

## FC: FIDIC Conditions of Contract & Claims Management Seminar Outline

### ► **Overview:**

This practical seminar, provided by professional engineers with extensive international experience, explains and illustrates the use of the FIDIC Conditions of Contract for Construction (the "Construction Contract") and the FIDIC Conditions of Contract for Plant and Design-Build (the "Design-Build Contract").

Within all FIDIC contracts there will be claims. This training course is designed to provide practical assistance to those working with the FIDIC Contract Conditions (1992 and all later editions) in the management of claims and achieving resolution to claims.



It is applicable to all the Parties involved within a FIDIC Contract - the Employer, the Contractor, the Engineer, and the DAB Members. By having a professional understanding of the responsibilities and rights of the Parties under a FIDIC contract and the procedures to manage claims, the resolution of claims will be achieved more successfully.

It is provided by experienced engineers, who have extensive involvement with FIDIC claims, disputes, adjudications, and arbitration procedures.

### ► **Possible Attendance:**

The seminar 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 next generation of International Projects. It is particularly important to those involved in preparing or managing infrastructure projects financed under ISPA, as all contracts that are funded by the EU, will be under the FIDIC Conditions of Contract.

### ► **Structure:**

18 hours to be carried out over 3 days including presentation, workshop, valuable supporting documents, soft & hard templates for conditions of contract for building & engineering works, conditions of contract for EPC/Turnkey projects, guidance for the preparation of particular conditions and others from 1992 till all later editions.

### ► **Contents:**

- **Introduction to FIDIC Documents (Construction Contract/Plan 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, Responsibilities of Main Parties**
  - General issues
  - Responsibilities of the Employer
  - The Engineer
  - The Contractor
  - Nominated Sub-Contractor
  
- **Management of Projects - Key Areas, Workmanship and Time**
  - Staff and Labor
  - Plant, Materials and Workmanship
  - Commencement, Delays and
  
- **Suspension**
  - Tests and Defects liability
  
- **Financial Clauses and Procedures**
  - Measurement and Evaluation,
  - Variation and Adjustment
  - Contract Price and Payment
    - Guarantees, Bonds
    - Insurances
  
- **Risks, Force Majeure & Termination**
  - Termination by Employer
  - Suspension & Termination by Contractor
  - Risks and Responsibilities
  - Force Majeure
  
- **The Management of Claims**
  - Claims: Causes and Risks
    - Inherent project risks
    - Allocation of risks under FIDIC contracts
    - Analysis of Contractual risks
  - Claims Procedures
    - Clauses required notice by the Contractor
    - Employer's Claims
    - Delegation by the Engineer
    - Engineer's determination
  - Contractor's Claims
    - Notification of Claims
    - Contemporary records
    - Preparation of Claims
    - Engineer's assessment and Principles of Claim
    - Engineers Valuation
    - Engineer's determination

- Case Study on Claims Procedures
  - Actions by the Contractor
  - Actions by the Employer
  - Actions by the Engineer
- **The Resolution of Disputes**
  - Principles Governing the DAB (Dispute Adjudication Board).
    - Referral to the DAB
    - Presentation of evidence to the DAB
    - The DAB's decision
  - Working of the DAB
    - The FIDIC alternative procedure
    - Arguments for and against the alternative procedure
  - Post DAB/Engineer's Decision
    - Implementation and Enforcement
    - Amicable Settlement
    - Arbitration
  - Case Study of Dispute Resolution by DAB
    - Presentation by Contractor
    - Employer's response
    - DAB adjudication and decision

Throughout the seminar there will be opportunities for questions, and where appropriate, case studies will be introduced. Also comparison between FIDIC conditions and AIA forms may be discussed where appropriate.