



DBF THE DISPUTE BOARD FEDERATION PRESENTS ITS 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 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.

This truly intensive 6-day programme is for a maximum of 9 people with 3-4 trainers per day and is for the individual who wants to maximise 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 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. 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 Jonathan Varoqui at The Dispute Board Federation. His email address is: j.varoqui@dbfederation.org.

FTIP Daily Agenda

TYPICAL DAILY STRUCTURE

0800 - 0900	Breakfast
0900	Programme start
1230 - 1400	Lunch
1730	Finish
1800 - 1930	Daily Assignment
1930	Dinner
	Overnight reading



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
- The Consultant
- Commencement
- Completion
- Variation and Termination
- Payment
- Liabilities
- 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 4 - Whose law is it anyway?

Case Study 5 - The Employer denies access to the site

Case Study 6 - What happens if the Engineer over-delegates his duty to give determinations

Case Study 7 - The secure transportation of goods to and from the site

Case Study 8 - Objections to nominated subcontractors

Afternoon Session

Case Study 9 - When local labour law conflict with health and safety requirements

Case Study 10 - Employer denied access to third party manufacturing location

Case Study 11 - The Engineer's approval of the Programme

Case Study 12 - Who pays for re-testing?

Case Study 13 - Using parts of the works where sectional completion does not apply

Case Study 14 - When is a defect not a defect and what happens when the Contractor fails to remedy

Overnight Work

Question/scenario on ALTOS 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

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 15 - For an item that is not covered in a BoQ, is this deemed to be included elsewhere

Case Study 16 - Can the Engineer increase the value of a provisional sum?

Case Study 17 - When is an advance payment not an advance payment?

Case Study 18 - When the Employer terminates without regard to the contract

Afternoon Session

Case Study 19 - When the Contractor terminates without regard to the contract

Case Study 20 - Whose risk is it any way?

Case Study 21 - When is insurance not insurance (relation back to Clause 17)

Case Study 22 - Is it really force majeure?

Overnight Work

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

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 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 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 25 - Bad Decisions

Overnight Work

The Decision. Three substantive challenges

Day 5

CONTRACT MANAGEMENT UNDER FIDIC

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 26 - Management

Case Study 27 - Documentary errors

Case Study 28 - Design Procedures

Case Study 29 - Workmanship Procedures

Case Study 30 - Completion of the Works

Case Study 31 - Defects Notification period

Case Study 32 - Payment Procedures/Advance Payment

Case Study 33 - Payment at Completion/Final Payment

Case Study 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 ALTOS project as to aspects of contract management (risk/cost certainty).
Three substantive challenge

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-ate. 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”