

ASK EXPERIENCED PRACTITIONERS!

Association of Arbitrators
(Southern Africa) NPC



Workshop
In-person and Online

Construction Conundrums

This important workshop is presented by our KwaZulu-Natal regional committee, under the chairmanship of Alastair Hay, as part of the Association's ongoing mission to provide regular upskilling opportunities for everyone interested in Alternative Dispute Resolution (ADR).

ABOUT THE WEBINAR WORKSHOP:

The following topics are canvassed:

- ✓ What is a fixed price/lump sum contract?
- ✓ Risks associated with the FIDIC Silver Book;
- ✓ Employer's right to omit work and the consequences;
- ✓ Building collapses;
- ✓ Construction claims.

ABOUT OUR PRESENTERS:

Mr Peter Barnard, LLB (UKZN):



Peter is a lead partner in the construction and engineering law arena at Cox Yeats Attorneys. He has practised as an admitted attorney in South Africa since 2012 and has become an industry leader in construction and procurement dispute resolution, both in litigation and alternative dispute resolution forums.

Peter handles commercial litigation and specialises in procurement and built environment disputes. He has handled disputes arising from a wide range of construction and engineering projects across Africa. His clients include Engineers, Architects, Developers, Consultants, Contractors, Sub-contractors, and Suppliers. He has represented clients in litigation, arbitration and adjudication proceedings relating to building, engineering and commercial contracts and insurance contracts. Additionally, he has developed a specialisation in procurement law and represents and assists Consultants and Professionals in completing tenders, reviewing contractual conditions, contract risk assessments and claims formulation, as well as contract and project negotiations with employers. Peter frequently represents clients in tender appeals and deals with enforcing dispute resolution awards, seeking payment of outstanding payment certificates, and calling up performance and payment guarantees.

As a result of his expertise, Peter is a recurring guest speaker at the Association of Arbitrators (Southern Africa) NPC and frequently presents to the Master Builders Association; the Association of Quantity Surveyors; the Association of Architects

and he is a member, and recently appointed Chairperson, of the Joint Building Contract Drafting Committee. Peter is now one of the most widely recognised lawyers dealing with the ongoing challenges of business forums and other site disruptions as experienced by the built environment industry. Peter has also been recognised by Best Lawyers®¹ over the past few years.

Ms Claudelle Pretorius, LLB (UKZN):



Claudelle was admitted as an attorney in 2019 and made partner at Cox Yeats in 2022. She has considerable experience and exposure in Construction, Engineering, and Infrastructure law and is well-versed in Procurement Law, Employment Law and Commercial Litigation.

Her track record includes representing both local and international clients including employers, building contractors, subcontractors, professionals and developers in complex adjudication, arbitration, and litigation proceedings that arise from the JBCC, NEC, GCC, and FIDIC suite of contracts and bespoke contracts.

Mr Mohamed Mota, LLM:



Mohamed is a partner in the Cox Yeats construction team. He is a litigation and dispute resolution practitioner, specialising in disputes in court, arbitration, appeal and tribunal proceedings. Mohamed's primary areas of practice are in administrative law, public procurement law, construction law, energy law, environmental law and town planning related issues.

Mr David Vlcek, AAarb (SA):



David joined Cox Yeats in 2013 and was appointed partner in 2014. He obtained his LL.B Summa Cum Laude from the University of KwaZulu-Natal, Durban, in 2005. He specialises in Commercial Litigation and Construction and Infrastructure Law. His commercial litigation experience comprises fields such as, Contractual Disputes, Administrative (Tender) Law and Commercial Arbitrations. He is experienced in negotiation and drafting of JBCC, NEC3, GCC and FIDIC agreements and their enforcement. David has vast experience in Occupational Health and Safety in the built environment and has been involved in collapse inquiries such as Tongaat Mall and the Grayston Drive bridge collapse. He was voted the top construction lawyer in South Africa in 2015 and 2017 by ILO Lexology.

He is an **Associate** member of the **Association of Arbitrators (Southern Africa) NPC**.

Mr Richard Hertz, PrTechEng MSAICE FAarb:



Richard is an engineer by profession whose work experience is rooted in the construction industry. He started with Concor in 1981 where he worked his way up from a trainee civil engineering technician to the position of Managing Director of Concor Coastal. He studied Civil Engineering at what is now the University of Johannesburg and qualified with a National Higher Diploma (Civil Engineering) in 1984. He went on to specialise in structural engineering, attaining his M.Dip(Tech) in 1986. In 1991 he registered with the Engineering Council of South Africa as a PrTechEng. He subsequently completed the **Certificate Course**, the **Fellowship Course** and the **Specialisation in Construction Law Course** with the **Association of Arbitrators (Southern Africa) NPC** ("the Association").

He is a **Fellow** of the Association and is also a member of the South African Institute of Civil Engineers where he serves on the panel of adjudicators and arbitrators.

¹ Best Lawyers® publishes top talent in over 70 countries and is considered the most respected peer-review title in the legal profession.

LINK: The link will be emailed to you upon receipt of your completed Registration Form and payment.

COST (incl. VAT): AoA members: R 200.00
 Non-members: R 300.00

RSVP BY: Please send your completed Registration Form to our Financial Manager, **Michelle Venter**, at michelle@arbitrators.co.za

PREVIOUS WORKSHOP COMMENTS

This is an annual (afternoon) event used by the KwaZulu Natal Branch for fundraising. Construction is a traditionally large constituency of the AoA so the focus on construction and the use of the expertise available for the three-hour session was certainly appropriate and of value to the membership. The Zoom presentation meant instant participation and availability for the whole of the AoA's membership."



"I appreciate the fact that the presenters not only refer to legislation or cases but also discuss it and its relevance to the topic."



"This was an excellent workshop. The presenters were well prepared and imparted knowledge of great value. Thanks for an informative presentation."



"Overall an excellent investment to me, as Engineers we tend to overlook some of the clauses in the contracts and this has refreshed my understanding on how important it is, to stay up to date with Contractual Legal requirements."

