FIDIC Claims and Dispute Resolution in Construction

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Cape Town (South Africa)

UK Traininig
PARTNER



FIDIC Claims and Dispute Resolution in Construction

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A FIDIC claim is a formal request under a contract published by FIDIC the International Federation of Consulting Engineers for more time, money or both, backed by a notice, records and analysis. This one-week course on FIDIC claims and dispute resolution in construction is for experienced claims and contract professionals, and it ends with each delegate completing a substantiated claim submission for a case project. Blackbird Training Centre offers this FIDIC claims and disputes course.

Introduction

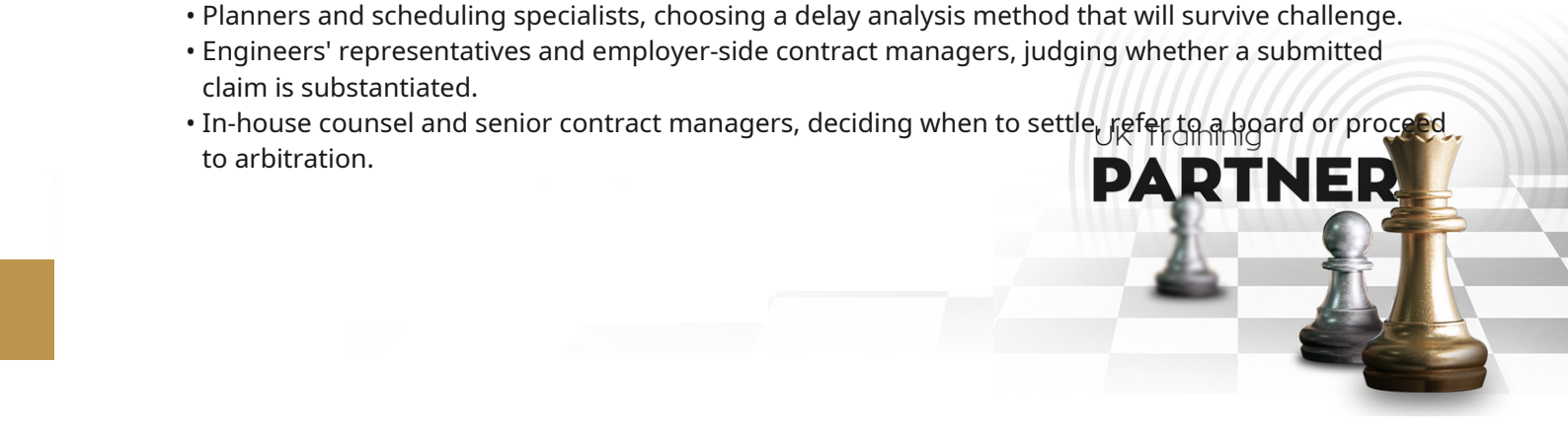
The course works from three references. The FIDIC Conditions of Contract for Construction, known as the Red Book, set out claims in Clause 20 and disputes in Clause 21 of the current Second Edition, with the First Edition used for comparison. The Society of Construction Law Delay and Disruption Protocol gives guidance on records, float, concurrency and delay analysis. Recognised quantum methods, such as the measured mile and head-office overhead formulae, value disruption and prolongation. The level is expert: delegates already administer contracts and come to build and test claims in depth. Teaching follows one case project through notice, analysis, quantum and a dispute board hearing, with examples from infrastructure and building works.

Course Objectives

- Interpret FIDIC notice and time-bar provisions to decide whether and when a claim must be notified.
- Distinguish contemporary records from retrospective evidence and justify which items substantiate each head of claim.
- Compare as-planned and as-built delay analysis methods and select one that fits the records available.
- Apply the Delay and Disruption Protocol to concurrent delay and float questions in an extension of time claim.
- Compare direct costs with head-office overheads and select a valuation method for each cost head.
- Distinguish a DAAB decision from an arbitral award and justify the route a dispute should take.

Target Audience

- Claims managers and consultants for contractors, deciding which events justify a claim and how to present it.
- Quantity surveyors and cost engineers, judging how time and money entitlements should be valued.
- Planners and scheduling specialists, choosing a delay analysis method that will survive challenge.
- Engineers' representatives and employer-side contract managers, judging whether a submitted claim is substantiated.
- In-house counsel and senior contract managers, deciding when to settle, refer to a board or proceed to arbitration.



Course Outline

Day 1: The FIDIC Claims Framework

- First vs Second Edition FIDIC Books: Clause 20 Claims and Clause 21 Disputes Compared
- FIDIC Contract Suite: Red, Yellow and Silver Books and Their Risk Allocation
- Key Claim Clauses: Employer Risks, Unforeseeable Conditions and Variation Entitlement
- Types of Construction Claims: Contractor Time, Contractor Money and Employer Claims
- Notices and Time Bars: Identifying Claim Events and Meeting Notification Deadlines

Day 2: Building the Claim File

- Contemporary Records vs Retrospective Evidence: What Substantiates a Claim Most Reliably
- Evidence Management: Site Diaries, Correspondence, Programmes and Photographs Organised
- Claim Narrative Drafting: Linking Event, Entitlement Clause, Cause and Effect
- Fully Detailed Claim: Required Content, Format and Submission Deadlines
- Quantifying Damages and Delays: First Assessment Before Detailed Analysis

Day 3: Time Claims and Delay Analysis

- As-Planned vs As-Built Methods: Prospective Compared With Retrospective Delay Analysis
- Extension of Time Claims: Entitlement, Critical Path and Programme Updates
- SCL Delay and Disruption Protocol: Guidance on Records, Float and Concurrency
- Concurrent Delay and Time Impact Analysis: Apportioning Responsibility Between Parties
- Acceleration and Disruption Claims: Instructed Compared With Constructive Acceleration

Day 4: Money Claims and Quantum

- Direct vs Indirect Costs: Site Resources Compared With Head-Office Overheads
- Variations and Change Orders: Instruction, Valuation and Related Time Effects
- Valuation Methods: Contract Rates, New Rates and Cost-Plus Assessment
- Loss of Productivity Claims: Measured Mile and Industry Studies for Disruption
- Overhead and Profit Formulae: Hudson, Emden and Eichleay Approaches Compared

Day 5: Claim Determination and Dispute Resolution

- DAAB vs Arbitration: Standing Board Decisions Compared With Final Binding Awards
- Engineer's Role in Claims: Consultation, Agreement and Determination Under FIDIC
- Dispute Board Referrals: Submissions, Decisions and Notices of Dissatisfaction
- Amicable Settlement and Contract Administration: Avoiding Escalation Through Early Engagement
- Claim Submission Case: Completing Notice, Narrative, Delay Analysis and Quantum



Skills You Will Gain

- Time-bar compliance checking
- Claim narrative drafting
- Delay analysis method selection
- Concurrency apportionment
- Quantum valuation
- Disruption measurement
- DAAB referral preparation

Why Attend This Course

- From sending notices late or in vague terms to issuing them on time with the event and clause identified.
- From assembling evidence after a dispute begins to keeping the records that each later claim will need.
- From presenting a single delay figure to defending an analysis method against the other side's expert.
- From an unfinished claim file to a complete submission with notice, narrative, delay analysis and quantum.

Conclusion

In essence, FIDIC claims work turns a project event into a documented entitlement that an engineer, board or tribunal can accept or reject on its evidence. The course separates contemporary from retrospective evidence, prospective from retrospective delay analysis, and dispute board decisions from arbitral awards. It is the right choice for claims, cost and planning professionals who already administer FIDIC contracts and now prepare, assess or defend claims, rather than for those learning FIDIC contract administration for the first time.

Course FAQs

What is a FIDIC claim?

A FIDIC claim is a request by the contractor or employer for additional time, payment or other relief under a FIDIC contract, which must follow the contract's notice, detailing and determination steps to be considered.

What is the difference between a DAAB and arbitration under FIDIC?

A Dispute Avoidance/Adjudication Board gives decisions during the project that bind the parties unless revised; arbitration produces a final, binding award, usually after a notice of dissatisfaction with the board's decision and an attempt at amicable settlement.



Which FIDIC books and protocols does the FIDIC claims course follow?

The course follows the FIDIC Red Book, mainly its current Second Edition with comparisons to the First Edition, together with the Society of Construction Law Delay and Disruption Protocol for delay and disruption analysis.

Is FIDIC claims training right for a quantity surveyor?

Yes. A quantity surveyor who values variations, prolongation or disruption under FIDIC uses these methods directly. Someone new to FIDIC who first needs to understand contract administration may gain more from a FIDIC contract management course.

What do delegates produce on the FIDIC claims and dispute resolution course?

Each delegate completes a claim submission for a case project, including a compliant notice, a claim narrative tied to contract clauses, a delay analysis with concurrency treatment and a quantum calculation for time-related and disruption costs.

