

Main Features of the revised FIDIC Conditions

Aisha Nadar

Senior Consultant, Construction
Procurement and Dispute Resolution
Member, FIDIC Executive Committee

Agenda

- Aisha: Introduction
- Tony: Significant changes
- Bernd: Claims and dispute-related provisions

Agenda

The FIDIC 2017 Update (first Ed 1999):

- Red Book – Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer
- Yellow Book 1999 – Conditions of Contract for Plant and Design Build, for Electrical and Mechanical Plant, and for Building and Engineering Works Designed by the Contractor
- Silver Book 1999 – Conditions of Contract for EPC/Turn Key Projects



The 2017 FIDIC Rainbow Suite What Remains the Same

- Balanced
 - Seen as generally fair apportioning of risks, rights and obligations between parties (not Silver Book)
- Accepted
 - In wide use for international contracting
- Adaptable
 - General conditions and particular conditions
- Supported
 - Recommended or required by Multilateral Development Bank Standard Bidding Documents
- Continuity
 - Long term use gives familiarity and degree of certainty
- Proactive
 - Dispute avoidance and early resolution focused

The 2017 FIDIC Rainbow Suite Philosophy Underpinning Updates

- Enhanced project management 'tools'/machinery
 - **Engineer's role and responsibilities defined and clear**
 - **Achieve clarity, transparency and certainty**
- Balanced risk allocation
- Reciprocity between the Parties
- Capture current international state of the practice
 - **Address issues/comments raised**
 - **Lessons learned from the globe – FIDIC's users**
- Incorporate recent developments in FIDIC contracts

The 2017 FIDIC Rainbow Suite The Sources for the Updates

- Contract User's feedback
- Gold Book, 2008
- Pink Book, 2010
- Special Advisors'
- Friendly reviewers' feedback
 - **2015 Yellow Book**
 - **2016 Red, Yellow and Silver**
 - **Employers, Contractors, Engineers, construction lawyers, institutions, professional organisations, governmental agencies, equipment suppliers**



Aisha Nadar

Member, FIDIC Executive Committee
Adjudicator, FIDIC's President's List
Chair, Procurement Policy Sub-Committee

Advokatfirman Runeland AB

Sturegatan 12

SE-11436 Stockholm

Sweden

T: +46 725 765 510

E: aisha.nadar@runelandlaw.se