

# FIDIC Claims: Management of Claims and Resolution of Disputes

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( 5 Days Training Course )



Business Continuity  
Institute  
Corporate Partnership



## Why Attend

With all FIDIC contracts there will be claims. 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 resolution to claims, and in particular the workings of the Dispute Adjudication Board.

This practical 3-day training course, provided by a professional engineer with extensive international experience in claims and alternative dispute resolution, explains and illustrates contract management, claim management and dispute management under FIDIC Conditions of Contract for Construction (the “Construction Contract” or the “Red Book”) and the FIDIC Conditions of Contract for Plant and Design-Build (the “Design-Build Contract” or the “Yellow Book”).

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 Methodology

Throughout the course there are interactive discussions, case studies, videos, and stimulating question and answer sessions.

## Course Objectives

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

- 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
- Summarize recent FIDIC case law and other authorities as to claims and dispute matters
- Apply practical/hands-on feedback and insights from an experienced FIDIC practitioner and a claims consultant
- Demonstrate the necessary knowledge, advice and insights in order to navigate through the FIDIC claim and dispute provisions on their projects

## Target Audience

This course provides the necessary knowledge for professionals from Government Ministries and Agencies, Private Sector Employers, Consulting Engineers, Contractors, Construction Managers, Quantity Surveyors, Architects, Legal Advisers, Funding Agencies, Insurers, and all others involved with FIDIC Contracts.

## Course Outline

### 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)

### 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  
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

### 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  
The DAB's decision  
Post-DAB decision processes  
Implementation  
Post-DAB mediation  
Enforcement  
Amicable settlement  
Arbitration

### Arbitrating Claims

ICC Rules  
Selecting arbitrators  
Use of experts