Don’t miss the must-attend event for all FIDIC Contract Users, so you can:

- Remain ahead of the field with exclusive insights from the FIDIC Updates Task Group on how the latest and future sets of changes will impact you, including:
  - Design responsibility under the Yellow Book and subcontract updates
  - Ensuring an efficient use of the Gold Book DB0 and its new contract guide
  - Planning, administration and supervision of a project using the ‘White Book Agreements’
  - FIDIC EPC/Turnkey Contract (Silver Book) – current thinking & managing project risk
  - The MDB Harmonized Contract – recent user experiences
- Get to grips with the latest arbitration and ADR strategies for resolving FIDIC contract disputes and ensure a speedy and cost-effective resolution
- Mock DAB Session build your understanding of the operation of the DAB process through this re-enactment of a typical DAB proceeding
- Get involved! Benefit from numerous international case studies and a dedicated open session to let you share your experiences amongst your FIDIC peers
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- Michael Mortimer-Hawkins, Special Adviser, FIDIC CONTRACT COMMITTEE (Switzerland)
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- Sebastian Hök, Partner HöK, STEIGLEMEIER & KOLLEGEN; FIDIC ADJUDICATOR (Germany)
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- Mark Ethenden, Engineer, Divisional Director, JACOBS ENGINEERING (UK)
- Stéphane Giraud, Manager “Private Key Account” Unit, EGIS EAI; FIDIC Expert, DAB (France)
- Nicholas Gould, Partner, FENWICK ELLIOTT (UK)
- Daniel M. Isooba, Infrastructure Specialist, AFRICAN DEVELOPMENT BANK (Uganda)
- Rupert Chout, Head of Construction Disputes, CMS LONDON (UK)
- Vincent Leclou, Director/International Department, SCE; Member of Syntec’s FIDIC Task Group; SYNTEC INGENIERIE (France)
- Coenraad Snyman, Senior Specialist: Contracts & Commercial, ANGLOGOLD ASHANTI (South Africa)
- Paul Taggart, Head of Contracts, SALMIN GROUP (Italy)
- Jonathan Hosie, Partner, Construction & Engineering Group, MAYER BROWN INTERNATIONAL LLP (UK)
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5th - 6th December 2012 • Workshops: 4th December
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With more expert speakers and more audience interaction than ever before, FIDIC and IBC Legal are delighted to invite you to the 25th Silver Anniversary Edition of the FIDIC International Contract Users’ Conference – Dispute Boards: Using Them to Make Projects Successful.

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 guidelines as well as widely used and internationally recognised services agreements and works contracts.

Over more than 200 delegates attended from 46 different countries last year so make sure you bring a good number of business cards!

We look forward to seeing you there!

Kind regards,

François Ballon
Commercial Director
FIDIC

Michele Costa
Senior Conference Producer
IBC Legal

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**FIDIC International Contract Users’ Conference**

**The May Fair Hotel, London • 5th - 6th December 2012**

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**PRE-CONFERENCE WORKSHOPS 4th December 2012**

**Workshop A - (09:00-11:30 - Registration & Coffee from 08:30)**

**Introduction to FIDIC 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
- Detailed analysis of the FIDIC rainbow collection of forms of contract
- Green Book - Red Book - Yellow Book - Silver Book
- 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 user’s regions and hot spots

**Workshop Leaders:**

Aisha Nadar, Member, FIDIC Updates Task Group, UK
Swend Poulsen, Project Director, ATKINS, Chair, FIDIC UPDATES TASK GROUP (Denmark)

**Workshop B (11:30-14:00)**

**Dispute Boards: Using Them to Make Projects Successful**

With thoughtfully constituted Dispute Boards to whom claims and defences are effectively presented, you can gain strong advantages in the battles over major claims. Attend this workshop to find out the pros and cons of the DB process, which is said to have about a 95% success rate, as well as Practical issues and solutions when negotiating contracts and during projects.

Attendees will also benefit from a “mock dispute” that progresses through a Dispute Adjudication Board (DAB) process for additional insight into the DB process.

**Coverage Includes:**

- FIDIC’s choice of DABs over Dispute Review Boards and Combined Dispute Boards.
- Dispute avoidance vs. dispute resolution / standing DBs vs. ad hoc DBs.
- DAB appointment issues. A FIDIC “gap”.
- Jurisdictional and natural justice due process challenges to DABs.
- Hearings, procedure, etc.
- How and when DBs can save contractors’ claims that do not comply with time-bar provisions.
- Enforcing DAB decisions. Another FIDIC “gap”. Boltering DBs by giving them arbitral status.

**Workshop Leader:**

Rupert Choa, Head of Construction Disputes, CMS LONDON (UK)

**Workshop C (14:00-17:30)**

**Advanced Dispute Resolution Strategies: Effective, Efficient & Economic**

Leading construction law practitioners will guide you through the various dispute resolution tools presently available and assess the pros and cons of each possible approach for your particular projects.

**Module 1 - Set Up**

- Tiered Dispute Resolution Clauses
- Local Court v Arbitration
- Seat
- Substantive Law
- Language
- Sovereign Immunity

**Module 2 - Management of the Dispute**

- Enforcement
- Quantum
- Legal Basis
- Procedural v Substantive law issues
- Case Presentation
- Ensuring the award is enforceable

**Module 3 - Enforcement Issues**

- New York Convention
- Enforcement
- Court interference
- Public Policy Issues

Led by team from

Pinsent Masons

By attending this workshop, you will gain a comprehensive understanding of:

- Dispute avoidance strategies
- Common areas giving rise to disputes
- Effective claims strategy and management
- 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 development, infrastructure and oil and gas projects

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CONFERENCE DAY ONE 5th December 2012

08:30 Registration & Coffee

09:00 Opening Remarks from the Chairman

Kaj Möller, President, SWECO INTERNATIONAL AB; Executive Committee Member, FIDIC (Sweden)

09:05 International Expansion of FIDIC Contracts Worldwide

The standard contract documents, policies and guidelines, covering both engineering agreements and various forms of project delivery produced by FIDIC has been preferred by engineers, contractors, architects and construction law professionals worldwide for several decades. FIDIC’s dominance as the preferred form of contract for major construction works continues to be felt across important developing regions and emerging economies and is now the recognised industry standard for the global construction industry. This session will explain:

- How FIDIC is responding to the needs of the international construction industry
- How FIDIC’s major works contracts are being used worldwide
- Emerging regions and hot spots of FIDIC usage
- How FIDIC can support businesses to expand globally

Kaj Möller, President, SWECO INTERNATIONAL AB; Executive Committee Member, FIDIC (Sweden)

09:35 Supporting Development Projects with the MDB Harmonized Contract

The use of MDB Harmonised contracts is increasing in international finance projects. This form of contract assists the development bank and parties involved in the project take advantage of its unique attributes to ensure a successful project for all stakeholders. This session will be looking at:

- Why is the MDB harmonized Contract used instead of the Red Book?
- Use of DABs under the MDB harmonized contract – current use and trends in civil law countries
- Place and role of the development bank in contract administration
- Recent user experience case studies

Vincent Leloup, Director/International Department, SCE; Member of Syntec’s FIDIC Task Group, SYNTEC INGENIERIE (France)

Daniel M. Isooba, Infrastructure Specialist, AFRICAN DEVELOPMENT BANK (Uganda)

10:25 Morning Coffee Break

10:45 The New FIDIC Rainbow Suite – Latest Developments

Gain an up to date insight into the philosophy underpinning upcoming updates and understand how these concepts and issues are being taken into account in updating the FIDIC 1999 suite of contracts. Hear how the future editions will both adopt innovations introduced in the DBO Contract and the MDB Harmonised Construction Contract, and take into account the extensive user feedback received. Topics include:

- Increased focus on the Engineer’s role
- Employer’s requirements and contract success
- Effective contract management
  - Communications
  - Advance warning
  - Programme requirements
  - Dispute avoidance

Aisha Nadar, Member, FIDIC UPDATES TASK GROUP (UK)

Svend Poulsen, Project Director, ATKINS; Chair, FIDIC UPDATES TASK GROUP (Denmark)

12:05 The Evolving Role of the Engineer

The Engineer should play the central role in the administration of a FIDIC Contract. This session will look at the way the Engineer’s role was envisaged under the 1999 FIDIC “Red” and “Yellow” Books, review how that role has evolved in practice, what it means to the practising Engineer in the field, and how the evolution of the Engineer’s role may be reflected in the future FIDIC Conditions of Contract. As Employers increasingly look to limit the authority of the Engineer’s role, what does this mean for the Engineer and the Contractor?

- Re-assessing the role of the Engineer
- Current trends and what these may mean for the role of the Engineer in the future
- Role of the Engineer vs DAB in claim management and dispute resolution
- How Employer’s and Contractor’s understand the role of the Engineer
- What Employer’s and Contractor’s expect from the Engineer
- The impact/effect of limiting the Engineer’s authority

Vincent Leloup, Director / International Department; SYNTEC INGENIERIE; Member of Syntec’s FIDIC Task Group, SCE (France)

Simon R Worley, Chartered Civil Engineer; FIDIC Accredited Trainer; Member, FIDIC SUB-CONTRACT TASK GROUP (UK)

Mark Etheridge, Engineer; Divisional Director, JACOBS ENGINEERING (UK)

12:50 Networking Lunch

13:50 Recent Experiences with the Employer’s Requirements

The document setting out the Employer’s Requirements is of paramount importance within the Contract Documents. In particular, the tenderer would find it in it not only what is required for the execution and completion of the works, but also the sketch design that he must develop into a final design with an “intended purpose”. Thus, it is essential that all concerned with the Yellow, Silver and Gold Books understand the various aspects of the Employer’s Requirements. Building on the 2010 Users Conference,
when the latest developments were explored, it is now essential to learn about some recent experiences in that field.

- How do the relevant 25 Sub-Clauses where the Employer’s Requirements interact?
- How do Sub-Clauses 1.9, 4.7, 5.1 and 5.8 govern the liability for sketch and final design?
- Is the single point liability a fiction?
- What is the meaning of the “intended purposes” as defined in the Contract?
- Do the contrasting requirements in drafting the Employer’s Requirements lead to contentious issues?
- How is risk allocation different between the relevant three Books?

Dr Nael Bunni, Chartered Engineer; Chartered Arbitrator; Special Adviser, FIDIC CONTRACTS COMMITTEE; Leader, FIDIC SUBCONTRACT TASK GROUP; FIDIC Adjudicator (Ireland)

14:35 Ask the Updates Task Group! Q&A Session

A panel comprising prominent members of the FIDIC Updates Task Group will come together to take questions from the audience and, crucially, to provide exclusive insights into some of the foreseeable changes to be included in future editions of the FIDIC suite of contracts. Topics likely to feature heavily on the agenda include:

- Design responsibility under the Yellow Book
- Yellow book subcontract updates
- Limitation of liability - all 1999 forms
- Notices of claims – Employer and Contractors’ failure to comply
- Concurrent delay
- How to deal with PPPs under FIDIC
- Termination

Philip Jenkinson, ATKINS, Chair, FIDIC Contracts Committee (UK)
Aisha Nadar, Member, FIDIC UPDATES TASK GROUP (UK)
Siobhan Fahey, Member, FIDIC SUBCONTRACT TASK GROUP (Ireland)
Edward Corbett, Member of FIDIC Dredging & Reclamation Update Task Group (UK)

15:15 Networking Break & Refreshments

15:35 Pursuing Claims under FIDIC Contracts

This session will explore and analyse best practice in presenting and pursuing a claim under a FIDIC Contract with a particular focus in areas such as:

- Time bars
- Documentation and compliance with applicable laws
- Effect of delay damages on an extension of time
- Effect of works not being ready for testing
- Considerations concerning removal of items from the site
- Expectations of the Dispute Adjudication Board

Zoltán Záhonyi, Member, FIDIC CONTRACTS COMMITTEE (Hungary)
Siobhan Fahey, Member, FIDIC SUBCONTRACT TASK GROUP (Ireland)
Rupert Choat, Head of Construction Disputes, CMS LONDON (UK)

16:15 EPC Project Risks: How FIDIC Forms Address the Key Issues

A panel from Mayer Brown and international consultants Baker & O’Brien operating in the oil, gas, chemical and related industries will identify some of the key commercial risks impacting projects and examine how these are addressed in the FIDIC Yellow and Silver forms plus the Multilateral Development Bank (MDB) version of the FIDIC Red Book form. The speakers will review:

- Key commercial risks affecting time, cost and performance output on international projects
- Bankability of projects
- Interrelationship with project economics, supply and offtake agreements
- Local country risks (political, economic and enforcement issues)
- How the FIDIC Yellow, Silver and MDB forms address these issues
- Limitations on liability and caps
- Protecting against payment and delivery risks in uncertain times

Jonathan Hosie, Chris Fellowes & Rabbi Abu-Manneh, Partners in the Construction & Engineering Group, MAYER BROWN INTERNATIONAL LLP (UK)
Alan Reynolds, Managing Director, BAKER & O’BRIEN LLP (UK)

09:45 FIDIC EPC/Turnkey Contract – Current Thinking

Hear more about and discuss latest developments in the use of the EPC/Turnkey contract (Silver Book) including the following important aspects:

- Multiple turnkey projects
- Design liability and front-end engineering design
- Employer’s mistakes: when is the contractor responsible?
- Handling unforeseen ground conditions
- How additional payment and additional time are limited
- Re-allocating risk

William Godwin, Barrister; Member, CIETEC FOREIGN ARBITRATORS’ PANEL (UK)
Edward Corbett, Member of FIDIC DREDGING & RECLAMATION UPDATE TASK GROUP (UK)
10:45 International Case Studies Review - Experiences from FIDIC Users

This panel session will assemble experienced FIDIC Contract Users' from a number of regions and industry sectors to share their experiences in using FIDIC as a key project administration tool in some of the most challenging environments. Delegates will benefit from listening to a number of case studies and will also have an opportunity to pose any questions to the panelists. Case studies include:

- Silver Book 1999 – Kenyan wind farm, Pakistan waste water treatment plant, DRC, copper processing plant upgrade
- Red Book 1999 & MDB 2005 – Armenian roads, DRC greenfields mining project, Ghana plant make-over project
- Yellow Book – Ethiopia pumping stations, Ghana, Namibia, Guinea, Mali & Tanzania – open pit and underground mining contracts

Panel Speakers:
- Stéphane Giraud, Manager “Private Key Account” Unit, EGIS EAU; FIDIC Expert, DAB (France)
- Coenraad Snyman, Senior Specialist: Contracts & Commercial, ANGLOGOLD ASHANTI (South Africa)

11:35 Common Pitfalls When Preparing & Using FIDIC (and Other) Works

- Employer’s (mis)perceptions and consequent amendments to the Contract
- Flawed tender evaluation
- Re-apportionment of risks via the Particular Conditions
- Inflexible/restrictive/prescriptive and, therefore, unrealistic timetables for construction

Dr Cyril Chern, Barrister; Member, FIDIC ASSESSMENT PANEL FOR ADJUDICATORS; Dispute Board Federation (Switzerland), FIDIC Adjudicator (UK)

Simon R Worley, Chartered Civil Engineer; FIDIC Accredited Trainer, Member, FIDIC SUB-CONTRACT TASK GROUP (UK)

12:05 Mock DAB Session

Build your understanding of the operation of the DAB process through this re-enactment of a typical DAB proceedings.

Dr Cyril Chern, Barrister; Member, FIDIC ASSESSMENT PANEL FOR ADJUDICATORS; Dispute Board Federation (Switzerland), FIDIC Adjudicator (UK)

Brian Barr, Civil Engineer & Dispute Review Expert, BRIAN BARR CONSULTING (UK)

David Brown, Avocat Associé – Partner, CLYDE & CO LLP (France)

Paul Morgan, Senior Associate, CLYDE & CO LLP (UK)

12:55 Networking Lunch

14:00 Cost Management in FIDIC Conditions of Contract

Cost and payment management are a large part of the balanced reputation of a FIDIC contract. Find out how best to use these financial tools to enhance and maintain the relationship between parties.

- Cost model through the FIDIC contracts
- Correct use of bank guarantees
- How can changes in legislation impact cost
- Adjustments for changes in cost
- Payment issues in claims and DAB

14:45 Dispute Boards in Practice – Overcoming the Hurdles

- Contractual Approach: 1999 suite of Contracts, Gold Book
- The view of the Parties: Practical experiences
- Engineers’ dispute avoidance activities: Practical experiences
- DABs’ dispute avoidance activities: Practical experiences

Moderator: Nicholas Gould, Partner, FENWICK ELLIOTT (UK)

Panel Speakers:
- Sebastian Hök, Partner, HÖK, STIEGLMEIER & KOLLEGEN; FIDIC Adjudicator (Germany)
- Jeremy Glover, Partner, FENWICK ELLIOTT (UK)
- Paul Taggart, Head of Contracts, SALINI GROUP (Italy); President, DRBF Region 2

15:30 Networking Break & Refreshments

15:50 Users’ Feedback – Share your Experiences with Your Peers!

Further to a very successful session last year, whereby member of the audience volunteered to take to the stage and share their FIDIC experiences with their fellow users, we will once again reserve half an hour to give four lucky delegates the spotlight for 5 minutes. Only audience members can apply so make sure you reserve your place early for a chance to access this great platform!

Panel Speakers: Speakers will be recruited from the audience. Delegates will be given the opportunity to apply for 5 minutes slot on the day.

16:35 Arbitration & Alternative Dispute Resolution

This session considers the opportunities for avoidance and early resolution of disputes under the FIDIC contract provisions. This is intended to equip the representatives and advisors of the Parties and the Engineer to make good choices in moving towards a cost effective resolution.

- The dispute phenomenon
- Dispute avoidance
- Amicable settlement in context of Developments in alternative Dispute Resolution
- Recent developments and trends in international arbitration

Moderator: Ellis Baker, Head of Construction & Engineering Practice Group, WHITE & CASE; Lead Author, FIDIC CONTRACTS IN LAW AND IN PRACTICE (INFORMA, 2009) (UK)

Aisha Nadar, Member, FIDIC UPDATES TASK GROUP (UK)

17:25 Chair’s closing remarks

17:30 Close of Conference

“Well done! The event should be followed by everyone who needs the essential review of the latest developments in FIDIC contracts delivered by international FIDIC experts.”

V Zakiyya, PT Pertamina
**FIDIC International Contract Users’ Conference 2012**

5th & 6th December 2012 – Workshops: 4th December • The May Fair Hotel, London, UK (FKW82328)

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**WHEN AND WHERE**

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5 - 6 December 2012
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