



Fédération Internationale  
des Ingénieurs – Conseils

In partnership with



PRESENT

# **International Contracts Training Course**

**AT HOTEL SILKEN BERLAYMONT**

**Brussels, Belgium**

**6<sup>th</sup> – 7<sup>th</sup> March 2006**

## ***“The Practical Management of Contract Claims and the Resolution of Disputes”***

**under the 1999 FIDIC Contracts**

**and**

**Multi-lateral Development Banks’ Harmonised  
Construction Contract**

**Presented by:**

**David Heslett, Brian W Totterdill & Gwyn Owen**

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**dheslett@cce-ecv.com**

**Visit web sites**

**[www.fidic.org/seminars](http://www.fidic.org/seminars)**

**[www.CCE-ECV.com](http://www.CCE-ECV.com)**

# **“The Practical Management of Contract Claims and the Resolution of Disputes”**

## **under the 1999 FIDIC Contract Conditions (Construction / Design-Build) and MDBs’ Harmonised Construction Contract**

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### **OVERVIEW**

With all FIDIC contracts there will be claims. This training course is designed to provide practical assistance to those working with the New FIDIC Contract Conditions (1999 Editions) in the management of claims and achieving resolution to claims and in particular the workings of the Dispute Adjudication Board.

It is applicable to all the Parties involved within a New 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 New FIDIC contract and the procedures to manage claims, the resolution of claims will be achieved more successfully. The tutors of the course are very experienced British engineers, who have extensive involvement with FIDIC claims, disputes, adjudications, and arbitration procedures throughout the world.

The World Bank and the IFI’s also require a Dispute Board on the same basis as the FIDIC Contract and detailed in Harmonised Construction Contract.

### **SEMINAR TUTORS:**

The tutors are provided by European Construction Ventures, ECV, in collaboration with FIDIC. ECV specialises in training and management consultancy to the international construction and infrastructure industries. The ECV tutors have provided over 150 training courses worldwide in the last 3 years on the practical use of FIDIC documents.

**David Heslett BSc (Hons) C.Eng, FICE**  
*Managing Director, ECV*

**Brian W Totterdill BSc (Hons) C.Eng, FICE, FIStruct E, FCI Arb.**  
*Senior Consultant, ECV*

**Gwyn Owen – MSc, BSc, CEng FICE, FconSE, FCI Arb.**  
*Senior ECV Consultant and FIDIC Adjudicator (President’s List)*

All tutors have passed the FIDIC DAB Adjudicators examinations

### **COURSE MATERIALS**

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

- FIDIC Conditions of Contract for Construction 1999 edition
- FIDIC Conditions of Contract for Plant and Design – Build 1999 edition
- Course notes, especially written for using “Construction Contract”
- Schedule of overheads used during the seminar – to be used as “Work Book”
- Notes on changes incorporated within MDBs’ Harmonised Construction Contract

### **WHO SHOULD ATTEND?**

The seminar provides the necessary knowledge for professionals from Government Ministries and Agencies, Private Sector Employers, Consulting Engineers, Contractors, Quantity Surveyors, Legal Advisers and all involved with the next generation of International Projects. It is particularly important where FIDIC and DAB procedures shall be implemented and adjudication is available to resolve disputes.

# Programme

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## Day 1: 09.30 – 1700

### The Management of Claims

#### Claims: Causes and Risks

- Inherent project risks
- Allocation of risks under FIDIC contracts Contract
- Analysis of Contractual risks

#### Claims Procedures

- Clauses requiring notice by the Contractor
- Clause 2.5 Employer's Claims
- Clause 3.2 Delegation by the Engineer
- Clause 3.5 Engineer's determination

#### Clause 20.1 Contractor's Claims

- Notification of Claims
- Contemporary records
- Preparation of Claims
- Engineer's assessment and Principles of Claim
- Engineers Valuation
- Engineer's determination Clause - 3.5

### The Resolution of Disputes

#### Principles Governing the Dispute

##### Adjudication Board (DAB)

- Types of DAB
- Qualifications and selection of members
- Cost and Payments to the DAB

## Day 2: 09.00 – 17.00

### The Resolution of Disputes (cont)

#### Principles Governing the DAB

- The Working of the DAB
- Referral to the DAB
- Presentation of evidence to the DAB
- The DAB's decision

#### Alternative Procedure for an Engineer's Decision

- 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

#### MDBs' Harmonised Construction Contract

- Dispute Board DB
- Differences between DAB and DB

*Throughout the seminar there will be opportunities for questions, and where appropriate, case studies will be introduced.*

#### Attendance Fees

##### Delegate Fee Euro 950

(includes lunch and refreshments and course materials)

**For 2 or more delegates from same organisation Delegate Fee Euro 850  
10% discount for registration before 1st February 2006.**

#### Seminar Venue

**HOTEL SILKEN BERLAYMONT (formerly Hotel Dorint)  
Boulevard Charlemagne 11 – 19  
B - 1000 Brussels, Belgium**

**Tel: +32 22 31 0909 Fax: +32 22 30 3371**

Registration: Please complete the enclosed registration form.



**Registration Form**  
**“The Practical Management**  
**of Contract Claims**  
**and the Resolution of Disputes”**  
Under the 1999 FIDIC Contracts  
and MDBs’ Harmonised Construction Contract  
In Brussels on the 6<sup>th</sup> & 7<sup>th</sup> March 2006.



Please complete in BLOCK CAPITALS

**Delegate details**

First name: .....  
Family name : .....  
Organisation name: .....  
Organisation address: .....  
.....  
Post Code .....  
Country .....  
Telephone: .....  
Facsimile: .....  
E-Mail: .....

**I confirm payment of € 950**  
**For 2 or more delegates from same organisation I**  
**confirm payment of € 850**

**10% discount for registration before**  
**1st February 2006.**

**Payment by:**

☐ **Cheque/Bank Transfer - Payable to:**  
**European Construction Ventures Ltd**  
Nat West Bank  
High Street Bedford MK40 1NE  
Account No: 550 / 01 / 08458197  
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Swift Code: NWBKGB2L  
IBAN: GB61 NWBK 6072 1108 4581 97  
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☐ **Or Credit Cards**

**Please tick as appropriate**

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Expiry date

No

**Terms and Conditions**

**1. Registrations:** Participants may register online  
–[www.fidic.org/seminars](http://www.fidic.org/seminars) with payment by credit card

**Or by Fax or Mail to ECV offices with payments by**  
**cheque, bank transfer or credit card see details below**

**2. Payment receipts:** All registered delegates will  
receive an acknowledgement of registration,  
together with confirmation of payment.

**3. 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.

**4. Cancellation by the organisers:** 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 endeavour to give delegates two weeks notice  
and the fee will be refunded in full. We cannot be  
held liable for any pre booked travel or  
accommodation costs.

**5. Hotel Accommodation:** Participants will be  
responsible for organising their own hotel  
accommodation and payment thereof.  
**Limited accommodation is available at a special**  
**Seminar rate at the Hotel Silken Berlaymont**  
**(formerly Hotel Dorint) – book direct:**  
**Bed & Breakfast – single room:**  
**Weekends & Weekdays – Euros 155 per night**

Cardholder's Name: .....

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**Please complete and send this form to:**  
**ECV, Birch House, 2 Vicars Close, Biddenham,**  
**Bedfordshire, MK40 4BG, United Kingdom.**

**Fax: + 44 1234 340 180**  
**Email: [Dheslett@CCE-ECV.com](mailto:Dheslett@CCE-ECV.com)**

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

Name .....

Position .....

Signature .....