

Two Day **Masterclass**

Delay, Change, Disputes and the future of South African Construction

At this event you will

- Discuss and examine factors affecting the future of South African construction
- Understand the latest developments in contracts and the law
- Understand how to avoid, assess and resolve
- Learn how to successfully prove cause and effect in delay and disruption claims

“ *Very good presentation with excellent handouts, would highly recommend it to others* ”

Joe Keane, Ardmac-PCI Ltd

The Crowne Plaza, The Rosebank, Johannesburg 11 & 12 May 2016



**Book Online www.hillintluk.com
Or call +27 11 731 7008
Email gerdi@bca.co.za**

The programme contains around 13 hours CPD material, approved by the CIOB, the SRA and Bar Council. It should be considered suitable for other bodies and institutes.

**Early Booking Discount:
Reserve Before 28 April
Save R.2,000
Group Discounts Available**


Masterclass

Why attend this event?

A few years ago, James Wates CBE, former president of CIOB observed that a period of economic difficulty doesn't, "lend itself to the case for training." He said, "It's too easy to postpone it; to delay it... But we need to remain in good shape if we are to take advantage of an economic up-turn, which will come".

There will never be a better time to ensure you have the latest tools in your armoury to avoid delay and manage disputes. By learning with leading international experts now, you can ensure the costs of legal challenges don't impact financial success.

This brand new 2-Day Masterclass in Johannesburg will focus on key issues in the construction and engineering industries. It will look at key legal issues and the future of the construction and engineering sector in RSA.

DAY I

Introduction & Keynote Talks / Future of Construction

- 0900** Introduction & Welcome
Stuart Wilks & John Hughes, Hill International
- 0915** Keynote – The future of South African Construction
Mr Anoj Singh, CFO, Eskom
- What is impacting the industry at present
 - The relevance of oil prices to the industry
 - The future of construction and the law
- 1000** Recent Developments in South African & International Construction Law
- Examination of the latest legal changes
 - Recent regional and international cases
 - Bringing you up to date on what you need to know
- 1045** Break
- 1100** Contract Awareness & Opportunities / Conditions Precedent
Rob Morson, Director, Bowman Gilfillan
- Risks in standard form contracts such as FIDIC & NEC
 - Notices & conditions precedent to entitlement
 - When and how to give notice
 - How to respond to notices and manage contracts effectively
- 1145** Infrastructure and NEC3 Contracts – and ensuring they work for you
Chris Binnington, Director, BCA
- Background to NEC3, its language & how it works
 - What are the risks – how can the traps be avoided?
 - Why is it on the increase and how does it interact with local laws?

1230 Lunch

Managing Projects to Minimise Disputes & Risks

- 1330** Concurrent Delay – when two events strike
Geoff Bewsey, Senior Vice President, Hill International
- A definition and explanation of concurrent delay
 - What entitlements arise normally as a result – money & time?
 - Different interpretations worldwide and chances of success
 - How to demonstrate concurrent delay effectively
- 1415** Managing Records and the Relevance of BIM
Shoba Chiboo & Vishnu Naidoo, BCC
- How to keep and manage records to ensure success
 - What records should be kept?
 - How should the records be kept?
 - How are records used in dispute situations?
- 1500** Break
- 1515** Managing and Controlling Major Infrastructure Projects
Jack Van De Merwe, CEO, Gautrain
- The challenges of managing major projects
 - What are the key risks?
 - How to ensure success and manage problems
- 1600** Dealing with Variations
Gerhard Rudolph, Partner, Baker & McKenzie
- What is a variation, and how is it identified?
 - How should variations be managed contractually?
 - How to manage variations without instructions
 - What happens in the event of a dispute?
- 1640** Why do Construction Disputes Happen?
Dawson Jenner, Senior Consultant, BCA
- Examining Dispute Avoidance Practices
 - The role of construction lawyers and their advisors
 - Methods to avoid construction disputes and reduce costs
- 1715** Drinks and Networking Reception

VENUE:

The Rosebank Hotel, Crowne Plaza

We're delighted to be holding the latest Masterclass in one of Johannesburg's leading hotels. Located in a commercial and business hub just north of the city centre.

The Rosebank is close to Rosebank Mall and Rosebank Gautrain station. The hotel features bars and restaurants, a gym and pool, as well as outstanding conference facilities.



DAY 2

0900 Opening and Recap of Day 1

Dispute Resolution and Retrospective Analysis

0915 Advancing and Defending Delay & Disruption Claims

Kim Rosenberg, Counsel, Freshfields Bruckhaus Deringer

- How the law looks at claims for delay & disruption
- What is delay, what is disruption in the view of the law
- What changes are there in the latest edition of the SCL protocol to address the confusion?

1000 Delay Analysis Methods

David Jamieson, Senior Consultant, Binnington Copeland

- What international bodies say about delay analysis
- What methods are available and when should they be used?
- What tools are available to carry out an analysis?
- How do lawyers and courts view delay analysis – recent cases

1045 Analysing Disruption

Geoff Bewsey, Senior Vice President, Hill International

- What is disruption, and how is it different from delay?
- How to value disruption
- Why we don't usually value disruption effectively
- Proving cause and effect to get a real result

1130 Break

1145 International Arbitration

Simon Lofthouse QC, Counsel, Atkin Chambers

- Choosing a seat / board for arbitration
- What options are available?
- How to prepare for Arbitration
- Case studies from different locations

“ A truly excellent course ”

Austin Hunter,
MasterPlan Project Consultants

1230 ADR / DABs

Simon Longley, Senior Vice President, Hill International

- What are the alternatives to litigation
- What are the costs?
- How to choose an alternative method of resolution

1300 Lunch

Advanced issues in Dispute Resolution & Future Developments

1400 Introduction to advanced dispute resolution in Africa / South Africa

Rob Scott, Partner, Clyde & Co

- Dispute resolution inclusive of arbitration, adjudication and mediation
- New Legislation: Performance guarantees & environmental guarantees
- The New China/South Africa arbitral convention

1445 The Impact of the Fall in Crude Oil Prices

Abdul Jinadu, Counsel, Keating Chambers

- The economic contribution of oil & gas in Africa
- What has happened to the Price of Oil?
- What are the consequences?

1530 Break

1545 The Panel Discussion – disputes, contracts and the future of construction

Chair: Abdul Jinadu, Counsel, Keating Chambers

Panellists: John Hughes, Rob Scott, Geoff Bewsey, Kim Rosenberg

1715 Close

Masterclass Leaders

ROB MORSON

Director, Bowman Gilfillan

Rob is head of Construction and partner in Bowman Gilfillan's Corporate Department. He specialises in construction and engineering law. Rob has advised employers, contractors and consultants on a range of construction and engineering projects. He has extensive experience in the use of FIDIC, NEC, JBCC and other standard forms and is ranked by both PLC Which Lawyer and by Best Lawyers in the field of Construction Law in South Africa. Chambers and Partners 2015 ranked Rob in Band 1 for construction. Rob is currently advising clients on various projects and is the lead lawyer to Eskom in connection with the new Medupi and Kusile Power Stations. Other clients for whom Rob acts include Airports Company South Africa, the City of Johannesburg, Barloworld, BHP Billiton, ENRC Pretoria Portland Cement and Xstrata Coal.

ANOJ SINGH

Chief Financial Officer, Eskom

Mr Singh is Group Chief Financial Officer of Eskom SOC Ltd. He leads all aspects of the company's financial strategy, including adherence to the highest standards of governance and overseeing the company's capital investment programmes. He was appointed in August 2015 and is also one of only two executive directors of the company. He is spearheading the execution of Eskom's R237 billion borrowing programme. He was honored with an excellence award in Public Finance and strategy execution by CFO South Africa. In addition, he also collected Compliance and Governance Award in 2013. Singh, a Chartered Accountant, holds a Bachelor of Accountancy degree and a Post Graduate Diploma in Accounting from the University of Durban Westville..

GERHARD RUDOLPH

Partner, Baker & McKenzie

Gerhard Rudolph is listed internationally as one of South Africa's leading dispute resolution lawyers. His experience ranges from professional practice focusing on commercial dispute resolution to acting as in-house corporate counsel. Mr Rudolph founded disputes-focused firm Rudolph, Bernstein & Associates in 2008. Mr Rudolph has extensive experience advising on transactional matters and disputes in a broad range of legal areas, including banking, insurance, construction and engineering, mining and resources, information technology and insolvency, as well as general corporate and commercial issues. He represents and advises local and international corporate clients.

DAWSON JENNER

Senior Consultant, BCA

After being admitted as an attorney of the High Court of South Africa Dawson began his life in construction working for an engineering project management company. Subsequently Dawson has gone on to complete his LL.M in Construction Law and Arbitration, also obtaining accreditation as a mediator through CEDR. Dawson is a Fellow of the Chartered Institute of Arbitrators and is secretary of the local branch. More recently Dawson has completed the certificate course in construction adjudication offered by the University of Pretoria. He currently advises clients throughout the construction sector and is the lead construction and claims consultant on the Gauteng Open Road Tolling System.

GEOFF BEWSEY

Senior Vice President, Hill International

Geoff has over 35 years of experience in engineering and construction working in design, contracting and consultancy. He specialises in programming and analysis of delay and disruption to complex projects. Starting his contracting life as site engineer, Geoff progressed through site and contracts management before appointment as commercial director. Geoff's project experience includes construction

of power and oil installations, roads and bridges, retail and industrial developments as well as many hospitals, schools, colleges and other public buildings. Geoff moved into consultancy in 1999 and has been appointed on numerous occasions as planning and programming expert on disputes in the UK, Europe and the Middle East and has given expert evidence in arbitration.

SIMON LOFTHOUSE QC

Counsel / Barrister, Atkin Chambers

Simon has particular expertise in construction, energy and natural resources and professional negligence. He is highlighted as being "one of the most hard-working and diligent barristers I have ever seen" and having "a tremendous grasp of the details and his cross-examinations are very impressive" in Chambers & Partners 2016. His practice covers international and domestic litigation and arbitration acting for governments, corporations and professionals. He is particularly experienced in the presentation and conduct of complex cases in all sectors of engineering and construction across a range of different forums including mediation, adjudication, expert determination, domestic and international arbitration and commercial Court litigation. Much of his work is international in nature including, Africa, the Caribbean, the Middle East, and across Asia. He has been appointed by the ICC both as Arbitrator and as Legal and Dispute Resolution Expert.

PATRICK LANE

Senior Counsel, 39 Essex St

Prior to being called to the Bar in 1977, Patrick served his articles of clerkship at a leading Johannesburg firm of Attorneys. Fields of practice include a specialization of Construction, Arbitration Law and Adjudication. A specialisation in Construction Law has involved all aspects of Construction Claims and Contracts for both Employers and Contractors. He has received numerous appointments to act as arbitrator both in South Africa and abroad. Patrick has published articles in The International Construction Law Review, Construction Law Journal, DIAC Journal and Arbitration, and has given papers at numerous conferences, as well as running a course on Construction Arbitration for the Arbitration Foundation of South Africa.

JACK VAN DE MERWE

CEO, Gautrain

Mr van der Merwe, a Civil Engineer, obtained the degrees B.Sc. (Eng.) Civil and B.Sc. (Eng.) (Hons.) Civil, from the University of Pretoria. He is also a graduate of the Harvard Business School's SED programme. He has been providing a service to the public transport sector for more than 41 years. In 1994, he was appointed as the team leader of the Strategic Management Team (SMT) tasked with developing, structuring and establishing the new Department of Public Transport and Roads in Gauteng. In 2012 the Premier appointed Mr van der Merwe as the project leader for the Ekurhuleni Aerotropolis project, part of Strategic Infrastructure Project 2 (SIP2) of the National Development Plan. He is currently the CEO of the Gautrain Management Agency tasked with overseeing the building and operation of the Gautrain.

ABDUL JINADU

Counsel / Barrister, Keating Chambers

Abdul was called to the Bar in 1995, specialising in construction, engineering and energy disputes, and domestic and international arbitration. He has acted for a full spectrum of clients with extensive experience of a wide range of disputes and advisory work relating to infrastructure projects. He has recently acted on behalf of clients involved in projects in Sierra Leone and Nigeria and was instructed as counsel in a \$1b dollar arbitration involving an oil and gas field in West Africa. He is Secretary Pro Tem of the Society of Construction Law Nigeria. He is a member of the Court of the Lagos Chamber of Commerce International Arbitration Centre and a member of the Lagos Court of Arbitration. An editor of several publications, he has written articles on a range of subjects including on the NEC 3 and the Nigerian Oil and Gas Industry Content Development Act 2010.

Masterclass Leaders

DAVID JAMIESON,

Senior Consultant, BCA

David Jamieson is a Civil Engineer with 40 years of experience in the construction industry, including project and programme management, civil and structural engineering design and construction, forensic delay analysis, and dispute resolution. David has been involved in a wide variety of projects throughout Southern Africa, and in Hong Kong, Egypt, Sudan, India and the UK. David has presented seminars and training workshops on Project Planning, Scheduling and Control, and Delay, Disruption and Extension of Time throughout Southern Africa since 2010. He consults generally on planning and dispute resolution issues, and has been appointed as expert witness on planning issues in several arbitrations in Africa and in London.

SHOBA CHIBOO

Director, BCC

Shoba's areas of expertise focus on construction and engineering law. Shoba completed her Bachelor of Arts degree at the University of the Witwatersrand and thereafter graduated cum laude from the WITS School of Law. She completed her articles at Bowman Gilfillan Inc. and was subsequently admitted as an attorney of the High Court of South Africa in 2007. She practiced in the Construction and Engineering practice area at Bowman Gilfillan for four years post articles.

Thereafter she joined Averg Grinaker-LTA, as a commercial and legal advisor, reporting to the Group Legal Manager and is now a Director at BCC in Johannesburg.

VISHNU NAIDOO

Director, BCA

Having obtained a Bachelor of Arts in Psychology at Rhodes University and an LLB from the University of South Africa, and subsequently pursuing a MBA from The University of Witwatersrand, Vishnu has managed implementation of contracting strategies to realize increased project cost savings. Utilising his seasoned business and legal skills, Vishnu provides clients with strategies to ensure a greater degree of business efficacy through integrated project delivery. He has increased productivity from procurement staff through effective contract management. The analysis of each project with the treatment of identified risks and liabilities ensures mitigated outcomes resulting in an overall reduction in spend coupled with an increase in profitability.

SIMON LONGLEY

Senior Vice President, Hill International

Simon is a qualified Chartered Quantity Surveyor and Barrister (non-practising) with some 25 years of experience in the provision of strategic, commercial, contractual and dispute management services on major building, civil engineering, infrastructure and power projects, both in the UK and internationally including Europe, America, Africa and the Middle East. He has worked for both consultants and contractors at various levels of seniority. A proven specialist with experience in the provision of strategic and contractual advice, claims management and dispute resolution, Simon joined Hill International in 2015 as a Senior Vice President.

SIMON LOFTHOUSE QC

Counsel / Barrister, Atkin Chambers

Simon has particular expertise in construction, energy and natural resources and professional negligence. He is highlighted as being "one of the most hard-working and diligent barristers I have ever seen" and having "a tremendous grasp of the details and his cross-examinations

are very impressive" in Chambers & Partners 2016. His practice covers international and domestic litigation and arbitration acting for governments, corporations and professionals. He is particularly experienced in the presentation and conduct of complex cases in all sectors of engineering and construction across a range of different forums including mediation, adjudication, expert determination, domestic and international arbitration and commercial Court litigation. Much of his work is international in nature including, Africa, the Caribbean, the Middle East, and across Asia. He has been appointed by the ICC both as Arbitrator and as Legal and Dispute Resolution Expert.

KIM ROSENBERG

Counsel, Freshfields Bruckhaus Deringer

Kim is a major projects lawyer with a practice that focusses on all construction stages of the project cycle, in particular compliance issues, contract administration, dispute avoidance and dispute resolution. Kim's mandates are often high profile, cross border and technical in nature. She is a council member of the UK Society of Construction Law and is chair of the committee reviewing the Society of Construction Law's Delay and Disruption Protocol. Kim is co-author of the Engineering and Construction Arbitration chapter in the recent Kluwer publication Arbitration in England. She is a qualified lawyer in England and Wales and Australia.

ROB SCOTT

Partner, Clyde & Co

Rob specialises in construction and engineering, insurance litigation and general commercial litigation, inclusive of contractual disputes, regulatory, compliance and administrative justice matters. He has 26 years' of experience and is admitted to practice in both South Africa and The Seychelles. Rob has significant dispute resolution experience, having been involved in substantial national and cross-border construction and mining disputes, in both arbitration and mediation contexts. Rob has a Diploma in Insurance, is a Member of the President's Panel of Mediators (Construction) of the Royal Institute of Chartered Surveyors; a Member of the Chartered Institute of Arbitrators and the Chartered Institute of Insurers and an Associate of the Association of Arbitrators.

JOHN HUGHES

Vice President, Hill International

John Hughes has more than 32 years of experience in the construction industry. Mr Hughes' areas of expertise include delay and claims analysis, construction management, estimating, and project management, with his experience covering the United Kingdom, Middle East and Africa, and Trinidad and Tobago. Mr Hughes has provided expert services regarding construction and dispute resolution, advised employers and contractors throughout construction, and prepared delay and quantum reports. In addition to owning and operating a construction consulting company specializing in residential building and property development, he established and directed commercial/domestic refurbishment divisions for two interior design firms and set up a commercial works division on behalf of a builder.

“ By far the best... I have attended ”

Roderick O'Driscoll



Hill International

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1 PERSONAL INFORMATION

Delegate 1 (please copy this form for further delegates)

| | |
|-------|-----------|
| Name | Job Title |
| Email | Telephone |

Delegate 2

| | |
|-------|-----------|
| Name | Job title |
| Email | Telephone |

2 COMPANY DETAILS

| | |
|-----------------------|--------------------|
| Company name (if any) | Nature of business |
| Address | |

3 FURTHER DETAILS

How did you hear about the Masterclass?

There will be a delegate list containing names and company names, please tick if delegates do NOT wish to appear on this list

4 BOOKING DETAILS

Course fees include full notes and refreshments and are available at the following rates: (Please note bookings in the UK are subject to VAT and local taxes will be applied where appropriate.)

| | | |
|--|---------|--------------------------|
| Standard Rate (from 29th April) | R15,500 | <input type="checkbox"/> |
| Early Discount Rate (until 28th April) | R13,500 | <input type="checkbox"/> |
| CIOB Member Rate | R13,000 | <input type="checkbox"/> |

Group discounts are available - please enquire

Total included for payment / to be debited from card / invoiced

5 PAYMENT

Either: A: I enclose a cheque for made payable to BCA Training (Pty) Ltd.
 B: Please invoice me at the above address for the total of

Credit Card Payment:

The option to pay by credit card is available online, please note that all payments are processed in the UK. Whilst we aim to allow for currency exchange fluctuations, your bank may apply a small fee.

To pay online please visit www.hillintluk.com



Principal Terms and Conditions

- Authority:**
 - The non-residential Masterclass (hereinafter referred to as 'the Masterclass' and referring to either the singular or the plural day or days) are approved by the Law Society for provision of CPD: ref CEV/PICL.
 - A certificate of attendance will be provided to each delegate. Neither the certificate or the Masterclass carry any academic authority, nor do they provide any qualification in the subjects discussed at the Masterclass, or authority for the delegate to teach or practice in any of the subjects discussed.
 - Neither Hill International nor Englemere Limited and the Chartered Institute of Building are responsible for anything said or produced by any of the speakers at the Masterclass.
- The booking fee and cancellation:**
 - The event fee, which must be paid in full before a place can be confirmed, is non-refundable, subject to the following conditions:
 - Once a place on the Masterclass is booked, it will not be possible to obtain a refund unless the course is fully booked (ie all places are taken) and a replacement can be found. Under these circumstances, a refund will be made, less an administrative charge.
 - In the unlikely event of cancellation of the course, due to circumstances within the control of Hill International, Englemere Limited or the CIOB, a full refund of the course fee will be provided.
- The Programme:**
 - We reserve the right to alter or change the programme at any time, and may replace speakers if necessary due to such circumstances as illness or sudden unforeseen unavailability.
- Books and book orders:**
 - Book orders are non-refundable, and payment must be received before dispatch will occur.
 - Delivery of the book to an overseas address will incur a surcharge to cover insurance and postage.

NB: FULL TERMS ARE PRINTED AT www.hillintluk.com/salesterms.htm

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Please Note: Payment is required prior to attendance at the Masterclass.