



FIDIC's Official 29th Annual...

FIDIC INTERNATIONAL CONTRACT USERS' CONFERENCE



The Essential Guide for Engineering & Construction Law Professionals to Successfully Use the FIDIC Suite of Contracts, Manage Major Projects and Resolve Disputes

40+ Speakers, Including:



Kaj Möller
FIDIC



John Greenhalgh
FIDIC



Don Charrett
FIDIC



Edward Corbett
FIDIC



Hiba Tahboub
WORLD BANK



Daniel Ventham
SYSTRA

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Date and Venue:

Main Conference Days: **6 - 7 December 2016**

Introduction to FIDIC Contracts and Successfully Managing & Pursuing

Claims Workshops: **5 December 2016**

Dispute Resolution and Dealing with Modified Contracts Workshops: **8 December 2016**

Venue: **Millennium Gloucester Hotel, London**

More Information:

Tel: **+44 (0)20 7017 5503**

Email: professionalcustserv@informa.com

To Register: www.ibclegal.com/fidic

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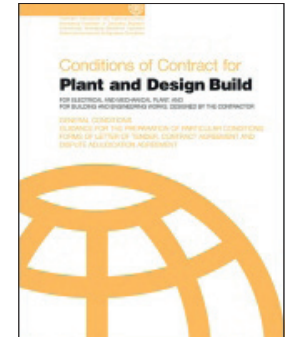
Association & Media Partners



Dear FIDIC Contract User,

We all agree it's been a long time coming, but...

...we're delighted to announce that delegates at this year's FIDIC International Contract Users' Conference will finally get their hands on a draft copy of the much anticipated FIDIC Yellow Book, 2017 Edition! **Authorised preview** copies of the **New Yellow Book** will be distributed **exclusively to delegates** at this year's conference, which will be the stage of the new Yellow Book's unveiling world premiere.



You will not only receive a draft copy of the Yellow Book **ahead of publication** in 2017, but also have the opportunity to gain in-depth understanding of all the changes on the new edition and how these will filter through the wider FIDIC Rainbow suite, not least the revised editions of the **Red and Silver Books**, also due for publication next year. In summary, this event is simply essential if you want to remain ahead of the curve!

This will be a particularly busy year for the conference in light of all the new content due to be unveiled at the event and we have therefore secured a larger than usual conference room in order to accommodate all delegates in comfort. We do nonetheless recommend you register as soon as possible to be eligible to receive your authorised draft copy of the yellow book as this will be included with **early bird registrations only** (an electronic copy will still be made available to all late registrants).

We look forward to welcoming you to London!

Michele Costa
Conference Director

FIDIC 2016 PROGRAMME AT A GLANCE

5 December 2016

Introduction to FIDIC Contracts Workshop and Managing & Pursuing Claims Workshop

Our topical and informative pre-conference workshops are an excellent way to ease yourself into the world of FIDIC before the main event's kick off. The Introduction to FIDIC Contracts workshop, expertly led by FIDIC Contracts Committee members, will make for the perfect refresher for experienced FIDIC users or as an introductory session for those new to FIDIC and just getting acquainted with the potential of the Rainbow suite. Alternatively, the Claims workshop session will provide you with a step by step guide on how to successfully manage and negotiate a claim. This is the most in-depth claims training day you'll be attending in this area this year.

Big Themes

- Green Book
- Yellow Book
- Red Book
- Silver Book
- Claims

Key Speakers

Siobhan Fahey, FIDIC CONTRACTS COMMITTEE
Sebastian Hök, FIDIC PRESIDENTS' LIST
Mark Roe, PINSENT MASONS
Peter Rosher, PINSENT MASONS

6 December 2016

Main Conference Day 1

The first day of the conference will be marked by the much anticipated unveiling of the changes to the new Yellow Book edition due for release in 2017, of which you'll receive a draft copy on arrival. Members of the Contracts Committee will also provide an update on the on-going work on the Red and Silver books. Day 1 will also feature a number of other key sessions looking at the new FIDIC Directives for dealing with modified contracts, the redefinition of the role of the Engineer, claims and the road to dispute resolution, the new FIDIC renewables contract initiative and much more besides.

Big Themes

- Unveiling of Yellow Book 2017 Edition's Main Features
- Update on the On-going Revision of the Red Book
- New Guidance on Modifying FIDIC Conditions
- Redefinition of the Role of the Engineer
- Managing Claims & Disputes

Key Speakers

Kaj Möller, FIDIC CONTRACTS COMMITTEE
Gilles Castan, SYSTRA
Zoltán Záhonyi, FIDIC CONTRACTS COMMITTEE
Vincent Leloup, FIDIC CONTRACTS COMMITTEE
Donald Charrett, FIDIC TASK GROUP 15
Hiba Tahboub, WORLD BANK

7 December 2016

Main Conference Day 2

The second day of the conference will give delegates an opportunity to explore some major recurring themes in the context of FIDIC, namely time bar application, FIDIC for Design Build Procurement, variations under the FIDIC Forms of Contract, and many more besides. You'll also listen to a number of new case studies of FIDIC application delivered by a select group of highly experienced users. Disputes boards, DABs and arbitration will also take centre stage. Among the day's highlights is the session on the new FIDIC DAB Rules. Last but not least, delegates will have the opportunity to continue putting their questions directly to our experts on stage, during one of the dedicated Q&As.

Big Themes

- FIDIC EPC/Turnkey Contract
- Variations Under FIDIC
- Time Bar Provisions
- International Case Studies Review
- FIDIC's New DAB Rules
- Arbitration and ADR

Key Speakers

Dr Nael Bunni, FIDIC CONTRACTS COMMITTEE
Martin Albert, ANDRITZ HYDRO
Julien Bergerat, UNOPS
Jakob B. Sørensen, HOLST, ADVOKATER
Edward Corbett, FIDIC PRESIDENT'S LIST
Roger Ribeiro, EGIS

8 December 2016

Dispute Resolution Workshop and Dealing with Modified FIDIC Contracts Workshop

Wrap up this year's conference with attendance of some of our most subscribed to workshops. These in-depth half-day sessions are designed to promote maximum interaction between each of the participants and the workshop leaders and ensure that you get the answers you need to your specific questions. Due to the high volume of registrations received in previous years we can only guarantee a place to the first 40 delegates, so you'll have to be quick!

Big Themes

- Advanced Dispute Resolution
- Dealing with Modified Contracts Under the New FIDIC Guidance

Key Speakers

Simon Lofthouse QC, ATKIN CHAMBERS
Frances Pigott, ATKIN CHAMBERS
Dr Rafal Morek, K&L GATES
Matthew Smith, K&L GATES

EDITOR'S CHOICE

With over 40 speakers packed into 4 days of essential content, the Conference Director for the FIDIC International Contract Users' Conference has selected some of the sessions you cannot afford to miss in 2016:



Unveiling of New Yellow Book's Key Features

Main Conference Day 1, 6th December

Don't miss the exclusive preview of the pre-publication draft of the FIDIC Yellow Book 2017 Edition, along with coverage of other key developments, delivered by distinguished members of the Contracts Committee, Zoltán Záhonyi and Siobhan Fahey. The speakers will unveil the main changes to the Yellow Book 1999 edition and explain why these changes were decided by FIDIC to be an improvement to its design-build form of contract. An authorised draft copy of the Yellow Book will be provided to early registrants prior to this session.



Foreseeable Changes in Red Book [2017 Ed.]

Main Conference Day 1, 6th December

As the entire FIDIC 1999 Suite of Contracts is currently being updated by FIDIC for publication altogether very shortly, FIDIC concentrated first on updating the Yellow Book but has continued this work by adopting harmonised changes for the updates of the Red Book and Silver Book. This session, delivered by the Team Leader and Principal Drafter of the FIDIC Updates Task Group, Simon Worley, examines the continued importance of the Red Book across the globe and offers a fascinating insight into the changes planned for the new edition.



New Guidance on Modifying FIDIC Conditions

Main Conference Day 1, 6th December

Expertly presented by Dr Donald Charrett and Cremona Cotovelea, this session will shed light on the new official guidance on modifying FIDIC conditions (aka FIDIC Golden Principles). Case studies on critical modification Do's and Don'ts will be provided in the context of this session. This will be complemented by a half-day workshop session on 8 December.



Managing Claims under FIDIC

Main Conference Day 1, 6th December

Eminent construction law experts Nicholas Gould (pictured) & Jeremy Glover of Fenwick Elliott will discuss ways to try to avoid claims arising under FIDIC and how to pursue a claim if there is no other option. Understand how to minimise claims from Day 1 of your project, the differing approaches under civil codes and the common law and much more besides!



Time Bar Provisions

Main Conference Day 2, 7th December

Adrian Bell, Partner at CMS Cameron McKenna (pictured) and Jeremie Witt, Partner at CMS in the UAE tackle one of the most critical issues for the industry: time bar application. This session will provide practical insights as to the reasons behind the application of time bars, their operation under common and civil laws (including recent legal developments), and ways around them.



Ask the FIDIC Experts Q&A

Main Conference Day 2, 7th December

Always one of the most popular sessions in the agenda, our annual Q&A session is your opportunity to put your questions directly to acclaimed FIDIC experts and advisors to the Contracts Committee for cutting edge and authoritative advice on any aspect of FIDIC. In a year where so many changes are being unveiled, I'm sure you'll have at least one burning question you'd like to see answered by our panel, which includes distinguished experts such as Dr Axel Jaeger (pictured), amongst many others.



Variations Under the FIDIC Forms of Contract

Main Conference Day 2, 7th December

Changes to the works lie at the heart of many construction disputes. Holman Fenwick Willan Partners Max Wieliczko and Michael Sergeant (pictured) will once again dissect the burning issue of variations under the FIDIC Forms of Contract.



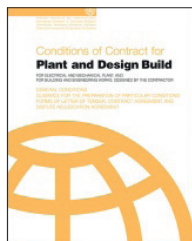
International Case Studies Review

Main Conference Day 2, 7th December

Benefit from understanding how FIDIC is working in the real world by listening to case studies on the FIDIC Red, Yellow, Silver as well as other books in the Rainbow Suite. Case study presenters, including Daniel Ventham from Systra (pictured), were drawn from a range of different industries and will be covering a diverse array of projects. Another great user-led session.

ESSENTIAL UPDATES ON KEY BOOKS IN THE RAINBOW SUITE

This year's book-based sessions will bring you up to speed on critical updates that you need to keep abreast of. These are the sessions you should look out for:



Yellow Book



Be the first to look through the new Yellow Book [2017 Edition] by securing your authorised draft-only copy when registering for the event by the end of September. Understand the main changes to the 1999 Edition and what

these will mean in practice in a number of areas, from the role of the Engineer to DABs. No question will be left unanswered during this one-hour long session delivered by Contract Committee members Zoltán Záhonyi and Siobhan Fahey (pictured).

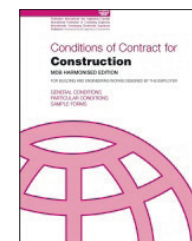


Blue Book



The FIDIC Dredging & Reclamation Contract (Blue Book) has been updated. John Greenhalgh, Chairman of the FIDIC Dredging & Reclamation Contract Update Task Group will be explaining in detail the contractual set up and structure of

this industry specific standard form of contract that promotes efficient management and execution of dredging and reclamation projects. You will learn about essential pre-contract information & risk management as well as to consider the specific needs of dredging projects.

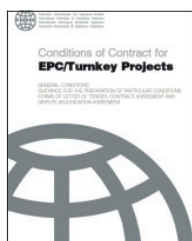


Pink Book



FIDIC Chair of the Procurement Policy Sub-Committee, Aisha Nadar (pictured) will be joined on stage by Evgeny Smimov of the European Development Bank and Hiba Tahboub of the World Bank to debate the

strengths and limits of this form of contract. In addition to a discussion on FIDIC's partnership with the MDBs, this session will also explore aspects of the MDB Procurement reform that all users should be acquainted with. All speakers will be happy to take your questions.



Silver Book



The FIDIC EPC/Turnkey Contract (Silver Book) is presently being updated. This session will explore current practice in the use of this form of contract as well as the foreseeable updates likely to be added to the 2017 Edition due to be released at the

same time as the new Yellow and Red Books. Leo Grutters, a distinguished member of the FIDIC Updates Task Group will fill you in on the current work being undertaken by the task Group with particular reference to risk allocation, claims, Employer's issue, and more.



Gold Book



The FIDIC Design Build and Operate form of contract continues to grow in popularity and is presently being used internationally to underpin the construction of new facilities in multi billion pound projects. FIDIC specialists

Dr Sebastian Hök and Vincent Leloup (pictured) will tell you all you need to know about current practice in the use of the Gold Book including lessons learnt from current use in water & wastewater projects. The session will also explore procurement issues and claims procedures under ODB projects.



Red Book



This session examines the continued importance of the Red Book across the globe and offers a fascinating insight into the changes planned for the new Red Book edition, which is due for publication in 2017 alongside

the equally revised Yellow and Silver Books. This session will be led by Simon Worley (pictured), Team Leader and Principal Drafter of the FIDIC Updates Task Group. Examples and case studies of Red Book current practice will also be shared.

Follow us today and get the inside scoop on all that is new across the FIDIC Contract Users' Conference series.



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To register or for the latest information, please visit: www.ibclegal.com/fidic Tel: +44 (0)20 7017 5503 Email: professionalcustserv@informa.com

NEW CASE STUDIES OF FIDIC APPLICATION BY USERS

We have selected four new case studies of FIDIC application from across different jurisdictions to provide an in-depth view of how key FIDIC forms of contract are being used to underpin some large construction projects. These user-led presentations are the sessions you'll not want to miss:



Hydro Power Plant in Pakistan

Martin Albert, Legal Counsel at Andritz Hydro and seasoned FIDIC users will be presenting a recent and insightful case study on the use of the FIDIC EPC/Turnkey Contract (Silver Book) as a key tool in the administration of a Hydro Power Plant project in Pakistan. His presentation will draw on lessons learnt so far and recommendations to fellow users or prospective users of the Silver Book involved in projects with similar characteristics.



Dubai Metro Project in UAE

Daniel Ventham, Senior Counsel and Head of Northern Europe Region at Systra will be joining us to share his experience in the use of the FIDIC Red Book 1999 Edition in the context of the Dubai Metro project. Daniel is currently advising on mass transit and rail projects across Europe and USA. He has drafted and negotiated high-value (up to \$16Bn) bespoke and standard form contracts across 6 continents and will therefore be ideally placed to share valuable insights.



Refugee Camp in Kosovo

Julien Bergerat, Legal Specialist, Infrastructure at UNOPS Denmark will offer a singular insight into the use of the harmonised version of the Red Book in the construction of a refugee camp in Kosovo. This case study will bring out unique aspects of FIDIC application in the real world with particular reference to procurement and contract administration.



Dnipropetrovsk Metro Tunnel in Ukraine

Roger Ribeiro, Head of Procurement and Contract Services at EGIS France will present a unique case study involving a large scale tunneling Project in Ukraine, the 'Dnipropetrovsk Metro', which is to be built under the FIDIC Design Build Form of Contract 1999 (Yellow book). Roger is an Engineer and has more than 15 years' experience in contract management and construction supervision involving FIDIC Conditions of Contract.

08.30 Registration

08.55 **Opening Remarks from the Chairman and Welcome from FIDIC's Managing Director**



Kaj Möller
Member
FIDIC CONTRACTS COMMITTEE (Sweden)



Enrico Vink
Managing Director
FIDIC (Switzerland)

09:10 **EXCLUSIVE PREVIEW**



Unveiling of the Conference Pre-Publication Draft of the FIDIC Yellow Book 2017 Edition & Current FIDIC Contract Developments

FIDIC's Contracts Committee is currently engaged in a number of important developments which will be outlined in this session. The FIDIC 1999 Suite of Contracts (Red Book, Yellow Book and Silver Book) are currently being updated by FIDIC for publication altogether very shortly. FIDIC concentrated on updating the Yellow Book 1999 first, and has continued this work by adopting harmonised changes for the updates of the Red Book and Silver Book. By reference to the conference pre-publication draft of the FIDIC Yellow Book 2017 Edition (for information only - not for contract use), members of the FIDIC Contracts Committee will unveil the main changes to Yellow Book 1999 and briefly explain why these changes were decided by FIDIC to be an improvement to its design-build form of contract.

- What is the status of all the work that the FIDIC Contracts Committee is engaged on at the moment?
- What are the new/revised provisions relating to design in the Yellow Book update?
- What changes have been made to strengthen the authority and role of the Engineer?
- Description of the new/revised project management provisions in the Yellow Book update
- Discussion of the amended claim provisions
- An outline the revised dispute provisions
- Update on the new form of contract for tunnelling and underground works



Siobhan Fahey
Member
FIDIC CONTRACTS COMMITTEE (Ireland)



Zoltán Záhonyi
Chair
FIDIC CONTRACTS COMMITTEE (Hungary)



Matthias Neuenschwander
Chair
FIDIC-ITA TASK GROUP 10 (Switzerland)

10:10 **FIDIC Conditions of Contract for Construction - Current Practice & Foreseeable Updates to the 2017 Red Book Edition**

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. This session examines the continued importance of the red book across the globe and offers a fascinating insight into the changes planned for the new Red Book edition, which is due for publication in 2017 alongside the equally revised Yellow and Silver Books. This session will be led by Simon Worley, Team Leader and Principal Drafter of the FIDIC Updates Task Group.



Simon R. Worley
Team Leader and Principal Drafter
FIDIC UPDATES TASK GROUP (United Kingdom)

10:40 Morning Coffee

11:10

De-mystifying the Role of the Consulting Engineer, including his/her role in the Context of the FIDIC Contract & its Dispute Board Provisions

What is a Consulting Engineer? To those who are one, it is perhaps obvious. But is it so obvious to everyone within the industry, let alone in the broader community? What does it take to be a Consulting Engineer? How does one become a Consulting Engineer? Where is the specific qualification for a Consulting Engineer? How many countries actually "recognise" the profession of Consulting Engineer? This session will:

- Define the key roles of the Consulting Engineer
- Define the specialist skills and the value that Consulting Engineers can and do bring to a client, financier or community
- Add clarity to why it is imperative to select carefully the best Consulting Engineer, based on quality
- Define the role of the "Engineer" in dispute avoidance and resolution



Aisha Nadar

Member

FIDIC EXECUTIVE COMMITTEE

(Sweden)



Giorgiana Tecuci

Member

FIDIC CAPACITY BUILDING COMMITTEE

(Romania)

11:50

Ensuring Successful Contract Preparation & Implementation

Many issues can lead to either a project success or failure. An unsubstantiated brief upstream decision may lead to severe downstream consequences. Strategic choices at procurement level are consequently key, and the implication of those is not always fully appraised. This session will address how the selection of forms of contract, tender procedures and the preparation of tender documentation should fit the project objectives, budget, Employer's resources and risk allocation sought. The FIDIC Suite of Contracts provides answers for a wide range of needs. The FIDIC Procurement Procedures Guide assists users and provides users with helpful guidance.

- FIDIC best practice: Using appropriately FIDIC Conditions of Contract
- Facing reality vs. burying one's head in the sand – key drivers at procurement stage, and reflections in tender documentation & procedure
- Key issues for selection of the appropriate procurement method and form of contract – scope definition, time, cost and quality
- Particular Conditions development – the usual temptations of shifting risks to the other Party, and their consequences / From a "we vs. them" approach towards full project ownership with clear delineations
- The FIDIC Suite of Contracts – many answers... for the right questions



Gilles Castan

Head of the Contract & Risk Service

SYSTRA (France)



Stéphane Giraud

Director 'Dams & River Works'

EGIS EAU (France)

Working with FIDIC/KNect365 Law

How are you capitalising on your firm's unique qualities in the current market?

- Thought leadership (demonstrate your depth of expertise to a captive audience)
- Networking (create new and enhance existing client relationships)
- Brand exposure (superior profile so your clients think of you first)

For more information, please contact **Ayo Fagbohun** on **+44 (0)20 7017 4196** or **ayo.fagbohun@informa.com**

12:30



Ask the Contracts Committee - Q&A session

Our annual "Ask the Experts Q&A" session has become one of our most popular perennials with contract users from across the globe. Put simply, the FIDIC Contract Users' conference is your conference and this is therefore your opportunity to put your questions directly to members of the FIDIC Contracts Committee in attendance. Our experts will try to address as many of your questions as possible during the two days of the event and these can be submitted to the contracts committee in a number of ways. You can:

- Ask for the microphone and put your questions live to our panel on stage
- Submit a question through our event app and have this answered in real time
- Tweet us your question using the hashtag #FIDICQ&A
- Email a complex question in advance to michele.costa@informa.com so this can be addressed by our experts at the event having given it careful consideration in the run-up to the event

Due to the announced changes to the Rainbow Suite we expect this session to be particularly busy this year, so the entire FIDIC Contracts' Committee will be at hand to answer your questions, not only during the Q&A session but also at lunch and networking breaks over the two days of the event.



Vincent Leloup

Member

FIDIC CONTRACTS COMMITTEE (France)



Des Barry

Member

FIDIC CONTRACTS COMMITTEE (Ireland)



Siobhan Fahey

Member

FIDIC CONTRACTS COMMITTEE (Ireland)



Zoltán Záhonyi

Chairman

FIDIC CONTRACTS COMMITTEE (Hungary)



Kaj Möller

Member

FIDIC CONTRACTS COMMITTEE (Sweden)

13:05

Themed Lunch Tables



New Yellow Book

Golden Principles

New Tunnelling Contract

Claims Procedures

Role of the Engineer

14:15

New Official Guidance on Modifying FIDIC Conditions - FIDIC Golden Principles

This session will offer a first and exclusive insight into new FIDIC guidance on safely modifying FIDIC Conditions of Contract by maintaining the integrity of some of the "core" or golden FIDIC clauses in order to minimize disputes. The presenter will be drawn from the newly formed task Group 15 on Golden Clauses whose remit it is to determine the limits of acceptable modification of Clauses. Case studies on critical Do's and Don't's will be provided in the content of this session.



Donald Charrett

Member

FIDIC TASK GROUP 15 (Australia)



Cremona Cotovelea

Member

FIDIC PROCUREMENT POLICY SUB-COMMITTEE
(Romania)



Alfonso Pelosi

Civil Engineer, Contract Management (FIDIC and EU PRAG Senior Expert)

SALINI - IMPREGILO (Italy)

15:00

Managing Claims under FIDIC: The Road to Dispute Avoidance

This session will discuss ways to try to avoid claims arising in the first place but then, if they do, how to present and pursue a claim under a FIDIC Contract with particular reference to the following topics:

- How to minimise claims from Day 1 of your project
- Preventing contested claims from becoming disputes
- Putting your claim together
- Getting your notice of claim right
- What is a fully detailed claim?
- The differing approaches under civil codes and the common law
- Dealing with the FIDIC time bar
- The Engineer's obligations



Nicholas Gould

Partner

FENWICK ELLIOTT (United Kingdom)



Jeremy Glover

Partner

FENWICK ELLIOTT (United Kingdom)

15:45

Afternoon Coffee

9

16:15

STREAM A

Using the FIDIC Gold Book Internationally

The concept of Design Build and Operate projects is proving very popular for both the construction of new facilities (The Gold Book) and the upgrading of existing facilities (The new Bronze Book). The speakers will give an overview of both these documents, including:

- Short reminder of the main features of the FIDIC Gold Book (DBO) and FIDIC Bronze Book (ODB)
- Current use of the FIDIC Gold Book on water & wastewater projects – lessons learned
- Hot topic: Procurement issues under an ODB project
- Hot topic: Experiences with straightforward claims' procedures
- Questions & answers

**Vincent Leloup***Member***FIDIC CONTRACTS COMMITTEE** (France)**Dr Sebastian Hök***Adjudicator***FIDIC PRESIDENT'S LIST** (Germany)

STREAM B

The New FIDIC Renewables Contract Initiative

The emerging renewable energy market is already large and is expected to grow significantly. FIDIC is now developing a set of "special conditions" (in addition to general and particular conditions) to be made available for use in connection with FIDIC contracts used in this market. FIDIC sees that this initiative will have the following benefits for the industry, which the speakers will address:

- Help to solve the pressing needs on contract issues relating to new technology, such as balanced risk sharing
- Develop a format that provides the flexibility required to cater for the needs of different types of renewable projects
- How the value of FIDIC's basic principles will benefit the industry by introducing a common platform for negotiations
- Give the industry in general a more suitable and reasonable set of contract conditions for this important sector

**Svend Poulsen***Chief Project Manager***COWI CONSULTING ENGINEERS** (Denmark)

17:00

STREAM A

The New FIDIC Suite of Agreements – All You Need to Know

This session will take you through the FIDIC's update of its suite of Agreements, for use in professional services contracting. The new White Book (update of the 2006 Edition) for Client-Consultant relations, the Sub-consultancy Agreement whenever a White Book Consultant aims at subcontracting part of its Services, and the JV Agreement for Consultants forming a JV or a Consortium to deliver Services to a Client, under a White Book arrangement or other.

- Main features of the new FIDIC White Book vs. the 2006 Edition
- The new Sub-Consultancy Agreement, to be used in conjunction with the new White Book
- JV Agreement – for Consultants teaming up under a White Book arrangement with the Client
- Questions & answers

**Vincent Leloup***Member***FIDIC CONTRACTS COMMITTEE** (France)**Mahmoud Abu Hussein***Procurement & Contracts Manager***DOLPHIN ENERGY** (UAE)

STREAM B

The FIDIC Pink Book - Strengths, Limits & Procurement Reform

This Session will discuss FIDIC's partnership with the Multilateral development banks and consider the contractual structuring of and typical provisions contained in contracts for major infrastructure projects, including complex cross-border projects. The major points of discussion will include:

- Overview of FIDIC's partnership with the MDBs
 - The Pink book: Strengths and limits
- MDB Procurement reform
 - Best value in the light of contractual project delivery methods
- The way forward

**Aisha Nadar***Member***FIDIC EXECUTIVE COMMITTEE**
(Sweden)**Evgeny Smirnov***Senior Procurement Specialist***EUROPEAN BANK FOR RECONSTRUCTION & DEVELOPMENT** (United Kingdom)**Hiba Tahboub***Governance Practice Manager***WORLD BANK** (United States)

17:45 Closing Remarks

17:50 Drinks Reception



08:00



BREAKFAST BRIEFING

The BIM Revolution and its Impact on FIDIC Contract Management

2016 marks a milestone in the use of BIM in the UK for Government contracts, and internationally BIM continues to feature widely as a project requirement, as part of the increasing focus on whole life project performance for effective construction procurement. Where BIM is applied to the project it affects all those with design, construction and facilities management roles: design consultants; cost consultants; specialist designers; contractors undertaking design; main contractors and sub-contractors; suppliers; and FM managers. This needs to be addressed within all of the contracts for project participants who influence or contribute to the BIM model. This Breakfast Briefing will focus on risks and the necessary procedures and contractual arrangements for the management of BIM within construction and professional services agreements.



Christopher JP Miers

CEO Probyn Miers International ADR

FIDIC PRESIDENT'S LIST (United Kingdom)

08:55

Opening Remarks from Day Two Chair



Zoltán Záhonyi

Chair

FIDIC CONTRACTS COMMITTEE (Hungary)

09:00

FIDIC EPC/Turnkey Contract - Current Practice & Foreseeable Updates for the 2017 Edition

The current Silver Book has as many friends as it has enemies. Used for the right project under the right circumstances the Silver Book has many advantages for those willing to accept its intrinsic risk modalities. The session will inform delegates about:

- What projects/circumstances favour a Silver Book approach
- The Silver Book Risk Allocation
- Claims or No Claims using the Silver Book. Is it really a "Fixed Price" Contract?
- Employer's Pitfalls when using a Silver Book
- Why change it? The upcoming Silver Book Update.



Leo Grutters

Member

FIDIC UPDATES TASK GROUP (Germany)



William Godwin

Barrister; Member

FIDIC UPDATES TASK GROUP (United Kingdom)

09:40

The New Blue Book - Update on the FIDIC Dredging & Reclamation Contract

The FIDIC Dredging and Reclamation Contract is an industry specific standard form of contract that promotes efficient management and execution of dredging and reclamation projects. This will be explained in detail and by reference to:

- Contractual set up and structure
- Essential pre-contract information & risk management
- Special considerations needed for dredging projects



John Greenhalgh

Director Greenhalgh Associates; Chairman

FIDIC DREDGING & RECLAMATION CONTRACT UPDATE TASK GROUP (United Kingdom)

10:00

International Case Studies Review

This panel session will assemble experienced FIDIC Contract Users from different regions and industry sectors to share their experiences in using the FIDIC Contracts as key project administration tools in some of the most challenging environments. Delegates will benefit from listening to case studies on the FIDIC Red and Yellow Book, as well as other books in the FIDIC Rainbow suite, and will also have an opportunity to pose any questions to the panellists. All 2016 case studies will be new to this conference. These include:

- **Case Study 1:**
Hydro Power Plant, Pakistan (Silver Book 1999)
- **Case Study 2:**
Dubai Metro, UAE (Red Book, 1999)
- **Case Study 3:**
Kosovo Refugee Camp (Red Book, 1999)
- **Case Study 4:**
Dnipropetrovsk Metro, Tunnel Project, Ukraine (Yellow Book, 1999)



Martin Albert

Legal Counsel

ANDRITZ HYDRO (Germany)



Daniel Ventham

Senior Counsel – Head of Northern Europe Region

SYSTRA (United Kingdom)



Julien Bergerat

Legal Specialist, Infrastructure

UNOPS (Denmark)



Roger Ribeiro

Head of Procurement and Contract Services

EGIS (France)

Moderator:



Edward Corbett

Adjudicator

FIDIC PRESIDENT'S LIST (United Kingdom)

11:00

Morning Coffee

11:30

Contract Variations Under FIDIC

Variations instructed by the employer will give the contractor a right to additional money. But how does this entitlement to compensation interrelate with other FIDIC clauses giving a right to additional money for other reasons, such as unexpected site conditions?

- Variations compared to “Claims” under FIDIC
- Does a contractor have to give notice under clause 20 in order to get money or time for a Variation?
- Does a contractor have a choice as to whether it recovers as a Variation or a “Claim”?
- Different approaches to valuing variations and “Claims”
- Claiming for a Variation in the absence of an Engineer’s instruction



Michael Sergeant

Partner

HOLMAN FENWICK WILLAN (United Kingdom)



Max Wieliczko

Partner

HOLMAN FENWICK WILLAN (United Kingdom)

12:15

Time Bar Provisions: The Uncertain Position Under English Law and Comments from a Middle East Perspective

The time bars for both Contractor and Employer claims are essential elements of the FIDIC Conditions of Contract. Their project management purpose is clear but is not always implemented by the Parties. Recent developments under English law have resulted in some uncertainty about how time bar provisions for contractor and employer claims will be viewed by the courts. Is the position in the Middle East any clearer? This session will provide practical insights as to the reasons behind the application of time bars, their operation under English and Middle Eastern laws (including recent legal developments), and ways around them.

- Purpose of the mechanisms for administering and processing claims
- Why recent English law cases have resulted in uncertainty
- Whether clause 2.5 provides a more relaxed regime for employers under English law
- Whether the approach to time bars under Middle Eastern laws is any different
- Potential escape routes



Adrian Bell

Partner

CMS CAMERON MCKENNA (United Kingdom)



Jeremie Witt

Partner





CMS CAMERON MCKENNA (United Arab Emirates)

12:55 **Short Presentation on FIDICTerms Project** by Milad Ghorashi, Member, FIDIC Contracts Committee, Main Drafter of FIDIC Task Group 12

13:10 Themed Lunch Tables  **Time Bars** **DAB/Clause 21** **BIM & FIDIC** **Particular Conditions** **Renewable Contracts**

14:20 **DABs Role Under FIDIC Conditions - Current Practice and the New Rules**


Along with the ongoing review and update of the FIDIC Yellow Book, Red Book and Silver Book, FIDIC are reviewing and updating their Dispute Adjudication Rules with a view to reflect current best practice for Dispute Boards. The main changes and improvements introduced will be explained and discussed during this session. These will include, among others, the reformulation of the current 20 clauses of the FIDIC contracts, with a new Clause 21 dedicated to dispute avoidance and resolution.

 **Peter Collie**
Barrister
3PB BARRISTERS (United Kingdom)
 **Siobhan Fahey**
Member
FIDIC CONTRACTS COMMITTEE (Ireland)
 **Matthias Fabich**
Head of Department Contract Management and Prequalification
PORR (Austria)
 **Christopher JP Miers**
CEO Probyn Miers International ADR
FIDIC PRESIDENT'S LIST (United Kingdom)

15:25 **An Alternative Approach to Disputes**

Learn from an experienced construction lawyer and mediator about effective add-ons to FIDIC Conditions of Contract that will lead to shorter building times, lower building costs and fewer disputes.

- The nature of disputes
- Dispute prevention
- Alternative dispute resolution, including mediation

 **Jakob B. Sørensen**
Partner
HOLST, ADVOKATER (Denmark)

15:45 Afternoon Coffee

16:05 **Arbitration & Alternative Dispute Resolution**

This session considers the phenomenon of construction disputes; what they are, how they occur and crucially, how they can be minimized and resolved with the greatest efficiency. Specifically, attention is focused on the FIDIC contractual provisions and their optimum operation. The aim is to equip the representatives and advisors of the Parties and the Engineer to make good choices in moving towards swift, cost effective resolution. Panellists will examine:

- What constitutes a 'dispute'?
- How do construction disputes occur?
- The FIDIC Amicable Settlement provisions
- Alternative Dispute Resolution techniques
- International Arbitration – a strategic view

Moderator

 **Ellis Baker**
Head of Construction & Engineering Practice Group
WHITE & CASE (United Kingdom)
 **Rupert Choat**
Barrister, Arbitrator and Mediator
ATKIN CHAMBERS (United Kingdom)
 **Dan Garton**
Partner, Construction & Engineering Group, London
WHITE & CASE (United Kingdom)

17:00



Ask the FIDIC Experts & Special Advisors - Q&A session

Our annual "Ask the FIDIC Experts Q&A" session has become one of our most popular perennials with contract users from across the globe. Put simply, the FIDIC Contract Users' conference is your conference and this is therefore your opportunity to put your questions directly to acclaimed FIDIC experts and advisors to the Contracts Committee for cutting edge and authoritative advice on any aspect of FIDIC. Our experts will try to address as many of your questions as possible during the two days of the event and these can be submitted to the experts panel in a number of ways. You can:

- Ask for the microphone and put your questions live to our panel on stage
- Submit a question through our event app and have this answered in real time
- Tweet us your question using the hashtag #FIDICQ&A
- Email a complex question in advance to michele.costa@informa.com so this can be addressed by our experts at the event having given it careful consideration in the run-up to the event



Christopher Seppälä

Legal Advisor

FIDIC CONTRACTS COMMITTEE (France)



Dr Nael Bunni

Special Advisor

FIDIC CONTRACTS COMMITTEE (Ireland)



Axel Jaeger

Special Adviser

FIDIC CONTRACTS COMMITTEE (Germany)



Aisha Nadar

Member

FIDIC EXECUTIVE COMMITTEE (Sweden)



Edward Corbett

Adjudicator

FIDIC PRESIDENT'S LIST (United Kingdom)

17:35

Closing Remarks & End of Conference

PRE-CONFERENCE WORKSHOPS 5 December 2016

WORKSHOP A: Introduction to the FIDIC Suite of Contracts (1999 Editions) (08:30 Registration, 09:00 - 17:30 Workshop)

Ideal as a refresher course for experienced FIDIC users or as an introductory session for those just getting acquainted with the potential of the 1999 FIDIC contracts. Attend this workshop to acquire essential knowledge of the main forms of contract comprised in the 1999 "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. FIDIC experts will invite delegates to participate in practical exercises exploring key concepts embodied in the FIDIC contracts 1999.

- Different contract strategies addressed by the FIDIC suite 1999
- Detailed analysis of the FIDIC rainbow collection of forms of contract:
 - Green Book 1999 - Red Book 1999 - Yellow Book 1999 - Silver Book 1999
- Risk allocation and business processes for the FIDIC suite 1999
- The growing influence of FIDIC's suite of contracts 1999 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

Led by:



Siobhan Fahey

Member

FIDIC CONTRACTS COMMITTEE
(United Kingdom)



Dr Sebastian Hök

Adjudicator

FIDIC PRESIDENT'S LIST
(Germany)

PRE-CONFERENCE WORKSHOPS 5 December 2016

WORKSHOP B: **Successfully Managing & Pursuing Claims** (08:30 Registration, 09:00 - 17:30 Workshop)

A successful claimant is one who gets paid. Claimants very often cannot turn their claims into cash because amongst other things:

- They cannot establish cause and effect, and/or quantify their delay disruption and acceleration Claims,
- Failed to keep proper records, and/or
- They have agreed to an inappropriate dispute resolution forum
- They contracted with the inappropriate counter party
- They cannot enforce the DAB Decision or the Arbitration Award

However, Claimants often prefer to focus on abstract legal rights. Against this background Construction Experts from the world's largest and most highly rated Construction Law firm Pinsent Masons, will use knowledge gained over decades to demonstrate how to manage and pursue Claims successfully. This will include a practical demonstration of what you need to win your case & get paid.

Led by:



Mark Roe
Partner, Head of International Arbitration
PINSENT MASON'S
(United Kingdom)



Peter Rosher
Partner
PINSENT MASON'S
(France)

POST-CONFERENCE WORKSHOPS 8 December 2016

WORKSHOP C: **Advanced Dispute Resolution Techniques** (08:30 Registration, 09:00 - 12:30 Workshop)

This workshop is an opportunity for discussion and involves working through a "mock dispute" that progresses through FIDIC's dispute escalation provisions. Workshop leaders will guide you through tools for avoiding and resolving disputes. By attending this workshop, you will gain a comprehensive understanding of:

- Practical issues, options and solutions in avoiding and resolving disputes: when negotiating contracts and during projects
- The pros and cons of each stage of FIDIC's dispute escalation processes
- Approval / disapproval of claims and determinations
- Dispute Adjudication Boards
- Amicable settlement discussions
- Arbitration, including enforcement of awards
- Calls on on-demand bonds and the constraints in FIDIC's Conditions of Contract

Led by:



Simon Lofthouse QC
Barrister
ATKIN CHAMBERS
(United Kingdom)



Frances Pigott
Barrister
ATKIN CHAMBERS
(United Kingdom)

WORKSHOP D: **Dealing with Modified Contracts in Different Regions** (13:30 Registration, 14:00 - 17:30 Workshop)

FIDIC contracts require the parties to add important details, such as the amount of delay damages, but also permit them to agree project-specific changes to the general conditions. This workshop will be an opportunity to consider some of the key issues arising when negotiating and agreeing such matters in the light of the most recent experiences from different countries, identifying problem areas and pitfalls to look out for. The session will be interactive with practical examples used to facilitate discussion and exchange of experiences. Topics covered will include:

- Current trends in modifying FIDIC conditions of contract in different regions
- How do you modify a FIDIC contract? Dos and don'ts
- Does the project location require a modification?

Led by:



Rafal Morek
Partners
K&L GATES
(Poland)



Matthew Smith
Partners
K&L GATES
(United Kingdom)

MEET 40+ FIDIC EXPERTS & USERS INCLUDING...



Kaj Möller
Member

FIDIC CONTRACTS COMMITTEE (Sweden)



Vincent Leloup
Member

FIDIC CONTRACTS COMMITTEE (France)



Donald Charrett
Member

FIDIC TASK GROUP 15 (Australia)



Siobhan Fahey
Member

FIDIC CONTRACTS COMMITTEE (Ireland)



Zoltán Záhonyi
Chairman

FIDIC CONTRACTS COMMITTEE (Hungary)



Des Barry
Member

FIDIC CONTRACTS COMMITTEE (Ireland)



Axel Jaeger
Special Adviser

FIDIC CONTRACTS COMMITTEE (Germany)



Enrico Vink
Managing Director
FIDIC (Switzerland)



Simon R. Worley
Team Leader and Principal Drafter
FIDIC UPDATES TASK GROUP
(United Kingdom)



Martin Albert
Legal Counsel
ANDRITZ HYDRO (Germany)



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Chief Project Manager
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FIDIC CONTRACTS COMMITTEE (France)



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MEET 40+ FIDIC EXPERTS & USERS INCLUDING...



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Jeremy Glover

Partner
FENWICK ELLIOTT (United Kingdom)



Nicholas Gould

Partner
FENWICK ELLIOTT (United Kingdom)



Leo Grutters

Member
FIDIC UPDATES TASK GROUP (Germany)



Evgeny Smirnov

Senior Procurement Specialist
**EUROPEAN BANK FOR RECONSTRUCTION
& DEVELOPMENT** (United Kingdom)



Julien Bergerat

Legal Specialist, Infrastructure
UNOPS (Denmark)



Edward Corbett

Adjudicator
FIDIC PRESIDENT'S LIST (United Kingdom)



Cremona Cotovelea

Member
**FIDIC PROCUREMENT POLICY
SUB-COMMITTEE** (Romania)



Adrian Bell

Partner
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(United Kingdom)



Gilles Castan

Head of the Contract & Risk Service
SYSTRA (France)



Michael Sergeant

Partner
HOLMAN FENWICK WILLAN
(United Kingdom)



Max Wieliczko

Partner
HOLMAN FENWICK WILLAN
(United Kingdom)



Rupert Choat

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Roger Ribeiro

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ATKIN CHAMBERS (United Kingdom)



John Greenhalgh
Director Greenhalgh Associates; Chairman
**FIDIC DREDGING & RECLAMATION
CONTRACT UPDATE TASK GROUP**
(United Kingdom)



Frances Pigott
Barrister
ATKIN CHAMBERS (United Kingdom)



Alfonso Pelosi
Civil Engineer, Contract Management
(FIDIC and EU PRAG Senior Expert)
SALINI - IMPREGILO (Italy)



Dan Garton
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Engineering Group, London
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Governance Practice Manager
WORLD BANK (United States)



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FIDIC-ITA TASK GROUP 10 (Switzerland)



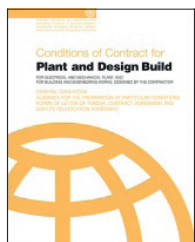
Mahmoud Abu Hussein
Procurement & Contracts Manager
DOLPHIN ENERGY (UAE)



William Godwin
Barrister; Member
FIDIC UPDATES TASK GROUP
(United Kingdom)

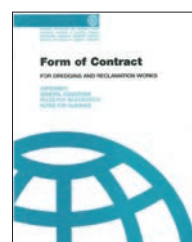


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Form of Contract for Dredging and Reclamation Works (New Blue Book)

Finalised edition due for publication ahead of the conference

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3PB's TCC Group enjoys an unrivalled reputation for its construction expertise, across a wide range of industry sectors, with most of our barristers having gained relevant commercial experience prior to coming to the Bar. Our advocates advise on a broad spectrum of issues including building and engineering disputes (often involving complex technical problems), adjudication under the HGCRA 1996, industrial processes, professional negligence of professionals (such as Architects, Surveyors, Engineers), computers and information technology matters.

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Pinsent Masons is an award winning international law firm with over 400 lawyers specialising in infrastructure worldwide. As the world's leading adviser on construction and infrastructure projects (Who's Who Legal 2016), we have extensive experience of all forms of FIDIC Contract under common law and civil code legal systems, in many different sectors and jurisdictions around the world.

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FIDIC International Contract Users' 2016

Main Conference Days: 6 - 7 December 2016
 Workshops: 5 December & 8 December 2016
 Venue: Millennium Gloucester Hotel, London, UK

(FKW82672)

VIP CODE

Please quote the above VIP code when registering

WHEN AND WHERE

FKW82672 **Venue:** Millennium Gloucester Hotel, London
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 5 December & 8 December
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PERSONAL DETAILS

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Job title Department

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Half-day Workshops Only: (specify 1 or 2 half-day workshop(s) below)	£449 each +VAT@20% (£598.80)	£449 each +VAT@20% (£598.80)	£449 each +VAT@20% (£598.80)

Specify your workshop(s):

- Workshop A, 5 December, full-day: **Introduction to the FIDIC Rainbow Suite of Contracts (1999 Editions)**
 - Workshop B, 5 December, full-day: **Successfully Managing & Pursuing Claims**
 - Workshop C, 8 December, half-day, morning: **Advanced Dispute Resolution Techniques**
 - Workshop D, 8 December, half-day, afternoon: **Practical Techniques for Dealing with Modified Contracts**
- Will you be attending the breakfast briefing at 08:00 on 7 December (included in the price of main conference packages): Yes No

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