

Malcom Kelly and Helmut F Giesa facilitated the Workshop in Kenya 2016

Management of Claims and Resolutions of Disputes
under EU-EDF and FIDIC Conditions of Contract



Three-day's workshop

Participants: MOTI, EU, KeNHA, KURA, KeRRA



Malcom Kelly & Helmut F Giesa (with bow tie)

Malcom Kelly and Helmut F Giesa facilitated the Workshop in Kenya 2015
Claim Administration, Variations, Modifications, Claims for Time & Money,
Dispute avoidance and Resolutions
Comparison between EU-EDF and FIDIC - Conditions of Contract



Two-Days Workshop

Participants: Participants: MOTI, EU, KenHA, KURA, KeRRA



Malcolm Kelly & Helmut F Giesa (pair of sun glasses)

A_ Thesis: Town planning and Transportation in Rural Areas

B_ Training / Coaching / Mentoring facilitator: Mining Authority (LBMV / LBM) in Bitterfeld / Germany:

a_ Courses for the **Technical Departments** : Preparation of the **Tender Documents (BoQ, Cost Estimate)**

for the Demolition of Industrial Building Plants and Rehabilitation of the open cast mines to add value to the estates. Annual Budget: 750 Mio.DM Investment; b_ Lessons about the EU-wide **Tendering and Procurement Procedures** for the **Purchase Department** / technical and financial Exec Management

C_ Lecturer: Project Management Methodologies, Construction Management, inclusive SHEs-Q [Time Scheduling, Budget Control, and Quality Assurance], Contract + Claim, Management (VOB), Organization, **Calculation of large scale infrastructure projects** [prime costs, P&G, final charges, S/C, total amount of Tender. Make up of Unit rates with production rates], **SHEs-Q** [safety, health, environment, social and gender Quality] issues, and **financial management** in implementation phase [sureties / guarantees, IPC, PAC, FSA, FAC, discharge and **ethical professional conduct**.

D_ Seminar: Air Traffic Management Development of EGNOS (AOC) European Geographical Navigation Overlay System (with advance operational capabilities) in comparison to US_GPS and GUS_GLONAS ... Thales Group and DLR.

E_ Dr. h.c. of Mediation, CCU-Institute (USA).

F_ Workshops facilitated: Bridge Construction methods for the sub and super structure (external, internal formwork, floating controls, and spacers) either with steel composition girders or prefabricated components.

a_ **Bracing scaffolding**/false work, light and heavy supporting frame (push-pull props, shoring tower brace, timber boards on sub grade formation with spot or spread foundations with longitudinal beams / buffer beams, traverses, head spindles, piers / props, load bearing towers, lowering device, bracing strutting) b_ **Formwork carriage** / advance feed transverse drive system (gantry) with casting segments / concrete cycles to jack forward with the rig to the next pier / lattice tower; c_ **Incremental launching methods** with launching nose, hydraulic / jacking system, auxiliary pylons, ... with the stationary field factory in the vicinity of abutments and ,d_ **balanced cantilever construction** with the booster phase / commencement pier and auxiliary struts to cowl in both directions simultaneously.

G_ Additional WORKSHOPS relevant for **Technical Assistance Assignments** (2009-2013) in Road / Highway Institutions (i) **Project Cycle Management** [Log frame Approach (Process-Analysis), Log frame Matrix (Planning / result-oriented Product: Activity, Resource and Budget Schedules],

(ii) Decentralization / **Devolution** of Feeder Roads towards the District Councils,

(iii) **Road Condition Survey / GPS / GIS** with Maintenance / Overlay Interventions and Cost Estimate (e.g. WB-Rocks)

(iv) **Road Asset Management / Road Maintenance (ORN)** in compliance with OPRC Contract, esp. the Monitoring of the defined Service Levels during the Operation + Maintenance phase.

(v) Axle Load Control Measures / mobile Weigh bridges / ECOWAS Note No14

(vi) **Pavement Design ORN 31** (TRL) / PIARC,

(vii) Time and Cost planning tool (Software **Microsoft project 2007/2010**) with PM Methodology and Application

(viii) **Risk management**: Definition, Methods & Principles. Process / techniques / tools, Risk Options

(combined assessment factors = probability of cause * impact of effect), Limitations, Application for Projectmanagement, Treatments of risks: avoid, reduce, share, or retain risk impacts.

(ix) **Cost Estimate** (unit rate analysis). Direct, indirect cost, overheads (site, head office), profit.

(x) **Contract Management** "Tender Document preparation with all technical (provision) and legal aspects (conditions)" - Service and Work Contracts (FIDIC; EU-GCC/SCC), Unidroit Principle for Hardship, EPCEL

(xi) **Claim Management** / Adjustments to scrutinize alterations in scope of works, technical aspects, and time related impacts for Variation / Adjustments of Prices (VoP), Extra Cost plus profit, and Extension of time.

(xii) Workshop **DBO-contract, Aggregate "Operation Service Period"**: Commissioning Certificate, Operation and Maintenance requirements, Operation and Maintenance Plan, Operation License, Asset Replacement Schedule / Fund, advanced payment, interim payments, final statement of account, Completion Certificate.

H_ Study Tour : Ghana with SLRA Engineers: Organizational structure, processes and development in **Administration, Supervision** and their socio-economic development of the Ministry of Roads and Highways (MoRH), Department of **Feeder Road (DFR)**, Ghana Highway Authority (GHA), Department for Urban Roads (DUR) and **Ghana Road Fund Secretary (GRFS)**.

I_ OPRC-Workshop in Juba / South-Sudan and Freetown/Sierra Leone: Preparation (4 months) and introduction (3 day workshop) of the **OPRC-Procurement Document** with its three contractual parts : Day 1 Bidding Procedures, Day 2 Specifications with Performance /Requirements / Service Levels Criteria, and Day 3 Conditions of Contracts with Contract Forms based on World Bank with Structure of the Unit Rate Analysis.

J_ Risk management (SWOT, internal and external cause, impacts, likelihoods / probability, composite strength factor, consequences, remedies / mitigations to avoid, to reduce, to share or to retain, resulting strength).

K_ Autodidact / self-education / "life time learning" in all type of knowledge, i.e. Contract Law, Tort Law, **law of preservation of evidences. Procurement and Bid Evaluation Guidelines** for different Donors and esp. for **Public Private Partnership**: PPIAF / APMG - PPP Guides for Procurement Procedures 2016, Chapter 1 – Chapter 8 has to applied for the Procurement procedures and Tendering of Public Private Partnership projects.