



# CONTRACT ADMINISTRATION, ARBITRATION & ALTERNATIVE DISPUTE RESOLUTION

*Schedule: 12 – 23 July 2010*

*at Asian Institute of Technology, Bangkok, Thailand*

## INTRODUCTION

Where business goes, dispute always follows. It is hard to conceive a more challenging undertaking than a construction project. The process is complex. It must be designed in such a way that thousands of separate pieces can be manufactured, tested, installed, connected and assembled to create a complete and functional structure or infrastructure.

Standardization is almost impossible in construction. Contrary to the manufacture industry, it is difficult to rely on repetition. Every site is different and every structure is unique. The construction process requires adaptation, innovation and creativity. The most carefully planned project, or the most carefully detailed design may be affected by unpredictable events such as increase of price in raw materials and supplies, bankruptcy of key partners (the recent financial crisis shows that banks and financial institutions are not immune from hardship), or changes in various circumstances.

In addition, a construction project involves different stakeholders with disparate skills, people from different backgrounds, playing different roles, various companies and multiple professional each of whom makes a commitment with specific party. It is not surprising that the construction industry disputes are almost inevitable. These disputes arise out of honest misunderstanding or interpretation of the contract. It can also arise out of changes of circumstances, inaccurate judgments on elements on which the contract was based and leading to adverse consequences in the outcome.

Traditionally, parties refer to state justice to resolve construction disputes. For different reasons court determination has disappointed construction professionals around the world. As a result, arbitration and more recently Alternative Dispute Resolutions (ADRs) have developed and expanded. ADRs and arbitration are now recognized and supported by domestic laws and international agreements and offer the best possible alternative to construction professionals to resolve their disputes.

In this light, this course is designed to look at the legal framework and instruments for conflict management in the construction industry from a general and practical perspective. Further, it also covers the International Federation of Consulting Engineers (FIDIC)'s guidelines on dispute resolutions and arbitration to be conducted by the project engineers.

## WHO SHOULD ATTEND ?

This course is suitable for:

- Engineers and technical staff of government agencies
- Contractors
- Consultants
- Architects
- Manufacturers
- Managers
- Civil engineering experts
- Construction Lawyers
- Judges and lawyers willing to specialize in construction arbitration



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## COURSE OBJECTIVES

This course will look at the legal framework and instruments for conflict management in the construction industry from a general and practical perspective. By the end of the course participant will:

- Have an increased knowledge of Arbitration and ADR
- Learn the advantages and benefits of Arbitration and ADR
- Learn how to draft arbitration agreements, submissions and awards
- Identify the different ADRs and their functions
- Improve skills in using Arbitration and ADR processes
- Learn from the leading local and international arbitration experts in Thailand.

## COURSE OUTLINE

- Overview on FIDIC Conditions of Contract
- FIDIC Dispute Resolution Provision
- FIDIC Applicability in Construction Industries
- Claims and Dispute Analysis
- Case Study: Claim Analysis in Large Scale Infrastructure Development Projects
- Alternative Dispute Resolution
- Overview of the law and practice of arbitration in Asia
- Arbitration as a risk management tool in construction
- The Arbitration Agreement: theory and practice
- The arbitration agreement is FIDIC construction forms
- Serving as Claimant and respondent in an arbitration of construction dispute
- The role and responsibilities of arbitrators
- Challenges of arbitrators
- The arbitration process Costs and fees of arbitration
- Drafting of an arbitration award
- Enforcement of an arbitration award

## EXPERIENTIAL LEARNING ACTIVITIES

- Open Forum with experienced professional arbitrators
- Consultative session – problem solving
- How to become an arbitrator
- Site visits to relevant construction projects

## COURSE FEE

**USD 2,500 per person**

(the above tuition fee does not include accommodation & allowance)

*Organizations willing to send participants please contact the person mentioned below.*

### FOR MORE INFORMATION PLEASE CONTACT:

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