

Leading Strategies in Resolving Contractual Claims & Disputes (FIDIC Claims)

Lisbon (Portugal)

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UK Traininig

PARTNER



Leading Strategies in Resolving Contractual Claims & Disputes (FIDIC Claims)

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Introduction

This training course is designed to provide practical assistance to those working with the FIDIC Contract Conditions 1999 and 2017 Editions in the management of claims and achieving a resolution to claims and in particular the workings of the Dispute Adjudication Board. The course is designed to provide participants with a professional understanding of the responsibilities and rights of the Parties under a FIDIC Contract and the procedures to manage claims, where the resolution of claims will be achieved more successfully. Throughout the course, exercises and case studies are provided to guide participants in the application of the FIDIC Clauses.

Course Objectives of Contractual Claims and Disputes

- Understand the claim and dispute resolution procedures under FIDIC Conditions of Contract.
- Recognize practical issues encountered on projects as to claims and disputes, and how to address those.
- Apply practical/hands-on feedback and insights from an experienced practitioner and a claims consultant.
- Demonstrate the necessary knowledge, advice, and insights in order to navigate through the claim and dispute provisions of their projects.

Course Outline of Contractual Claims and Disputes

Day 1

Introduction to FIDIC

- General Introduction.
- Introduction to the FIDIC Contracts.
- Managing Variations.
- Variations covered by Clause 13 and related clauses.
- Definition.
- Initiation and instruction of variations.
- Role of the Engineer.



- FIDIC approach Construction versus Plant and Design-Build Contract.

Day 2

The Management of Claims

- Claims: causes and risks.
- Inherent project risks.
- Allocation of risks under FIDIC contracts.
- Analysis of contractual risk.
- Notices and claims procedures.
- Clauses requiring notice by the Contractor.
- Employer's/Engineer's claims Sub-Clause 2.5.
- Delegation by the Engineer Sub-Clause 3.2.
- Contractor's claims Sub-Clause 20.1.
- Notification of claims.
- Contemporary records.
- Preparation of claims.
- Engineer's assessment and principles of claim.
- Engineer's valuation.
- Engineer's determination Clause 3.5.
- Claims for delay.
- Extension of time Sub-Clause 8.4 and 8.5.
- Force majeure Sub-Clause 19.4.
- Delay damages.
- Claims for additional payment I.
- Ground conditions Sub-Clause 4.12.
- Late possession Sub-Clause 2.1.
- Breaches of contract.
- Employer's financial claims.

Day 3

Procedure

- Delay damages.
- Defects in works and/or design.
- Defects in work and design.
- Retention and bonds.

The Responsibilities of the Main Parties

- General Issues.
- The Employer.
- The Engineer.
- The Contractor.
- Termination by the Employer.
- Suspension and Termination by the Contractor.
- Risk and responsibility.



- Force majeure.

Day 4

The Resolution of Disputes

- Dispute Adjudication Board DAB principles.
- Types of DAB.
- Guarantees and general obligations of the DAB.
- Nomination of DAB.
- Qualifications and selection of members.
- Cost and Payments to the DAB.
- Dispute Adjudication Board working.
- Appointment Failure to agree Referral to the DAB.
- Presentation of evidence to the DAB.
- DAB's decision.
- Post-DAB decision processes.
- Implementation.
- Post-DAB mediation.

Day 5

Enforcement

- Amicable settlement.
- Arbitration.
- Arbitrating Claims.
- ICC Rules.
- Selecting arbitrators.
- Use of experts.



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