30 – 13.30 Lunch	12.30 – 13.30 Lunch
13.30 – 15.00 <ul style="list-style-type: none"> Advantages and pitfalls of the EPC/turnkey model from contractor/employer's perspectives Structure of the Yellow and Silver Books 	13.30 – 15.00 <ul style="list-style-type: none"> Employer's Taking over; defects liability; tests after completion. Clauses 13 and 14: Variations, Adjustments and Payment. Clause 15: termination by Employer; Contractor default; termination for convenience. 	13.30 – 15.00 <ul style="list-style-type: none"> Employer's financial claims: delay damages; defects in work and design; securities. Dispute resolution in the FIDIC contracts through DAB and Arbitration. Avoiding disputes. The DAB process – standing/ad hoc – which to choose? Steps in the DAB procedure; uses of the DAB.
15.00 - 15.30 Refreshments	15.00 - 15.30 Refreshments	15.00 - 15.30 Refreshments
15.30 - 17.00 <ul style="list-style-type: none"> Clauses 1-3: the General Provisions; law and language of the contract; importance of the Particular Conditions; coordinating the General with the Particular Conditions Roles of Employer, Contractor and their Representatives in the Silver Book compared with Employer, Contractor and Engineer in the Yellow; Employer's Requirements; Employer's claims. 	15.30 - 17.00 <ul style="list-style-type: none"> Clause 16: Suspension and Termination by the Contractor. Clauses 17-19: Allocation of specific risks; insurance obligations; Force Majeure - meaning and effect of force majeure events. 18.00 <div style="border: 1px solid black; padding: 5px; text-align: center;"> Drinks Reception: opportunity to meet informally </div>	15.30 – 17.00 <ul style="list-style-type: none"> The DAB process – standing/ad hoc – which to choose? Steps in the DAB procedure; uses of the DAB. Amicable settlement and arbitration: what is arbitration? Starting, conducting and defending claims in an arbitration; evidence and experts; arbitration rules and institutions and how arbitration awards might be enforced. presentation of certificates

How to register

You can register:

- by email to info@matrix-seminars.com providing the delegate information or the Booking Form below
- by faxing the completed Booking Form to +44 (0) 203 390 0423
- by visiting www.matrix-seminars.com and following the instructions for on-line booking
- by phone on +44 (0) 203 390 0421

Payment Methods

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

Bank transfer to the account shown below

On-line, at www.matrix-seminars.com (see link under Events)

HSBC Bank

Sort Code: 40 06 29

A/c Number: 91846140

IBAN: GB28MIDL400629 91846140

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 if necessary.

Booking Form

Understanding and using the FIDIC Design-Build Contracts (Yellow and Silver Books) and Preparing and Defending Claims in FIDIC contracts

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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 organisation for this event. (Please note: Invoice will be sent to this contact unless otherwise specified)

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

Company

Surname/Family name

Address

Job Title

Telephone

Email

Cost per delegate: 1150 Euros

If more than one delegate from your organisation, 1050 Euros for the second and any subsequent delegate. **For all fully paid bookings made before 1 July 2015 the cost is 980 Euros**

Number of delegates: _____ Total: _____

Payment method (see below): _____ Invoice my organisation ref: _____

Course Organisers

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