

# UNDERSTANDING FIDIC CONTRACTS



• **BY: JAN ZAKHARY**

• FIDIC, PMP, PGMP, CP, SP, RMP, PMO-CP, GPM-B

## كورس عقود الفيديك



# About Lecturer

- ▶ **B.Sc. of Civil Engineering - Alexandria University + 25 years experience in construction field**
- ▶ **Postgraduate Diploma in Civil Engineering (Properties of Materials)**
- ▶ **Certified in 7 PMI Credentials (PMP, PgMP, CP, RMP, SP, GPM-b, PMI-PMO-CP) and **FIDIC****
- ▶ **Member: PMI, Egyptian Syndicate, Emirates Society of Engineering**
- ▶ **Worked as Contractor, and Consultant for Mega Projects on construction field in Egypt and UAE.**
- ▶ **Funder and Creator of PM-Guide**



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# FIDIC COURSE PURPOSE

- **How to reserve your rights** contractually and in professional way. كيف تحفظ حقاك بطريقة احترافية حسب العقد
- **How to deal** with different scenarios during Project life cycle. كيف تتعامل في الظروف المختلفة طوال فترة المشروع.
- **WHY: improve your career and future proof.** الهدف: الأرتقاء بمستقبلك المهني و التميز في موقعك.

## HOW TO HIT IT



Focused on the rights, obligations, and duties

تركز على الحقوق و الواجبات و التزامات كل الأطراف



What is the right procedure and time frame for each scenario

معرفة ما هو الأجراء التعاقدى الصحيح و توقيته في المواقف المختلفة



Support contract's condition for each scenario by CASE STUDY from real life

دعم احكام العقد بدراسات حالة و أمثلة عملية من مشروعات حقيقية

# Target Audience



**Construction Manager, Deputy PM and need to be promoted as Project manager**



**Employers and Consultants, Architects, and Real Estate Developers**



**Mediators and arbitrators for dispute resolution**



**Anyone need to understand FIDIC and looking for dispute resolutions**



**Civil, electrical, and mechanical engineers**



**Contract and procurement engineers**



**Quality and safety engineers**



**Project managers, contractor staff, subcontractors, and others in construction projects**

## WHAT MEANS BY "FIDIC"

**FIDIC: Fédération Internationale des Ingénieurs-Conseils**

International Federation of Consulting Engineers (FIDIC)

1.1.6 يُقصد بـ "**الفيديك**" "الاتحاد الدولي للمهندسين الاستشاريين".

تأسست سنة 1913 من خلال اتحاد 3 جمعيات للمهندسين الاستشاريين الفرنسي و البلجيكي و السويسري و حاليا يضم 100 اتحاد دولي

## FIDIC GOALS

 Support its members, protect them and enhance their skills.

دعم اعضاء الجمعية و حمايتهم و الارتقاء بمستواهم المهني

 Establish rules that allow consulting engineers to perform at their best in their profession.

بناء الأسس والقواعد التي تسمح للمهندسين الاستشاريين بالأداء الأفضل في مهنتهم

 Establish associations for consulting engineers in countries where such associations do not exist.

تأسيس جمعيات للمهندسين الاستشاريين في الدول التي لا يوجد بها هذه الجمعيات

## FIDIC CONTRACTS

**Standard Forms of Contract** were predetermined by **FIDIC** to be used for engineering and construction projects all over the world.

عقود الفيديك هي نماذج قياسية للعقود تم تحديدها مسبقاً من قبل الفيديك لاستخدامها في مشاريع الهندسة والإنشاءات في جميع انحاء العالم

## Why FIDIC CONTRACTS RECOMMENDED EVERYWHERE



Focused on the rights, obligations, and duties

تركز على الحقوق و الواجبات و التزامات كل الأطراف



Fair, Balance Between Both Contract Parties.

عادلة و متوازنة لكل الأطراف



Flexible Templates with International Agreement

توفر نماذج مرنة يمكن استخدامها دوليا



Establishing attainable requirements for success

تؤسس لكل مقومات نجاح المشروع



Provide Clear Guidance for Claim & Dispute Management

توفر ارشادات للاجراء الصحيح في حالات المطالبات و النزاعات



Explicitly Sharing The Risk Between Contract Parties

واضحة و توزع المخاطر بطريقة عادلة بين اطراف العقد

## RIGHTS AND OBLIGATIONS

Under FIDIC Standard Forms of Contract, the rights, obligations, and duties of the Employer and the Contractor are clearly defined. The Employer has the right to receive the Works in accordance with the Contract and is obligated to provide access to the Site and make timely payments. The Contractor has the duty to execute and complete the Works, comply with specifications, and ensure quality and safety. Both parties must fulfill their contractual obligations to avoid disputes and ensure successful project delivery

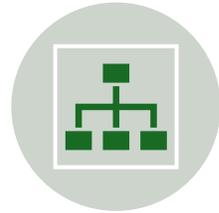
بموجب النماذج القياسية لعقود الفيديك، يتم تحديد الحقوق والالتزامات والواجبات لكل من صاحب العمل والمقاول بشكل واضح. يتمتع صاحب العمل بحق استلام الأعمال وفقاً للعقد ويلتزم بتوفير الوصول إلى الموقع ودفع المستحقات في الوقت المحدد. أما المقاول فيتحمل واجب تنفيذ الأعمال وإكمالها، والالتزام بالموصفات، وضمان الجودة والسلامة. يجب على الطرفين الوفاء بالتزاماتهم التعاقدية لتجنب النزاعات وضمان نجاح المشروع.

## FIDIC CONTRACT TYPES

1. FIDIC CONTRACT TYPE IS ASSIGNED BASED ON PROJECT'S DELIVERY METHOD / FUNDING METHOD
2. EACH FIDIC CONTRACT TYPE IS SYMPOLYZED BY SPECIFIC COLOR



# Course Agenda - General



**1- INTRODUCTION TO CONTRACTS AND ITS REQUIREMENT**



**2- PROJECT'S DELIVERY METHODS AND PAYMENT STRUCTURE**

**(VITAL TO UNDERSTAND FIDIC)**



**3- DIFFERENT TYPES OF FIDIC CONTRACTS**



**4- FIDIC **RED BOOK** USED FOR TRADITIONAL PROJECTS (MAIN COURSE AGENDA)**



**5- REAL SCENARIOS FOR APPLYING FIDIC CONDITIONS (INTEGRATED TO FULL COURSE)**

# CONTENT OF FIDIC RED BOOK 2017

- ❑ **Timelines:** Typical Sequence of Main Events, Disputes & Payments.
- ❑ **General Conditions:** 21 Clauses included 165 Subclauses organize the relation between the Employer and Contractor.
- ❑ **Guidance:** for The Preparation of Particular Conditions and Annexes: Form Of Securities
- ❑ **Forms:** of Letter of Tender, Letter of Acceptance, Contract Agreement and Dispute Adjudication / Avoidance Agreement

|                                     |  |                                      |                           |                            |                                    |                                  |
|-------------------------------------|--|--------------------------------------|---------------------------|----------------------------|------------------------------------|----------------------------------|
| General Provision                   | The Employer                             | The Engineer                         | The Contractor            | Subcontracting             | Staff And Labor                    | Plant, Materials and Workmanship |
| Commencement, Delays And Suspension | Tests On Completion                      | Employer's Taking Over               | Defects After Taking Over | Measurement and Evaluation | Variations and Adjustments         | Contract Price and Payment       |
| Terminations By Employer            | Suspension and Termination By Contractor | Cares of The Workers and Indemnities | Exceptional Events        | Insurance                  | Employer's and Contractor's Claims | Disputes and Arbitration         |

# WHAT I WILL GAIN AFTER COMPLETING THIS COURSE



**1. Understand**  
what is the correct  
action and How to  
Manage it  
Contractually



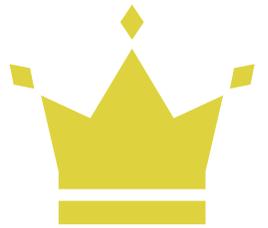
**2. How to**  
wright a  
contractual  
letters



**3. Being**  
Professional  
How to  
preserve your  
rights



**4. What is Dispute**  
Procedures - to  
be Followed When  
the Claim Being  
Rejected



**5. Obtain**  
attendance  
certificate for  
**Understanding**  
FIDIC Contracts

# HOW I ACCESS MY FIDIC MATERIALS IN PM-GUIDE PLATFORM

