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

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Casablanca (Morocco)

UK Traininig
PARTNER



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Introduction

This training course is designed to provide practical assistance to professionals working with FIDIC Contract Conditions 1999 and 2017 Editions in managing claims and achieving resolutions to disputes. The course offers participants a professional understanding of the rights and responsibilities of the parties under a FIDIC Contract, focusing on the processes for managing claims and disputes, particularly the operation of the Dispute Adjudication Board DAB. Through hands-on exercises and case studies, participants will learn how to effectively apply FIDIC Clauses in resolving claims and disputes in construction projects.

Course Objectives

By the end of this course, participants will be able to:

- Understand the claim and dispute resolution procedures under FIDIC Conditions of Contract and apply them practically.
- Recognize practical issues encountered in projects related to claims and disputes, and know how to address them effectively.
- Apply hands-on feedback and insights from experienced practitioners and claims consultants.
- Demonstrate the knowledge and expertise necessary to navigate through the claim and dispute provisions of their projects.
- Develop the skills required to manage contractual claims and prevent or resolve contractual disputes effectively.

Course Outlines

Day 1: Introduction to FIDIC

- General Introduction to FIDIC and its contracts.
- Overview of FIDIC Contracts 1999 and 2017 Editions.
- Managing Variations:
    - Variations covered by Clause 13 and related clauses.
    - Definition and initiation of variations.
    - The Engineer's role in managing variations.
    - Differences between Construction Contracts and Plant and Design-Build Contracts in FIDIC.

Day 2: Managing Claims



- Types of Claims and their causes:
    - Inherent project risks in construction projects.
    - Risk allocation under FIDIC Contracts.
    - Analyzing contractual risk.
- Claims Procedures:
    - Notices and claims procedures.
    - Contractor's claims Sub-Clause 20.1.
    - Employer's and Engineer's claims Sub-Clause 2.5.
    - Preparation of claims and Engineer's assessment.
- Claims for Delay and Extension of Time Sub-Clause 8.4, 8.5, and 19.4.
- Force Majeure claims Sub-Clause 19.4.
- Financial Claims and Employer's claims.

Day 3: Procedures for Managing Claims

- Delay Damages and Defects in Works.
- Retention and Bonds in FIDIC Contracts.
- Roles and Responsibilities of the main parties:
    - The Employer.
    - The Engineer.
    - The Contractor.
- Termination by Employer and Suspension/Termination by Contractor.
- Risk and Responsibility clauses.
- Managing Force Majeure events.

Day 4: Dispute Resolution

- Dispute Adjudication Board DAB:
    - Principles of the DAB and its various types.
    - DAB's guarantees and obligations.
    - Nomination and selection of DAB members.
    - Cost and payments to DAB members.
    - Procedures for appointing the DAB, failure to agree, and referral.
- DAB Procedures:
    - Presentation of evidence to the DAB.
    - The DAB's decision and post-DAB processes.
    - Post-DAB mediation.
    - Implementation of decisions by DAB.

Day 5: Enforcement and Dispute Resolution

- Amicable Settlement options.
- Arbitration:
    - Overview of ICC Rules for arbitration.
    - How to select arbitrators and handle disputes through arbitration.



- Use of experts in dispute resolution.

Why Attend This Course? Wins & Losses!

This course offers numerous benefits for professionals involved in the management of construction projects under FIDIC Contracts. By attending this course, you will:

- Master the procedures for managing contractual claims and resolving disputes under FIDIC Contracts.
- Gain practical insights into the complexities of FIDIC claims and dispute resolution processes from experienced practitioners.
- Learn how to handle claims effectively and reduce the risk of contractual disputes that can lead to project delays and cost overruns.
- Develop negotiation skills and learn how to use Dispute Adjudication Boards DABs effectively for resolving conflicts.
- Improve your ability to manage contractual disputes, ensuring smoother project execution and reducing risks associated with non-performance.

Conclusion

Whether you're working on small projects or large-scale constructions, this course will equip you with the tools to effectively manage contractual claims and disputes under FIDIC Contracts. By the end of this training, you will be prepared to navigate the claims and dispute provisions, ensuring the successful resolution of any issues that arise in your construction projects.

