



epa news brief

The Engineering Professions Association of Namibia

August / September 2011



Engineering Professions Association of Namibia

National Adjudicator's List



You are cordially invited to attend the Seminar: ALTERNATIVE DISPUTE RESOLUTION IN THE CONSTRUCTION INDUSTRY, to be held in Windhoek on 20 October 2011. The Seminar aims to discuss trends in alternative dispute resolution locally, in the region and internationally, outlining the various forms of ADR available; to highlight the latest developments in modern suites of construction contract documents including the removal of the judicial function of the Engineer, the introduction of an independent DAB, the establishment of dispute boards and the benefits of adjudication over arbitration as first step in dispute resolution.

Date: 20 October 2011

Time: 14H30

Venue: Safari Hotel & Conference Centre - Omatako Room 1



Program

- 14:30 Welcome and introduction – Master of Ceremonies
- 14:35 Trends in ADR in South Africa and the region – Kevin Spence of Binnington, Copeland and Associates
- 14:50 How the ACEN represents FIDIC in Namibia and supports ADR – Peter Forster of ACEN
- 15:05 The activities of PAMAN – Peter F Koep of PAMAN
- 15:15 The EPA National Adjudicator's List – Ako Al-Jaf of the EPA
- 15:30 Tea & coffee
- 15:50 Keynote Address/ Presentation: ADR growing internationally
Gordon L Jaynes of DRBF
- 17:00 Questions to the panel
- 17:30 Light snack and drinks

Attendance is free,
courtesy of our
sponsors

RSVP: E-mail: epa@africaonline.com.na by 14 October 2011

**THE NEXT LECTURE IN THE
THE POLYTECHNIC DEPARTMENT
OF ARCHITECTURE / NIA
PUBLIC LECTURE SERIES**

By Prof. Dipl.-Ing. Sigurd Scheuermann
Faculty of Architecture
Building Design and Construction
Faculty of Civil Engineering
Energy-Efficient Construction
FH-Aachen University of applied Science, Germany

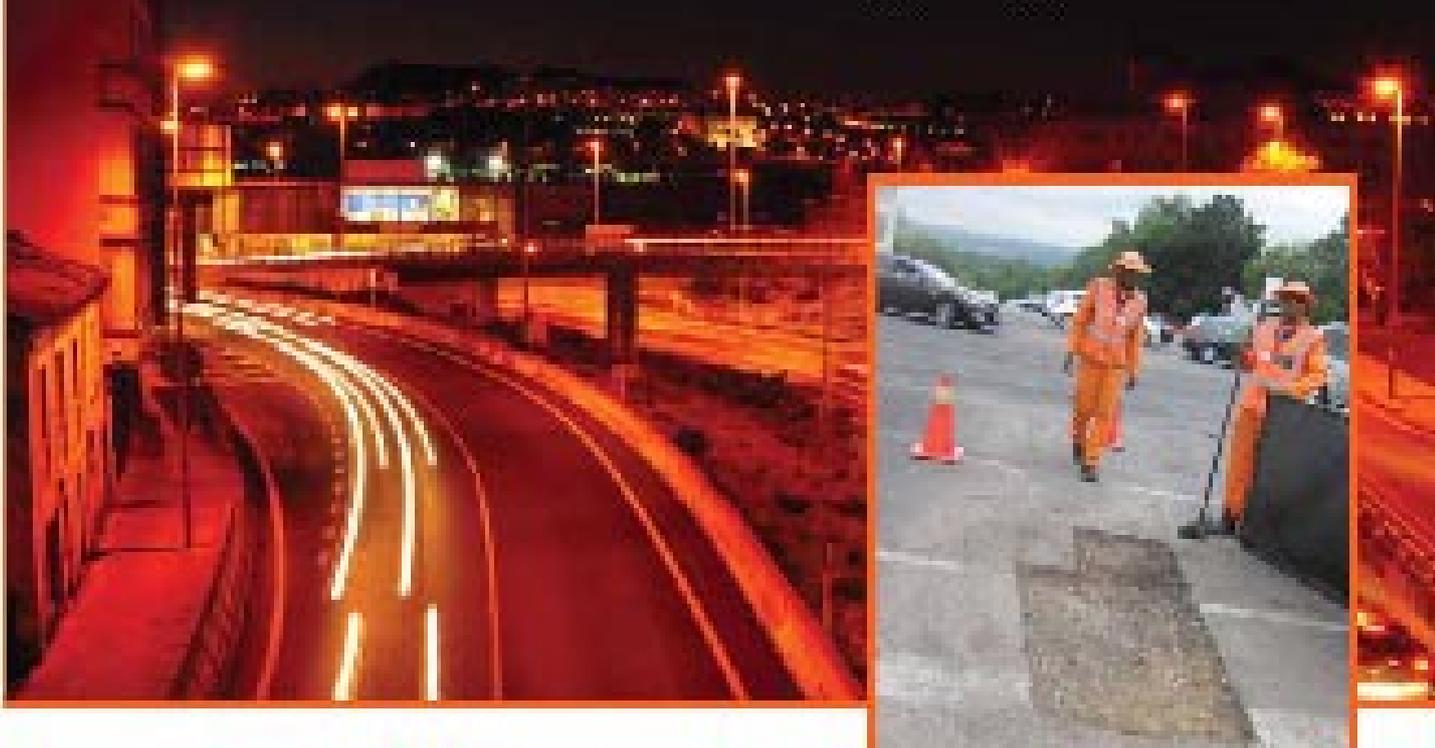
**TUESDAY 6-09-2011
17:30 FOR 18:00
NOTES ON ARCHITECTURAL
EDUCATION IN GERMANY-
A RELEVANT REFERENCE
FOR NAMIBIA?**

at the polytechnic of namibia
department of architecture,
cnr. haydn street / schubert street

FUTURE LECTURES :
4 OCTOBER
1 NOVEMBER
contributions/enquiries:
phia.spacestudio@gmail.com
pluhl@polytech.edu.na
+264 61 207 2025

THINKING BEYOND THE OBVIOUS

Maintenance of Roads and Associated Drainage Systems



DATE: 4 - 5 OCTOBER 2011

VENUE: AREBBUSCH TRAVEL LODGE

TIME: 08h00 - 17h00

**COSTS OF COURSE: N\$6,500.00 EPA members
N\$7,000.00 non EPA members**

Confirm your attendance by 28 September 2011 to:
epa@africaonline.com.na



SITA Accreditation No. 2502

**Global
Prospectus**

THINKING BEYOND THE OBVIOUS



The Engineering Professions Association of Namibia offers the following:

CONSTRUCTION ADJUDICATION COURSE:



Introduction

Adjudication is bringing dramatic changes to dispute resolution both internationally and in South Africa, and is rapidly becoming the preferred method for resolving construction disputes. In recent years, the use of adjudication has gained momentum, with developments including:

The JBCC, South Africa's domestic building contract introduced adjudication through its March 2004 edition;
The GCC Engineering Contract introduced adjudication in its 2004 edition;
The Construction Industry Development Board (CIDB) has endorsed adjudication as best practice for resolving construction disputes and has published rules for adjudication;
The New Engineering Contract and FIDIC have had adjudication procedures in place for some years, and some international jurisdictions have introduced legislation supporting adjudicating.

We have already seen a surge in the use of the adjudication process, yet few members of the construction industry understand the process or appreciate how it differs from conventional forms of dispute resolution.

Most members of the construction industry are unclear as to what adjudication is, how it is applied, and how it differs from other forms of dispute resolution. Lawyers and construction personnel alike do not fully understand this form of dispute resolution and there are few people who understand the process sufficiently well to act as adjudicators.

To assist potential users in preparing for adjudications, BCA offers a one day seminar which introduces the concept, shows how it differs from other forms of dispute resolution, and discusses the adjudication provisions in current standard forms of contract. In this seminar we will also take a step-by-step walk through the adjudication process, following the process from beginning to end.

New Material

All BCA training material has been updated and revised. Case studies will not be repeated from previous years and all manuals and slides have been updated. This seminar will provide useful information both for those who have had no exposure to adjudication, and for those who have had experience with the process.

Seminar Content

Some of the issues to be covered in this one day seminar are the following:

- What is adjudication?
- How does adjudication differ from arbitration, litigation, mediation.
- Adjudication as a creature of contract
- Adjudication as conceived under NEC, under FIDIC, under GCC and under JBCC
- The CIDB Rules for adjudication
- Who can act as adjudicator; Choosing the adjudicator
- Powers and authority of the adjudicator
- Paying the adjudicator
- The adjudicator's decision as immediately binding
- Appeal against the decision of the adjudicator
- Ad hoc vs standing adjudication
- Advantages and disadvantages of adjudication
- Step-by-step through the adjudication process.



Who should attend:

? Contractors and Subcontractors ? Engineers, architects, consultants ? Developers, Employers, Clients
? Lawyers and legal advisers ? Arbitrators, mediators ? Government officials involved in construction contracts

Learning Objectives for Construction Adjudication:

This workshop gives a comprehensive understanding of both practical and theoretical aspects of adjudication.

In general, participants who have completed this course should:

- Understand how adjudication differs from other forms of dispute resolution;
- Understand how the standard contracts in use in SA deal with adjudication;
- Have a general understanding of how the adjudication process works and how they can use it to their advantage.

Participants should gain practical skills in:

- Choosing and appointing their adjudicator;
- Paying their adjudicator;
- Preparing a matter for adjudication;
- Following a matter through adjudication from first claim to final decision;
- Making adjudication work for them;
- Ensuring that the adjudication process remains cheap, quick and simple;
- Applying the adjudication clauses from any of the standard construction contracts;
- Knowing when to bring in legal or other assistance.



In addition, participants who have completed this course should:

- Know what to look for when reading the adjudication provisions in their contract;
- Understand why adjudication has become so popular;
- Understand the advantages and disadvantages of adjudication;
- Understand the CIDB's approach to adjudication
- Understand how the process works so that it may be used to their advantage;
- Be aware of recent developments in adjudication practice and law;
- Understand the difference between ad hoc and standing adjudicators and be able to choose the one most suited to their contract;
- Understand how the adjudicator will be paid and by whom;
- Understand what happens if the adjudicator gets it wrong.

Cost: N\$6,500.00 for EPA members
N\$7,000.00 for non-EPA members

Venue: Safari Hotel and Conference Centre
Dates: 19 & 20 October 2011
Times: from 07h30 to 17h00 on 19 October 2011
from 07h30 to 12h30 on 20 October 2011



Followed by the Alternative Dispute Seminar

Course presenter: Mr. Kevin Spence from Binnington Copeland and Associates

Confirm your attendance: epa@africaonline.com.na by 10 October 2011.
All courses payable in advance.



Binnington Copeland & Associates
engineering & construction contract consultants & trainers

25 YEARS
of excellence

FUN DAY—11 NOVEMBER 2011



*The EPA invites you to a fun day:
Date: 11 November 2011
Time: 13h30
Venue: Indoor bowling range
SKW Sport Club, Windhoek
Confirm your attendance by
Email: epa@africaonline.com.na*

*Food catered for
CASH BAR
N\$100.00 per
person—payable
in advance*

INVITE:

ABBCCIN – was set about to represent consultants in the construction industry who, being Namibian citizens, are socially and economically disadvantaged.

ABBCCIN – Stands for: Association of Black Consultants in the Construction Industry of Namibia

We would therefore like to schedule a meeting for Tuesday 6th September 2011- with all interested parties. The meeting will take place at 47, Nelson Mandela Avenue, Klein Windhoek. Time: 16h30
The meeting will pertain to address matters affecting black Namibian consultants in the construction industry and how we will better attend to them and prevent them from occurring.

Please confirm your attendance

Kind regards,
Nashikoto Hetty Nangolo

