



INDUNA
TRAINING SERVICES

THE MANAGEMENT OF CLAIMS AND RESOLUTIONS OF DISPUTES UNDER FIDIC CONTRACTS

17-18
July 2018

**Safari Court Hotel
Windhoek, NAMIBIA**

An outstanding
INTERACTIVE
two-day
WORKSHOP
on FIDIC Contracts

BEE Level 4 Contributor
Accredited Training Provider – MERSETA
Central Supplier Database: MAAA0321383



INTERACTIVE WORKSHOP
facilitated by **Kevin Spence**

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

FIDIC in Partnership with the EPA



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

This two day programme is based on the FIDIC Approved Module 1 Workshop and introduces the FIDIC Suite of Contracts.

It examines the roles of both the Employer and the Engineer and highlights the essential differences between the various contract documents. The responsibility for design is dealt with and a substantial amount of time is devoted to the issue of extensions of time, variations and certification.

Dispute resolution under the FIDIC Contracts is highlighted and the issues of notices, claims and time bars are discussed in detail. This practical course is supplemented by true life case studies and group discussions ensure that delegates come away with a good understanding of the FIDIC philosophy.

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 approximately 60 dispute matters. He is presently appointed on Dispute Adjudication Boards (DAB) in South Africa and Africa in numerous matters. Kevin is an admitted member of the FIDIC President's List of Adjudicators.

Kevin is considered an expert on the FIDIC suite of contract documentation as well as the other three forms of contract prescribed by the CIDB. He facilitates regularly on all the four types of contract documentation both locally and internationally. 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

Rica Blaauw epa@africaonline.com.na OR Samuel Mwamsamali smwamsamali@fidic.org
Receive Early Bird Discount of N\$1000 on registration and full payment by 17 JUNE 2018



COURSE OUTLINE

DAY ONE

Session 1

Introduction and Overview

- Advantages of FIDIC Contracts
- Rules
- Reasonableness

Session 2

Contractual Risks

- Risk Management
- Causes of Claims
- FIDIC Claims Entitlements

Session 3

Claims and Contractual Procedures

- Sub-Clause 2.5 Employer's Claims
- Sub-Clause 20.1 Contractor's Claims
- Sub-Clause 3.5 Engineer's
- Determinations

Session 4

Time Related Claims by the Contractor

- Extension of Time
- Reasons and Justification of Time
- Claims

Session 5

Additional Payments by the Contractor

- Substantiation
- Evaluation by the Engineer

DAY TWO

Session 6

Disputes and Establishment of the Dispute Adjudication Board (DAB)

- Types of DAB
- Terms of Agreement
- Payment Conditions

Session 7

The Working of the DAB and

- Procedural Rules
- Procedural Rules
- DAB Process
- Position Papers/hearing
- DAB Decision
- Dissatisfaction with DAB Decision

Session 8

DAB Work Exercises

- Practical Exercises

Session 9

Amicable Settlement and Arbitration

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

COURSE INCLUDES

- * A copy of the **FIDIC RED BOOK** (Valued at N\$800)
- * Anticipated **changes** to the **FIDIC Red BOOK**
- * Pre course questionnaire
- * Post workshop FIDIC Accredited Assessments and case studies for the year as well as access to Accredited FIDIC Trainer and dispute resolution expert.

CPD
CREDITS



COURSE COST

N\$8000 FOR NON-MEMBERS | **N\$7500** FOR EPA MEMBERS