

Luthando Skills & Training

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An Intensive 3-day Training Course

Claim and Disputes under FIDIC Contracts

The Perfect Claim and Alternative Disputes Resolution (ADR) Techniques

Classroom sessions

Date	Venue	Fees
3-5 July 2025	Sandton	R 8,999

INTRODUCTION

This Claim and Disputes under FIDIC Contracts training course is handling the critical subject of claims and disputes causing, Extension of Time (EOT), delays, cost overruns and harm to business relations between contract parties. It will emphasize the increasing importance of understanding how to avoid claims and disputes during the implementation of contracts in general, and for the case of FIDIC contract conditions in particular.

This training course will guide the participant, with practical case studies, on how to deal with claims and disputes from contracting drafting, agreement and during its execution.

This **Luthando Skills** training course will highlight:

- FIDIC contract concepts and the selection of the appropriate type
- Main FIDIC clauses that could be source of contractual claims
- Main techniques used to disputes resolution such as negotiation, mediation, adjudication and arbitration
- Main FIDIC clauses related to EOT Claims and other Claims as well claims for duty in tort under civil law
- Disputes Avoidance and Adjudication Boards (DAAB) and Arbitration (Local and International)

TRAINING OBJECTIVES

At the end of this Claim and Disputes under FIDIC Contracts training course, you will learn to:

- Understand and select the appropriate form of FIDIC Contracts
- Avoid or reduce the reasons causes for potential claims and disputes
- Manage changes and claims in FIDIC contracts
- Understand the impact using on clause for the Employer and Contractor claims
- Learn how FIDIC applies determination, disputes boards and arbitration to resolve disputes
- Understand the issues facing the application of FIDIC conditions under the governing law
- Understand the difference between local arbitration laws in the ME and international arbitration

TRAINING METHODOLOGY

This training course will utilise a variety of proven adult learning techniques to ensure maximum understanding, comprehension and retention of the information presented. This includes:

- Training provided via an interactive traditional class-room format or on-line format
- Step by Step review of the claims and disputes clauses in FIDIC conditions of contracts
- Facilitation by tackling issues faced by participants in managing their claims
- Use of practical local and international case studies to reinforce learning
- Practice the “how-to” of customizing FIDIC contracts to local legalization requirement

Organisational Impact

By attending this Claim and Disputes under FIDIC Contracts training course, your organization will benefit from:

- Reducing the exposure to claims and disputes by applying international best practices
- Improving business relation with other organizations by using a balanced contract form
- Customizing your contract forms based on FIDIC contracts according to your needs
- Saving precious executive time used in handling claims and disputes
- Creating your own procedure to effectively manage claims and disputes

Personal Impact

By attending this training course, you will benefit from:

- Increasing your awareness of legal and contractual issues
- Understanding your roles in executing FIDIC Contracts (as Employer, Contractor or Engineer)
- Professionalism in drafting contract conditions to mitigate risks and reduce claims
- Professionalism in preparing and presenting claims
- Building a career in claims and disputes management
- Improving business relation with your counterparts in executing contracts

WHO SHOULD ATTEND?

This Claim and Disputes under FIDIC Contracts training course is intended for individuals engaged in planning, formulation, and execution of contracts in EPC, Oil and Gas, industrial construction, government contracts including but not limited to:

- Project Managers and project team members
 - Project commercial managers, cost managers, and project control
 - Purchasing and supply chain managers and staff members
 - Contract department directors, managers and teams
 - Senior and middle managers
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SEMINAR OUTLINE

Day 1

FIDIC Contracts and its Claims Procedures:

- What are Claims and Disputes? Why avoid them?
- Introduction of FIDIC Forms of Contracts
- Claims Types and Classification
- Agreement or Determination by the Engineer
- Employer and Contractor Claims procedures
- Sample claims faced in projects

Change Clauses in FIDIC and Extension of Time:

- Change Clauses in FIDIC forms contracts Notices and Its Importance
- The Society of Construction Law (SCL) Delay and Disruption Protocol
- Prospective Delay Analysis Techniques
- Retrospective (Forensic) Delay Analysis Techniques
- Calculating prolongation costs, disruption costs and other costs
- How to select the appropriate analysis method?
- EOT (Extension of Time)

Day 2

Preparing and Presenting a Claim:

- Type of Notices and Its Importance
- Understanding the impact of the Governing law on claim management
- The Essential Elements of a Successful Claim
- Claim Substantiation and Additional Documents
- User-Friendly and logical claim writing.
- A sample Claim Submission.

Negotiation, Mediation and Disputes Avoidance and Adjudication Board (DAAB):

- What is Negotiation? Why Negotiate?
 - The Negotiation Process, Strategies and Tactics
 - What is Mediation? What are advantages?
 - The Mediation Process and The mediator Role
 - Disputes Avoidance and Adjudication Board (DAAB) in FIDIC
 - Negotiating and drafting the DAAB Agreement
 - Mediation in the UAE and Gulf
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Day 3

Local and International Arbitration:

- What is Arbitration?
- Arbitration Clause in FIDIC Contract Conditions
- Typical Arbitration Procedure
- The New York Convention and the Investment Treaty
- UNCETRAL Model Law and International Arbitration
- Local Arbitration and Its Enforcement
- Famous International Arbitration Decisions

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