

Two Days Training Course on

PRACTICAL USE, MANAGEMENT AND ADMINISTRATION OF **FIDIC CONDITIONS OF CONTRACT**

4th & 5th August, 2014

PHD Chamber of Commerce and Industry
PHD House, 4/2 Siri Institutional Area
August Kranti Marg, **New Delhi** - 110016.

7th & 8th August, 2014

Seminar Hall, 1st Floor, Pravin Gandhi College of Law,
Mithibai College Campus, Bhaktivedanta Marg,
Vile Parle (West), **Mumbai** - 400056.



Organised by



Consulting Engineers
Association of India

Supported by



SVKM's Pravin Gandhi
College of Law
Vile Parle [W],
Mumbai - 400 056.



THE INDIAN MEMBER ASSOCIATION OF
INTERNATIONAL FEDERATION OF CONSULTING ENGINEERS

OBJECTIVE ▶

The FIDIC 1999 Conditions of Contract are being used the world over where multi-lateral development banks provide the funding. With a number of large and complex projects going on in the country and also in the offing, coupled with a highly competitive arena in which the consultants, contractors and vendors have to provide their services, it is necessary that each party to the contract is clear about their rights as well as their obligations. For this to be so it is imperative that project personnel of each party understand the implications of each clause of the contract and take timely action for the due performance and implementation of their obligation under the contract for the proper and effective progress of the project and to avoid any issues which can adversely affect any of the parties or the project.

In a contract some documents serve as general guidelines where as others are specific. This differentiation and the implications must also be understood by the parties concerned.

The training course will serve to explain and illustrate how to use the FIDIC Conditions of Contract, administer and manage it. The course will deal with practical issues on the FIDIC 1999 Conditions of Contract including the New Red Book, Yellow Book, Silver Book and the Pink Book. These will be presented by Mr. Bogdan Oprea, a FIDIC Accredited trainer.

Case Studies and special topics based on Indian cases will be covered by Mr. O P Goel, Dr. P V Amarnadha Prasad and Mr. Uttam Sengupta.



WHO SHOULD ATTEND? ▶

All professionals actively involved in preparing and implementing projects under the FIDIC Conditions of Contract:

- ♦ Consulting Engineers
- ♦ Architects
- ♦ Quantity Surveyors
- ♦ Contractors / Sub Contractors
- ♦ Owners
- ♦ Funding agencies
- ♦ Central and State Government departments / Ministries involved in projects
- ♦ Executive of PSUs of Infrastructure Sector
- ♦ Builders / Developers
- ♦ Construction professionals
- ♦ Suppliers
- ♦ Insurers
- ♦ Lawyers

CEAI being the member association of FIDIC is the only body in India authorised to issue certificates with the FIDIC name and logo.



FACULTY



Mr. Bogdan Oprea

Mr. Bogdan received degrees in civil engineering from the Institute of Civil Engineering, Bucharest, Romania, and from L'Institute Nationale de Science Appliquées, Lyon, France where he was awarded a Diplôme d'Études Approfondies (DEA). He is a Member of the Dispute Resolution Board Foundation, of the Romanian Association of Consulting Engineers and other organizations. His name is also listed on the DRBF President List of Dispute Boards Member, Romanian national list of adjudicators, and he is an accredited mediator.

He has served as Mediator, Negotiator and Adjudicator under FIDIC Conditions of Contract on several International Contracts.

He has trained extensively for FIDIC as an accredited FIDIC trainer in Europe, Middle East, Asia, South America and Africa, specializing on FIDIC contracts and the management of claims and the resolution of disputes.

He started his career as a Teacher Assistant at the Faculty of Roads, Railways and Bridges, then in the

Bucharest Branch Department of National Administration of Roads. Later he joined Iptana Search as a chief designer for bridges and then at Louis Berger as a Deputy Project Manager and Claims expert. He now has his own company- AB Resolution which specializes in assessing claims, disputes, contractual risk, mediation, adjudication, contracts and claim analysis, etc.



Mr. O P Goel

Mr. O P Goel had a brilliant academic career after which he joined the Central Engineering Services and retired as Director General (Works), Central Public Works Department, Government of India. During that he got versatile experience in all facets of civil engineering particularly buildings, roads & bridges right from planning, designing construction, project management, monitoring, litigation, arbitration, etc. He worked on many prestigious projects in India and abroad and has to his credit construction of large number of buildings, bridges, road works, water supply and sewage treatment plants, special constructions like chimneys, towers, irrigation structures, dams, barrages etc.

He plays a leading role in the prestigious professional bodies - Institution of Engineers (India) - National President during 2003-2004, Indian Build-

ings Congress - Founder President, Indian Roads Congress - Vice-President and Indian Institution of Technical Arbitrators - President. He is also associated with various professional bodies on Arbitration - Indian Council of Arbitration, International Council of Consultants, Construction Industry Arbitration Council, Singapore Institute of Arbitrators Singapore, International Centre for Alternate Dispute Resolution, Dispute Review Board Foundation, U.S.A. and Singapore International Arbitration Centre.

He is a Fellow Member of the Institution of Surveyors, Indian Institution of Bridge Engineers, International Association of Bridge and Structural Engineering, Institution of Valuers, Consulting Engineers Association of India, International Society of Trenchless Technology, et al.

He has organised and participated in a number of National and International conferences, seminars and workshops. He has a number of technical papers to his credit. He has a deep understanding of the FIDIC Conditions of Contract and the Dispute Resolution Mechanism. He has delivered Lectures on Dispute Resolution in National and International Conferences and also as a faculty in Training Institutes. Being on the panels of Arbitrators & Adjudicators of various organizations and professional bodies he has handled large number of arbitration cases. Besides he has acted as Arbitrator in about two hundred cases. He has been the Chairman/Member of Dispute Review Boards in 14 projects of Highways, Irrigation and Sewerage of large magnitude and an Adjudicator in many building projects.



Dr. P V Amarnadha Prasad

Dr. P. V. Amarnadha Prasad is a Graduate in two branches of engineering in civil and mechanical, has over two decades of professional experience in engineering, legal and arbitration matters pertaining to infrastructure projects. Dr Prasad is very active in the Techno-Legal profession and has expertise in the design of highway projects, project management, preparation of tender

documents and tender administration for engineering procurement and construction contracts.

Dr Prasad is an approved legal expert for various projects under National Highways Authority of India and other agencies. Has served as an Arbitrator in many cases and is appointed as Court Commissioner by Andhra Pradesh State Commission under Con-

sumer Protection Act. Dr Prasad is the Chairman of Technical Arbitrators, Andhra Pradesh State Centre and Member of the Institute of Management Consultants of India, Indian Roads Congress, Indian Building Congress, Indian Council of Arbitration, Indian Society of Construction Law. He is an active member of the Consulting Engineers Association of India and is an Indian faculty on construction contracts.



Mr. Uttam Sengupta

Mr. Uttam Sengupta graduated in Commerce and later on did his LLM from the University of Bombay. After graduation he joined Siemens Limited as a "Commercial Trainee" and moved up in the organization in different capacities and in different divisions. During his long innings in Siemens he handled commercial issues of various domestic and international projects in the field of power and it also extended to heading the project management team at the corporate level. In Siemens he was also deputed abroad and that gave him international exposure.

In 2004, Mr. Sengupta was invited by Voltas Limited (A TATA Enterprise) to head the "Risk Management" cell for their International Operation Business Group. He has rich experience, in handling contractual matters,

across various industries, with particular reference to infrastructure and construction industry in India and abroad, particularly, in GCC countries, where the contracts are predominantly structured upon the FIDIC Conditions of Contract.

He specialises in Contract Management, evaluation of risk by reference to contract provisions, monitoring and reviewing them so as to suggest mitigation measures in the entire contract procedure, including basic risk areas. He has also experience in representing and defending dispute adjudication proceeding, in coordination with reputed International Legal Attorneys and Claim consultants. His international market knowledge and contracting knowhow, assists in providing valuable and detailed advice in Tendering process, on pro-

ject risk assessment, contract review and drafting to ensure successful bidding activity.

He is actively involved, in mentoring management students from reputed management institutions in International Business, lecturing and sharing of knowledge at various corporate forums and institutional bodies, and is on the Ad-hoc Board of Studies in Management Courses (Mumbai University) as Industry Representative. He has actively participated in International FIDIC conferences in London, UAE and India. He is also an Indian faculty on Construction Contracts and Risks.

He is a Member of the Governing Council of the Consulting Engineers Association of India and also the Co-Chairman of its Western Region Centre.



PROGRAMME

DAY 1

Project Contracting Strategy*

- ◆ Contracts Principle, Types, Law
- ◆ Common Law Civil Law
- ◆ Project Contracting Strategy

Introduction to the 1999 FIDIC documents*

(Construction Contract; Plant and Design-Build, Turn Key, Short Form Contract)

- ◆ Background and reasons for change
- ◆ Examination of format and content of General Conditions
- ◆ Examination of Guide to Particular Conditions
- ◆ Annex to documents
- ◆ Selection of appropriate type of Contract

Contract start up*

- ◆ Appointments ◆ Procedures
- ◆ Programme ◆ Guarantees ◆ Insurance

Responsibilities of Main Parties*

- ◆ General issues ◆ Responsibilities of the Employer
- ◆ The Engineer ◆ The Contractor
- ◆ Contractor's Representative
- ◆ Nominated Sub-Contractor
- ◆ Design and Employer Requirements

Management of Projects - Key Areas Workmanship and Time*

- ◆ Staff and Labour
- ◆ Plant, Materials and Workmanship
- ◆ Commencement, Delays and Suspension
- ◆ Taking over of the works
- ◆ Tests and Defects Liability
- ◆ Defects during the Defect Liability Period
- ◆ Performance Certificate

Case Studies & Special Topics-1 by Dr. P V Amarnadha Prasad

Note: *Topics will be taken by Mr. Bogdan Oprea

DAY 2

Financial Clauses and Procedures*

- ◆ Measurement and Evaluation ◆ Variation and Adjustment
- ◆ Contract Price and Payment procedure and practice
- ◆ Statement at completion ◆ Final payment certificate

Case Studies & Special Topics-2 by Mr. O P Goel

Risks, Force Majeure & Termination*

- ◆ Termination by Employer
- ◆ Suspension & Termination by Contractor
- ◆ Risk allocation
- ◆ Force majeure

Claims *

- ◆ Claims procedures principles
- ◆ Claims by the Employer ◆ Claims by the Contractor

Management of disputes and Avoiding disputes*

- ◆ Disputes Adjudication Board ; Dispute combined Boards
- ◆ DAB Agreement & Procedures
- ◆ Amicable Settlement practical aspects
- ◆ Alternative dispute resolution mechanisms
- ◆ Arbitration

Case Studies & Special Topics-3 by Mr. Uttam Sengupta

ADDRESS FOR CORRESPONDENCE

CEAI Secretariat

CEAI Centre, OCF Plot No.2, Pocket 9,
Sector B, Vasant Kunj, New Delhi - 110070.
Tel: +91 11-26134644 | E-mail: ceai.ceai@gmail.com

REGISTRATION FORM

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Name Designation

Organization Contact Address

Ph Mob E-mail

Please register my name for the programme at

Date:

Signature of the Applicant

- ♦ Course Fee: ₹ 15,000/- per participant for Members and ₹ 20,000/- for Non-members + Service Tax at 12.36%.
- ♦ FIDIC MAs in TCDPAP/ASPAC and SAARC countries USD 325 and other countries USD 450 inclusive of Service Tax.
- ♦ It is a Non Residential course.
- ♦ Certificate will be issued to those who attend the course.
- ♦ FIDIC 1999 Conditions of Contract (Red Book) may be purchased separately on payment of ₹ 3,200 per copy. For FIDIC publications catalogue please contact CEAI Secretariat.
- ♦ Suitable reduction in fees would be considered if there are 5 or more participants from one organization.
- ♦ Cheque/DD should be drawn in favour of "Consulting Engineers Association of India" payable at Delhi.

PAYMENT CAN ALSO BE MADE BY BANK TRANSFER:

Beneficiary: Consulting Engineers Association of India | Name of Bank: Indian Overseas Bank
Address of Branch: Lok Kala Manch, Lodhi Road, New Delhi 110003. | IFS Code: IOBA0001498
Account No.: 149801000027261 Branch Code: 1498 | MICR Code: 110020046 | PAN: AAATC5274E

ADDRESS FOR CORRESPONDENCE:

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