Understanding The New Fidic Red Book

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fidic red book is a practical guide for anyone involved in preparing administering or contributing to the fidic suite of contracts 2017 edition this revised edition covers a number of recent developments including the 2022 amendments impacts of covid 19 and the war in ukraine as well as guidance on use of fidic contracts

this work examines the international federation of consulting engineers contracts and breaks them down making them both easier to understand and to refer to

conditions of contract for construction known universally as the red book published by the international federation of consulting engineers known by its

french acronym fidic is the most widely used standard form of international construction contract this book is a detailed commentary on the 2022 reprint of the 2017 fidic red book for each of the red book s 168 sub clauses the commentary identifies changes from the 1999 edition analyses the meaning and significance of the sub clause and lists related sub clauses describes related international arbitration awards national court decisions and legal principles and where appropriate proposes amendments to improve the sub clause as the fidic yellow and silver books are very similar to the red book much of the commentary is equally applicable to those forms of contract the author is a fidic insider having served for more than thirty years as legal special adviser to or member of the fidic contracts committee which is responsible for preparing fidic s contracts this book is an indispensable resource for all parties called on to work with a fidic contract with guidance for every stage of a construction project whether in drafting negotiating performing interpreting or administering a fidic contract the book s easy to use structure includes such issues and topics as the following introduction to fidic and its contracts and to publications of fidic and others relevant to the red book including the 2022 fidic contracts guide critical examination of each sub clause and advice for amending the same in order to better adapt it to the interests of each party the employer or the contractor special attention to each sub clause relating to the contractor s and the employer's claims and claims procedure and to how to assert claims effectively as well as to time bars and other pitfalls and how they may be overcome detailed examination of sub clauses relating to the referral of issues or disputes to the dispute avoidance adjudication board and if necessary to international arbitration and optimal strategies for doing so discussion of the changes required to the 2017 red book by the world bank s conditions of particular application copa reference where appropriate to the unidroit principles of international commercial contracts and trade usages comprehensive discussion of practical issues that arise under common law civil law and international legal principles especially when a contract is with a state or public body comparison of common law and civil law methods of contract interpretation and a suggested practical approach to interpretation given a fidic contract s international arbitration clause and overcoming problems that can arise when a contract is governed by the law of a less developed country legal and technical terms are clearly defined and numerous figures and tables are included to illustrate steps in contract procedures detailed attention is paid to terminological distinctions among the various legal traditions including a comparison of british english and american english construction contract terms unquestionably the most detailed and thorough commentary ever published on the fidic red book this highly practical work enables preparers of fidic contracts to amend and adapt the red book s provisions to a particular project dispute adjudicators arbitrators and judges will welcome the book s authoritative guidance on interpreting the provisions of a fidic contract and engineers and other construction professionals involved in contract administration will appreciate the book s many practical features

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enables readers to easily understand the contract to enable better compliance and efficiency guide to the fidic conditions of contract for construction the red book 2017 helps the reader overcome some of the difficulties encountered on a typical international construction project using the fidic construction

contract 2nd edition the 2017 red book by summarizing the activities and duties of those involved and crystallizing the requirements of the contract to aid in reader comprehension the text explains clauses in the sequence they appear in the contract but also in the order they happen in real time on site it further provides practical guidance in a concise manner and in straightforward jargon free language it is a highly practical resource for use during the project rather than a legal review of the contractual requirements ensuring readers are fully conversant with the revised requirements and procedures mandated by the 2017 edition of the contract guide to the fidic conditions of contract for construction the red book 2017 includes a review of the duties and responsibilities of the three parties the employer the engineer and the contractor engaged on a fidic based contract a review of the flow of documentation and instructions which is to be provided by one party to another party throughout the contract period practical guidelines are provided for the avoidance of disputes and delays in order that contracts are completed as planned guide to the fidic conditions of contract for construction the red book 2017 is a practical and highly useful resource for engineers consultants project managers and others who are engaged in the site management of international projects using the fidic construction contract along with those involved in contractual administration on behalf of the client

the fidic conditions of contract for construction and the conditions of contract for plant and design build known as the 1999 red book and the 1999 yellow book were first published in 1999 and have been used for a large number of contracts around the world during 2005 fidic and the multilateral development banks cooperated to publish the mdb harmonised conditions of contract for construction this book is a revised and extended edition of the authors earlier quides

written by a member of the fidic president s list of adjudicators this detailed and critical commentary on the fidic red book provides authoritative guidance and recommendations for best practice focusing on each clause of the condition of contract this book identifies pitfalls and logistics issues associated with its enforcement and ancillary processes to give readers an advantage when operating with the fidic red book intended to promote the best use and growth of fidic this guide will be essential for all users of the fidic red book be they contractors lawyers engineers students training to join these industries or any professional involved in the resolution of disputes involving the fidic red book

in september 1999 fidic introduced its new suite of contracts which included a new red yellow silver and green forms of contract the new red book was intended to replace the 1992 fourth edition of the red book with the ambition that its use would cease with time this ambition has not materialised and is unlikely to do so in the future despite the importance of the 1999 forms there has been very little published on the new concepts adopted in them and how they interact with the previous forms this important work considers these aspects together with the many developments affecting the fourth edition of the red book that have taken place since 1997 when the second edition of this book was published and relates them to key contracting issues it is written by a chartered engineer conciliator and international arbitrator with wide experience in the use of the fidic forms and in the various dispute resolution mechanisms specified in them important features of this book include background and concepts of the various forms of contract a detailed comparison of the wording of the 1999 three main forms which although similar in nature it nevertheless significantly differs in certain areas where the three forms diverge

due to their intended purpose analysis of the rights and obligations of the parties involved in the contract and the allocation of risks concerned a range of decision tree charts analysing the main features of the 1992 red book including risks indemnities and insurances claims and counterclaims variations procedure for claims programme and delay suspension payments and certificates dispute resolution mechanisms and dispute boards a much enlarged discussion of the meaning of claim and dispute and the types of claim with a discussion of the notice provision in the 1999 forms of contract for the submittal of claims by a contractor and by an employer the fidic scheme of indemnities and insurance requirements and the methods of dispute resolution provided by the various forms of contract and five new chapters in this third edition the first four chapters deal with each of the 1999 forms and the fifth chapter is confined to the topic of dispute boards

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in 1999 a suite of three new conditions of contract was published by fidic following the basic structure and wording harmonised and updated around the previous fidic design build and turnkey contract the 1992 orange book these conditions known as the fidic rainbow were the conditions of c tract for I construction the so called red book for works designed by the employer I plant and design build the so called yellow book for works designed by the contractor I epc turnkey projects the so called silver book for works designed by the contractor the rst is intended for construction works where the employer is responsible for the design as for per the previous so called red book 4th edition 1987 with an important role for the engineer the other two conditions of contract are intended for situations when the contractor is responsible for the design the plant and design build contract has the traditional engineer while the epc turnkey contract has a two party arran ment generally with an employer s representative as one of the parties

multi party and multi contract arbitration in the construction industry provides the first detailed review of multi party arbitration in the international construction sector highly practical in approach the detailed interpretation and assessment of the arbitration of multi party disputes will facilitate understanding and decision making by arbitrators clients and construction contractors

marking the 35th anniversary of the centre of construction law dispute resolution at king s college london this volume brings together a large and illustrious group of contributors to create a comprehensive and authoritative guide cutting across all key areas of contemporary construction law ranging from

construction arbitration to procurement and contract law it takes an international approach to construction law and considers issues such as investor state dispute settlement insolvency and liquidated damages in civil law and common law jurisdictions and procurement from a comparative perspective as well as certain key common law english law topics such as fitness for purpose that are of relevance to an international audience the book provides detailed and practical guidance to the legal framework of the construction industry for barristers solicitors arbitrators adjudicators academics contract managers construction consultants and quantity surveyors among others

an important guide to the quantification of contract claims in the construction industry updated third edition the substantially expanded third edition of evaluating contract claims puts the spotlight on the quantification of claims in the construction industry after liability has been established including by reference to the terms of several standard forms of contract in common use the authors clearly demonstrate the potential alternative approaches to quantification the processes principles and standard of analysis required to produce acceptable claims for additional payment the third edition covers a number of heads claims not considered in previous editions and offers an important guide for those working with building or engineering contracts evaluating contract claims explains in detail how the base from which evaluation of additional payments may be established the effect of changes on the programme of work and the sources of information for evaluation of additional payments the book also contains information for evaluating the direct consequences of change in terms of the impact on unit rates and evaluating of the time consequences of change in terms of prolongation disruption acceleration and more this important book concentrates on the quantification of contract claims after liability has been established offers a guide that is appropriate for any form of contract considers the potential alternative approaches to quantification of different heads of claim contains the principles and methods that should be reflected in the evaluation of claim quantum includes the standard of substantiation which may be required presents information that is equally applicable in both building and engineering disputes is substantially expanded from its previous editions written for construction and engineering contract administrators project managers quantity surveyors and contract consultants evaluating contract claims offers a revised third edition to the essential guide for quantifying claims in the construction indus

construction arbitration in central and eastern europe contemporary issues edited by crina baltag cosmin vasile the successful execution of a construction project is inextricably linked to the management of risks and the expeditious settlement of any disputes that may arise in this regard the wealth of experience gained by central and eastern european practitioners in dealing with complex issues arising in construction projects in the region is highly relevant to international arbitration thus this timely book provides a combination of local expertise and cross jurisdictional perspectives on topics that most often emerge in construction disputes and which resonate far beyond the specific region covered the authors all practitioners with significant expertise in international and domestic construction disputes in central and eastern european countries focus on the following topics the peculiarities of evidence in construction disputes the probative value of dispute boards as well as their enforceability multi party issues triggered by the participation of various stakeholders besides employer contractor and subcontractors provisional measures arbitrability of contracts with public authorities issues of liquidated damages changes of legislation and costs over passage of time time bar issues and resolution of disputes related to construction projects as protected

investments given the increasing number of disputes and the scarce resources available this essential guide to contemporary topics in construction disputes with its cross border perspective will prove invaluable to practitioners and to academics in the field of construction law and dispute resolution

now in its second edition construction law is the standard work of reference for busy construction law practitioners and it will support lawyers in their contentious and non contentious practices worldwide published in three volumes it is the most comprehensive text on this subject and provides a unique and invaluable comparative multi jurisdictional approach this book has been described by lord justice jackson as a tour de force and by his honour humphrey lloyd qc as seminal and definitive this new edition builds on that strong foundation and has been fully updated to include extensive references to very latest case law as well as changes to statutes and regulations the laws of hong kong and singapore are also now covered in detail in addition to those of england and australia practitioners as well as interested academics and post graduate students will all find this book to be an invaluable guide to the many facets of construction law

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