



# The Dispute Board Federation

Geneva

*Excellence in Dispute Resolution Since 2001*

Issue No. 104

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### Latest News

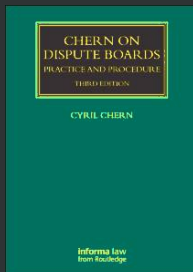
- Complimentary eBook Gift With New Membership
- DBF/TECBAR Joint PPP Symposium, Hanoi, March 2016
- Part III of Quantification and Substantiation of Contractual Claims
- Welcome

### Membership Offer



**Free eBook on Dispute Boards with new paid membership!**

Join the DBF now and receive a FREE\* eBook of the newly released 3rd Edition of "Chern on Dispute Boards" by Dr Cyril Chern.



For more information about this limited-time promotion, please contact [Lori Fusello](#) in Member Services.

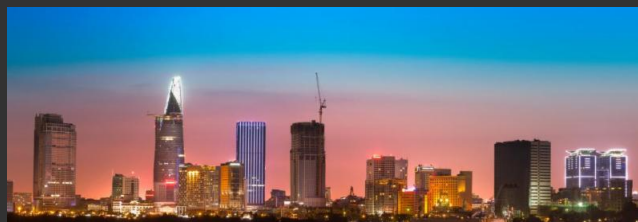
(\*Applies to new members only, at Professional Level and above. Promotion may end at any time.)



### Upcoming Events:

- First Inaugural Member Event - TBA Germany
- Joint PPP Symposium DBF and TECBAR, Hanoi, Vietnam - Main Conference: 31 March & 1 April 2016  
PPP Essentials Workshop: 30 March, 2016
- Intensive Dispute Board Training Programme (DAB) TBA

### Special PPP Joint Symposium and Workshop by DBF and TECBAR - Hanoi, Vietnam



Hanoi, Vietnam

**Building for the Future 2016** is a special joint event designed by the DBF in collaboration with TECBAR that will examine the efficient use of PPPs to promote successful infrastructure development.

**Main Conference: 31 March & 1 April 2016**  
**PPP Essentials Workshop: 30 March 2016**  
**Sofitel Plaza Hanoi, Vietnam**

The symposium will feature a world class gathering of PPP experts with a broad spectrum of expertise, including DBF members:

- Government agencies involved in PPP

About  
**Chern on Dispute Boards,  
3rd Edition**

This new 3rd edition of "Chern on Dispute Boards" examines the law of dispute boards and their development around the world, while also covering procedural topics that are of particular concern to those utilising them. It deals with advanced practitioner issues in the emerging law of dispute boards on an international scale.

This book guides the reader through the complexities of commercial and construction disputes together with their successful resolution, as well as presenting a way forward for the dispute board members themselves to administer dispute boards all over the world. It is therefore the number one guide for construction lawyers and engineers, as well as dispute board stakeholders worldwide.

[This and other titles available for purchase through the DBF website bookstore.](#)

Do you have any colleagues with expertise in the fields of arbitration, surveying, engineering, construction, law or energy that would be an asset to our membership, or perhaps know someone who wants to learn more about Dispute Boards? Tell them about the DBF:



**Info**

[Website  
For More Information](#)

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- International contractors
- Dispute resolution experts
- Multilateral development banks and other financiers
- Lawyers / expert advisory

These experts will help you deliver successful PPP projects and enable you to address the most problematic challenges that can arise.

**Some topics of discussion will include:**

- What is the appropriate allocation of risk?
- Why projects fail & how to prevent failure
- Practical project management, dispute avoidance & resolution
- and much more!

For a complete list of symposium topics, downloadable agenda, list of speakers and registration form please visit the DBF's [Conference Website Portal](#) .\*



(\*DBF members use VIP code FKW82628DBFE after clicking the above banner link for 10% discount.)

**Conference Venue:**

**Sofitel Plaza Hanoi**  
1 Thanh Nien Road  
Ba Dinh District  
10000 - HANOI  
VIET NAM

**Tel: +84 38238888**

**Fax: +84 38293888**

**Email: [H3553-RE@sofitel.com](mailto:H3553-RE@sofitel.com)**

**Web: [Sofitel Plaza Hanoi](#)**

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**Quantification and Substantiation of Contractual  
Claims Part III:  
Additional Site Set-up Costs/Preliminaries Charges**  
by Mark Entwistle, FDBF



[Mark Entwistle, FDBF](#)

This month features Fellow Mark Entwistle's third installment in his series [Quantification and Substantiation of Contractual Claims](#).

Although the first two articles in this series addressed Head/Home office overheads and disruption claims, the subject of this third article is no less challenging than the previous two and can sometimes be even more complicated.

Mr Entwistle further explains the differences of 'Preliminaries Charges' and more site-based costs thusly: "This subject relates exclusively to the resources that the claiming party (contractor or sub-contractor) applies to its general management of the work it is contracted to undertake. Those resources (site-based, generally) are to be differentiated from Head/Home Office resources which are usually priced into a project by the

## Newsletter Signup

Discounts for  
**Members**

### See what others are saying about the DBF's training programmes & events:

"I attended the DAB Intensive Training in Dublin-Ireland. My compliments to the great team of trainers, and to everybody who participated in the organization of the training! As an employee of a construction company, I gained valuable knowledge that every Contractor needs to know when it comes to disputes and DAB decisions in large construction projects.

The trainers shared with us not only their huge knowledge and experience regarding DAB matters, but we were also able to learn more about very important related issues of claims and contract management. I am grateful for having a privilege to participate."

#### **Sead Dizdarevic**

Euro-Asfalt  
Sarajevo, Bosnia Hercegovina

"The Intensive Training Programme greatly expanded my knowledge. It was very well organized and prepared, with a high level of professional presentation thanks to Dr. Chern, Leo Grutters and Ben Beaumont. I strongly recommend this course."

#### **Zdenek Jurik**

ABC Engineering P.E.  
Prague, Czech Republic

"I attended the DBF Intensive Training and Decision Writing Programmes in Dublin, and the FIDIC Contract Form Programme last autumn because I am interested in contributing to solutions in often difficult situations in large construction projects. I found all Programmes absolutely worth their prices. The trainers were top level and were complementary to each other, and conveyed their readiness to share their knowledge for the best of the trade. Small classes with only two to three participants per trainer,

determination of an appropriate percentage applied to the overall cost or value of the works." [Continue...](#)

(For part two of the series [click here](#), part one [here](#).)

Mark Entwistle (Barrister and Quantity Surveyor) is a Fellow of the DBF and is listed in the FIDIC President's List of Approved Adjudicators. Mark is also the holder of the Independent Construction Adjudicator of the Year (UK) 2015, and Best Construction Lawyer (UK) 2015.

He will be happy to address any questions or issues arising out of this paper, and is contactable by emailing [markentwistle@consultant.com](mailto:markentwistle@consultant.com)

## Welcome!

### **Ignatius Wilhelm Henning, PDBF**

Professional Member  
Director/Co-owner  
VIP Consulting Engineers



[Ignatius Wilhelm Henning, PDBF](#)

Country: South Africa

Expertise: Construction, Civil Engineering, Project Management, Arbitration

Mr Henning has over 35 years experience in construction, civil engineering, consulting and arbitration. He is currently the Director and co-owner of VIP Consulting Engineers in Pretoria, South Africa. His responsibilities include: Company strategic and general management; program and project leader for infrastructure projects, including design and documentation; procurement and contract administration.

Professional associations include:

- Registered as Professional Engineer with the South African Council for Engineers
- Member of the South African Institute for Civil Engineers
- Associate of the South African Association of Arbitrators
- Member of the Association of South African Quantity Surveyors
- Member of the Adjudication Society (UK)
- Member of the Society for Construction Law (UK)
- Registered as an adjudicator with the South African Institution of Civil Engineers, Consulting Engineers, South Africa



[Edward Sunna FDBF](#)

### **Edward Sunna, FDBF**

Fellow Member  
Chief Legal Officer, Arbitrator, Adjudicator  
Meraas Holding LLC

Country: Dubai

Expertise: Edward Sunna has in excess of 15 years PQE and over 20 years experience in legal practice. In addition to the above he is also the General Legal Advisor for the Engineer's Office of His Highness Sheikh Mohammed bin Rashid Al Maktoum 'EO'. Previously he was the Head of the Construction and Engineering Department at the largest regional Gulf Law firm, Al Tamimi & Company. His expertise includes:



and full immersion courses, lunch and dinner (and after dinner) with an interesting mix of people from different professional backgrounds and different geographical and political contexts did the rest to create a professionally and personally really enriching experience."

**Matthias Neuenschwander**  
Neuenschwander Consulting  
Engineers, Ltd.  
Bellinzona, Switzerland

"The FTIP course was very challenging and intensive making it very thorough in depth. The course has been very effective in reviewing important principles and providing an in depth understanding and knowledge of the FIDIC Suite of Contracts and the Dispute Adjudication process.

The course did indeed have many positive outcomes to attribute towards development of my career. The course enabled me to gain insight and in-depth understanding in the capacity of a Lawyer in; identification and analysis of risks in contracts, providing legal opinions and the negotiation process with clients' in reaching to agreements. The tutors delivering the course were very professional and experienced in their field of taught subject. The seminars were very interactive whereby tutors encouraged participation in allowing participants to apply knowledge gained through evening assignments.

Overall the course was a very positive experience and I would highly recommend it to those who wish to gain a deep insight and understanding in FIDIC Contracts."

**Soley Erogluer**  
Senior Legal Counsel at Siemens  
Istanbul, Turkey

"The FTIP course is an excellent way to obtain a good understanding of the FIDIC suite of contracts, including the mechanisms and possible pitfalls, for the Employer, Contractor and other practitioners."

**Robert A Sliwinski**  
SWL Chambers

"I have been in many programs, but this one (FTIP) is absolutely what is needed for professionals since it is taught by professionals in a deep and practical way. The

- Arbitration
- Construction
- Construction Disputes
- Engineering
- Utilities
- Real Estate Development
- Real Estate Disputes
- Infrastructure
- Banking
- Projects
- Commercial and Insurance Law

Other relevant experience includes drafting, negotiating, advising and structuring contracts such as PPP type projects, development agreements including master development agreements, scheme documents, sale purchase agreements, facilities management documents, insurance and leasing agreements.

Mr Sunna's professional associations include:

- Member of the Royal Institute of Chartered Surveyors (RICS)
- Adjudicator with the Queensland Government Building Services Office 2004
- Fellow of the Chartered Institute of Arbitrators (FCIArb) & Chartered Arbitrator
- Panelled arbitrator with the following Centres: ICC, LCIA, DIFC-LCIA, DIAC, SIAC and AJCCCA



[Kyle P.A. Wright](#)  
[PDBF](#)

**Kyle P.A. Wright PDBF**

Professional Member  
Senior Advisor/Contracts Administrator  
EnSCO PLC

Country: Dubai

Expertise: Kyle Wright has 12 years experience in contracts management, strategy and development in the offshore oil industry and construction industry. He is currently Senior Advisor for Contracts in EnSCO's Eastern Hemisphere operations since December 2012.

Mr Wright has worked on large projects up to the value of US \$46 billion across all sub-sectors including medical, purchase, operations, marine and aviation. He is also experienced in the management and implementation of various procurement and contracting routes including traditional, D&B, EPC and Alliance contracting under bespoke forms of contract and standard forms such as FIDIC and LOGIC.

Mr Wright is a member of the following organisations:

- AACFE - Associate Member of the Association of Fraud Examiners
- LCIA - Affiliate Member of the London Court of International Arbitration
- MCI Arb - Member Chartered Institute of Arbitrators
- MACostE - Member of Association of Cost Engineers
- MSPE - Member of the Society of Petroleum Engineers

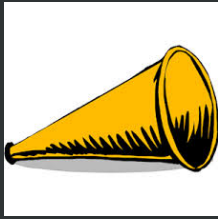
process of "crisis" thinking leads to an excellent understanding that can help a successful practice of the participants".

**Roberto Hernández García**

Socio Director / Managing Partner  
COMAD, S.C.

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### Have Some News For Our Members?



Would you like to highlight any news or events going on in which you as a member are involved?

We would love to share what's happening with our members. Please email our publications manager Lori Fusello [l.fusello@dbfederation.org](mailto:l.fusello@dbfederation.org) with your news!

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