Don’t miss this unique opportunity to gain expert advice on how you can:

• Get the latest updates to the FIDIC suite of contracts
• Examine the roles of the parties in FIDIC contracts: Engineers, Employers and Contractors
• Keep abreast of the latest litigation, arbitration and dispute resolution techniques specific to the Asia-Pacific region
• Analyse the differences between the different FIDIC contracts and their application in the Asia-Pacific region

Also benefit from 3 fully interactive workshop sessions:

• Workshop A - Introduction to the FIDIC Suite of Contracts
• Workshop B - Construction Claims & Defence
• Workshop C - FIDIC Contracts: Effective Dispute Resolution Strategies

Your registration includes a free copy of:


Your Speaker Faculty 2013:

• DATO’ SRI IR. DR. JUDIN ABDUL KARIM, CEO, CIDB (Malaysia)
• DATUK SERI IR. AZMAN MOHD, President/Chief Executive Officer, Tenaga Nasional Berhad (Malaysia)
• NOR AZLI SHARI, Head of Shared Purchasing, Group Procurement Dept, Tenaga Nasional Berhad (Malaysia)
• DR. SARWONO HARDJOMULJADI, Special Adviser, Ministry of Public Works (Indonesia)
• MICHAEL MORTIMER-HAWKINS, Special Advisor, FIDIC Contracts Committee (Sweden)
• CHRISTOPHER WADE, Special Advisor, FIDIC Contracts Committee (UK)
• SIOBHAN FAHEY, Member, FIDIC Contracts Committee (Ireland)
• ZOLTÁN ZÁHONYI, Member, FIDIC Contracts Committee (Hungary)
• DAVID BROWN, Partner, Clyde & Co (France)
• AXEL JAEGGER, Consulting Engineer, Member, VBI, FIDIC, DBF; Special Advisor, FIDIC Contracts Committee (Germany)
• SEBASTIAN HÖK, Partner, HÖK, Stiegmeier & Kollegen; FIDIC Adjudicator (Germany)
• SALVADOR P. CASTRO JR., Chairman, SP Castro and Associates inc. (Philippines)
• RUSLI BIN IDRUS, Director, RBI Consultants (Malaysia)
• ISOLINO GOMES, Head of Contract Administration and Risk Assessment, Mota-Engil Central Europe (Poland)
• DR ERNESTO DE CASTRO, CEO, ESCA Incorporated (Philippines)
• TIA STAREY, Senior Associate, Clyde & Co (Singapore)
• RICHARD KELL, Senior Consultant, Cardno; Past President, FIDIC (Australia)

Don’t miss this unique opportunity to gain expert advice on how you can:
10:30 Registration & Coffee

09:00 Opening Remarks from the Chairman

Michael Mortimer-Hawkins, Special Advisor, FIDIC CONTRACTS COMMITTEE (Sweden)

09:05 Opening Panel Session - The Use of FIDIC Forms in the South East Asia Region

This presentation will take the form of a discussion on the introduction and use of the FIDIC forms of contract in the SE Asia region and why their use is spreading amongst the ASEAN nations, and will set the scene for the complete conference programme.

Moderator: Michael Mortimer-Hawkins, Special Advisor, FIDIC CONTRACTS COMMITTEE (Sweden)

Panellists:
- Dato’ Sri Ir. Dr. Judin Abdul Karim, Chief Executive, CONSTRUCTION INDUSTRY DEVELOPMENT BOARD (CIDB) (Malaysia)
- Datuk Seri Ir. Azman Mohd, President/Chief Executive Officer, TENAGA NASIONAL BERHAD (Malaysia)
- Dr. Sarwono Hardjomuljadi, Special Adviser, MINISTRY OF PUBLIC WORKS (Indonesia)

09:50 The FIDIC Suite of Contracts – Latest Updates & Developments

This session will apprise delegates on the contracts currently being updated by FIDIC and new contracts under preparation. The speakers will explain why the updates and new contracts are needed, what are the expected key features of the update/new contract, and target timescales for publication.

- Update of Yellow Book 1999
- Updates of Red Book 1999 and Silver Book 1999
- New subcontract for Yellow Book 1999
- Updates of White Book and sub-consultancy agreement
- Update of dredging contract
- New tunnelling contract

Siobhan Fahey, Member, FIDIC CONTRACTS COMMITTEE (Ireland)

Isolino Gomes, Head of Contract Administration and Risk Assessment, MOTA-ENGIL CENTRAL EUROPE (Poland)

10:50 The Construction Contract (Red Book) - History & Main Features

Since it was published in 1957, the FIDIC Red Book has become perhaps the most widely used and widely respected form of contract for construction projects worldwide, and is FIDIC’s “flagship” form of contract. It is recognised as a fair and balanced basis for a contractual relationship and is used by most of the major international financing institutions.

- History and development of the Red Book
- Main features of the 1999 4th Edition
- Users’ feedback and experience

11:35 The Design Build Contract – History & Main Features

- Multidisciplinary and holistic approach
- Performance specification
- Employer’s requirements
- Innovative power and high performance of Contractor’s design and execution
- Fitness for purpose

Axel Jaeger, Consulting Engineer, Member, VBI, FIDIC, DBF; Special Advisor, FIDIC CONTRACTS COMMITTEE (Germany)

12:20 Networking Lunch

13:55 EPC/ turnkey Contract

Gain a thorough understanding of the FIDIC EPC/Turnkey Contract and discover how possibilities for additional payment and additional time are limited to a greater degree than under traditional contracts.

- History of the Silver Book
- Main features of the 1999 Silver Book edition
- Comparison between the Silver Book and the Yellow Book
- Why the Silver Book is so popular
- Valuation of variations under the Silver and Yellow Books
- Cautions when using the Silver Book

Christopher Wade, Special Advisor, FIDIC CONTRACTS COMMITTEE (UK)
The DBO Contract – Green Field, Brown Field & Guide
- As-Built situation
- Employer’s Requirements
- Construction under operation constraints
- Additional liability
- Application of design-build-operate and green field sites
- Advantages of the FIDIC DBO and how it compares with the design-build
- Ensuring an efficient use of the Gold Book DBO and its new contract guide
- Latest developments concerning brown-field requirements
- Specific DAB rules within the FIDIC DBO contract

Axel Jaeger, Consulting Engineer, Member, VBI, FIDIC, DBF; Special Advisor, FIDIC CONTRACTS COMMITTEE (Germany)

Sebastian Hök, Partner, HöK, STIEGLMEIER & KOLLEGEN; FIDIC ADJUDICATOR (Germany)

Use of the Short Form of Contract in South East Asia

The Short Form of Contract is the lesser known amongst the 4 Suites of 1999 FIDIC Forms, yet it is the more widely used in South East Asia as compared to the major books. This session will give the opportunity for delegates to share actual experience in the use of the Green Book, including expedience in developing particular conditions.

- Using the Short Form of Contract in construction projects and development of particular conditions
- Force majeure in the short form of contract
- Comparison with other forms of contract

Dr. Sarwono Hardjomuljadi, Special Adviser, MINISTRY OF PUBLIC WORKS (Indonesia)

Nor Azli Shari, Head of Shared Purchasing, Group Procurement Dept, TENAGA NASIONAL BERHAD (Malaysia)

The FIDIC Procurement Guide

The new FIDIC Procurement Procedures Guide was published in late 2011, and it offers guidance and information on all phases of the procurement process according to FIDIC principles. Issues to be explored during the session include:

- Challenges and scope of the new procurement guide
- Importance of basic considerations and development of project strategy
- Best practice in consultant selection
- Successful management of procurement
- Obtaining reliable and responsive work tenders

Christopher Wade, Special Advisor, FIDIC CONTRACTS COMMITTEE (UK)

Cable Users’ Conference 2013

08:30 Morning Coffee

09:00 Introduction to Day 2

Christopher Wade, Special Advisor, FIDIC CONTRACTS COMMITTEE (UK)

Choosing the Right FIDIC Conditions of Contract

FIDIC has an established and well-tried set of contract conditions for virtually every type of construction project. Learn how to select the correct conditions for your project, having regard to design responsibility, employer involvement, risk allocation and other relevant features.

- Types of projects and applicability
- Design responsibility and employer involvement
- Preparation of documentation and risk allocation
- Introduction of changes to on-going works
- Misconceptions about ‘fixed price’

Christopher Wade, Special Advisor, FIDIC CONTRACTS COMMITTEE (UK)

Case Studies of using FIDIC in SE Asia

Delegates will have the exclusive opportunity to listen to actual experiences of using the FIDIC Forms in South East Asia. These experiences can be used by the delegates as lessons learnt when applying the FIDIC Forms for future construction contracts in the SEA region regardless as an Employer, Contractor or Engineer.

Salvador P. Castro Jr., Chairman, SP CASTRO AND ASSOCIATES INC. (Philippines)

Rusli Bin Idrus, Director, RBI CONSULTANTS (Malaysia)

Richard Kell, Senior Consultant, CARDNO; Past President, FIDIC (Australia)

10:50 Morning Coffee Break

11:20 Risk Allocation Under the FIDIC Forms of Contract

- How is risk allocation across the FIDIC suite of contracts
- Allocation of specific risks
- Balanced risk sharing principles
- Benefits to stakeholders
- Imbalanced risk allocation?
- Abuse of particular conditions
- Allocating risk in the design phase under the Employer’s Requirements

David Brown, Partner, CLYDE & CO (France)

Tia Starey, Senior Associate, CLYDE & CO (Singapore)

12:00 Arbitration – Recent Regional & International Experiences

- The dispute phenomenon: how disputes arise and what constitutes a dispute
- What can parties do under FIDIC Sub-Clause 20.5 to get a dispute settled?
- Effective alternative methods of dispute resolution

Christopher Wade, Special Advisor, FIDIC CONTRACTS COMMITTEE (UK)
Making international arbitration work

David Brown, Partner, CLYDE & CO (France)

12:45 Networking Lunch

13:45 Employer's Requirements and Management Plans Under FIDIC Contracts

- Judicious use of particular conditions by employers to get the requirements they want
- Management plans under FIDIC contracts: essential tools for quality, sustainable outcomes.
- FIDIC contracts in developing countries – structured and agreed management plans aid both employers and contractors.
- Environmental and social issues under FIDIC contracts

Richard Kell, Senior Consultant, CARDNO; Past President, FIDIC (Australia)

14:30 Preparing & Processing Claims in South East Asia

- Notices and claims procedures
- Extension of time
- Force majeure
- Claims for additional payments
- Failure to notify

Salvador P. Castro Jr., Chairman, SP CASTRO AND ASSOCIATES (Philippines)

15:40 Afternoon Refreshments

15:55 The Use of DABs in South East Asia

- Support and feedback from multilateral development banks
- Ongoing DAB projects at the Asian Development Bank
- Promoting engineers to DAB
- The role of DABs in dispute avoidance and dispute settlement

Dr Ernesto De Castro, CEO, ESCA INCORPORATED (Philippines)

16:40 Contract Administration & The Role of the Engineer

- The White Book Agreements:
  - Client/Consultant Model Services Agreement
  - Sub-Consultancy Agreement
  - Joint Venture Agreement
  - Scope of Services (Definition of Services Guidelines, Building Construction, 2009)
  - Duty of Care and Exercise of Authority
  - Re-assessing the role of the Engineer?
  - Current trends and what these may mean for the role of the Engineer in the future
  - The impact/effect of limiting the Engineer’s authority

Axel Jaeger, Consulting Engineer, Member, VBI, FIDIC, DBF; Special Advisor, FIDIC CONTRACTS COMMITTEE, (Germany)

17:25 Close of Conference and Guided Site Visit to Sunway Complex Extension

Rave reviews for the FIDIC Asia-Pacific Contract Users’ Conference!

“It is more than just a conference. Here you can experience and also share how the FIDIC contracts’ suite is practised in many jurisdictions and also gain insightful views of future development against current issues and problems”

E Sundoro, PT Indo Tambangraya Megah

“Diversified but comprehensive programme”

C Fung, Aecom Asia Co Ltd

“Well done to the organising and all participants! This conference provided a balanced flavour of FIDIC contract application from a user’s perspective, a legal framework and ultimately the implications toward the project as a whole!”

QW Kee, RTS Technology

“An excellent spread of relevant topics that are applicable to projects in not only the South-East Asian region but globally”

M Bradbury, McCullough Robertson Lawyers

Gain up to 24 SRA hours!
24 hours (main conference & all workshops)
12 hours (main conference)
6 hours (workshop A)
3 hours each (workshops B & C)

Join a wide range of companies at the leading FIDIC Contract Users’ forum for the Asia-Pacific region

Companies sending one or more attendees to previous FIDIC Asia-Pacific events include:

- Bombardier Singapore Pte Ltd
- Davis Langdon and Seah Vietnam
- Tsinghua University
- PT Bismark Solusi Konsultan
- Atkins China Ltd
- Aedas Ltd
- Manila Water Company Inc
- Hong Kong Jockey Club
- Haji Adinin & Sons
- DLS Contract Advisory Management
- Invensys Pic
- Powerpoint Consultant Ltd
- Tenaga Nasional Berhad
- Nippon Koei Co Ltd
- Hamzah Hassan Consultant
- Al Khaleej Sugar Co LLC
- Abu Dhabi City Municipality Department
- Inyenti Rail Group
- CLP Power Hong Kong Ltd
- ALSTOM Power SA
- Brunei Economic Development Board
- National Water Co
- Construction Industry Development Board Malaysia
- Hudigmen Archiects & Engineers
- Schulz Naack Barwinkel
- KC Engineering Consultant
- Aecom
- Kumpulan Sepakat Konsult
- Manila Water Company Inc
- Shanghai SIP Engineering Consulting
- Audex Pte Ltd
- VSL Intrafor Hong Kong Ltd
- Ghra LPJKN
- Siemens Ltd
- Hong Kong Highways Department
- Novo Nordisk China Pharmaceuticals Co Ltd
- and many more!
FIDIC Asia-Pacific Contract Users’ Conference
Sunway Resort Hotel & Spa, Kuala Lumpur, Malaysia • 11th & 12th June 2013

Meet your sponsors:

Strategic Partner

CIDB MALAYSIA

The Construction Industry Development Board (CIDB) is a statutory body under the Ministry of Works, Malaysia. It was established in 1994 to coordinate all activities in the industry and increase its competitiveness. CIDB holds the vision of developing a world class construction industry in Malaysia, and pursues the mission of enhancing the competitiveness of the Malaysian construction industry. CIDB works closely with industry players to develop the capacity and capability of the construction industry through the enhancement of quality and productivity by placing great emphasis on professionalism, innovation and knowledge in the endeavor to improve the quality of life.

Event Principle Partner

Tenaga Nasional Berhad (TNB) is the largest electricity utility in Malaysia and a leading utility company in Asia. Listed on the Main Board of Bursa Malaysia with almost RM67 billion in assets, the Company’s more than 33,500 employees serve an estimated 8.3 million customers in Peninsular Malaysia, Sabah and Labuan. TNB’s core businesses are in the generation, transmission and distribution of electricity. See www.tnb.com.my TNB vision is “To Be Among the leading Corporations in Energy and Related Businesses Globally”. TNB is the first electricity utility in the world that adopted the 4 Suites of 1999 FIDIC Contract Forms as its General Conditions for all its construction contracts since May 2005. TNB has made history in the Malaysian construction industry by the establishment of a working 3-man DAB panel on retainer-basis for a hydropower plant project in May 2012.

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Clyde & Co are a major force in the projects and construction industry worldwide. Our lawyers are at the cutting edge of developments being made in the way our clients structure their large scale projects. We understand the changing nature of the projects market and our lawyers are at the forefront providing commercial, flexible and innovative solutions. Our team provide the full range of non-contentious and contentious projects and construction advice and can be engaged at every step along the way.

FIDIC: Enabling International Dialogue

• FIDIC is the international federation of national associations of consulting engineers. The members of each national association comply with FIDIC’s code of ethics which calls for impartial advice, competence and fair competition
• Today FIDIC membership numbers 84 member associations from all parts of the globe and represents most of the independent practising engineers in the world
• FIDIC acts as a forum for the exchange of views and information and actively encourages the discussion of matters of mutual concern among member associations. FIDIC publishes best-practice guides as well as widely used and internationally recognised services agreements and works contracts
• FIDIC can be contacted by telephone on +41 (22) 799-4900, or visit the website at www.fidic.org.

To register or for the latest programme: www.ibclegal.com/fidicasia

Pre-Conference Workshops: 10th June 2013

Monday 10th June, 09:00 – 16:30

Introduction to the FIDIC Suite of Contracts

Attend this pre-conference workshop to refresh your knowledge of the rainbow suite of FIDIC contracts. FIDIC contract experts will take you through the entire rainbow book collection and explain in detail the specificities and purposes of each form. Hear a summary of how FIDIC’s works contracts have become widely used industry standards. Receive an update on the use, sale, translation, licensing, and recent developments of FIDIC contracts, worldwide. Discuss work in progress and future developments. Participate in exercises exploring key concepts embodied in the FIDIC contracts

Coverage Includes
• Different contract strategies addressed by the FIDIC suite
• Risk allocation and business processes for the FIDIC suite
• The growing influence of FIDIC’s suite of contracts in establishing world-class industry standards
• How FIDIC’s major works contracts are being used worldwide
• Comparative advantages of FIDIC in relation to other forms of contract
• Emerging FIDIC users regions and hot spots

Post-Conference Workshops: 13th June 2013

Workshop B, Post-Conference: Thursday 13th June, 09:00 – 12:30

Construction Claims & Defence

• Introduction to different claims procedures in the region
• Concurrent delay principles and how they are applied
• Relevant elements within the FIDIC contract suite
• Establishing schedule and cost controls
• Implied terms regarding prevention
• When and how to claim under the contract and when to claim for breach
• Bringing a global claim
• Considerations in EoT assessments: Critical path & cause and effect
• How delay and disruption claims are assessed
• Overhead & additional payment claims
• Prolongation, disruption and acceleration cost claims

Workshop C, Post-Conference: Thursday 13th June, 13:30 – 17:00

FIDIC Contracts: Effective Dispute Resolution Strategies

This interactive workshop is designed to focus on the key issues commonly faced by owners and contractors who are involved in major development, infrastructure and oil and gas projects in South East Asia and who wish to employ sound strategies for avoiding, managing and resolving disputes in an effective manner. Particular areas of focus include:
• Commercial setting for projects in South East Asia
• Common areas giving rise to disputes
• DAB process and enforcement of DAB decisions
• ADR options: including early neutral evaluation, mediation and other processes
• Arbitration: choice of seat and procedural rules - what are the available and preferred options
• Arbitration: fast track arbitration and options for controlling time and costs in an arbitration
• Arbitration: domestic and international enforcement of arbitral awards
• Investment treaty protection for major projects

Discussion of the FIDIC Contract suite offers opportunities for key experts and practitioners to convey their experiences and expertise to a select and captive audience of peers and potential clientele alike. Interested?

Your firm can secure speaking and marketing benefits of association with FIDIC Asia 2013, helping you meet and influence the people who are going to ensure the success of your business now and in the future.

For more details please contact:

Ayo Fagbohun on +44 (0)20 7017 4196 or ayo.fagbohun@informa.com
FIDIC Asia Pacific Contract Users’ Conference 2013

Dates: 11th & 12th June 2013, Workshops: 10th & 13th June 2013
Venue: Sunway Resort Hotel & Spa, Kuala Lumpur, Malaysia

WHEN AND WHERE

FKW82369  Venue: Sunway Resort Hotel & Spa, Kuala Lumpur
Persiaran Lagoon Bandar Sunway 46150 Petaling Jaya Selangor Darul Ehsan Malaysia
Tel: +60 3 7492 8000
Fax: +60 3 7492 8001
Web: http://www.sunwayhotels.com

Delegates are responsible for the arrangement and payment of their own travel and accommodation.

PERSONAL DETAILS

1st Delegate  Mr/Mrs/Ms
Job title  Department  Telephone  Fax  Email

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   Please ensure that the Reference Code FKW82369 is written on the back of the cheque.

2. Bank transfer: Full details of bank transfer options will be given on your invoice on registration.
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