
KEEP IN TOUCH WITH THE ASSOCIATION OF CONSULTING ENGINEERS, SRI LANKA

Annual General Meeting

The Annual General Meeting for the Year 2012 was held on the 7th December 2012 at the Royal Colombo Golf Club, Colombo 8. The AGM was well attended. A period of silence was observed as a mark of respect for the late Eng. Tudor Munasinghe expired on 25th October 2012. At the end of the Meeting an eulogy to the late Eng. Tudor Munasinghe was given by Eng. K. Suntharalingam.

The Council elected for the year 2013 comprises:

Eng. Malith Mendis	-	President
Eng. J. Karunaratne	-	Vice President
Eng. R. N. Perera	-	Hony. Secretary
Eng. Eng P.C. Jinasena	-	Hony. Treasurer
Eng. Russel De Zilwa	-	Hony. Editor

Council Members:

Eng. S.A.U.D.C. Siriwardena
Eng. K. Suntharalingam
Eng. D.R.P. Pathirage
Eng. Upali Delpachitra
Eng. R.P. Lokurathne
Eng. Dr. L.B. Kamal Laksiri

Co-opted Member

Eng. R M Ananda Senarath

Council Meetings and Activities

The main items agreed on and discussed at the Council Meetings were the items of the Proposed Activity Programme for the year 2012. The highlights of this programme are:

- ACESL Website
- Journal for year 2012
- Annual Technical Sessions
- Corporate Plan (3/5 Years)
- TDCPAP International Conference.

President's Message

Extract of speech by Eng. Malith Mendis at the Annual General Meeting 2012

Eng. Malith Mendis said that a very successful TDCPAP & FIDIC/ASPAC conference was held in Colombo organized by the ACESL with participation of all member

countries on the theme of Technology Transfer in the Region. He thanked all the committee members, sponsors and others who contributed immensely to a well-reviewed conference. He regretted that no financial support was received from the Government.

Adjudicators Training and Assessment Programme was carried out in Manila, Philippines with funding from JICA. It was noted that only ACESL will have the Adjudicators trained and recognized by FIDIC.

The Review of the ACESL Corporate Plan is being carried out and completed in two months. It was noted that several of the aspects in the Corporate Plan of 2010 have been achieved.

ACESL has formulated policy to be adapted and they include the following:

- Policy to encourage Transfer of Technology and reinforcing such policy amongst Government and MDBs.
- Policy to encourage MDB's to engage domestic Consultants as far as possible
- Policy to encourage Mergers and Joint Ventures amongst Consultants
- Policy to encourage and assist export of Consulting Engineering Services
- Policy to allow foreign professionals to come and work in Sri Lanka if it is necessary and no domestic expertise is available

ACESL hopes to take steps to assist in obtaining Professional indemnity of its members.

As Initiatives ACESL has proposed Sri Lanka obtaining non-regional membership of the African Development Bank, as this will pave the way for Sri Lankan Industries and Manufacturers, including Engineering Consultants, to gain a foothold in Africa and be able to increase our market geographically. Another initiative of ACESL is the promotion of the implementation of a Construction Industry Payment and Adjudication Act, similar to what is available in the South East Asian Countries to facilitate speedy payments and dispute resolution in Construction industry.

ACESL has had meetings with the Asian Development Bank (ADB) to discuss several matters including the above matters. ADB has been receptive and has agreed

to inform ACESL about their project seminars and training and information programmes.

It was proposed to have a Seminar on Contracts Dispute Resolution with a focus on the operation of Dispute Boards to be held in March 2013, by a FIDIC Trainer. ACESL believes that such seminar will help dispel misconceptions about Adjudication and Dispute Boards.

There have been suggestions that ACESL establishing an office, construct a building for such a purpose. As a first step ACESL has recruited a Professional Secretary to assist the Honorary Secretary in administration.

Eng. Malith Mendis
President ACESL

Two Day Workshop on Dispute Resolution, Dispute Boards and Adjudication

16th and 17th May 2013 – Colombo, Sri Lanka

The Association will be conducting a two day Workshop on “**Management of Claims and Disputes resolution under the FIDIC Contracts**” on the 16th and 17th May 2013 at the Cinnamon Grand Hotel, Colombo 3.

Registration cost is Rs 20,000/- per person (subsidised). Please send names and payment by cheque in favour of ACESL to the President's office at 59/6, Galpotta Road, Nawala.

Tel: 0115631231, 0117630770.

Trainer

The Trainer Zoltan Záhonyi, a Hungarian national with a M.Sc. Civil Engineer from the Technical University of Budapest and a Postgraduate in Law from the Eötvös Lóránd University, Institute for Postgraduate Law Sciences.

He has had extensive training in FIDIC condition such as, FIDIC Contract Forms Practice Training, Prague (1998) FIDIC New Contract Forms Training, The Hague (1999), FIDIC Dispute Adjudication Training, Warsaw (2000) and FIDIC / ICC Dispute Adjudication Seminar and training, Paris (2003). He is also a Registered AHCEA / FIDIC Dispute Adjudicator, level 2 (international projects) (02-2006).

He is presently the Managing Engineer of Skye Consulting Engineers, where he serves as the **FIDIC and procurement expert**, Independent advisor, dispute adjudicator for local and international projects, **claims and variations management**, taking part in large scale project preparation and management schemes for local and international companies such as

Louis Berger UK Ltd.; Mott MacDonald Ltd. UK; DE-Consult Germany; ILF Austria, etc. He served as the FIDIC / Contract / Procurement expert to the electrification of Tukimachi —Angren Railway section in Uzbekistan and Bucharest – Constanta railway line.

Mr. Zahonyi has also been involved in preparation, management and co-ordination of large scale local and international projects, PPP projects including public procurement, contract preparation and supervision activities according to EU Prag rules and preparation of studies.

He is a Lecturer in the subject of the new FIDIC type contracts and in risk assessment and management in accordance with FIDIC procedures and in accordance with the Hungarian procurement law.

Programme

Day 1

FIDIC Introduction and presentation of 1999 FIDIC documents

(Construction Contract; Plant and Design-Build, Turn Key, Short Form Contract)

- FIDIC introduction
- Background and reasons for change
- Examination of various types of Contract

Management of claims

- Claims Causes and Risk
- Inherent project risks
- Allocation of risks under various FIDIC 1999 Contracts
- Analysis of Contractual risk
- Claims procedure
- Clauses require notice by the Contractor
- Employer's claims
- Delegation by the Engineer
- Engineer's determination
- Contractor's claims
- Notification of claims
- Engineer's assessment
- Contemporary records
- Preparation of claims

Day 2

Responsibilities of the main parties

- Responsibilities of the main parties
- Termination by the Employer
- Termination by the Contractor
- Force majeure

The Resolution of disputes

- Principles governing the DAB

- Working with DAB
- Post DAB Decision
- FIDIC alternative – Engineer acting as DAB
- Amicable settlement
- Arbitration

The Dispute Boards Procedure and Practice

- General Adjudication Principle
- Procedural Rules

- Dispute Time Table and Position Papers
- Reaching the Decision

Other Alternative Dispute Resolution Methods

Sponsoring Opportunities:

Gold Sponsors – Rs. 200,000.00

- Complementary Registrations
- Logo in all conference material,

Silver Sponsors – Rs. 100,000.00 to Rs. 199,000.00

- Complementary Registrations
- Logo in all conference material,

Associate Sponsor – Rs. 50,000.00 to Rs.99,000.00

- Complementary Registrations

Plus many more benefits!!!

ADJUDICATOR TRAINING & ASSESSMENT WORKSHOP HELD IN MANILA IN 2012

The JICA conducted a training and assessment workshop for Adjudicators in Manila, Philippines for strengthening the dispute resolution process in the region. The first session covered five day workshop on FIDIC Modules 1 & 2 and a catered to 40 delegates from Asia. 20 successfully completed delegates were invited to attend the second session which consisted five day workshop on Adjudicator Training and three day workshop on Adjudicator Assessment.

ACESL LIST OF ADJUDICATORS

The seven Sri Lankan delegates attended complete workshop is included in the ACESL list of Adjudicators. The following is the list of Adjudicators:

Name	Address	Telephone nos
Eng. R P Lokuratne	8/20, Raja Mawatha, Pitakotte	0777770960
Eng. Dr. Kamal Laksiri	134/7, Ehalape Road, Boralasgamuwa	0714 150552, 0112 677557
Eng. S R K Aruppola	Victoria Project, Mahaweli Authority, Adikarigama	0773555154
Eng. C Wijayarathne	Saranga, Nerathaldeniya Road, Piliimathalawa	0715853636
Eng. Malith Mendis	59/6, Galpoththa Road, Nawala	0777 720555, 0115631231, 011763070
Eng. J. Karunaratne	31, Keells Housing Complex, Gonawala, Kelaniya	0777 543 589, 0117 988 922
Eng. H M Jayasundera	N0. 58, Mahaweli Housing Scheme, Pallekele	077915548, 081-2423991, 081-2423167

FIDIC NATIONAL LIST OF ADJUDICATORS

The following delegates are elected to be included in the FIDIC National list of Adjudicators.

- Eng. R P Lokuratne
- Eng. S R K Aruppola
- Eng. J Karunaratne

TCDPAP Conference from 6-8 March in Thailand

Eng. Malith Mendis, President, Eng. J Karunaratne and Eng. Nihal Perera participated at the above conference, which had been a success. Eng. Malith Mendis said that TCDPAP drew attention to the Young Professionals Forum. This is to be taken up and formed prior to the 2014 meeting to be held next in Indonesia. Eng. Damkith Siriwardena's name was proposed to be Chairman of this forum for ACESL and FIDIC.

FIDIC CENTENARY CONFERENCE

Barcelona 2013 (16-18 September)

“QUALITY OF LIFE – OUR RESPONSIBILITY”

“Implementing the Right Projects is the challenge” according to FIDIC President Geoff French, in the lead up to the FIDIC Centenary Conference in Barcelona in September 2013. “The Consulting Engineering industry has made major contributions to our quality of life over the last 100 years” says Mr French. “This is cause for great celebration, but we must recognise that much more needs to be done”.

"It is no longer enough just to do projects the right way, we have to be implementing the right projects", says Mr French. "In these challenging times of global politics and financial uncertainties, the decision making process for investment in vital infrastructure is even more critical" he states. "Consulting engineers have the skills and tools to advise their clients, and society, on the best way to develop sustainable infrastructure, and to improve the many gaps still remaining in the Quality of Life for so many people around the world. Now, more than ever before, implementing the right projects is the key to a successful and sustainable investment strategy".

The Centenary Conference of the International Federation of Consulting Engineers (FIDIC) will take place in Barcelona, Spain from 16-18 September 2013. This unique event for the consulting engineering and infrastructure industry will welcome over 1500 of the world's leading engineers from 100 countries, along with clients and financial institutions, deliberating on the pressing issues confronting humanity. These include climate change, sustainable infrastructure, energy efficiency, urbanisation, water and waste issues as well as better financial options for funding critical development.

The FIDIC Centenary Conference in Barcelona is being organised in collaboration with TECNIBERIA, the Spanish Association of Engineering, Consultancy and Technology Services Companies.

The International Federation of Consulting Engineers was founded in Switzerland in 1913. It now represents 94 national associations and over 60,000 consulting engineering firms around the world, employing some 1.6 million professionals.

For more information:

Enrico Vink- FIDIC Managing Director

Email: evink@fidic.org

Meetings with ADB and World Bank

The ACESL met with the senior representatives of the Asian Development Bank and World Bank who are two of the major donors for national infrastructure projects. A brief summary of the outcome of these meetings follows:

Asian Development Bank:

The President and some Council members met with Ms Rita O'Sullivan (Country Representative) and Mr S. Noda and Mr Nanayakkara, senior ADB officials.

Following matters were discussed:

- Opportunities: ACESL shall be informed of large project tenders.

- ACESL would be informed of future Business Opportunities seminars and allocated 4 to 5 seats.
- ADB would continue to support policy of Technology Transfer in all projects
- ADB would recognize JICA/ADB training and assessment of Adjudicators by FIDIC trainers / assessors, and would recognize FIDIC approved Adjudicators
- Payment and Adjudication Act for Sri Lanka: ADB will review Malaysian Act and comment.
- FIDIC Contracts Seminar: ADB to make presentation and consider possibility of financing the seminar.
- ADB will support initiative for membership of African Development Bank. ADB can act as facilitator.

World Bank:

The President and some Council members met with Ms Amali Rajapaksa, Senior Infrastructure Specialist.

Following matters were discussed:

- Opportunities for Consultants in WB projects in Sri Lanka and Overseas – WB was concerned about professionalism and quality of work of Consultants available in Sri Lanka.
- Technology Transfer in WB Projects – ACESL's concerns about lack of Transfer of Technology in projects is recognized by WB
- JICA Training of Adjudicators in Manila – WB was informed of the formation of FIDIC recognized National List of Adjudicators in February 2013
- Payment and Adjudication Act for Sri Lanka – WB noted such acts in other countries.
- Next WB Consultants Business Opportunities Seminar in Sri Lanka – WB will inform ACESL of such seminars so that ACESL members can be informed
- FIDIC Contracts Seminar in May 2013 in Sri Lanka conducted by ACESL and FIDIC on Modules 1 & 2 with focus on Types of Contracts, Adjudication and Dispute Boards – WB will consider financial support.
- Sri Lanka obtaining non-regional membership of the African Development Bank – WB noted this ACESL initiative