FIDIC Contracts Management and Claims Resolution Training Course



Ref: #LEG3852

Course Introduction / Overview:

The global construction industry operates on a foundation of complex contractual agreements, with the FIDIC (International Federation of Consulting Engineers) suite of contracts being the international standard for major infrastructure and engineering projects. This comprehensive training course provides an in-depth, practical exploration of the FIDIC Conditions of Contract, focusing on effective contract management and the strategic resolution of claims. As highlighted by the renowned authority Nael G. Bunni in his seminal work "The FIDIC Forms of Contract," a thorough understanding of these documents is not merely a legal formality but a critical component of successful project delivery. This program, offered by BIG BEN Training Center, is meticulously designed to move beyond theoretical knowledge, equipping participants with the skills to navigate the entire contract lifecycle, from tender to final account. We will dissect the roles and responsibilities of the Employer, the Engineer, and the Contractor, analyze the mechanisms for variations and payments, and master the procedures for preparing, submitting, and defending claims. Participants will gain the confidence to manage risks, prevent disputes, and resolve conflicts efficiently, ensuring projects are completed on time, within budget, and to the required quality standards.

Target Audience / This training course is suitable for:

- Project Managers and Directors.
- Contract Administrators and Managers.
- Commercial Managers.
- Quantity Surveyors.
- Construction Managers.
- Site Engineers and Planners.
- Legal Counsel and Contract Lawyers.
- Procurement and Purchasing Managers.
- Consultants and Consulting Engineers.
- Government representatives involved in public works projects.

Target Sectors and Industries:

- Construction and Engineering.
- Infrastructure Development.
- Oil and Gas.
- Energy and Power Generation.
- Real Estate and Property Development.
- Transportation (Roads, Railways, Airports).
- Water and Wastewater Treatment.
- Government and Public Works Agencies.
- International Development and Funding Agencies.

Target Organizations Departments:

- Project Management Office (PMO).
- Contracts and Procurement.
- Legal and Compliance.
- Engineering and Design.
- Commercial and Finance.
- Operations and Site Management.
- Risk Management.
- Planning and Scheduling.

Course Offerings:

By the end of this course, the participants will have able to:

- Interpret the key clauses and provisions of the FIDIC Red, Yellow, and Silver Books.
- Effectively manage contract administration duties and responsibilities throughout the project lifecycle.
- Identify potential claims and issue timely and compliant notices.
- Prepare robust and well-substantiated claims for Extension of Time (EOT) and additional costs.
- Analyze and defend against claims submitted by other contracting parties.
- Understand the procedures for variations, adjustments, and payment certification.
- Navigate the dispute resolution mechanisms, including the Dispute Adjudication Board (DAB) and arbitration.
- Manage contract termination and close-out procedures effectively.
- Mitigate risks associated with contract non-compliance and disputes.
- Apply best practices for record-keeping to support contract management and claims.

Course Methodology:

The training methodology at BIG BEN Training Center is designed to be highly interactive, practical, and engaging, ensuring that participants can immediately apply their learning to real-world scenarios. This course moves beyond traditional lectures by incorporating a blended learning approach. A significant portion of the training is dedicated to hands-on workshops and practical exercises where participants will work on preparing claim notices, substantiating extension of time requests, and calculating quantum. We will utilize detailed case studies drawn from actual construction projects to analyze complex contractual issues and dispute scenarios. Group discussions and collaborative problem-solving sessions will be facilitated to encourage the sharing of experiences and perspectives among participants from diverse backgrounds. Our expert instructors will provide continuous feedback and guidance, fostering a dynamic learning environment. The program emphasizes a practical, step-by-step approach to contract and claims management, ensuring that theoretical concepts are always linked to tangible project outcomes, empowering participants with both the knowledge and the confidence to excel.

Course Agenda (Course Units):

Unit One: Fundamentals of FIDIC Contracts

- Introduction to the FIDIC suite of contracts (Red, Yellow, Silver Books).
- Understanding the overall structure and philosophy of FIDIC.
- Key definitions and principles of contract interpretation.
- Roles and responsibilities of the Employer, the Engineer, and the Contractor.
- The Engineer's authority, duties, and potential liabilities.
- General obligations of the main parties under the contract.
- Analysis of the FIDIC 1999 and 2017 editions.

Unit Two: Contract Administration and Management in Practice

- Commencement, delays, and suspension of works.
- Managing design responsibility and contractor's documents.
- Procedures for instructions and variations.
- Measurement, evaluation, and the payment process.
- Handling provisional sums and daywork schedules.
- Tests on completion and the taking-over process.
- Understanding the defects notification period and performance certificate.

Unit Three: Managing and Preparing Claims

- What constitutes a claim under FIDIC contracts?
- The critical importance of notices and time bars.
- Procedures for contractor's claims for time and money.
- Procedures for employer's claims.
- Contemporary records and their role in substantiating claims.
- Building a claim file from initiation to submission.
- Common pitfalls in claim preparation and how to avoid them.

Unit Four: Extension of Time and Quantum Analysis

- Principles of delay analysis for Extension of Time (EOT) claims.
- Understanding critical path and float in programming.
- Concurrent delays and their impact on EOT entitlement.
- Calculating and substantiating claims for additional payment (Quantum).
- Valuation of variations and claims.
- Analysis of prolongation costs, disruption, and overheads.
- Techniques for presenting financial claims clearly and effectively.

Unit Five: Disputes, Termination, and Contract Close-Out

- The multi-tiered dispute resolution process in FIDIC.
- The role and function of the Dispute Adjudication Board (DAB).
- Procedures for amicable settlement and negotiation.
- Initiating and managing arbitration proceedings.
- Grounds and procedures for contract termination by the Employer or Contractor.
- Consequences of termination and payment procedures.
- Final account preparation and issuance of the final payment certificate.

FAQ:

Qualifications required for registering to this course?

There are no requirements.

How long is each daily session, and what is the total number of training hours for the course?

This training course spans five days, with daily sessions ranging between 4 to 5 hours, including breaks and interactive activities, bringing the total duration to 20 - 25 training hours.

Something to think about:

Considering the increasing complexity of global construction projects, how might the principles of good faith and fair dealing influence the interpretation and resolution of disputes under FIDIC contracts beyond the explicit contractual mechanisms?

What unique qualities does this course offer compared to other courses?

This course distinguishes itself by focusing relentlessly on the practical application of FIDIC principles in real-world construction environments. While many courses provide a theoretical overview of the contract clauses, our program is built around interactive workshops and in-depth case studies that simulate the challenges project professionals face daily. Participants will not just learn about claims; they will actively engage in drafting notices, substantiating delays, and calculating quantum based on realistic project data. We emphasize the "how-to" of contract and claims management, providing step-by-step guidance on building a robust claim file and defending a position before a dispute board. The curriculum is designed to bridge the gap between contract theory and project reality, offering insights into the strategic thinking required to prevent disputes before they escalate. By concentrating on practical skills, commercial awareness, and strategic decision-making, this course equips participants with the tangible tools and confidence needed to manage complex FIDIC contracts effectively, rather than just a passive understanding of the text.