

FIDIC Middle East Contract Users' Conference

Dubai,
24-27 February 2020



Dr. Götz-Sebastian Hök

FIDIC Accredited Trainer

Dispute Adjudicator (President's List)

Friendly Reviewer 2nd Edition

TG 11 Member



International Federation of Consulting Engineers
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Basics

Time for Completion may be extended if there is an ERE

EREs are defined in S-C 8.5

If a CRE causes delay the Contractor may have to accelerate (see S-C 8.3 & 8.7)

Delayed completion may (1) be excused by EOT or may (2) entitle the Employer to DD (S-C 8.8)

The Engineer may instruct Variations which are aimed at achieving early completion (it is not possible to instruct reduction of Time for Completion).





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News

S-C 8.5

... If a delay caused by a matter which is the Employer's responsibility is concurrent with a delay caused by a matter which is the Contractor's responsibility, the Contractor's entitlement to EOT shall be assessed in accordance with the rules and procedures stated in the Special Provisions (if not stated, as appropriate **taking due regard of all relevant circumstances**).

Concurrence

S-C 8.7

Sub-Clause 13.3.1 [*Variation by Instruction*] shall apply to revised methods, including acceleration measures, instructed by the Engineer to reduce delays resulting from causes listed under Sub-Clause 8.5 [*Extension of Time for Completion*].

Variation

S-C 13.3.1

... The Contractor shall be entitled to such EOT and/or adjustments to the Contract Price, without any requirement to comply with Sub-Clause 20.2 [*Claims For Payment and/or EOT*].

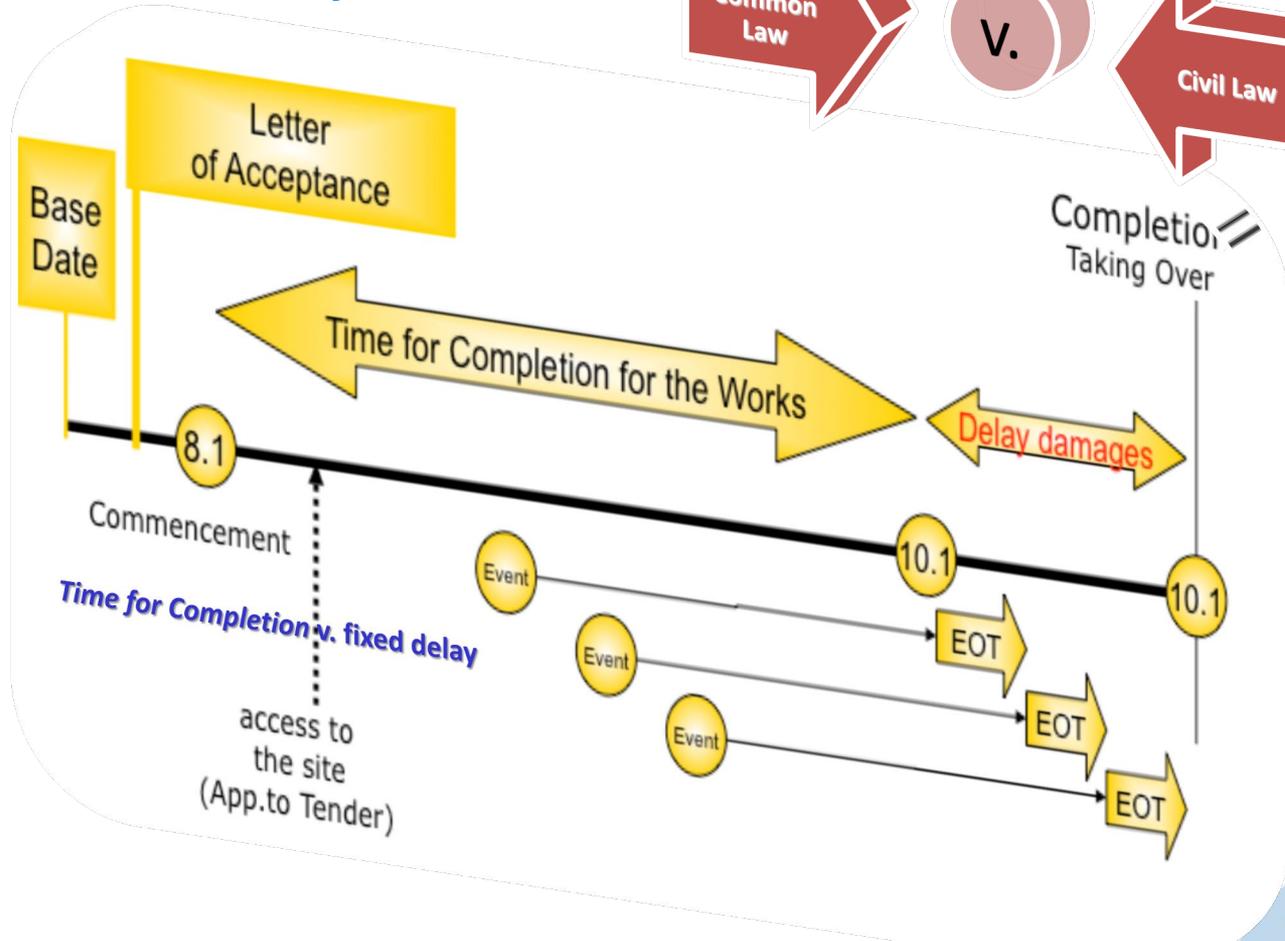
No Claim





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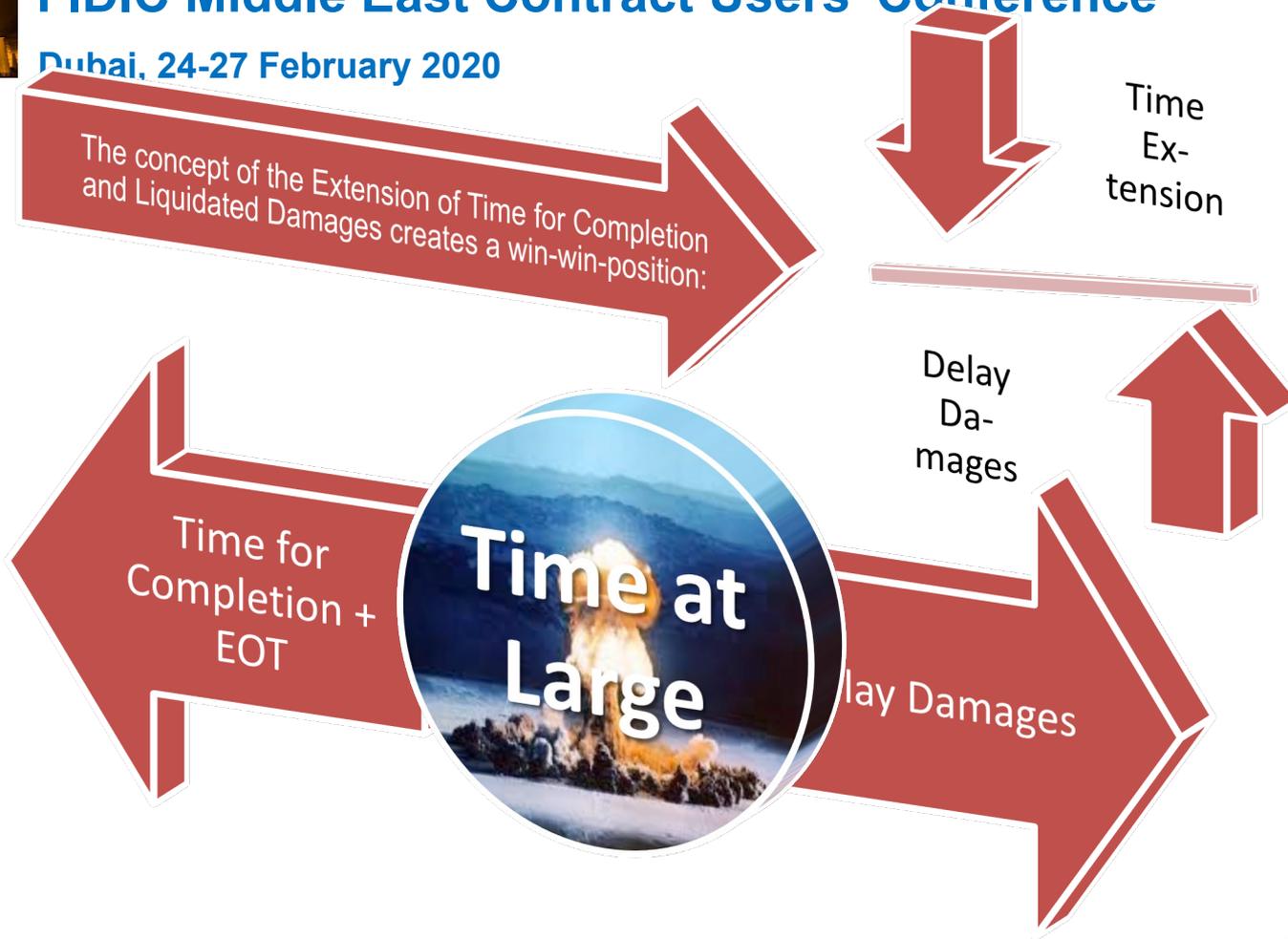
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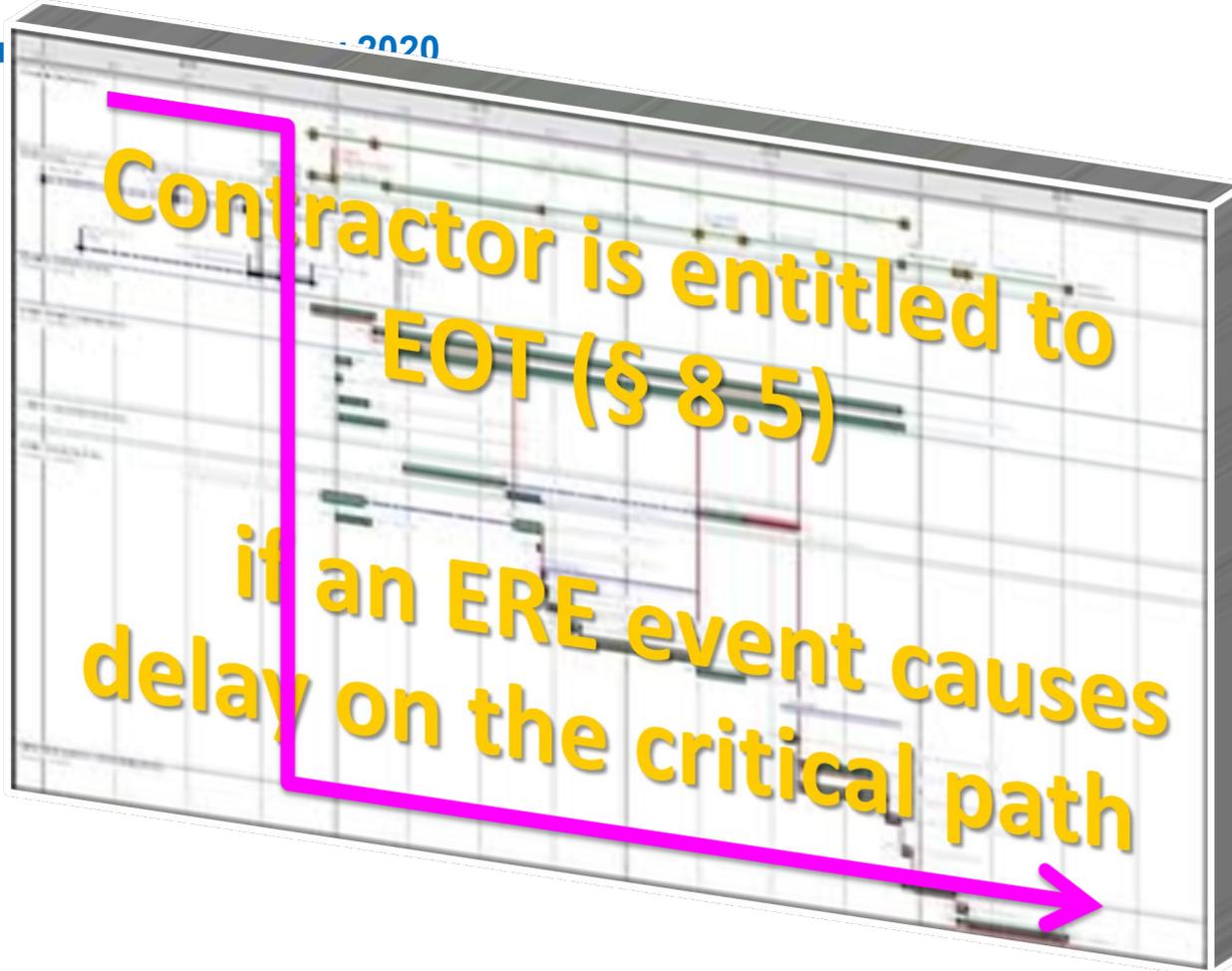
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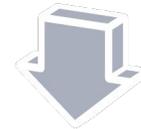


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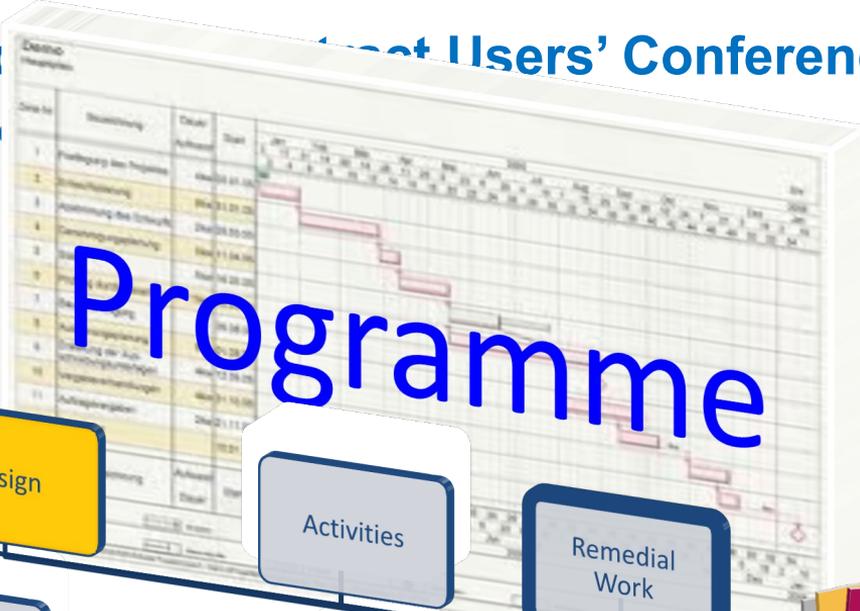


The goal is to satisfy the burden of establishing cause and effect.

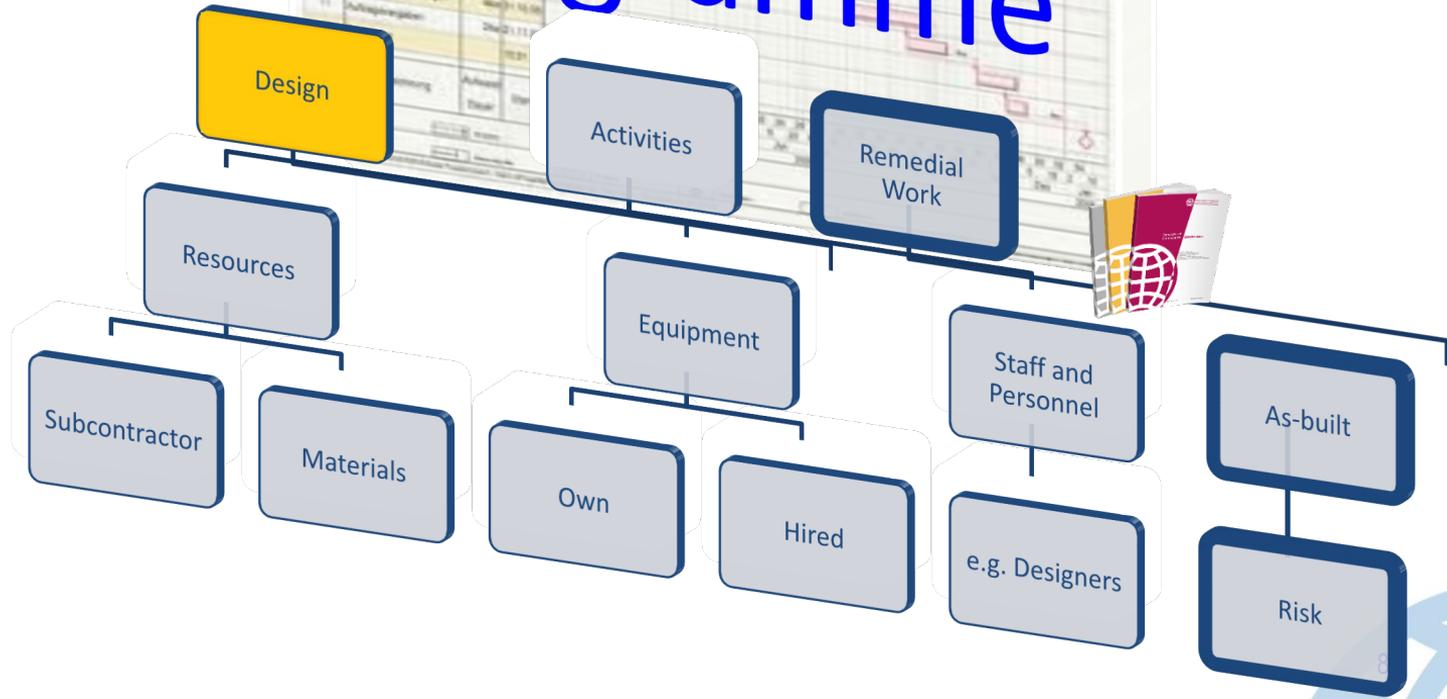


The Contract distinguishes Employer's Risk Events (ERE) and Contractor's Risk Events (CRE).





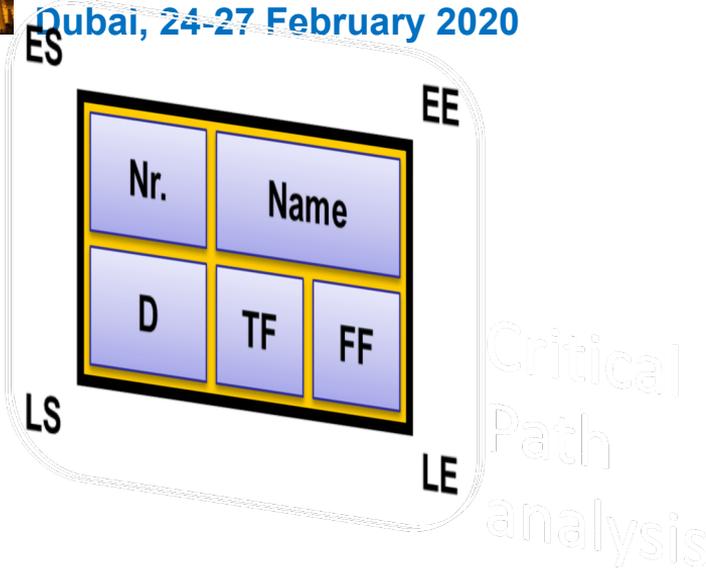
Programme





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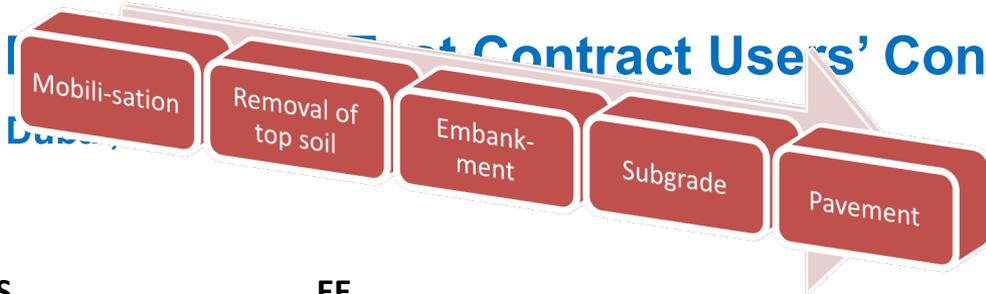
Nodes

Critical Path Method CPM Network

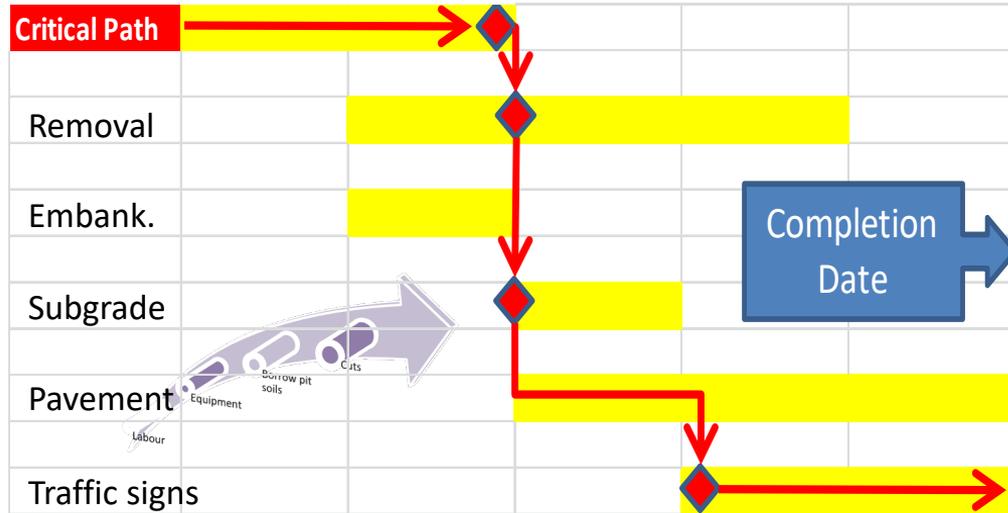
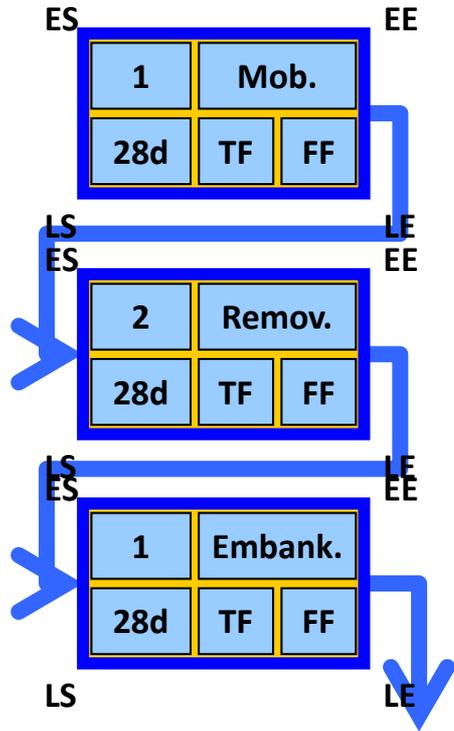




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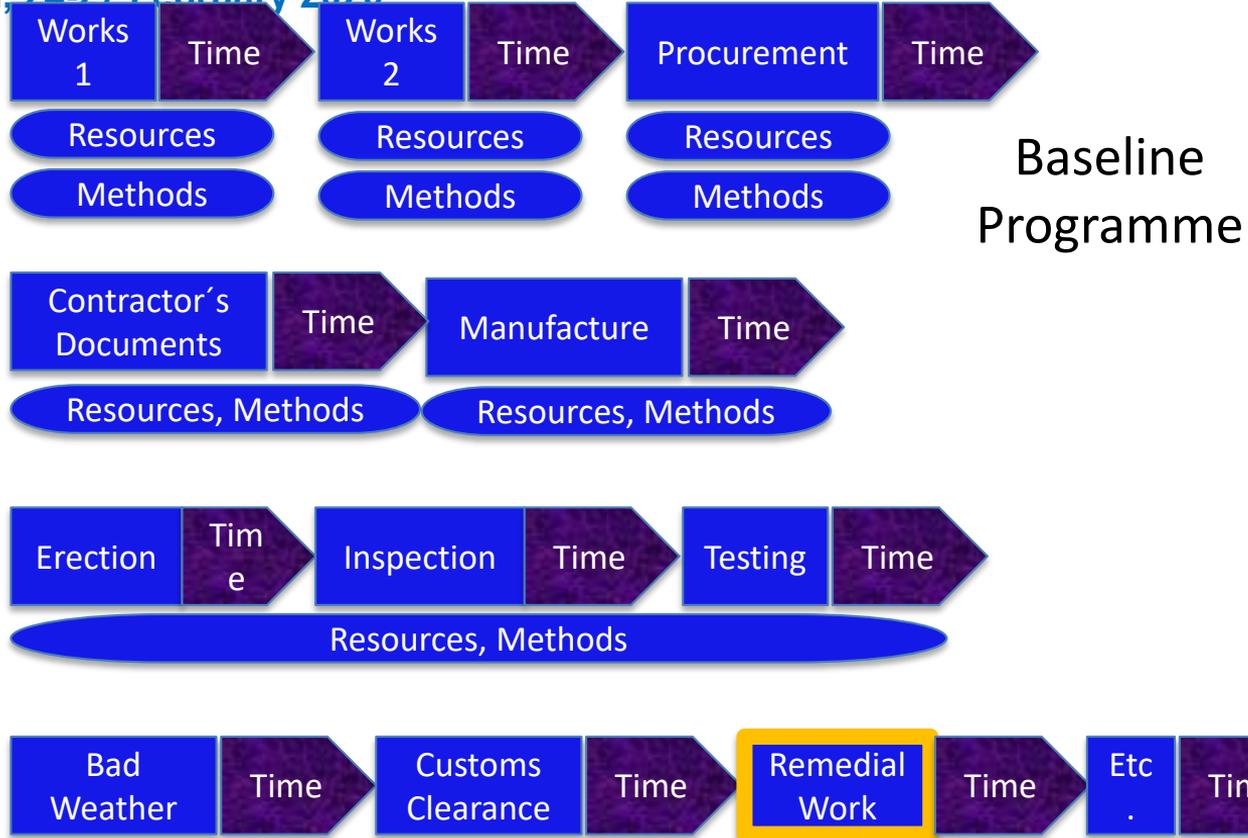
Example





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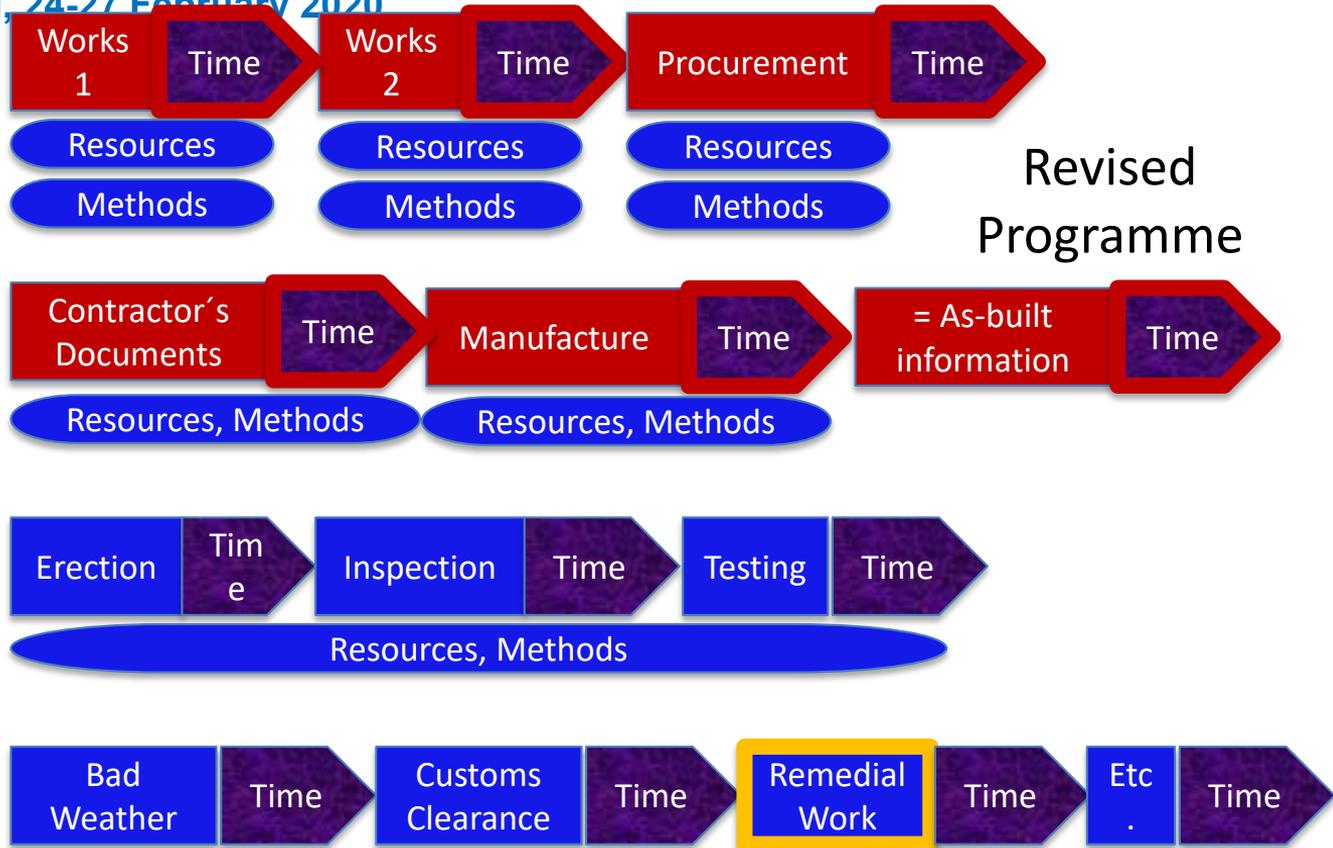
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Acceleration

- What means acceleration?
- What are the effects?

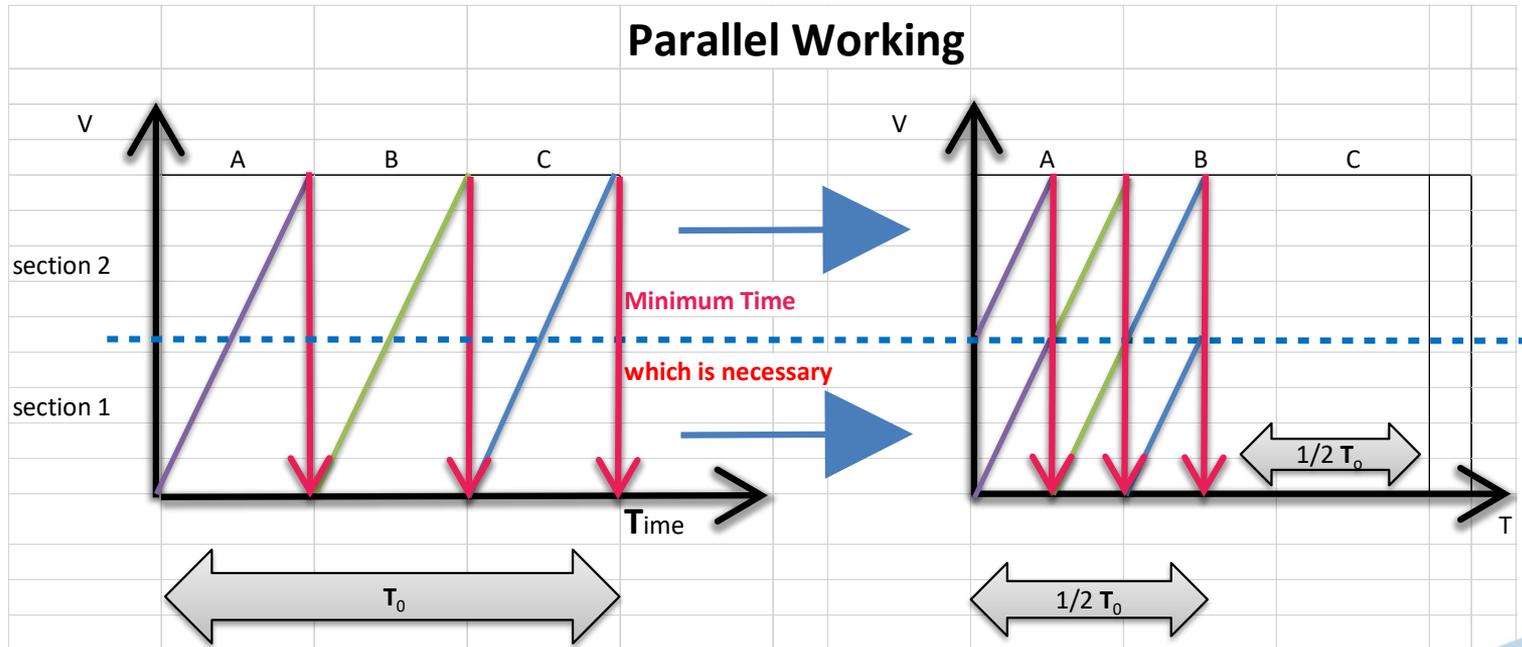


Assessment & Measurement

- Express FIDIC Proposition
- Implied FIDIC Suggestion?

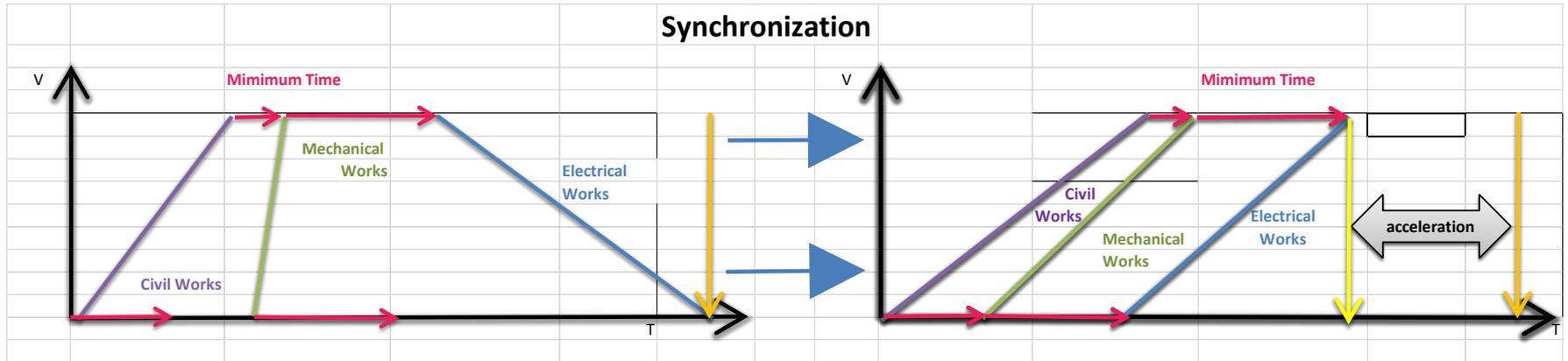


Parallel Activities





Synchronization

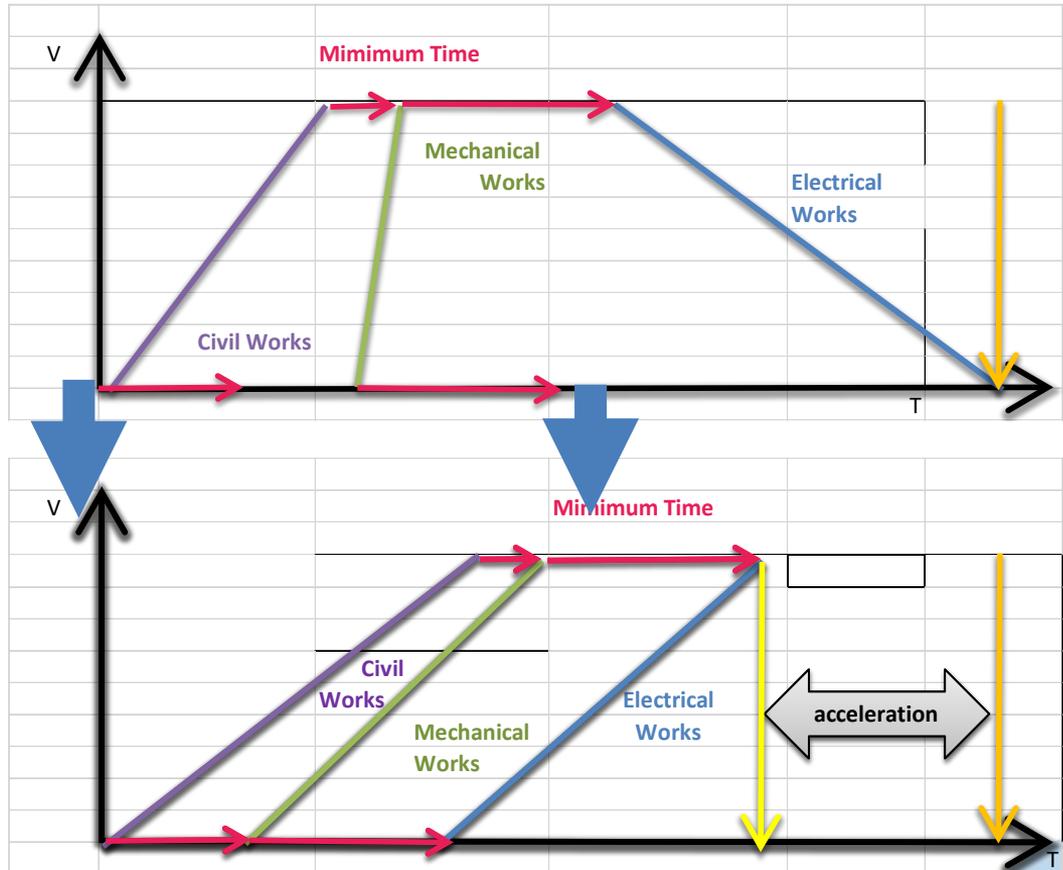




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Synchroni- zation





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Conclusions

FIDIC provides

Time certainty

Machinery for EOT

Tools for EOT assessment & measurement

Appropriate remedies for delay

Optional and mandatory acceleration





Thank You

- I kindly thank you for your attention.
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