

INTERNATIONAL CONTRACTS COURSE

***“The Practical Management of
Contract Claims and Resolution of Disputes
under the 1999 FIDIC Contracts***

and

***Multi Lateral Development Banks’
Harmonised Construction Contract”***

Presented by:

David Heslett & Rory Kirrane

This course is equal to 2 Cpd Days

Venue:

Engineers Ireland, 22 Clyde Road, Ballsbridge, Dublin 4

Date:

8th & 9th May 2006

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 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 the Harmonised Construction Contract.

SEMINAR TUTORS:

David Heslett BSc (Hons) C.Eng, FICE

Managing Director, ECV

David Heslett is a British Chartered Civil Engineer, with over 40 years experience in the international construction industry, in both consulting and contracting sectors

Rory Kirrane Partner

Mason, Hayes & Curran

Rory Kirrane is a solicitor with over 10 years' experience in contentious construction matters both in Ireland and in the UK. As well as conducting FIDIC disputes in Ireland, he has litigated off-shore pipeline, production system and oilrig disputes internationally.

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.

**"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**

Programme

Day 1: 09.00 – 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.

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Venue: Engineers Ireland, 22 Clyde Road, Ballsbridge, Dublin 4
Date: 8th & 9th May 2006
Session Time: 9.00 am to 5.00 pm. Tea/Coffee at 8.30 am
Fee IEI Members: €700.00 Non-Members: €800.00
Fee includes lunch and course material.

Payment: Payment **must accompany registration** and may be made by Cheque, Credit Card or, where appropriate, Purchase Order.

Cancellation: A 50% cancellation fee (to cover administration) will be charged for cancellations received **within seven days prior to the commencement of the course. Cancellations received on the day of the course will incur the full course fee. Substitutions are allowed.**

Priority: As the number of places on this course is limited, **priority will be given to IEI members.**

Course Contact: Andrea Baynes at IEI

Name: _____

Company: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

Engineers Ireland Member Membership No: _____ Non Member

Please indicate method of payment:

I enclose cheque or Purchase Order Number (if applicable) _____ or

Please debit my credit card: Laser Visa American Express MasterCard with the sum of € _____

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How did you find out about this course?

The Website Irish Times The Journal IEI Staff Member Colleague/Friend IEI Ezine