



ADR in FIDIC Contracts and the Cyprus perspective

| Nicosia, Cyprus | 24th April 2018 |

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Understanding Dispute Boards

History of DBs

- Engineer's decisions
- DRBs from USA
- FIDIC DABs
 - Orange Book 1995 – standing DAB
 - RB 1999 – standing DAB
 - YB/SB 1999 – ad hoc DABs
 - Gold Book 2008 – standing DAB



Overview of Contract Provisions

RB99:-

- Clause 20.2 – Appointment
- 20.3 – Failure to agree on DB members
- 20.4 – Obtaining a Decision
- 20.7 – Failure to comply
- 20.8 – Expiry of appointment
- Appendix to Tender



Overview of Contract Provisions

- Dispute Adjudication Agreement – for 1 or 3
- General Conditions of DAA
- Annex - Procedural Rules



Overview of Contract Provisions

YB and SB differences:-

- Ad hoc DAB appointed within 28 days of notice
- Notice of intention to refer a dispute
- Delay to dispute resolution while ad hoc DAB put in place; paid
- No retainer for DAB members
- No scope for “informal opinions”



Understanding Dispute Boards

The future:-

- Second editions will have standing DABs
- Possible re-branding?
 - Dispute Avoidance and Adjudication Board?
 - Dispute Prevention and Resolution Board?