

Presents

## **“An Outstanding Two-Day FIDIC Contracts Workshop”**

by



**GEORGE ROSENBERG**

**Venue: Pride Inn Paradise Beach Resort, Mombasa**

**Date: 30 – 31 May, 2018**

**EAST AFRICA LAW SOCIETY**, and the **EALS INSTITUTE**, invites you to an outstanding two -day FIDIC Contracts Workshop, 2018. The high-impact growth of the construction industry in the region calls for an equally flexible capacity building to lawyers and other stakeholders to effectively negotiate contracts, monitor implementation and settle complex disputes that more often arise from such contracts.

East Africa Law Society is the regional umbrella body of lawyers in Uganda, Rwanda, Kenya, Tanzania, Zanzibar and Burundi and is involved in professional development of the legal profession, and promotion of trade in the integrated East Africa, among other mandates. East Africa Law Society delivers its training through the EALS Institute, an arm dedicated to delivering cutting-edge professional training in the region.

### **About the Workshop**

The Outstanding Two-Day FIDIC Contracts Workshop covers A to Z of FIDIC Contracts and is designed to equip practitioners with practical tools for negotiating construction contracts, monitoring progress, risk assessment and management, and dispute management. The course is essential for both in-house counsels as well as private practitioners who are expected to help negotiate complex contracts and resolve construction claims. The course can also benefit non-legal practitioners who are involved in construction projects cycle, policy-makers as well as contractors. Project financiers and insurers will get better appreciation of construction contracts and the risks assessment to equip them with skills for pre-insurance and pre-finance evaluation. Government agencies, which are often the employers in construction contracts, will find the workshop relevant in equipping them with skills for better project management and decision making.

Delegates who complete the course will be awarded the FIDIC Contracts Course Completion Certificate.

## Course Content & Workshop Program

### Day 1

0830 Registration

0900 Start of seminar

#### 1 Overview of the FIDIC Contracts

- Conditions of Contract for Construction
- Conditions of Contract for Plant and Design-Build
- Conditions of Contract for EPC Turnkey Projects
- The Short Form of Contract and The Dredging Contract

#### 2 Which form to use?

- Allocation of functions, particularly design
- Allocation of risks
- Methods of payment
- Measurement

Refreshments

#### 3 Workshop 1

- Choosing the right procurement method

#### 4 The roles of the Employer and the Engineer

- Employer's financial arrangements
- Duties and authority of the Employer and the Engineer
- The changed role of the Engineer
- Determinations

Lunch

#### 5 The risk of delay

- The contractor's obligation
- Extensions of time for completion
- Acceleration
- Penalties for delay

#### 6 Risk, responsibility, liability, insurance

- Principles of risk and risk allocation
- Responsibility
- Liability: scope, extent and period
- Indemnity and insurance

Refreshments

#### 7 Claims for money

- Contractor's claims: clause 20 procedure
- Employer's claims
- Unforeseeable physical conditions
- Prolongation and disruption

#### 8 Workshop 2

- The FIDIC 1999 Red Book

1730 End of Day One

### Day 2

0900 Start of Day Two

#### 1 Ending the project

- Taking over and commissioning
- Defect notification period
- Suspension and termination

#### 2 Procedure for payment, Variations

- Payment and non-payment
- Value engineering
- Variation procedure
- Evaluation

Refreshments

#### 3 Design-Build Contracting

- Design responsibility
- Fitness for purpose
- The Employer's requirements

#### 4 Workshop 3

- The FIDIC 1999 Yellow Book

Lunch

#### 5 Disputes and their resolution (1)

- The Disputes Adjudication Board "DAB"
- The Terms of Appointment: A Tri-Partite Contract
- The Procedural Rules

#### 6 EPC Turnkey Contracting

- Features of the Silver Book
- Risk of the unforeseen
- Instructions and variations in the EPC contract

Refreshments

#### 7 Disputes and their resolution (2)

- Amicable settlement
- Arbitration under the ICC Rules
- Key points to successful arbitration

#### 8 Workshop 4

- The 1999 Silver Book

1730 End of Day Two

1800 Cocktail

## Who Should Attend

- ❖ Lawyers in Private Practice
- ❖ In-house Counsels
- ❖ Project Managers
- ❖ Construction practitioners
- ❖ Consulting Engineers
- ❖ Arbitrators
- ❖ Insurers
- ❖ Project Financiers
- ❖ County Employees
- ❖ Government officials

## Charges

**United States Dollars Five Hundred (\$500) per delegate**

\*For every second and subsequent delegate from a firm/corporation, a discounted rate of \$480 applies.

\*\*Delegates from our 2017 Leading Law Firms Forum pay a special rate of \$450

\*\*\*For group bookings (more than 5 persons from a firm/corporation), a special rate of \$450 applies.

The above covers day meals (mid-morning refreshments, lunch, evening refreshments), use of conference facilities and a USB disk containing the course materials, and certificate of course completion from FIDIC and EALS Institute. The charges do not include accommodation, travel or meals not specified above. Delegates are expected to bear these other costs.

## Registration and Payment

We have only few slots at the workshop as we desire to ensure the course is interactive and as personalized as possible to the delegates. Payment should be received not later than 15<sup>th</sup> May 2018 to guarantee a seat at the workshop. Upon payment please send a scanned copy of the payment slip to [training@ealawsociety.org](mailto:training@ealawsociety.org).

Dully filled [registration form](#) (enclosed) should be returned to the above email address as soon as possible even if payment is still being processed. We shall hold your booking until 15<sup>th</sup> May, 2018 when you shall be expected to have paid the full course fees. Payment should be made in United States Dollar to the following bank account:

A/C Name: **EAST AFRICA LAW SOCIETY**  
Bank: **KENYA COMMERCIAL BANK**  
BRANCH: **ARUSHA**  
A/C No. **3390207473**  
SWIFT: **KCBLTZZ**

## FIDIC Books

Delegates are encouraged to purchase the relevant FIDIC publications for their use. The books are available for purchase online through the FIDIC website. If you require us to purchase a publication and avail to you during the workshop, please indicate in your booking form. The publications (Red Book, Yellow Book and Silver Book) will cost USD.60 each including shipping costs.

## Travel & Accommodation

Delegates are expected to make their travel arrangements to the venue. We have negotiated competitive accommodation packages with the Pride Inn Paradise Beach Resort. As shown below. Delegates who are interested in using the facility should indicate this in the booking form. Payments for accommodation can be made at the venue.

- ❖ Per person sharing in a twin pool room @ \$60 per night on BB (bed & breakfast)
- ❖ Per person sharing in a twin pool room @ \$65 per night on HB (bed, breakfast & dinner)
- ❖ Single pool view rooms @ \$85 per night on BB (bed & breakfast)
- ❖ Single pool view rooms @ \$90 per night on HB (bed, breakfast & dinner)
- ❖ One bedroom suites @ \$300 per night on HB (bed, breakfast & dinner)

You can book through us or directly at the hotel by writing to [dsm@prideinnparadise.com](mailto:dsm@prideinnparadise.com)

## About the Speaker



**GEORGE ROSENBERG** has presented many seminars on FIDIC Contracts on behalf of Cornerstone Seminars and has on numerous occasions represented clients using FIDIC contracts. He has assisted clients procuring contracts using FIDIC red, yellow and silver books and advised clients bidding for such work. In these cases he has drafted amendments to the standard contracts in order to adapt them to particular circumstances. He has also represented both Contractors and Employers involved in disputes under the FIDIC Red, Yellow and Silver Books. He has assisted clients involved in DAB's and arbitrations. Recently he has been involved in several cases where disputes have arisen following termination of FIDIC contracts.

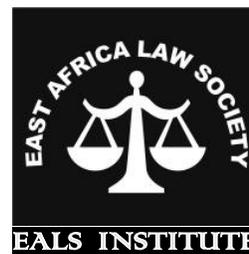
George Rosenberg He has also advised clients considering terminating such contracts and assisted them to prepare strategies designed to minimize the risks involved. His most recent dispute experience includes representing contractors in the Middle East in disputes referred to arbitration relating to civil engineering and building projects under FIDIC based contracts. Over the years he has also represented many public-sector clients including a Government in East Africa constructing a major hydro dam in several disputes before a DAB, a government in Central Asia in disputes before a DAB and then in preparing for and terminating a contract for road rehabilitation works and a West African government organization considering the termination of a road contract. His recent drafting experience includes advising a consortium on the terms of their FIDIC-based contract for a multi-billion project in the Middle East.

George has practiced construction law for 30 years and during that time has been based in four different jurisdictions. He qualified as a barrister and solicitor in New Zealand where he practiced for ten years before joining the Hong Kong Government's legal department, becoming head of the construction law division and then head of the office established to support the new Chek Lap Kok airport project – at that time the largest construction project in the World. The contracts used for this project were specially written but were based on formats similar to FIDIC contracts and were some of the first to integrate adjudication and mediation into contracts for major works. The 1999 FIDIC suite of contracts drew considerably on the Hong Kong experience. He left the Government to become head of the construction department of a leading City law firm. In 1996 he joined Shadbolt & Co., a leading construction law firm for whom he established the firm's Athens office. After a period with Corbett & Co International Construction Lawyers he formed a new international construction law firm which practiced mainly in the Middle East. He has recently returned to Corbett & Co. His experience includes drafting and negotiating contracts for civil engineering and construction projects, acting as advocate in domestic, ICC, DIAC, UNCITRAL rules and EDF arbitration as well as litigation and ADR. He acts as advocate as well as solicitor. He has acted for governments, developers, service providers, contractors and consultants. George is a Fellow of the Chartered Institute of Arbitrators. He is a Member of the International Construction Projects Section of the IBA and has been Chairman of subcommittees of the Section.

**For more information, reach us:**



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Website: [www.ealawsociety.org](http://www.ealawsociety.org)  
Facebook: East Africa Law Society  
twitter: @ealawsociety



**COURSE REGISTRATION FORM**

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**Venue: Pride Inn Paradise Beach Resort, Mombasa**

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Complete this form and return it by email to [training@ealawsociety.org](mailto:training@ealawsociety.org) (attach the bank pay-in slip)

**NAME** (this is how your name will appear on the course completion certificate):

**FIRM/COMPANY:**

**CONTACT DETAILS**

<b>TEL:</b>	<b>E-MAIL:</b>
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**PAYMENT DETAILS** (tick the items you are paying for):

Course Fees:

FIDIC Red Book:	<input type="checkbox"/>
FIDIC Yellow Book:	<input type="checkbox"/>
FIDIC Silver Book:	<input type="checkbox"/>

Accommodation (specify room type)

Twin pool room sharing @ \$60 per night on BB	<input type="checkbox"/>
Twin pool room sharing @ \$65 per night on HB	<input type="checkbox"/>
Single pool view room @ \$85 per night on BB	<input type="checkbox"/>
Single pool view room @ \$90 per night on HB	<input type="checkbox"/>
One bedroom suite @ \$300 per night on HB	<input type="checkbox"/>

**If paying later, specify the date by which payment is expected:**

Payment should be made in United States Dollar to the following bank account:

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Website: [www.ealawsociety.org](http://www.ealawsociety.org)