FIDIC Presents the 10th Anniversary Asia Conference

FIDIC Asia Pacific Contract Users’ Conference

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

Main Conference Days: 3 - 4 July 2018
Workshops: 2 & 5 July 2018
Venue: Novotel Clarke Quay, Singapore

Confirmed Speakers Include:

Vincent Leloup
FIDIC CONTRACTS COMMITTEE

Aisha Nadar
FIDIC EXECUTIVE COMMITTEE

Li Zhiyong
POWER CHINA

Alain Morel
ASIAN DEVELOPMENT BANK

He Bing
CMEC

For the latest programme and to register please visit: https://law.knect365.com/fidic-asia-pacific-contracts
call: +44 (0) 20 7017 5503 or email: law@knect365.com
08:30  Registration & Coffee

08:55  Chair's Opening Remarks

Aisha Nadar, Member, FIDIC CONTRACTS COMMITTEE

09:00  Main Features of the Updated Red, Yellow and Silver Books: What has Changed and Why

FIDIC's Contracts Committee has updated the FIDIC 1999 Suite of Contracts (Red Book, Yellow Book and Silver Book), and in this session, members of FIDIC's Contracts Committee, Executive Committee and Updates Task Group will identify the main changes that have been made to the 1999 Rainbow Suite and will briefly explain why these were decided by FIDIC to be necessary or an improvement. The speakers will cover:

- New definitions
- New provisions to promote the Parties' collaboration
- Improved provisions for the timing of the Parties' and the Engineer's obligations.
- New reciprocity between the Parties' rights and obligations
- Improved clarity and certainty in the important provisions relating to:
  - Unforeseeable physical conditions
  - Engineer's agreement/determination
  - Performance security
  - Design and review
  - Tests on completion
  - Variations
  - Payment and valuation of the works
  - Claims
- Limitation of liability and the Parties' indemnities
- 'Force majeure' à Exceptional Risks
- Care of the Works and insurances
- Amended claim provisions
- Outline of the revised dispute provisions

Siobhan Fahey, Member, FIDIC CONTRACTS COMMITTEE
Zoltán Záhonyi, Chairman, FIDIC CONTRACTS COMMITTEE

10:00  FIDIC 2017 and the Continuing Evolution of the Role of the Engineer

Since the first Red Book was published in 1957, the Engineer has played a central role in the administration of a FIDIC contract. That role has evolved through the various editions and updates to reflect the myriad of changes in international construction projects over the years, and the latest 2017 editions of the Red and Yellow Books encapsulate that continuing Evolution. This session will chart that evolution and review some of the key changes to the Engineer's role to be found in the 2017 editions, covering:

- The historical role of the Engineer
- The evolution of the role of the Engineer
- The Engineer's role in today's international projects
- A summary of the Engineer's role in the new 2017 editions of the Red and Yellow Books compared to the 1999 first edition versions
- A detailed review of some of the key changes affecting the Engineer's role to be found in the new 2017 editions compared to the 1999 first editions

Aisha Nadar, Member, FIDIC CONTRACTS COMMITTEE

10:45  Morning Coffee

11:05  The Enhanced Claim's Provisions in the Updated Contracts: What do These Mean?

This session will discuss ways to try to avoid claims arising in the first place but then, if they do arise, how best to present claims under the FIDIC form with particular reference to:

- Understanding typical project risks
- Using the tools the FIDIC contract gives you
- Different approaches under the civil and common law
- The requirements for notices of claim

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11:50 The Enhanced Contract Variation Provisions in the New FIDIC Suite
Variations are a key issue on projects. It is important to know how a variation should be ordered and what instructions must be given. Disputes arise when there is disagreement about whether an item of work counts as extra or if it has been formally ordered. This session will be run by the authors of “Construction Contract Variations”, the only book that deals exclusively with this subject. Coverage includes:

- Changes to the variations provisions under the new FIDIC suite of contracts.
- Differences with variations under the Red Book and Yellow Book.
- What type of variation instruction is required under the new contracts?
- Procedures for ordering and agreeing the value and scope for variations

Matthew Blycha, Partner, HFW
Nick Longley, Partner, HFW

12:35 Ask the FIDIC Experts 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 region. 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 advisers 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 Slido 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

13:00 Lunch

14:05 Looking at the Relationship Between FIDIC and the MDBs
The FIDIC Pink book has been included in the IFI Standard Bidding Documents for almost 15 years. During this time much has evolved in procurement and project delivery. The World Bank, along with other IFIs, has under gone extensive procurement reforms aimed at better achieving value for money. Defining the way forward, so that procurement can be used as a strategic tool in achieving core objectives of recipient countries, as well as financial institutions, taking into account key issues such as sustainability, integrity, and capacity building, is critical. This session will:

- Provide an outline of the Bank’s Procurement Reforms, including key features in the revised Effective Development strategy
- Identify key ingredients of the procurement process from the MDB perspective
- Analyse FIDIC’s role before, during and after the contracting process

Aisha Nadar, Member, FIDIC CONTRACTS COMMITTEE
Kofi Awanyo, Lead Procurement Specialist, WORLD BANK
Vijay Akasam, Senior Procurement Specialist, ASIAN DEVELOPMENT BANK

14:45 New Official Guidance on Altering FIDIC Conditions
This session will offer an exclusive insight into the new FIDIC guidance on safely modifying FIDIC Conditions of Contract by maintaining the integrity of the FIDIC Golden Principles, in order to minimize disputes. The presenters are members of Task Group 15 on Golden Principles, whose remit is to determine the limits of acceptable modification of Clauses in the Particular Conditions, so as the resultant contract can still be recognised as a FIDIC compliant contract. These FIDIC Golden Principles are applicable to both the FIDIC 1999 Suite, and the 2017 Second Editions. Case studies on critical Do’s and Don’t’s will be provided in the content of this session.

- What is the status of the work that TG15 is engaged on at the moment?
- Background to the Need for TG15 and its mandate.
- Reasons for Particular Conditions which infringe on the Golden Principles.
Walk-through the TG15 Draft Golden Principles.
Examples of Breach and proper use of the Golden Principles.

Donald Charrett, Member, FIDIC TASK GROUP 15
Zoltán Záhonyi, Chairman, FIDIC CONTRACTS COMMITTEE

15:20 Afternoon Coffee

15:40 FIDIC Gold Book – Market Uptake Overview and Recent Initiatives from the MDBs
The concept of Design Build and Operate (DBO) projects is proving very popular and accordingly the FIDIC Gold Book is of increasing use in the construction industry, in particular in the water sector and with Development Banks (Asian Development Bank, World Bank, AFD, etc.). The speaker will give an overview of these recent trends, including:

- Short reminder of the main features of the FIDIC Gold Book (DBO)
- Why a growing interest in the water sector?
- The example of the Asian Development Bank Standard Bidding Document (SBD) for DBO projects
- Key features to consider for a successful DBO project
- The way forward / Recent (2017) initiatives from Development Banks
- Questions & answer

Vincent Leloup, Member, FIDIC CONTRACTS COMMITTEE

16:25 Making the Most of The FIDIC Suite of Agreements
This session will take you through FIDIC’s update of its suite of agreements, released in February 2017, for use in professional services contracting. The new White Book (update of the 2006 Edition) for Client-Consultant relations, the Sub-consultancy Agreement, 2nd edition, 2017, whenever a White Book (or other) Consultant aims at subcontracting part of its Services, and the JV Agreement for Consultants, 2nd edition 2017, forming a JV or a Consortium to deliver Services to a Client, under a White Book arrangement or other. Coverage includes:

- Main features of the new FIDIC 2017 White Book vs. the 2006 Edition
- The new FIDIC 2017 Sub-Consultancy Agreement, to be used in conjunction with the new White Book or other
- The new FIDIC 2017 JV Agreement – for Consultants teaming up under a White Book arrangement, or other, with the Client
- Making the most of the new suite of agreements - top tips
- Questions & answers

Sebastian Hök, Adjudicator, FIDIC PRESIDENT’S LIST

17:00 Ask the FIDIC Experts Q&A Session
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17:30 Drinks Reception
08:00  **BREAKFAST BRIEFING: The New Guidance Notes to the 2017 FIDIC Suite of Contracts – All You Need to Know on How to Navigate The Key Changes Using the Guide**

Together with an update and improvement of the General Conditions of Contract in the 2017 FIDIC Suite of Contracts, FIDIC’s Contracts Committee has correspondingly updated the Guidance Notes for the preparation of Particular Conditions. In this session FIDIC’s Contracts Committee’s Principal Drafter will identify the main changes and new alternative clauses, including:

- Milestones
- Limitation of liability
- Ownership of plant and materials
- Concurrent delays
- Training and supervisory assistance by the Contractor
- Valuation of the Works
- Advance payment in instalments
- Employer-Supplied Materials and Employer’s Equipment
- Nominated subcontractors
- The DAAB
- Amicable settlement of disputes
- Arbitration

**Siobhan Fahey**, Member, **FIDIC CONTRACTS COMMITTEE**

08:45  Registration & Coffee

08:55  **Morning Chair’s Opening Remarks**

**Zoltán Záhonyi**, Chairman, **FIDIC CONTRACTS COMMITTEE**

09:00  **Risk Allocation in EPC Contracts after the Revised Yellow Book**

09:45  **Time Bar Provisions: What’s Changing?**

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. Civil and common law regimes typically treat time bar provisions differently. Added to this, concern has been expressed that Contractor and Employer claims are treated differently under the existing forms of FIDIC. Do the proposed changes to the FIDIC contract address this problem? Coverage includes:

- Purpose of the mechanisms for administering and processing claims
- Civil law treatment of time bar provisions
- Common law treatment of time bar provisions
- What changes are there in the new FIDIC contracts?

**Asya Jamaludin**, Counsel, **CMS CAMERON MCKENNA NABARRO OLSWANG**

10:30  Morning Coffee
10:50 **Regional & International Case Studies Review by Experienced FIDIC Users**

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 case studies will be new to this conference. Case studies under review include:

- Application of FIDIC Contracts in the energy field of developing countries - power plant case study (FIDIC Silver Book)
- Executing a FIDIC Contract in India – a case study (FIDIC Red/Yellow Book)
- China's plans and vision for the belt and road programme

**Li Zhiyong**, Legal Affairs and Risk Management Department Deputy Director, **POWER CHINA INTERNATIONAL GROUP**

**He Bing**, Deputy General Manager of Legal and Risk Management Department, **CHINA MACHINERY ENGINEERING CORPORATION (CMEC)**

**Alfred Hartmann**, Project Director, **GIVAUDAN**

11:50 **Contract Administration and Dispute Avoidance from an International Contractor’s Perspective**

This panel session will assemble seasoned Contractors and in-house contract specialists from large infrastructure and engineering firms operating at the coal face of real world implementation of FIDIC Forms of contract. The panel will be discussing critical areas of contract administration including optimisation opportunities and common pitfalls to avoid, as well as the latest trend in dispute management and avoidance. Each of the speaker will provide a key takeaway or mantra to live by as a Contractor-side user of FIDIC. Not to be missed!

**Adrias Tan**, Senior Contracts Manager, Senior Legal Counsel, **HYUNDAI ENGINEERING & CONSTRUCTION CO.**

**Li Zhiyong**, Legal Affairs and Risk Management Department Deputy Director, **POWER CHINA INTERNATIONAL GROUP**

12:25 **Ask the Experts Q&A Session**

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12:45 Lunch

13:45 **Remarks from Afternoon Chair**

**Enrico Vink**, Managing Director, **FIDIC**


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.
14:35 Arbitration & Alternative Dispute Resolution
This session considers the phenomenon of construction disputes: what they are, how they occur and crucially, how they can be minimised 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 under FIDIC - looking forward

Adrian Bell, Partner, Co-head of the Infrastructure, Construction and Energy Disputes Group | Joint Managing Director for Asia and the Middle East, CMS CAMERON MCKENNA NABARRO OLSWANG

15:25 Afternoon Refreshments

15:45 Working Groups Session – Identifying & Addressing FIDIC Challenges in Asia
Led by our expert panel of facilitators, this session allows delegates to come together in a relaxed roundtable environment to identify and discuss region-specific challenges with reference to the application of particular FIDIC principles and Clauses. This entirely interactive session will allow you to deliberate with your peers on some of the key challenges facing the construction & engineering industry in the Asia-Pacific region and then make recommendations to FIDIC Contracts Committee on potential solutions to overcome those challenges. Some of the topics under discussion will include: DABs, time bars, issues for contractors, and much more besides.

Sarwono Hardjomuljadi, Special Adviser, MINISTRY OF PUBLIC WORKS INDONESIA

16:45 Ask the FIDIC Experts – Final Q&A Session with Afternoon Speakers

17:00 Close of Main Conference

MEET OUR SPONSORS

CMS has more than 4,500 lawyers in 69 offices around the world, including in Asia, Africa and the Middle East, and frequently operates in those countries where we have no permanent base. We are recognised as market leaders and top-ranked by independent directories for our expertise in Construction (International Arbitration, Purchaser and Supplier), PFI/PPP, and Energy and Natural Resources.

Holman Fenwick Willan (HFW) is an international law firm with offices in 13 cities around the world, including Dubai, London, Hong Kong, Shanghai, Singapore, Sydney and Sao Paulo. It has a significant global construction team, advising on procurement and contract negotiation, providing a “project counsel” role during the construction phase, as well developing claims and acting on disputes. The team works on a wide variety of projects including energy, oil & gas, transport and large civil engineering projects. The partners in the HFW team wrote the key book on construction project changes, Construction Contract Variations. Contact www.hfw.com/Construction
### FIDIC Asia Pacific Contract Users' Conference

**Main Conference Days:** 3 - 4 July 2018  
**Workshops:** 2 & 5 July 2018  
**Novotel Clarke Quay, Singapore**

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**PRE-CONFERENCE WORKSHOPS - Monday, 2 July 2018**

<table>
<thead>
<tr>
<th>WORKSHOP A: Construction Claims &amp; Defence</th>
<th>2nd July 2018, (08:30 Registration, 09:00 - 12:30 Workshop)</th>
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<tbody>
<tr>
<td>This practical and interactive workshop will focus on claims for time and money under FIDIC contracts, and will feature discussions of the following topics:</td>
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</tbody>
</table>
| - Claims for extensions of time  
- Claims relating to variations and additional payment  
- Prolongation, disruption and acceleration cost claims  
- Arbitration considerations and procedure  
- Impact of culture on arbitration  
- Quantifying claims and the use of experts |

12:30 Lunch

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<tr>
<th>WORKSHOP B: Dealing with Modified Contracts</th>
<th>2nd July 2018, (13:30 - 17:30 Workshop)</th>
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</thead>
<tbody>
<tr>
<td>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 breakfast briefing will be an opportunity to consider some of the key issues arising when negotiating and agreeing such matters, 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:</td>
<td></td>
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</tbody>
</table>
| - How do you modify a FIDIC contract?  
- Some dos and don’ts  
- Does the project location require a modification?  
- Choosing the governing law and other key terms  
- Dealing with changes to risk allocation and the dispute resolution clauses  
- Overview |

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**POST-CONFERENCE WORKSHOP - Thursday, 5 July 2018**

<table>
<thead>
<tr>
<th>WORKSHOP C: Introduction to the 2017 FIDIC Suite of Contracts</th>
<th>5th July 2018, Full Day (08:30 Registration, 09:00 - 17:30 Workshop)</th>
</tr>
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<tbody>
<tr>
<td>Although FIDIC was established in 1913, the Red Book was first published in August 1957. It proved to be very successful and remarkably remained largely unchanged throughout its second edition in 1967 and third edition in 1977. In its fourth edition of 1987, extensive changes were made and in particular to the role of the Engineer and dispute resolution. Further wide-ranging and elaborate changes were then made in the 1999 Suite of Contracts. In order to fully understand the issues involved and the interpretation of the various provisions of the FIDIC Forms, it is important to know the evolution of the essential concepts of this successful form of contract. This Workshop will take you through the development of some of the essential features of the Forms from 1957 to today, with a particular focus on the following four particular areas:</td>
<td>The afternoon workshop will outline the noteworthy changes incorporated into the FIDIC Red, Yellow and Silver Books, 2017. Many of the main conference sessions, will already have covered a lot of the improvements to the 1999 FIDIC contracts that appear in the 2017 FIDIC contract updates. This workshop will round off your knowledge of the improvements by identifying the changes, and giving some of the background as to why changes were made, in relation to the following:</td>
</tr>
</tbody>
</table>
| - Increase in the use of definitions;  
- The Role of the Engineer;  
- Risk-Allocation and administration; &  
- Dispute management. | - Notices  
- Employer's Requirements and design review  
- Employer's financial arrangements  
- Subcontractors and nominated subcontractors defects  
- Contractor's programme and extension of time  
- Completion and taking-over  
- Suspension and termination |

*Aisha Nadar, Member, FIDIC CONTRACTS COMMITTEE*  
*Siobhan Fahey, Member, FIDIC CONTRACTS COMMITTEE*
BOOK EARLY TO SAVE!
Plus, a $300 discount applies for 3rd and subsequent delegates from your group

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BY EMAIL:  legal.registrations@knect365.com (mention event code FKW82836)
BY PHONE:  +44 (0) 20 3377 3279 (mention event code FKW82836)

PRICING

<table>
<thead>
<tr>
<th>Package Description</th>
<th>Book by 18th May</th>
<th>Book by 8th June</th>
<th>Standard Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full event: 2-day main conference + full-day &quot;Intro to the 2017 Suite of Contracts&quot; workshop + both half-day workshops</td>
<td>USD 4,196</td>
<td>USD 4,366</td>
<td>USD 4,596</td>
</tr>
<tr>
<td>3.5-day package: 2-day main conference + full-day &quot;Intro to the 2017 Suite of Contracts&quot; workshop + 1 half-day workshop</td>
<td>USD 3,597</td>
<td>USD 3,797</td>
<td>USD 3,997</td>
</tr>
<tr>
<td>3-day package 1: 2-day main conference + both half-day workshops</td>
<td>USD 3,097</td>
<td>USD 3,297</td>
<td>USD 3,497</td>
</tr>
<tr>
<td>3-day package 2: 2-day main conference + full-day &quot;Intro to the 2017 Suite of Contracts&quot; workshop</td>
<td>USD 2,998</td>
<td>USD 3,198</td>
<td>USD 3,398</td>
</tr>
<tr>
<td>2.5-day package: 2-day main conference + 1 half-day workshop</td>
<td>USD 2,498</td>
<td>USD 2,698</td>
<td>USD 2,898</td>
</tr>
<tr>
<td>2-day Main Conference</td>
<td>USD 1,899</td>
<td>USD 2,099</td>
<td>USD 2,299</td>
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<tr>
<td>Half-day workshop: Claims &amp; Defence</td>
<td>USD 699</td>
<td>USD 699</td>
<td>USD 699</td>
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<tr>
<td>Half-day workshop: Modified Contracts</td>
<td>USD 699</td>
<td>USD 699</td>
<td>USD 699</td>
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<tr>
<td>Full-day Workshop: 2017 Suite</td>
<td>USD 1,199</td>
<td>USD 1,199</td>
<td>USD 1,199</td>
</tr>
<tr>
<td>Set of Yellow and Silver Books (a complimentary copy of the Red Book will be distributed to all delegates)</td>
<td>USD 85</td>
<td>USD 85</td>
<td>USD 85</td>
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</tbody>
</table>

$300 discount for 3rd and subsequent delegates from your group. The VAT rate is subject to change and may differ from the advertised rate. The amount you are charged will be determined when your invoice is raised. Please note the conference fee does not include accommodation or travel costs. All discounts can only be claimed at the time of registration and multi-booking discounts cannot be combined with other discounts that may be available (apart from early booking discounts which are available to everyone). The $300 saving for 3rd delegates is not available for people only attending the workshops. All discounts are subject to approval.

If you are based in a country other than the conference location then you may be able to claim back the VAT amount. Further information can be found at www.informa.taxbackinternational.com.

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.

Full terms & conditions, including cancellation terms, can be found at: https://law.knect365.com/fidic-asia-pacific-contracts/terms-and-conditions