



The Dispute Board Federation
presents

FIDIC® Contracts *Total Immersion Programme*



THE PROGRAMME

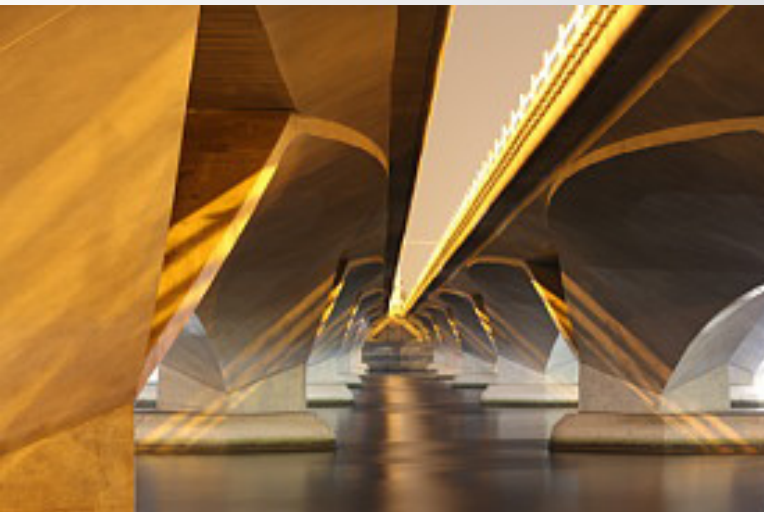
The Dispute Board Federation presents its *Total Immersion* Programme dealing with the complete range of FIDIC Contracts. This programme is not for everyone and is geared to the busy upper-level construction executive, engineer, or lawyer who wants the maximum amount of information in the minimum amount of time and is willing to take on this in-depth and difficult programme.



“The standard or organisation and presentation is excellent and it is clearly both that the provider has taken the greatest care over the preparation of the course materials and that an excellent administrative organisation backs the provider up.”

This truly intensive 6-day residential programme is for a maximum of 9 people with 3-4 trainers per day and is for the individual who wants to maximize their learning experience in a relaxed environment. The programme is taught using a combination of lecture, group discussion, problem solving, and, for each topic, the use of case studies covering real-world situations encountered on large international infrastructure projects and their resolution. The participants and trainers are housed together in a five-star hotel setting and are together 10-12 hours per day for the length of the Programme. The culmination of this programme is the in-depth knowledge of the entire range of FIDIC Contracts, how they operate individually and collectively and how to use each to best advantage. Each of our instructors is an expert in this field and they provide lively analysis of the contracts making the experience a truly enjoyable one.

Registration is now open for the next FTIP Programme. If you think you qualify to be in this programme please send an email telling us the reason why you would like to be considered for entry into this programme along with your CV to Herbert Wilson at The Dispute Board Federation. His email address is: h.wilson@dbfederation.org



FTIP DAILY AGENDA

TYPICAL DAILY STRUCTURE

0800 - 0900	<i>Breakfast with the trainers</i>
0900	<i>Programme start</i>
1230 - 1400	<i>Lunch with the trainers</i>
1730	<i>Finish</i>
1800 - 1930	<i>Daily Assignment</i>
1930	<i>Dinner with the trainers</i>
	<i>Overnight reading</i>

DAY 1

WELCOME WHITE BOOK AND OTHER MINOR CONTRACTS INTRODUCTION TO RED BOOK AND MDB

Reading required - Red Book, Yellow Book, Silver Book, Gold Book, FIDIC guide

The Practical use of the FIDIC Conditions of Contract including more detailed coverage of the Red Book and differences between Red Book and others...

Introduction and Principles: Class work on risk, design liability, cost certainty and schedule certainty with applicable Case studies.

Morning Session

Introduction to the FIDIC® Contracts Total Immersion Programme

- FIDIC works contracts
- FIDIC services agreements

Client-Consultant Model Services Agreement (White Book)

- Concepts
- Definitions

White Book General Provisions

- The Client
- Commencement
- Variation & Termination
- Liabilities
- The Consultant
- Completion
- Payment
- Insurance

CASE STUDY NO. 1 ON WHITE BOOK – VARIATIONS

- White Book Particular Conditions
- FIDIC Sub consultancy Agreement
- FIDIC Joint Venture Agreement
- FIDIC Representative Agreement

CASE STUDY NO. 2 JOINT VENTURE AGREEMENT

Afternoon Session

INTRODUCTION TO CASE STUDY NO. 3 THE ALTOS SCENARIO

- Overall Introduction to the Red Book and Red Book/MDB The philosophy behind the differences between the Red and MDB
- Structure of the Contract
- Review of main provisions clause by clause with short practical problems on each.

DAY 2

CLAUSES 1 TO 11 OF THE RED BOOK AND COMPARISON WITH ALL OTHER MAJOR FIDIC FORMS

Reading required - Red Book, Yellow Book, Silver Book, Gold Book, FIDIC guide

The Practical use of the FIDIC Conditions of Contract including more detailed coverage of the Red Book and differences between Red Book and others...

Morning Session

Introduction and Principles: Class work on risk, design liability, cost certainty and schedule certainty with applicable Case studies

Background/History Examination of Contracts
Basic Principles tie this back into structure of contract
Risk | Management, Analysis, Allocation, Residual

Clauses 1-11 of the Red Book and their comparison with the other FIDIC contracts. Each of the lecture sessions looks at differences between the contracts. Each of the case studies are based on the Red book with questions on the others e.g. Yellow Book.

CASE STUDY NO. 4 - WHOSE LAW IS IT ANYWAY?

CASE STUDY NO. 5 - THE EMPLOYER DENIES ACCESS TO THE SITE

CASE STUDY NO. 6 - WHAT HAPPENS IF THE ENGINEER OVER-DELEGATES HIS DUTY TO GIVE DETERMINATIONS

CASE STUDY NO. 7 - THE SECURE TRANSPORTATION OF GOODS TO AND FROM THE SITE

CASE STUDY NO. 8 - OBJECTIONS TO NOMINATED SUBCONTRACTORS

Afternoon Session

CASE STUDY NO. 9 - WHEN LOCAL LABOUR LAW CONFLICT WITH HEALTH AND SAFETY REQUIREMENTS

CASE STUDY NO. 10 - EMPLOYER DENIED ACCESS TO THIRD PARTY MANUFACTURING LOCATION

CASE STUDY NO. 11 - THE ENGINEER'S APPROVAL OF THE PROGRAMME

CASE STUDY NO. 12 - WHO PAYS FOR RE-TESTING?

CASE STUDY NO. 13 - USING PARTS OF THE WORKS WHERE SECTIONAL COMPLETION DOES NOT APPLY

CASE STUDY NO. 14 - WHEN IS A DEFECT NOT A DEFECT AND WHAT HAPPENS WHEN THE CONTRACTOR FAILS TO REMEDY

Overnight Work

Question/scenario on project based on Red Book clauses 1 to 11 and Silver Book. Three ethics challenges



Day 3

CLAUSES 12 TO 20 OF THE RED BOOK AND COMPARISON WITH ALL OTHER MAJOR FIDIC FORMS

Reading Required - Clauses 12-20 of the Red Book and their comparison with the other FIDIC contracts. Each of the lecture sessions looks at differences between the contracts. Each of the case studies are based on the Red book with questions on the others e.g. Yellow Book.

Morning Session

CASE STUDY NO. 15 - FOR AN ITEM THAT IS NOT COVERED IN A BOQ, IS THIS DEEMED TO BE INCLUDED ELSEWHERE

CASE STUDY NO. 16 - CAN THE ENGINEER INCREASE THE VALUE OF A PROVISIONAL SUM?

CASE STUDY NO. 17 - WHEN IS AN ADVANCE PAYMENT NOT AN ADVANCE PAYMENT?

CASE STUDY NO. 18 - WHEN THE EMPLOYER TERMINATES WITHOUT REGARD TO THE CONTRACT

Afternoon Session

CASE STUDY NO. 19 - WHEN THE CONTRACTOR TERMINATES WITHOUT REGARD TO THE CONTRACT

CASE STUDY NO. 20 - WHOSE RISK IS IT ANY WAY?

CASE STUDY NO. 21 - WHEN IS INSURANCE NOT INSURANCE (RELATION BACK TO CLAUSE 17)

CASE STUDY NO. 22 - IS IT REALLY FORCE MAJEURE?

Overnight Work

Question/scenarios on project based on red book clauses 12 to 19 and Gold Book.

The clarity and excellent quality of the documents make it even more clear that the speakers have knowledge and understanding of the work. The clear and full biographical details of the speakers and their lengthy careers in their professions dealing with this work are such that knowledge and understanding would come with doing the work.



Day 4

FIDIC DISPUTE BOARD PROVISIONS AND THE UNIQUE EMPHASIS ON DISPUTE AVOIDANCE: DISPUTE BOARD COSTS

Reading Required - Clause 20 with attachments in detail, FIDIC Guide on clause 20

Morning Session

CASE STUDY NO. 23 - THREE CLAUSE 20 PROBLEMS

- Particular Conditions
- Avoidance
- Resolution
- The importance of the distinction between Red Book and MDB
- What is a Dispute?
- Background of Dispute Resolution
- Alternative Methods of Dispute Resolution
- Application in the USA and Europe

CASE STUDY NO. 24 - MEDIATION

- DAB Establishment and Responsibilities
- Selection Process
- Appointments
- Contract Agreement
- Full term and ad hoc responsibilities
- Fees, expenses and payment terms
- Termination and replacement of a DAB
- Routine procedures
- Full-term visits
- Opinion and advice
- Dispute referral
- Jurisdiction
- Site visits and reports

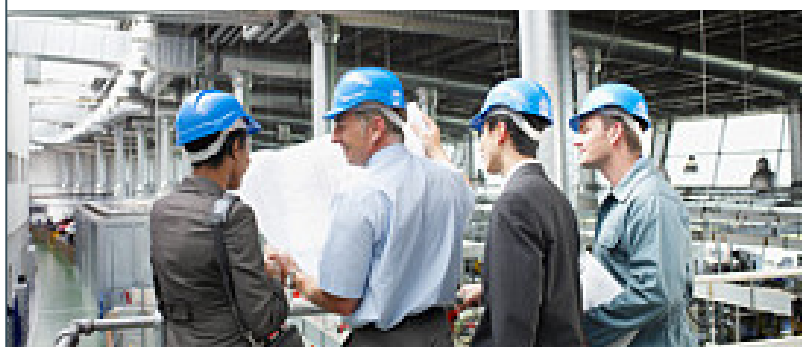
Afternoon Session

- Establish timetable
- Nature of position papers
- DAB Directions
- Evidence statements
- Hearings
- Pre-hearing requirements
- Attendees
- Agenda and conclusions
- Evidence
- Conclusion of hearing
- After the hearing
- Dispute decision
- Reaching the decision
- Three-person DAB discussion
- Format of decision
- Unanimity
- Enforcement of decisions

CASE STUDY NO. 25 - BAD DECISIONS

Overnight Work

The Decision. Three substantive challenges



Day 5

CONTRACT MANAGEMENT UNDER FIDIC

Reading Required -Clauses 12-20 of the Red Book and their comparison with the other FIDIC contracts. Each of the lecture sessions looks at differences between the contracts. Each of the case studies are based on the Red book with questions on the others e.g. Yellow Book.

Morning Session

CASE STUDY NO. 26 - MANAGEMENT

CASE STUDY NO. 27 - DOCUMENTARY ERRORS

CASE STUDY NO. 28 - DESIGN PROCEDURES

CASE STUDY NO. 29 - WORKMANSHIP PROCEDURES

CASE STUDY NO. 30 - COMPLETION OF THE WORKS

CASE STUDY NO. 31 - DEFECTS NOTIFICATION PERIOD

CASE STUDY NO. 32 - PAYMENT PROCEDURES/
ADVANCE PAYMENT

CASE STUDY NO. 33 - PAYMENT AT COMPLETION/FINAL
PAYMENT

CASE STUDY NO. 34 - CLAIMS – BY THE CONTRACTOR/
BY THE EMPLOYER

Claims: Procedures

- Remedy Granting Clauses in FIDIC
- Procedures for Claims
- Procedures for Settlement of Disputes

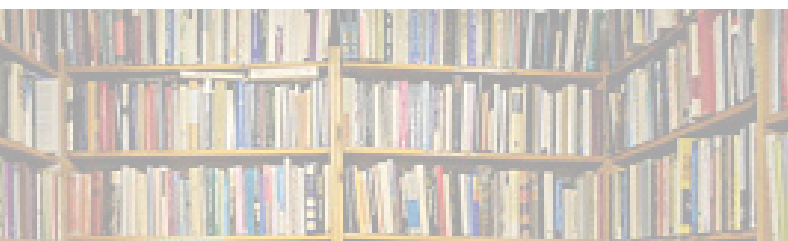
Afternoon Session

Claims: Preparation and Evaluation

- Basic requirements of claims
- Typical claims
- Recognising Potential Claims
- Record Keeping
- Basic Claim Pricing Requirements
- Theory of Pricing
- Labour, Material, and other Direct Costs
- Delay and Acceleration costs
- Overheads and Profit
- Finance Charges

Overnight Work

Question/scenario on project as to aspects of contract management (risk/cost certainty).
Three substantive challenges



Day 6

DEVELOPMENT OF THEMES REGARDING CONTRACT STRATEGY: PRACTICAL EXERCISES

Practical Exercises – based on case studies
Writing Assignments –an example of the Decision
Individual analysis



Testimonials

This is the future of Contract training programmes—innovative, relevant, and up-to-date. Quality all around

Fantastic to get a small number of people in one room together who are all involved in the Construction industry—sharing their ideas for how we can do things better. I learned more in one week than in 20 years as construction company Director

Best course I have attended in years—taught by a forward thinking organisation. It was the most difficult and yet enjoyable learning experience of my life



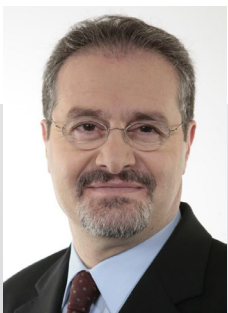


Dr. CYRIL CHERN
BArch (Hons), Juris Doctor, RIBA,
AIA, FCIArb, FDBF, Barrister

Cyril Chern is a Barrister, Chartered Architect, Fellow of the Dispute Board Federation, Fellow of the Chartered Institute of Arbitrators, a Chartered Arbitrator, Accredited Mediator and Adjudicator and holds the degrees of BArch (Honours) in Architecture & Engineering and Juris Doctor. He has practised internationally since 1972 specifically in the areas of engineering and construction disputes, has handled complex international commercial and construction matters in North and South America, Europe, the Middle East, and China and has had over 550 engineering construction dispute references and has served on over 62 dispute boards in that time.

Dr Chern is both on the FIDIC President's List and a member of its Assessment Panel, the Dispute Board Federation (Geneva) Advisory Panel, the Association Suisse de L'arbitrage, the Society of Construction Arbitrators, and the Association of Consulting Engineers. In addition to being a dispute board trainer on both the DBF, FIDIC and International Chamber of Commerce rules and procedures, he is an advisor to the World Bank/IFC on dispute boards and mediation in post-conflict countries.

Dr Chern is editor of *Emden's Construction - ADR and Dispute Boards* published by LexisNexis Butterworths, London, and the author of both *Chern on Dispute Boards* published by Wiley-Blackwell Publishing, London [2007], *International Commercial Mediation* published by Informa plc, London [2008], and *The Law of Construction Disputes* published by Informa, plc, London 2010.

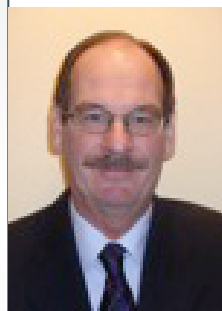


GIOVANNI DI FOLCO
BSc, Dipl CE, MDBF, Civil
Engineer

Giovanni Di Folco is a Civil Engineer with over 28 years of Project/Contract Management and Claims' Expertise with extensive international experience gained in multi-disciplinary Civil Engineering Projects in Italy, Iran, Libya, South Africa, Kingdom of Lesotho, Sultanate of Oman, United Arab Emirates, Greece and Romania. Additionally during this time he has represented many international contractors on more than thirty International Dispute Adjudication Procedures under the FIDIC Red, Yellow and Silver books and is considered an expert on the FIDIC Contracts.

He holds a BSc degree in Civil Engineering which includes a Bachelor in Technology of Construction Major in Civil Engineering with a Minor in Highways/Pavement design, he also holds a National Government Diploma in Civil Engineering and is a Professional Member of Dispute Board Federation Geneva, a Member of the Dispute Resolution Board Foundation (USA), a Member of the Project Management Institute (USA), and a Member of the American Concrete Pavement Association (USA).

Mr Di Folco has special experience in both Arbitration and Adjudication, Project/Contract Management and Contract Administration, Claim Resolution under international standards, Mechanistic-Empirical Pavement Design, Road/Pavement Management, Rehabilitation of High and Low Volume roads (Pavement Design and Construction), Land/Quantity Surveying and Roads Design/Construction, Soil stabilization techniques with conventional and alternative chemical products, Bulk earthworks management, deep in-situ impact compaction techniques, Pipelines, dams and roller-compacted concrete technology, Structural concrete works (bridges, reservoirs & foundations), Water/sewer reticulation works, High Voltage Power lines and substations' civil works experience. He has also authored numerous professional and technical papers on these subjects.



BRIAN BARR
CEng, FICE, FCIHT, FDBF, Civil
Engineer

Brian Barr is a Chartered Civil Engineer and Adjudicator with over forty years of experience in both the public and private sectors specialising in the management of International Development Construction projects with particular emphasis on dispute avoidance and

resolution. During his career he has been involved in the procurement, administration and supervision of major infrastructure works particularly projects supported by International Financing Institutions.

He is a Fellow of three major professional bodies - The Institution of Civil Engineers and The Institution of Highways and Transportation in the United Kingdom, and The Dispute Board Federation. He is also on the FIDIC President's List of Dispute Adjudicators. He has lived and worked in many developing countries in Africa, Central/South/South-East Asia, Eastern Europe, the Caribbean and Central America for more than twenty years.

During this period he has held key positions including; Engineer, Engineer's Representative, Project Manager, Party Representative, Dispute Review Expert, Dispute Advisor, Claims Advisor, Technical Auditor on projects valued up to US\$ 150 million. He is recognized within the industry for his competence in coordinating and managing multi-disciplinary multi-cultural teams on diverse infrastructure projects.

He has proven ability in providing assessment and analysis of contractual claims, negotiations, determinations and the settlement of disputes through Alternative Dispute Resolution with extensive experience of FIDIC and other international and domestic forms of contract.

Working variously for government agencies, funding agencies, and contractors he has achieved early avoidance of disputes by ensuring; the contract terms are clear and fair, the scope of work is clearly defined, dispute clauses are well structured, and effective contract management procedures are followed. This involves using his wide-ranging experience in construction design, contract administration and supervision.



JOHN WRIGHT
FCI Arb, FDBF, Solicitor

John Wright is a Solicitor and is joint head of the Construction and Engineering Group at the International Law firm of Bird & Bird and is based in London. He is a Fellow of the Chartered Institute of Arbitrators and acts as an arbitrator, adjudicator and mediator, as well as advising construction clients on the whole range of domestic and international disputes for employers, contractors and professionals.

John has long been named as a leading construction lawyer in Chambers Directory, which has noted his “experience and considerable gravitas in major dispute resolution” and the 2009 edition of which refers to his “innate sense of good judgment and vast litigation, adjudication and arbitration experience.” The Legal 500 refers to John as “an exceptional lawyer - very impressive.” He is listed as one of the world’s leading construction lawyers in the International Who’s Who of Business Lawyers.

He also sits on the Practice and Standards Committee of the Chartered Institute of Arbitrators and chairs the Arbitration Sub-Committee, as well as sitting as Vice-Chair of the Construction Management Sub-Committee of the International Construction Projects section of the International Bar Association. John is also on the FIDIC Presidents List and is a Fellow of the Dispute Board Federation.



SEBASTIAN HOEK
FDBF, Lawyer

Dr. Götz-Sebastian Hök graduated in Law from Göttingen University and is a German lawyer registered at the Berlin Bar. He has extensive international project and commercial experience gained while living and working in Europe, the Middle East, Africa and Asia. For the past 20 years he has been partner and senior partner of Dr. Hök, Stieglmeier & Kollegen. Dr. Hök is acting as arbitrator, adjudicator and legal counsel and also a licensed FIDIC trainer.

He is a lecturer at Berlin University of applied science for construction contract management law. Since 2009 he is a FIDIC listed Adjudicator. He was member of DAB and arbitral panels in Bosnia, Germany, Latvia and Poland. Dr. Hök has written various books and articles in French, English and German on FIDIC forms of contract. He is a co-author of the book *FIDIC for Practitioners* and member of the German Dispute Adjudication Assessment Panel and former past Chairman of Eurojuris Commission International Litigation.

He was also a friendly reviewer of the FIDIC Gold Book and the FIDIC Subcontract form. Dr. Hök has broad forensic experience as a counsel. He was involved in projects in Algeria, Angola, Australia, Azerbaijan, Belgium, Bosnia, Cameroon, Chile, England, France, Germany, Ghana, Laos, Latvia, Qatar, Poland, Romania, South Africa, Syria, Turkey, United Arab Emirates and Vietnam. Sebastian is on the FIDIC Presidents List of Approved Dispute Adjudicators and is a Fellow of the Dispute Board Federation.



“I found the course to be excellent. For this course, there will be a small group of specialist practitioners who will stay in a hotel and in six days of teaching will be given detailed knowledge of the range of FIDIC contracts, how the contracts operate individually and also the tactics to be used in various situations. The speakers from various professional backgrounds have vast professional and training experience to offer as is shown by the very full particulars of the speaker that the providers have supplied.”