



INDUNA
TRAINING SERVICES

ONLINE WEBINAR

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

5-6

May 2021

VIRTUAL

An outstanding
INTERACTIVE
two-day
WORKSHOP
on FIDIC Claims
8:30am - 16:30pm



Validation Number
CESA – 1490 – 08/2021

BEE Level 4 Contributor
Central Supplier Database: **MAAA0321383**



**CENTRAL SUPPLIER
DATABASE**
FOR GOVERNMENT

INTERACTIVE WORKSHOP facilitated by **Kevin Spence**

Pr Eng, BSc Eng (Civil)(Wits), MSAICE, FAARb, FIQ
Reg. Professional Engineer, Mediator,
Adjudicator & Arbitrator
Accredited FIDIC Trainer

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

One of the most significant changes in the 2017 Conditions of Contract is in the management of the Employer and Contractors Claims.

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 parties' success in being awarded additional time and monies on a project.

Failure to adhere to the very strict procedures laid down in the various contracts will in most cases render the claim invalid. To avoid claims being rejected it is vital that the correct procedures 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.

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. Variations and their effect on the programme form an integral part of this workshop.

Kevin is a registered Professional Engineer, Mediator, Adjudicator and Arbitrator with over 40 years' experience in the Construction Industry. His experience spans across Freeway Construction, Airport Runway Rehabilitation, Dams and Water Retaining Structures, Pipelines, Civil and Building Construction, Concrete Structures, Asphalt and Concrete Road Surfacing and most recently Claims Preparation and Defence.

Throughout Kevin's professional career he has managed various business units of one of the largest construction companies in South Africa, owned a Road Surfacing Company which was later sold to a listed company before moving into dispute resolution and claims consulting.

Kevin completed the Fellowship of Arbitrators Qualification and currently specialises in large scale Construction Claims and Dispute Resolution. Over the last 10 years Kevin has been involved as Mediator, Adjudicator, Arbitrator and expert witness on numerous matters. He is presently appointed on Dispute Boards (DB's) in South, Central and West Africa. Kevin is an admitted member of the FIDIC President's List of Adjudicators.

He is considered an expert on the FIDIC suite of contract documentation. He is the only FIDIC Accredited Trainer in South Africa.

REVIEWS

Kevin shows passion for his work especially on DABs, would be great to have Mr Spence as a mentor. ~ *MD Contracts Consultant*
Kevin was a true professional, an expert in the industry. ~ *Raubex*
Kevin Spence has been such an excellent facilitator and gives constructive trainings. ~ *World Food Programme*

REGISTER

www.indunatraining.co.za OR info@indunatraining.co.za



ONLINE WEBINAR

COURSE OUTLINE

DAY 1

SESSION 1

Introduction and Overview

- Introduction to FIDIC Contracts
- FIDIC Golden Principles
- Underlying philosophies to the changes
- Choosing the appropriate contract

SESSION 2

Contract Risks

- Risk Management
- Risk Allocation
- Types of contracts

SESSION 3

Contract Risks (Continued)

- Lump-sum contract
- Re-measurable contract
- Fixed price contract
- Causes of Claims
- FIDIC Claims Entitlements

SESSION 4

Claims and Contractual Procedures (Amended Causes in FIDIC 2017)

- The Importance of Giving Notice
- Sub-Clause 3.7 Agreement or Determination
- Clause 20 Employer's and Contractor's Claims

DAY 2

SESSION 5

Time Related Claims by the Contractor

- Extension of Time
- Reasons and Justification of Time Claims

SESSION 6

Additional Payments to the Contractor

- Substantiation
- Evaluation by the Engineer

SESSION 7

Disputes and Establishment of Dispute Avoidance and Adjudication Board (DAAB)

- Types of Dispute Boards
- Terms of Agreement
- Payment Conditions

SESSION 8

The Working of the DAAB and Procedural Rules

- Procedural Rules
- DAAB Process
- Opinions and Dispute Avoidance
- Position Papers/hearing
- DAAB Decision
- Dissatisfaction with DAAB Decision

SESSION 9

Amicable Settlement and Arbitration

- Amicable Settlement
- Arbitration
- What about Mediation?
- DAAB as a Dispute Avoidance Board

COURSE INCLUDES

- Presentation in soft copy and hard copy
- Training material in soft copy and hard copy
- Access to dispute resolution expert
- Original FIDIC Contract document
- Case studies and work exercises conducted throughout the workshop
- Final assessment on completion of the workshop to test outcomes.

COURSE COST

R6,999.00 (EXCL. VAT) | **R8,048.85** (INCL. 15% VAT)
US\$ 500



COURSE	FIDIC Module 2: The Management of Claims and Resolution of Disputes Under FIDIC Contracts (2017 Editions)
DATE	5 - 6 May 2021
ONLINE	WEBINAR

❖ PERSONAL DETAILS

Title _____

Surname _____

Name _____

Cellular _____

E-mail _____

❖ COMPANY DETAILS

Company Name _____

VAT Number _____

Postal Address _____

Physical Address _____

❖ INVOICED ISSUED TO:

Company Name _____

Participant _____

DECLARATION

I, _____ (Name/Surname)
have read and accept the TERMS & CONDITIONS as stipulated in this
REGISTRATION form.

SIGNATURE

DATE

TERMS & CONDITIONS

❖ REGISTRATION

- Participants may register by e-mail with payments by EFT.
 - Please complete and send this form to: info@indunatraining.co.za
- Closing date for the REGISTRATION and PAYMENT is 2 days before the course begins.

❖ COURSE COST

Registration FEE per participant

- **ZAR 6,999.00 EXCL VAT**
ZAR 8,048.85 INCL VAT
- **US\$ 500**

❖ PAYMENT DETAILS

➤ EFT

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NEDBANK - IRENE
BRANCH CODE: 198765
ACC NO.: 1075 331 765
SWIFT: NEDSZAJJ

❖ CANCELLATION & TRANSFERS

- Cancellations by delegates must be in writing and received 1 week before the course begins.
- It is regretted that no refunds will be made or invoices cancelled after the 1-week period.
- Substitutions may be made at any time
- 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 2 weeks' notice and payments received will be refunded in full.
- INDUNA CONSULTING cannot be held liable for any pre-booked travel or accommodation costs.