



Fédération Internationale  
des Ingénieurs – Conseils



Contract and Claims Management GmbH,  
Austria



European Construction  
Ventures Ltd, UK



present

# International FIDIC Contracts Training Course

at the

HOTEL ASTORIA VIENNA (AUSTRIA)

14<sup>th</sup> & 15<sup>th</sup> June 2010

Two-day course on

## ***“The Responsibilities and Duties of Dispute Adjudicators and Parties to Disputes”***

***under the 1999 FIDIC Contracts and Multilateral Development  
Banks’ Harmonised Construction Contract 2006***

Presented by:

**David Heslett, Gwyn Owen and Marcus Theil**

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Visit Websites:

[www.fidic.org/seminars](http://www.fidic.org/seminars)

[www.ccm-austria.com](http://www.ccm-austria.com)

[www.cce-ecv.com](http://www.cce-ecv.com)

[www.drbf.org](http://www.drbf.org)

# **“The Responsibilities and Duties of Dispute Adjudicators and Parties to Disputes”**

## *under the 1999 FIDIC Contracts and Multilateral Development Banks’ Harmonised Construction Contract 2006*

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### **OVERVIEW**

The 1999 FIDIC Conditions of Contract are being increasingly used by the international Construction Industry throughout the World. In Europe they are used by the European Commission for all their projects throughout Central and Eastern Europe. The Multi –Lateral Development Banks, including the World Bank, Islamic Bank for Development and the Asian Development Bank have adopted the 1999 FIDIC Conditions of Contract for Construction.

This practical course explains and illustrates the procedures and application of the Dispute Adjudication requirements under these Contracts. The course is designed for both those wishing to work as dispute adjudicators as well as those who will use Dispute Adjudication Boards either as an Employer, Engineer or Contractor.

### **SEMINAR TUTORS:**

The tutors are provided by European Construction Ventures (ECV) and CCM Austria, in association with FIDIC and DRBF. ECV specialises in training and management consultancy to the international construction and infrastructure industries. The ECV tutors have provided over 250 training courses throughout the world in the last 5 years on the use of FIDIC documents. CCM Austria is specialized in contract and claims management in the construction business.

**David Heslett BSc (Hons) CEng, FICE**  
*Managing Director, ECV*

**Gwyn Owen, BSc MSc CEng FICE FConSE FCI Arb**  
*Senior Consultant, ECV*

**Marcus Theil, Dipl.-Ing. C.Eng**  
*Managing Director, CCM*

### **COURSE MATERIALS**

All delegates will be provided the following materials, in English:

- FIDIC FIDIC Conditions of Contract for Construction (Red Book) 1999 edition
- FIDIC Conditions of Contract for Plant & Design - Build (Yellow Book) 1999 edition
- Schedule of overheads used during the seminar – to be used as “Work Book”
- Work Exercises for use within the course

### **WHO SHOULD ATTEND?**

The training course provides the necessary knowledge for professionals from Government Departments and Agencies, Private Sector Employers, Consulting Engineers, Contractors, Quantity Surveyors, Architects, Legal Advisers and all involved with the next generation of International Projects. It is particular important to those involved in managing or practising the dispute adjudication process under the FIDIC or similar Contracts.

### **COURSE RECOGNITION BY FIDIC**

The course (Module 2) is regarded by FIDIC as providing part of the appropriate training for any person wishing to apply to the National Adjudicators’ lists.

***Ensure that your staff involved with the dispute adjudication procedure understand fully the requirements and implications of this most important process that is the 21<sup>st</sup> Century’s answer to Arbitration!***

# Programme

## Day 1: 09:00 – 17:00

- 09:00 **Registration of Participants**
- 09:30 **Session 1:**  
**Adjudication Principles**
- What is a Dispute?
  - Background of dispute resolution
  - Alternative methods of dispute Resolution
  - Application in USA & Europe
  - Dispute adjudication under FIDIC/MDB Contracts
  - Legal status of adjudicator and DB's
  - **Work exercises on principles**
- 11:00 **Coffee Break**
- 11:30 **Session 2:**  
**DB Establishment and responsibilities**
- Selection process and appointment/s
  - Contract Agreement
  - Full Term and Ad Hoc responsibilities
  - Fees, expenses and payment terms
  - Termination and replacement of DB
  - Work exercises on DB establishment
- 13:00 **Lunch Break**
- 14:00 **Session 3:**  
**Procedural Rules**
- Routine Procedures
  - Full term site visits
  - Opinion and advice
  - Dispute referral
  - DB jurisdiction
  - Work exercises on Procedural Rules
- 15:30 **Coffee Break**
- 15:50 **Case Studies on Site Visit and DB opinion**
- 17:00 **End of Day 1**

## Day 2: 09:00 – 17:00

- 09:00 **Session 4:**  
**Dispute timetable and position papers**
- Establish timetable
  - Nature of Position Papers
  - Responses
  - DB Directions
  - Evidence statements
  - Work Exercises on position papers
- 10:45 **Coffee Break**
- 11:15 **Session: 5:**  
**Hearing**
- Pre-hearing requirements
  - Site visit before hearing
  - Attendees
  - Agenda and procedures
  - Evidence
  - Conclusion of hearing
  - After the hearing
  - Work Exercises on a Hearing
- 13:00 **Lunch Break**
- 14:00 **Session 6:**  
**Dispute Decision**
- Reaching the decision
  - 3 Person DB discussion
  - Format of decision
  - Unanimity
  - Enforcement of decisions
  - Work exercises on dispute decision
- 15:30 **Coffee Break**
- 15:50 **Case Studies on DB referrals and decisions**
- Aide Mémoire on MDB's amendments to FIDIC procedures
- 17:00 **End of Day 2**

*Throughout the seminar there will be opportunities for questions, and case studies will be used in each session.*

### Attendance Fees

**Delegate Fee EUR 1.050,- (+ 20% VAT)**  
**(including lunch on both days, refreshments and all course materials)**  
**For 2 or more delegates from the same organisation Delegate Fee EUR 950,- (+20%VAT)**  
*(Please check with local Customs & Excise for information about reclaiming VAT)*

### Seminar Venue

**Hotel Astoria**  
**Kärntner Straße 32-34, A-1010 Vienna, Austria**  
**Telephone: +43-1-515 77 89**



**Registration Form**  
*Two day course on "The Responsibilities and Duties of Dispute Adjudicators and Parties to Disputes" under the 1999 FIDIC Contracts and MDB's Harmonised Construction Contract 2006*



**In Vienna on  
 Monday 14<sup>th</sup> – Tuesday 15<sup>th</sup> June 2010**

**Delegate details**

First name: .....

Family name: .....

Organisation name: .....

Country: .....

Organisation address: .....

.....

Post Code: .....

Telephone: .....

Facsimile: .....

E-Mail: .....

**I confirm payment of EUR 1.050,- (+ 20% VAT = EUR 1.260,-) For 2 or more delegates from same organisation I confirm payment of EUR 950,- (+ 20% VAT = EUR 1.140,-) per delegate.**

**Payment by Cheque / Bank Transfer**  
 Payable to:

**CCM-Consulting GmbH**

BANK AUSTRIA - CREDITANSTALT  
 Hietzinger Hauptstraße 22  
 A-1130 Vienna Austria

BIC (Swift Code): BKAUATWW  
 IBAN: AT36 1200 0515 9656 6803

**Please complete this form and send by E-mail to:**

**[buchmueller@ccm-austria.com](mailto:buchmueller@ccm-austria.com)**

**Or by Fax to: + 43-1-90292-2123**

**YOU CAN ALSO REGISTER ONLINE:**

**[www.ccm-austria.com](http://www.ccm-austria.com)**

**CCM Consulting GmbH  
 Mahlerstraße 5, A-1010 Vienna, AUSTRIA**

**Terms and Conditions**

**1. Registrations:** Participants may register online, by E-Mail or Fax to CCM offices with payments by cheque or bank transfer (see details below)

**2. Payment receipts:** All registered delegates will receive an acknowledgement of registration, together with confirmation of payment.

**3. Cancellations:** Cancellations by delegates must be made in writing and received two weeks before the seminar. It is regretted that no refunds will be made or invoices cancelled after this date and the full Registration fee will be payable. Substitutions may be made at any time.

**4. Cancellation by organisers:** We reserve the right to cancel the event if it is under subscribed or for any other reason. In the event of cancellation we will endeavour to give delegates two weeks notice and the fee will be refunded in full. We cannot be held liable for any pre booked travel or accommodation costs.

**5. Hotel Accommodation:** Participants will be responsible for organising their own hotel accommodation and payment thereof. A limited number of rooms at special rates is available in the Hotel Astoria for delegates. For reservation please complete the attached form and send directly to:

**Mrs. Sandra Hörzinger**

Hotel Astoria  
 Kärntnerstraße 32-34  
 A-1010 Vienna, Austria  
 Tel: +43-1-515 77 89  
 Fax: +43-1-515 77 82

Mail: [reservierung.astoria@austria-trend.at](mailto:reservierung.astoria@austria-trend.at)

**I have read and accept the Terms and Conditions**

Name: .....

Position: .....

Date / Signature: .....