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

- **DISCOVER** the FIDIC Suite of Contracts and their applications
- **HARNESS** the potential of the Red, Yellow, Gold and Silver Books
- **HEAR** directly from the FIDIC contract drafters as well as European and American experts
- **ASSESS** the potential of the dispute resolution tool kit under FIDIC
- **COMPARE** the advantages of FIDIC Construction Contracts in relation to other contracts
- **GAIN** in-depth knowledge of the Engineer’s role under FIDIC conditions of contract
- **ASSESS** the potential of the Multilateral Development Bank’s use of FIDIC Harmonized General Conditions
- **EXAMINE** the application of the FIDIC suite of contracts in high growth economies
- **STRENGTHEN** your understanding of pursuing claims under FIDIC Contracts
- **REVIEW** the DAB process as well as the role of arbitration and ADR
- **UNDERSTAND** the Multilateral Development Bank’s use of FIDIC Harmonized General Conditions
- **ANALYSE** recent experiences with FIDIC from an American contract user’s perspective

Also benefit from 2 fully interactive associated sessions:

- **FIDIC for Non-FIDIC Contract Users**
- **Successfully Resolving International Disputes Under FIDIC**

**Your registration for this conference includes**:...

- FIDIC Construction Subcontract, 1st Edition 2011

**Your Speaker Faculty**

- **GREGS THOMOPULOS**, CEO, Stanley Consultants Immediate Past President, FIDIC (United States)
- **AISHA NADAR**, Member, FIDIC Updates Task Group (United Kingdom)
- **SVEND POULSEN**, Project Director, Atkins; Chair, FIDIC Updates Committee (Denmark)
- **MICHAEL MORTIMER-HAWKINS**, Special Advisor, FIDIC Contracts Committee (Sweden)
- **JAMES HAGGINS**, PE, CCM, PMP; Member, DRBF (United States)
- **ROBERT J. SMITH**, FIDIC Adjudicator; FIDIC Observer, UNCITRAL Working Group on Procurement, Shareholder; Akerman Senterfitt LLP (United States)
- **IAN NIGHTINGALE**, Lead Procurement Specialist, Procurement Policy and Services Unit, The World Bank (United States)
- **ANK A. SANTENS**, Partner, White & Case (United States)
- **LEVENT IRMAK**, MSc. Civil Engineer, Construction Contracts and Claims Consultant (Turkey)
- **MARK ETHERIDGE**, Engineer; Divisional Director, Jacobs Engineering (United Kingdom)
- **BEN NOVAK**, B.Eng., MCP., Dip. BA, Consultant to Engineering Firms (Canada)
- **ZOLTÁN ZÁHONYI**, Member, FIDIC Contracts Committee (Hungary)
- **MICHEL F CHARTRAND**, B,A.Sc.,P.Eng. Capital Expansion Project-Senior Manager; President Parinco International (Canada)
- **DAVID HESLETT**, CEO, ECV (United Kingdom)
- **ELLIS BAKER**, Partner, Head of Construction Practice, White & Case (United Kingdom)
- **ENRIQUE SOLOGUREN**, Lawyer, Navarro Sologuren Paredes Gray (Peru)
- **DR. PATRICIA D. GALLOWAY**, CEO, Pegasus Global Holdings, Inc.; Chair, National Construction Dispute Resolution Committee, American Arbitration Association (United States)
- **SIOBHAN FAHEY**, Member, FIDIC Subcontract Task Group (Ireland)

**Dates**: 2nd & 3rd October 2012, Primer Seminar: 1st October • Workshop: 4th October

DoubleTree Suites by Hilton, Times Square, New York, USA
Emerging economies such as India, China, Brazil and some Middle Eastern countries have seen unparalleled growth over the last decades. As economic growth translates into urban and infrastructure development, these and other developing countries, are increasingly adopting the FIDIC suite of contracts to govern their major projects and bring certainty to Contractors and Engineers looking for a solid framework from which to develop their projects and for clear guidance should a dispute arise. North American companies operating in these regions must quickly get fully acquainted with the FIDIC suite of contracts and keep abreast of its latest developments to remain competitive in this fast-paced economic environment. This session will cover:

- The role of FIDIC among international construction contracts
- Comparative advantages of FIDIC in high growth economies
- How FIDIC’s major works contracts are being used worldwide
- Emerging FIDIC user’s regions and hot spots
- How FIDIC can respond to the needs and demands of the North American engineering and construction professional

Gregs Thomopoulos, CEO, STANLEY CONSULTANTS, Immediate Past President, FIDIC, (United States)

Overview of the FIDIC Suite of Contracts and its Growing Global Appeal

This session will provide an overview of the forms of Contract comprised by the FIDIC Suite of Contracts and explain why FIDIC’s major works contracts have become widely used industry standards across the globe. Understand the use, sale, translation, licensing, and recent developments of FIDIC contracts, worldwide. Discuss work in progress and future developments. Coverage includes:

- Introducing the “rainbow” suite of FIDIC Contracts
- Understanding the extended FIDIC framework of resources and support tools
- Overview of the main features and appropriate applications of each contract
- The growing influence of FIDIC’s suite of contracts in establishing world-class industry standards
- Ongoing projects and future outlook

Svend Poulsen, Project Director, ATKINS, Chair, FIDIC UPDATES COMMITTEE (Denmark)

Choosing the Right Set of FIDIC Condition of Contract for your Project

An update and analysis of experience of the use of FIDIC contracts including consideration of:

- Risk allocation
- The role of the Employer during the design and construction phase
- Introduction of changes to the project under the different FIDIC contracts
- Comparison of the main clauses

Svend Poulsen, Project Director, ATKINS, Chair, FIDIC UPDATES COMMITTEE (Denmark)

Introducing the FIDIC EPC/Turnkey Contract (Silver Book)

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. Analyse examples of adapting the contract through appropriate particular conditions.

- History of the Silver Book
- Main features of the 1999 Silver Book edition
- Why the Silver Book has been widely preferred as the best form of contract underpinning PPP projects
- Recent user’s experience

Levent Irmak, MSc, Civil Engineer, Construction Contracts and Claims Consultant (Turkey)

The MDB Harmonized Construction Contract

The latest version of the Multilateral Development Bank Harmonized Construction Contract was released in June 2010. Attend this special session to analyse the impact of clarifications, updated financial requirements, both new and strengthened social provisions, adjustments to reduce the

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contractor's risk, and revised arbitration provisions. Hear about the extent of use by the multinational development banks and national development agencies, and the possible extension to regional organisations.

- The genesis and force of the MDB Harmonized Construction Contract
- Use by development banks and agencies
- FIDIC's experience in using the new version of the contract
- The scope of clarifications introduced in June 2010
- Updated financial requirements
- New and strengthened social provisions
- Mitigation of contractor's risk
- Impact of revised arbitration provisions

Ian Nightingale, Lead Procurement Specialist, Procurement Policy and Services Unit, THE WORLD BANK (United States)

16:20 The FIDIC DBB Contract (Gold Book) - Salient Features and Practical User Experiences

Since its publication in 2008, the Design, Build and Operate Contract has become one of the most popular of the FIDIC forms. It incorporates all the major features of the earlier FIDIC books with improved and updated risk and insurance provisions and takes a new look at the provisions for the prevention and resolution of disputes. The speaker will review:

- Background to the Gold Book
- Application of Design-Build-Operate on Green Field sites
- Advantages of the FIDIC DBB and how it differs from design-build
- Review of case studies on DBB projects and recent user experiences
- Effective use of the Gold Book Contract and new DBB Contract Guide
- Latest developments concerning Brown-Field requirements
- Specific DAB rules within the FIDIC DBB Contract

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

17:00 Salient Aspects of the FIDIC Suite of Contracts vis-à-vis Other Forms of Contracts Commonly Used in North America

The aim of this session is to offer delegates an in-depth understanding of the main clauses of some of the most important FIDIC forms, in the FIDIC suite of Contracts, and how these compare with major clauses in the most common contracts presently used in North America. Our panel of experts will also offer practical advice on how to adopt FIDIC Contracts with a view to optimising contract administration.

- Specificities of FIDIC contracts compared to US “domestic” contracts
- Comparing and contrasting the FIDIC Suite of Contracts with other forms of Contract used in the US including: EJCDC, AIA, Consensus Documents and amalgamation contracts
- Comparison between the role of the Engineer in the administration of a FIDIC contract and its role in other commonly used forms of contract in North America

Ben Novak, B.Eng., MCP., Dip. BA, CONSULTANT TO ENGINEERING FIRMS (Canada)

Aisha Nadar, Member, FIDIC UPDATES TASK GROUP (United Kingdom)

17:45 Close of Day 1 Followed by Drinks Reception

CONFERENCE DAY TWO: Wednesday 3rd October 2012

08:30 Registration & Coffee

09:00 Pursuing Claims Under FIDIC Contracts – What You Need to Know

This session will discuss developments in presenting and pursuing a claim under a FIDIC Contract with particular reference to:

- Notices and claims procedures
- Time bars
- Documentation and compliance with applicable laws
- Effect of delay damages on an extension of time
- Considerations concerning removal of items from the site
- Force majeure

- Claims for additional payments
- Expectations of the Dispute Adjudication Board

Levent Irmak, MSc, Civil Engineer, Construction Contracts and Claims Consultant (Turkey)

Siobhan Fahey, Member, FIDIC SUBCONTRACT TASK GROUP (Ireland)

10:15 The New FIDIC Procurement guide

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

- Challenges & scope of the new procurement guide
- Successfully using the new procurement guide
- Best practices in consultant selection
- New standards in obtaining tenders

Zoltán Záhonyi, Member, FIDIC CONTRACTS COMMITTEE (Hungary)

11:00 Morning Coffee Break

11:15 The FIDIC Construction Subcontract

This session will brief delegates on the main features and purpose of the FIDIC Construction Subcontract and also focus on the most salient clauses of the final version of the new FIDIC Construction Subcontract that has been published in October 2011 for use in conjunction with the FIDIC Construction Contract. Special attention will be given to the recent changes added to the final version of this form and what they mean for all parties. Attention will then focus on the important dispute resolution provisions of the new FIDIC Subcontract.

- Purpose and scope of the new FIDIC Subcontract
- Improvements in relation to the 2008 test edition – what was changed and why
- Successfully using the Subcontract and the FIDIC Constructions Contract together and potential application in a North America context
- The Yellow Subcontract

Siobhan Fahey, Member, FIDIC SUBCONTRACT TASK GROUP (Ireland)

12:05 Employer's Requirements Under FIDIC

The Employer’s Requirements are crucial and must include things that the Employer requires in respect of the execution and completion of the Works, including the requirement as to the “intended purpose”. This session will address:

- Obligations on the Employer and Contractor in respect of responsibility for accuracy, sufficiency and completeness of the Employer’s Requirements using Red, Yellow or Silver Book
- A changed risk allocation, for instance by increasing the extent of the carve-out in respect of liability for which the Contractor is not liable
- Offsetting by items such as notes on drawings or process diagrams indicating that the design is not fixed
- Clarification of the “intended purpose”

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

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“A comprehensive and thought provoking conference”
(M Olive, Davis Langdon & Seah)
Attendees at FIDIC International Contract Users’ Conference

12:50 Networking Lunch

13:50 Using FIDIC Contracts – Users’ Perspective

This session will cover practical case studies of FIDIC being used across different industry sectors. Feedback from different parts of the globe will illustrate the suitability of FIDIC form of contracts across different sectors and regions.

Mark Etheridge, Divisional Director, JACOBS ENGINEERING (United Kingdom)
Michel F Chartrand, B.A.Sc, P.Eng, Capital Expansion Project-Senior Manager, President PARINCO INTERNATIONAL (Canada)

14:30 Cost Management Benefits across 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

Zoltán Záhonyi, Member, FIDIC CONTRACTS COMMITTEE (Hungary)

15:05 Networking Break & Refreshments

15:20 Contractually Specified 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 effective and cost-efficient resolution. This session will also address arbitration under FIDIC and options available to the Parties including the benefits those options offer. FIDIC provides for arbitration under the ICC and as an option the use of UNCITRAL.

Running FIDIC DABs: are DAB decisions binding or not binding?
Dispute Avoidance and Early Resolution – is mediation an option?
Growing in International Construction Arbitrations - Statistics and Overview
The UNCITRAL Option and the ICDR's International Construction arbitration services.

James Haggins, PE, CCM, PMP; Member, DBF (United States)
Dr. Patricia D. Galloway, CEO, PEGASUS GLOBAL HOLDINGS, INC.; Chair of the National Construction Dispute Resolution Committee, AMERICAN ARBITRATION ASSOCIATION (AAA) (United States)

16:20 FIDIC DABs: Lessons Learned & Adjudicators’ Recommendations for the Parties

Dispute Adjudication Boards (DAB) have been introduced as FIDIC’s method for primary dispute resolution and have been made mandatory for the MDB harmonised Construction Contract. Hear about the latest understanding of the role and function of the dispute resolution mechanisms in FIDIC contracts. Review recent developments on how dispute resolution mechanisms are set up and managed. This panel of experienced adjudicators will identify and explain the “Do’s and Don’ts” of the DAB based on their practical experience.

Selection of Adjudicators, Disclosures and Formation of the DAB
Establishing procedures
Keeping the Adjudicators informed (visits, meetings and reports)
The Adjudication Process: Pre-referral, Referral, Pre-hearing, Hearing, Decision
Cost savings and other benefits resulting from the introduction of DABs
Perceived barriers
Recent examples of successful DAB use in the region

James Haggins, PE, CCM, PMP; Member, DRBF (United States)
Gustavo Paredes, Lawyer, NAVARRO SOLOGUIREN PAREDES GRAY (Peru)
Robert J. Smith, FIDIC Adjudicator; FIDIC Observer, UNCITRAL Working Group on Procurement, Shareholder, AKERMAN SENTERTITT LLP (United States)
Ank A. Santens, Partner, WHITE & CASE (United States)

17:20 Closing Q&A Session & Discussion

This final panel will bring together some of the speakers of the day to analyze the main learning points to take away from the event and remind delegates of what they have heard over the two days of the conference. Delegates will have a last opportunity to put some questions to the panel.

17:35 Close of Conference

Why attend a FIDIC Contract Users’ Conference?

FIDIC is the International Federation of Consulting Engineers, founded in 1913 with headquarters in Geneva. It is the recognized global voice for the consulting engineering industry promoting the business interests of suppliers of technology-based intellectual services for the built and natural environment. FIDIC represents nearly 1 million professionals in over 80 countries with one member association per country. It is the de facto authority on issues relating to business practice. Standard contract documents policies and guidelines, covering both engineering agreements and various forms of project delivery are published by FIDIC, based on principles of fair allocation of risks and responsibilities. That is the subject of most of our FIDIC Contract Users’ Conferences, which we have been running with great success across four continents, over a number of years. Hear what some of our delegates had to say about their experience at some of these forums.

“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

“I found the lectures combine sound knowledge of the contracts with practical experience of the operation of the contracts. The most interesting aspect of the conference is the people you meet and hearing their roles, experiences and thoughts on construction and engineering contracts”’”
P MacDonald, Kildare National Road Design Office

“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

“Excellent debate!”
E Storms, Yara

“An excellent spread of relevant topics that are applicable to projects globally”
M Bradbury, McCullough Robertson Lawyers

“Valuable overview of current issues and developments with FIDIC and international contracting”
R Ward, Eversheds

“Good insight into future plans for amendments and issues with existing forms”
K Seiringer, BECHTEL

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Gain up to 20 CPE hours!
20 hours (both conference days & 2 workshops)
15/17 hours (both conference days & 1 workshop)
12 hours (both conference days)
What delegates at FIDIC Contract Users’ events have been saying:

“I appreciate the “local flavour” of the event and the openness of the contract committee to explain the changes envisaged and listening to suggestions from the audience”

(O Valentina, AB Resolution)

“An interesting and eye opening conference with regards to the recent developments of FIDIC forms of contract, and delegate experiences”

(R Hussain, EWAAN)

“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”

(NZakkiya, PT Petarmina)

“I really enjoyed the quality of the speakers and the networking with other attendees”

(Galli, SGI Studio Galli Ingegneria SpA)

“Constructive ideas! Way forward for resolution of biggest problems in the industry: balance of finance: legal and construction, engineering aspects.”

(D V (Senevirathne, Haji Admin & Sons)

“Exhaustive deliberation on each of the FIDIC contract books in a simplified and direct manner”

(L Mun Kit, AndrEx)

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For more information on how IBC Legal Conferences can assist you meet your marketing objectives and details on the range of business development opportunities available, please contact Ayo Fagbohun on telephone +44 (0)20 7017 4196 or email on ayo.fagbohun@informa.com

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**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.

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**Primer Seminar: Monday 1st October 2012**

(09:00 - 16:00 - Registration & Coffee from 08:30)

**FIDIC for Non-FIDIC Contract Users**

*A One Step Guide to FIDIC “Rainbow” Suite of Contracts*

Attend this pre-conference primer day to acquire basic knowledge of the main forms of contract comprised in the “rainbow” suite of FIDIC contracts. FIDIC contract experts will take you through the entire rainbow book collection and explain in details the specificities and purposes of each form. Delegates will also hear a summary of how FIDIC’s works contracts have become widely used industry standards and receive an update on the use, sale, translation, licensing, and recent developments of FIDIC contracts, worldwide. FIDIC experts will invite delegates to participate in practical 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 users’ regions and hot spots

**Workshop Leaders:**

- Aisha Nadar, Member, FIDIC UPDATES TASK GROUP
  (United Kingdom)
- Ellis Baker, Partner; Head of Construction Law practice; WHITE & CASE
  (United Kingdom)
- Svend Poulsen, Project Director; ATKINS; Chair; FIDIC UPDATES COMMITTEE
  (Denmark)

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**Post-Conference Workshop: Thursday 4th October 2012**

(09:00 - 13:00 - Registration & Coffee from 08:30)

**Successfully Resolving International Disputes Under FIDIC**

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 and who wish to employ sound strategies for avoiding, managing and resolving disputes in an effective manner. Particular areas of focus include:

- 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 projects

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**WHEN AND WHERE**

**FKW82297**

**Conference:**
2nd & 3rd October 2012

**Workshops:**
Primer Session: 1st October 2012
Workshop: 4th October

**Venue:**
DoubleTree by Hilton
Times Square
568 Broadway
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USA
Tel: +1-212-719-1600
http://doubledtree3.hilton.com

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**PERSONAL DETAILS**

1st Delegate

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**300 discount for 3rd and subsequent delegates.** Please note the conference fee does not include accommodation or travel (all discounts can only be claimed at the time of booking and do not combine with other discounts that may be available (apart from early booking discounts which are available to everyone). All discounts are subject to approval. We are happy to accept a replacement delegate for the whole event, however delegate passes cannot be split or shared between delegates under any circumstances.

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