



# epa news brief

The Engineering Professions Association of Namibia

October 2011



Engineering Professions Association of Namibia

National Adjudicator's List



You are cordially invited to attend the Seminar: ALTERNATIVE DISPUTE RESOLUTION IN THE CONSTRUCTION INDUSTRY, to be held in Windhoek on 20 October 2011. The Seminar aims to discuss trends in alternative dispute resolution locally, in the region and internationally, outlining the various forms of ADR available; to highlight the latest developments in modern suites of construction contract documents including the removal of the judicial function of the Engineer, the introduction of an independent DAB, the establishment of dispute boards and the benefits of adjudication over arbitration as first step in dispute resolution.

Date: 20 October 2011

Time: 14H30

Venue: Safari Hotel & Conference Centre - Omatako Room 1



## Program

- 14:30 Welcome and introduction – Master of Ceremonies
- 14:35 Trends in ADR in South Africa and the region – Kevin Spence of Binnington, Copeland and Associates
- 14:50 How the ACEN represents FIDIC in Namibia and supports ADR – Peter Forster of ACEN
- 15:05 The activities of PAMAN – Peter F Koep of PAMAN
- 15:15 The EPA National Adjudicator's List – Ako Al-Jaf of the EPA
- 15:30 Tea & coffee
- 15:50 Keynote Address/ Presentation: ADR growing internationally  
Gordon L Jaynes of DRBF
- 17:00 Questions to the panel
- 17:30 Light snack and drinks

Attendance is free,  
courtesy of our  
sponsors

RSVP: E-mail: [epa@africaonline.com.na](mailto:epa@africaonline.com.na) by 14 October 2011

THINKING BEYOND THE OBVIOUS

## Maintenance of Roads and Associated Drainage Systems



DATE: 4 - 5 OCTOBER 2011  
VENUE: AREBBUSCH TRAVEL LODGE  
TIME: 08h00 - 17h00

COSTS OF COURSE: N\$6,500.00 EPA members  
N\$7,000.00 non EPA members

Confirm your attendance by 28 September 2011 to:  
[epa@africaonline.com.na](mailto:epa@africaonline.com.na)



## Engineers called upon to bolster Zuma's infrastructure commission

Public Works Minister Gwen Mahlangu-Nkabinde has called on the engineering fraternity to put forward names of individuals that could participate in the secretariat that will be established to support the newly formed Presidential Infrastructure Coordinating Commission, which was convened for the first time by President Jacob Zuma on September 8.

Speaking at an 'Engineering Summit', hosted by the Engineering Council of South Africa (Ecsa) to improve the manner in which the profession engaged with government and other stakeholders on issues such as skills development and infrastructure delivery, Mahlangu-Nkabinde said that engineers were required to ensure that the commission made a meaningful contribution.

"If it is us [politicians] alone . . . it could be a case of politicians coming together and sharing their ignorance," she quipped, adding that she also wanted at least six professional engineers advising her directly on her own contribution within the commission.

The body, which was unveiled following the midyear Cabinet lekgotla, would be supported by a management committee, chaired by Rural Development and Land Reform Minister Gugule Nkwinti, as well as the secretariat. It aims to accelerate the deployment of social and economic infrastructure, which is seen as key to bolstering the prospects for growth and job creation.

to read full article: [www.engineeringnews.co.za](http://www.engineeringnews.co.za)



# *The Engineering Professions Association of Namibia offers the following:*

## **CONSTRUCTION ADJUDICATION COURSE:**



### Introduction

Adjudication is bringing dramatic changes to dispute resolution both internationally and in South Africa, and is rapidly becoming the preferred method for resolving construction disputes. In recent years, the use of adjudication has gained momentum, with developments including:

The JBCC, South Africa's domestic building contract introduced adjudication through its March 2004 edition;  
The GCC Engineering Contract introduced adjudication in its 2004 edition;  
The Construction Industry Development Board (CIDB) has endorsed adjudication as best practice for resolving construction disputes and has published rules for adjudication;  
The New Engineering Contract and FIDIC have had adjudication procedures in place for some years, and some international jurisdictions have introduced legislation supporting adjudicating.

We have already seen a surge in the use of the adjudication process, yet few members of the construction industry understand the process or appreciate how it differs from conventional forms of dispute resolution.

Most members of the construction industry are unclear as to what adjudication is, how it is applied, and how it differs from other forms of dispute resolution. Lawyers and construction personnel alike do not fully understand this form of dispute resolution and there are few people who understand the process sufficiently well to act as adjudicators.

To assist potential users in preparing for adjudications, BCA offers a one day seminar which introduces the concept, shows how it differs from other forms of dispute resolution, and discusses the adjudication provisions in current standard forms of contract. In this seminar we will also take a step-by-step walk through the adjudication process, following the process from beginning to end.

### New Material

All BCA training material has been updated and revised. Case studies will not be repeated from previous years and all manuals and slides have been updated. This seminar will provide useful information both for those who have had no exposure to adjudication, and for those who have had experience with the process.

### Seminar Content

Some of the issues to be covered in this one day seminar are the following:

- What is adjudication?
- How does adjudication differ from arbitration, litigation, mediation.
- Adjudication as a creature of contract
- Adjudication as conceived under NEC, under FIDIC, under GCC and under JBCC
- The CIDB Rules for adjudication
- Who can act as adjudicator; Choosing the adjudicator
- Powers and authority of the adjudicator
- Paying the adjudicator
- The adjudicator's decision as immediately binding
- Appeal against the decision of the adjudicator
- Ad hoc vs standing adjudication
- Advantages and disadvantages of adjudication
- Step-by-step through the adjudication process.



### Who should attend:

- ? Contractors and Subcontractors ? Engineers, architects, consultants ? Developers, Employers, Clients
- ? Lawyers and legal advisers ? Arbitrators, mediators ? Government officials involved in construction contracts

Learning Objectives for Construction Adjudication:

This workshop gives a comprehensive understanding of both practical and theoretical aspects of adjudication.

In general, participants who have completed this course should:

- Understand how adjudication differs from other forms of dispute resolution;
- Understand how the standard contracts in use in SA deal with adjudication;
- Have a general understanding of how the adjudication process works and how they can use it to their advantage.

Participants should gain practical skills in:

- Choosing and appointing their adjudicator;
- Paying their adjudicator;
- Preparing a matter for adjudication;
- Following a matter through adjudication from first claim to final decision;
- Making adjudication work for them;
- Ensuring that the adjudication process remains cheap, quick and simple;
- Applying the adjudication clauses from any of the standard construction contracts;
- Knowing when to bring in legal or other assistance.



In addition, participants who have completed this course should:

- Know what to look for when reading the adjudication provisions in their contract;
- Understand why adjudication has become so popular;
- Understand the advantages and disadvantages of adjudication;
- Understand the CIDB's approach to adjudication
- Understand how the process works so that it may be used to their advantage;
- Be aware of recent developments in adjudication practice and law;
- Understand the difference between ad hoc and standing adjudicators and be able to choose the one most suited to their contract;
- Understand how the adjudicator will be paid and by whom;
- Understand what happens if the adjudicator gets it wrong.

Cost: N\$6,500.00 for EPA members  
N\$7,000.00 for non-EPA members

Venue: Safari Hotel and Conference Centre  
Dates: 19 & 20 October 2011  
Times: from 07h30 to 17h00 on 19 October 2011  
from 07h30 to 12h30 on 20 October 2011



Followed by the Alternative Dispute Seminar

Course presenter: Mr. Kevin Spence from Binnington Copeland and Associates

Confirm your attendance: [epa@africaonline.com.na](mailto:epa@africaonline.com.na) by 10 October 2011.  
All courses payable in advance.



**Binnington Copeland & Associates**  
engineering & construction contract consultants & trainers

**25 YEARS**  
*of excellence*

# FUN DAY—11 NOVEMBER 2011



*Teams of 4  
players  
needed*

*The EPA invites you to a fun day:*

*Date: 11 November 2011*

*Time: 13h30*

*Venue: Indoor bowling range*

*SKW Sport Club, Windhoek*

*Confirm your attendance by*

*Email: [epa@africaonline.com.na](mailto:epa@africaonline.com.na)*

*Food catered for  
CASH BAR*

*N\$100.00 per  
person—payable  
in advance*

Land Rover Discovery 2, Td5, ES for Sale:

Specifications:

- 1.) 2001 Land Rover Discovery 2 ES, Td5 Diesel, Manual Transmission. This is the luxury version, i.e. Leather Electric Seats, 2 front facing leather back jump seats (7-Seater), 2 full sun-roofs, active rear air-suspension, Dual Air-Conditioners/Evaporators, original Harmon Kardon Land Rover Radio, seat heaters and 6-disk shuttle, arm rests, etc, etc.
- 2.) Land Rover Rubber Mats for all foot areas and the luggage compartment (all new);
- 3.) Land Rover Black Running-boards;
- 4.) New Off-road winch-compatible bull-bar with indicators, spot-lights and fog lights (all new and high quality) – The original colour coated bumper comes with the Landy;
- 5.) New full length Front Runner Aluminium Roof-Rack;
- 6.) New 1.4 meter wide Eezy-Awn Roof-top tent;
- 7.) New Side Eezy-Awn pull-out side awning canvas canopy (2.5 x 2.2 meters);
- 8.) New Gas-bottle holders;
- 9.) New can opener and antennae brackets;
- 10.) New back working light;
- 11.) New 40 litre Extra Diesel Tank;
- 12.) Rear Land Rover back light guards;
- 13.) New back door mounted Land Rover ladder;
- 14.) 5x Brand new 265/70/16 BFGoodrich All-Terrain Tyres (Valued = N\$ 11,500).

Body External Colour:

Silver Gold Metallic;

Interior Leather Colour:

Dark Grey

Km:

177 000 km

Condition:

Excellent.

Price:

N\$ 125000.00 (Accessories New valued = N\$ 50000)

Contact:

Hendrik Smith (Windhoek), Tel.: 081 122 1689.



Harry Hanstein | Namibian Distributor & Agent  
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081 127 0156  
Hansties.tours@mweb.com.na

PO Box 96107  
Windhoek  
Namibia

[www.ashtonkelder.co.za](http://www.ashtonkelder.co.za)

ROBERTSON VALLEY SOUTH AFRICA



**ASHTON KELDER**  
**HOME TO THE SATYN RANGE**

**South African Road Federation - 2011 PHOTOGRAPHIC COMPETITION**

Who can participate?

The competition is open to SARF Members as well as the general public. You are welcome to submit as many photographs as you like.

For More Information Please See the Attached Document or visit SARF website [www.sarf.org.za](http://www.sarf.org.za)

SARF will also be presenting the following courses ( September to November 2011)

<i>Course</i>	<i>Presenter</i>	<i>Venue</i>	<i>Date</i>			<i>CPD Points</i>
<i>Concrete Road Design &amp; Construction</i>	<i>B Perrie &amp; Dr. P Strauss</i>	<i>Port Elizabeth</i>	<i>28 Sept</i>			<i>2</i>
<i>Practical Road Pavement Engineering</i>	<i>D Wright</i>	<i>Cape Town</i>	<i>4 – 6 Oct</i>			<i>3</i>
<i>Environmental Management in the Construction and Maintenance of Roads</i>	<i>E Hinrichsen</i>	<i>Gauteng</i>	<i>5 Oct</i>			<i>1</i>
<i>Bridge &amp; Culvert Inspection</i>	<i>P Nordengen</i>	<i>Pretoria</i>	<i>5 – 6 Oct</i>			<i>2</i>
<i>Environmental Management in the Asphalt Industry</i>	<i>E Hinrichsen</i>	<i>Gauteng</i>	<i>6 Oct</i>			<i>1</i>
<i>Flexible Pavement Design</i>	<i>Dr. F Long</i>	<i>Nelspruit</i>	<i>11 Oct</i>			<i>1</i>
<i>Concrete Road Design &amp; Construction</i>	<i>B Perrie</i>	<i>Gauteng</i>	<i>18 Oct</i>			<i>2</i>
<i>Road Pavement Rehabilitation</i>	<i>G Jordaan</i>		<i>17 – 18 Oct</i>			<i>2</i>
<i>Gravel Road Design Construction &amp; Maintenance</i>	<i>Dr. P Paige Green</i>	<i>Port Elizabeth</i>	<i>25 – 26 Oct</i>			<i>2</i>
<i>Design Construction &amp; application of surfacing seals</i>	<i>G Van Zyl</i>	<i>Durban</i>	<i>1 – 3 Nov</i>			<i>3</i>
<i>Overview of Hot Mix Asphalt</i>	<i>D Pagel</i>	<i>Cape Town</i>	<i>9 – 10 Nov</i>			<i>2</i>