

Mastering Engineering and Construction Contracts

Covering **FIDIC (Red, Yellow, Silver, Green, Gold), NEC4, JBCC Edition 6.2 & GCC Contracts**

This in-depth course explores the key principles, structures, and practical applications of the most commonly used construction contracts: **FIDIC, NEC4, JBCC, and GCC**. It includes a **comparative analysis** of their legal frameworks, risk profiles, and operational features, equipping professionals to draft, manage, and administer contracts with confidence and legal precision.

Participants will gain a thorough understanding of contract law in practice, risk mitigation, claims handling, and dispute resolution. The course is highly interactive, featuring real-world case studies, group work, and expert guidance.

Why Should You Attend?

- Gain a comprehensive understanding of FIDIC, NEC, JBCC, and GCC forms.
- Learn to select the most appropriate contract form for your project type, budget, and risk level.
- Improve your ability to manage contract obligations, variations, and risks.
- Master the administration and enforcement mechanisms in standard construction contracts.
- Learn best practices in dispute resolution, time/cost claim handling, and communications.
- Understand differences in contract structure, legal drafting, and commercial application.
- Earn a **Certificate of Attendance** and valuable CPD points

Course Outcomes

By the end of the training, participants will:

- Understand and compare the FIDIC, NEC, JBCC, and GCC contract frameworks.
- Select and draft contracts suited to various project types and risk profiles.
- Apply legal principles to interpret and enforce construction contract provisions.
- Develop clear Employer's Requirements and Particular Conditions.
- Administer key contract obligations including programming, payments, claims, and disputes.
- Evaluate and mitigate risks associated with fixed-price and premeasured contracts.
- Handle time extensions, variations, and compensation events confidently.
- Improve documentation quality: notices, certificates, instructions, and claims.
- Interpret project communication requirements and reduce misunderstandings.
- Manage contractual disputes through adjudication, arbitration, and DAAB procedures.
- Apply practical lessons from case studies to real-world contract scenarios.
- Strengthen stakeholder communication and negotiation skills.

Program Outline

Foundations of Construction Contract Law & Comparative Frameworks

- Legal foundations of contract law in construction: formation, validity, and enforceability
- Overview of CIDB's prescribed contracts and implications for public sector procurement

Course Outline:

- Introduction to FIDIC, NEC, JBCC & GCC: origin, purpose, adoption globally and locally
- Key features, differences, and strategic uses of each contract family
- Legal interpretation in construction: ambiguity, parole evidence, implied terms
- Case law review: the legal implications of contract misinterpretation and poor drafting
- Interactive exercise: Reading and interpreting clauses from all four contract types

Contract Structures, Roles, and Administration

- Detailed analysis of contract document structure and clause groupings
- FIDIC contracts: roles of Employer, Engineer, and Contractor; overview of the Red, Yellow, Silver, Green, and Gold Books
- NEC4 contracts: ECC options, Project Manager, Supervisor, and Early Warning mechanism
- JBCC 6.2: Principal Agent, Principal Consultant, Subcontractors, and Preliminaries
- GCC: Employer's Agent, Engineer, and differences in documentation
- Delegated authority and implied agency: risks of overstepping roles
- Best practice in communications and notices: timelines, records, and legal enforceability
- Workshop: Role-playing communication scenarios and preparing written notices

Time, Variations, Risk, and Program Management

- Introduction to time management principles in construction contracts
- Programming obligations in FIDIC (Clause 8), NEC4 (Clause 31), JBCC, and GCC
- Time bars and failure to issue notices on time: legal and financial consequences
- Extension of Time (EOT): triggers, processes, and evidentiary requirements
- Delay damages, penalties, and liquidated damages clauses compared
- Understanding and pricing contract variations:
 - FIDIC Clause 13
 - NEC4 Early Warnings & Compensation Events
 - JBCC Instructions & Valuation
 - GCC Variation Orders
- Risk management: insurance, indemnities, allocation of latent and patent risks
- Case studies: handling variations and change orders in different contract scenarios

Claims, Compensation Events, and Dispute Resolution

- Understanding the legal basis and contractual support for claims
- FIDIC Clause 20: Claims, time limitations, and supporting documentation
- NEC4 Compensation Events: deadlines, quotations, risk assessment
- JBCC Clause 26: Intention to claim and adjudication procedures
- GCC: Claim mechanisms and contractor rights
- Dispute avoidance strategies across all contract types: Early Warnings, notices, collaboration
- Formal dispute resolution: Adjudication, Arbitration, Dispute Boards (DAAB/DAB)
- Termination: procedures, rights, and consequences for both parties
- Suspension of works: lawful grounds and contractual requirements
- Group activity: Mock claim preparation, submission, and adjudication process

Deep Dive into FIDIC Contracts & Real-World Application

SESSION 1: Overview of FIDIC Contract Families

- Comparison of Red, Yellow, Silver, Green, and Gold Books
- Suitability of each contract for EPC, design-build, traditional, and consultancy projects
- Global application of FIDIC: MDB Harmonised Edition, Africa-specific usage

SESSION 2: Legal Provisions and Drafting Best Practices



- Clause 1: Interpretation and general provisions
- Clause 2: Employer's duties, access to site, payments, risk allocation
- Clause 4: Contractor's obligations, performance guarantees, design liability
- Legal pitfalls in drafting Particular Conditions and Contract Data

SESSION 3: Silver Book (EPC/Turnkey Focus)

- Clause-by-clause exploration of the 2017 Silver Book
- Key risks in EPC contracts: fixed-price risks, full design obligations, and construction deadlines
- Preparing clear Employer's Requirements and aligning with performance guarantees
- Managing design liability, interfaces, and contractor risk absorption

SESSION 4: Dispute Resolution and Advanced Contract Administration

- Advanced application of Clause 13 (Variations) and Clause 20 (Claims)
- Clause 21: Dispute Avoidance/Adjudication Board (DAAB) structure and implementation
- Use of Dispute Boards in practice and their effectiveness
- Termination: employer-initiated vs contractor-initiated; force majeure considerations

SESSION 5: Interactive Workshop and Case Studies

- Group case studies comparing the resolution of the same dispute across FIDIC, NEC, JBCC, and GCC
- Drafting exercises: Notices of Claim, Variation Orders, Termination Letters
- Q&A with expert facilitators on complex contractual issues
- Wrap-up discussion and key takeaways