International Construction Contracts (I2C)

Specialist legal and practical training for construction professionals working in international markets

Delivered in the heart of Paris, the most popular international arbitration seat, in the Quartier Latin and the Pantheon area

A unique Postgraduate Diploma aimed at construction professionals seeking knowledge of sound contracts management practices in relation to international construction contracts in both civil law and common law environments.

The course will be delivered in English by high profile international experts in the construction industry.
What is the objective of the Course?

The IC2 PgD is aimed at providing professionals working internationally with the required combination of legal, management and practical skills to ensure good and efficient contracts management.

The course is based on an optimal blend of academic and practical knowledge, combining lectures, case studies and tutorials with group work.

Who will benefit from this Course?

Whether professional engineers, QS, project managers, lawyers, architects, procurement officers, admin & finance personnel, or from other disciplines, all participants will benefit from the experience of highly recognized international practitioners from a range of positions within the construction team, and with diversified and complementary roles (project managers, professional engineers, in-house counsels, lawyers).

The course is specifically tailored for professionals willing to become efficient Contract Managers on international construction operations, and requiring skills in:

• Preparation, drafting and negotiation of construction contracts
• Construction contracts administration and management
• Claim management and dispute resolution

What are the entry requirements and the main selection criteria?

The course is open to experienced construction professionals and lawyers seeking to increase their knowledge and strengthen their skills in managing construction contracts in an international environment.

Candidates will be expected to:

• Demonstrate significant experience at executive positions on construction projects or in dealing with international construction contracts, claims or disputes.
• Submit a letter of motivation together with a CV, evidence of qualifications and references.

A limited number of places is available in order to maximise the opportunities for group exchanges and discussion.
<table>
<thead>
<tr>
<th>Module/Session ID</th>
<th>PROGRAMME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>MODULE 1 : GETTING THE BASICS RIGHT</strong></td>
</tr>
<tr>
<td>1.1</td>
<td>Main jurisdictions across the world (focus on civil law and common law), and different operation of legal systems (statutes/acts, regulations, by-laws, role &amp; organization of the judiciary)</td>
</tr>
<tr>
<td>1.2</td>
<td>The construction team – roles &amp; responsibilities (Employer, Contractor, Subcontractors, Architect / Engineer + others imposed by law – control bodies, etc)</td>
</tr>
<tr>
<td>1.3</td>
<td>Private law on international projects – Choice &amp; effects of the applicable law to a contract, conflicts in between laws and in between jurisdictions / Effects of the mandatory provisions of the law</td>
</tr>
<tr>
<td>1.4</td>
<td>Specificities of public / administrative law</td>
</tr>
<tr>
<td>2</td>
<td><strong>MODULE 2 : LAW OF OBLIGATIONS (CONTRACT, TORT/DELICT)</strong></td>
</tr>
<tr>
<td>2.1</td>
<td>Introduction to the main international forms of construction contracts FIDIC, NEC, JCT, ICC, I Chem E, LOGIC</td>
</tr>
<tr>
<td>2.2</td>
<td>Law of obligations – contractual and tortious liabilities, standards of performance (skill &amp; care, fitness for purpose), time-bars &amp; limitations / Interpretation of contract terms – rules &amp; doctrines at law</td>
</tr>
<tr>
<td>3</td>
<td><strong>MODULE 3 : PROJECT FEASIBILITY &amp; CONTRACT FORMATION</strong></td>
</tr>
<tr>
<td>3.1</td>
<td>Project feasibility, development and design stages</td>
</tr>
<tr>
<td>3.2</td>
<td>Identification &amp; registration of project risks</td>
</tr>
<tr>
<td>3.3</td>
<td>Risk allocation &amp; contracting strategy with impact of project financing, choice of contract vehicles (standard forms, bespoke), innovations in contracting (target price, alliances, etc), compliance matters</td>
</tr>
<tr>
<td>3.4</td>
<td>Procurement options &amp; rules</td>
</tr>
<tr>
<td>3.5</td>
<td>Contract formation – legal rules / Intention, Offer &amp; acceptance, consideration, priority of contract documents</td>
</tr>
<tr>
<td>3.6</td>
<td>Contract negotiations – main salient points</td>
</tr>
<tr>
<td>3.7</td>
<td>Bonds &amp; warranties</td>
</tr>
<tr>
<td>4</td>
<td><strong>MODULE 4 : PROJECT IMPLEMENTATION, CONTRACT EXECUTION</strong></td>
</tr>
<tr>
<td>4.1</td>
<td>Association modes – JV, subcontracting – and related liabilities (joint, several)</td>
</tr>
<tr>
<td>4.2</td>
<td>Access to and possession of the Site, boundaries</td>
</tr>
<tr>
<td>4.3</td>
<td>Project information, site Data / physical conditions</td>
</tr>
<tr>
<td>4.4</td>
<td>Communication management in between the Parties / Interface management / IBM</td>
</tr>
<tr>
<td>4.5</td>
<td>Works programme, progress monitoring procedures, acceleration</td>
</tr>
<tr>
<td>4.6</td>
<td>Works quality – monitoring, inspection, tests / Quality Assurance</td>
</tr>
<tr>
<td>4.7</td>
<td>Health, Safety and Environment – during &amp; after construction</td>
</tr>
<tr>
<td>4.8</td>
<td>Variations management</td>
</tr>
<tr>
<td>4.9</td>
<td>Payment – estimation &amp; valuation during works execution, payment procedures &amp; monitoring</td>
</tr>
<tr>
<td>5</td>
<td><strong>MODULE 5 : PROJECT &amp; CONTRACT CLOSURE, LIABILITIES</strong></td>
</tr>
<tr>
<td>5.1</td>
<td>Frustration (e.g. Force Majeure), Suspension &amp; termination</td>
</tr>
<tr>
<td>5.2</td>
<td>Taking-over, defect notification period and liabilities (defects, delay – liquidated damages vs penalties)</td>
</tr>
<tr>
<td>5.3</td>
<td>Insurances – types &amp; operation</td>
</tr>
<tr>
<td>6</td>
<td><strong>MODULE 6 : CLAIM MANAGEMENT &amp; DISPUTE RESOLUTION</strong></td>
</tr>
<tr>
<td>6.1</td>
<td>Non-contentious - claim causes and procedures</td>
</tr>
<tr>
<td>6.2</td>
<td>Valuation of delays, losses and damages suffered : Quantum, Delay analysis techniques</td>
</tr>
<tr>
<td>6.3</td>
<td>Contentious – dispute resolution procedures – ADR (mediation, adjudication and arbitration) &amp; judiciary / enforcement of decisions</td>
</tr>
</tbody>
</table>
Who will teach?

**Hugues Périnet-Marquet**  
Co-founder and Director  
Hugues Périnet-Marquet is professor at the University Panthéon-Assas (Paris II), president of the private law department and director of the construction law center of this University. He is director of the French legal journal “Construction-urbanisme” and of the “jurisclasseur Construction urbanisme”. He is also member of the editorial board of several legal journals (Revue Défénso, opérations immobilières, ingénierie immobilière). He is President of the French society for construction law (AFDC), member of the council of the European Society for Construction Law (ESCL) and fellow of the international Academy for Construction Lawyers.

**Vincent Leloup**  
Co-founder and Director of Studies  
Vincent Leloup is the chairman of the FIDIC Contracts Committee, a FIDIC Accredited Trainer and Adjudicator, and an arbitrator (FCIArb). Founder and Managing Partner of Exequatur, specialized in training, consulting and dispute resolution services for the construction industry, Vincent is a professional engineer by trade (EUR ING, MSc Water Management), with postgraduate legal qualifications (MSc Construction Law & Dispute Resolution, King’s College, London). He holds a Contractor (FCIArb) Foundation and Managing Partner of Exequatur, specialized in training, consulting and dispute resolution services for the construction industry, Vincent is a professional engineer by trade (EUR ING, MSc Water Management), with postgraduate legal qualifications (MSc Construction Law & Dispute Resolution, King’s College, London). He holds a Contractor (FCIArb) and a Master in construction law. He is an arbitrator and has taught at several universities.

**Sophie Deis-Beauquesne**  
General Counsel  
Sophie Deis-Beauquesne is general counsel within VINCI, world leader in the concessions and construction businesses. Sophie’s work is predominantly international, with construction projects for VINCI Energies across the world. Her practice focuses mainly on construction projects and international arbitration, and she is also experienced in acquisitions of construction companies. Prior to joining VINCI, Sophie worked for law firms in France and in Asia, where she had the opportunity to open the Hong Kong office of Gide Loyrette Nouel. She holds a PhD in French law.

**Yasmine El Achkar**  
Associate  
Yasmine El Achkar is an associate in the International Arbitration practice of White & Case, based in the firm’s Paris office. She has been active in a wide range of sectors (transport infrastructure, water and wastewater, and energy). Dual-qualified (English/French law), she has particular experience of the FIDIC forms of contract and their use in civil law jurisdictions. She is listed in Who’s Who Legal as a leading construction lawyer in France and is on the French list of FIDIC adjudicators.

**Frédéric Gillion**  
Partner  
Frédéric Gillion is a partner in the Paris office of Pinsent Masons where he heads its Construction Advisory & Disputes department. He advises on all aspects of construction projects, from initial tendering and project support to dispute resolution (including Dispute Board and arbitration) in a wide range of sectors (transport infrastructure, water and wastewater, and energy). Dual-qualified (English/French law), he has particular experience of the FIDIC forms of contract and their use in civil law jurisdictions. He is listed in Who’s Who Legal as leading construction lawyer in France and is on the French list of FIDIC adjudicators.

**Stéphane Giraud**  
Dams & River Works’ Director  
Stéphane Giraud works traditionally as an Engineer in the construction industry. He is currently Dams & River Works’ Director at Egis (France). Stéphane initially graduated from the engineering school “Arts & Métiers” and holds a Master of Business at HEC (Paris, 1995). He is a Water specialist, mainly in construction supervision with more than 20 years’ experience, on projects funded by international Banks. He has been acting as project manager and project director for many major projects in emerging countries. He is FIDIC accredited Trainer, and FIDIC Adjudicator (Dispute Adjudication Board exam in Paris, 2012 and Dubai, 2015).

**François Doré**  
Risk Manager  
François Doré joined Bouygues Bâtiment International in 1995. He has acquired over the years a comprehensive experience of large construction project, gradually specializing in the administration of contracts and of commercial disputes (negotiations, ADR, arbitration, litigation). He holds the position of Risk Manager of BBI. François Doré is a Fellow of the Chartered Institute of Arbitrators, and has graduated from the Paris Institute d’Études Politiques (Public Administration) and King’s College London. He is fluent in French, English and Russian.

**Bruno Magnin**  
Health and Safety Director  
Bruno Magnin areas of expertise are:  
- Health & Safety Management: Deploying a durable safety culture. Getting all actors to take their share of responsibility for risks control and performance improvement. Promoting ergonomics as an improvement driver (productivity and health & safety).  
- Management Systems Proficient in ISO standards related to QSE issues, providing support to managers in taking ownership of processes.  
Bruno Magnin is President of the ASEPVT (Building Civil Work Companies Safety Coaches association).
Who will teach?

**Louis Meunier**

***Insurance Manager***

Vinci Energies

Louis Meunier is the Insurance Manager of VINCI Energies, subsidiary of VINCI, world leader in the concessions and construction sectors. Louis’s work is predominantly international, handling insurance issues for the business units of VINCI Energies all around the world. His practice focuses mainly on implementing insurance programs and handling critical losses. Prior to joining VINCI Energies, Louis worked as Insurance Manager within the Insurance Department of VINCI, dealing with insurance issues of large construction and concession projects worldwide. He holds a Master’s degree in Insurance law from Paris 1 Panthéon-Sorbonne and graduated from the Institut des Assurances de Paris.

**Francois Muller**

***Partner***

Alhana Law Firm

Admitted to the Paris Bar in 1999 after postgraduate in Public Law litigation from University Paris I Panthéon Sorbonne and graduate of the Public Business Law Institute, François focused preliminary on public projects, before spreading its practice to commercial arbitration mainly focused on the construction-engineering sector. François is a member of the Association Française de l’Arbitrage and the Comité français de l’Arbitrage, involved in the International Construction Projects committee of the International Bar Association, and member of the Dispute Resolution Board Foundation.

**Charles Nairac**

***Partner***

White & Case law firm

Charles Nairac is a Partner in the International Arbitration Practice of White & Case, based in the firm’s Paris office. Charles is recognized in leading legal directories such as Chambers, the Legal 500, Who’s Who Legal, the International Who’s Who of Construction Lawyers and the GAR 100. Charles graduated with an LLB from King’s College, London. He holds a Maîtrise en Droit from Université de Paris I Panthéon-Sorbonne and a postgraduate degree in international law from Université de Paris II. He is a member of the Paris Bar. Prior to joining White & Case in 2001, Charles worked as in-house legal adviser for a French bank in Singapore.

**Jim Perry**

***Partner***

PS Consulting

Jim Perry is a member of the District of Columbia Bar and holds a JD degree in law and a BScE in civil engineering and works from Paris as an arbitrator and dispute board member specialising in construction matters. Jim has served on numerous dispute boards and Arbitration Tribunals in Central Europe, Central Asia and Latin America, Africa, SE Asia and the Middle East and is on the FIDIC President’s list and the Syntec-Ingénierie list of adjudicators (France). Jim has also been appointed as delay and/or quantum expert witness and co-counsel for technical and damages matters on many construction arbitrations.

**Peter Rosher**

***Partner***

Reed Smith Law firm

Peter Rosher is a Partner at Reed Smith specialising in international arbitration. Peter focusses on energy, construction and infrastructure disputes worldwide, but with a particular focus on Africa, Asia and the Middle East. Peter is an experienced advocate. He also sits as arbitrator. Peter is recognised in leading legal directories such as Chambers, Legal 500 and GAR. He is on the board of the French Arbitration Association. He has published widely and teaches at Sciences Po and Versailles University. Peter is dual qualified (Avocat / Solicitor). Peter holds a Master’s Degree in Construction Law and Arbitration from King’s College, London.

**Christopher Seppälä**

***Partner of Counsel***

White & Case law firm

Christopher Seppälä is Partner of Counsel in the International Arbitration Group of White & Case LLP, Paris. He is the Legal Advisor to the FIDIC Contracts Committee, former Vice-President Emeritus of the ICC International Court of Arbitration and was Legal Advisor (and Member) of FIDIC’s Update Task Group which prepared the three FIDIC conditions of contract for major works (the “Red”, “Yellow” and “Silver” Books), published in 1999.

He is a member of the New York and Paris Bars and holds a BA from Harvard University and a JD from Columbia Law School.

**Christophe Sergeant**

***Head of Legal Unit, Legal Division***

EDF SA

Christophe Sergeant is an experienced transactional in-house legal advisor with a dual education in English law and French law. He possesses a strong background on industrial and financing contracts for complex structured project finance transactions, mainly on power projects. Christophe joined Electricité de France in 1994. Christophe is currently head of a legal unit in this company advising on numerous business law matters including construction issues for operations of EDF in France and abroad. Christophe holds a LLM from University of London, a Certificate in English Law from Warwick University and a Maîtrise en Droit from Lille II University.

**Geoffrey Smith**

***Partner***

PS Consulting

Geoffrey Smith is a partner in PS Consulting in Paris. He is a Chartered Civil Engineer and a Barrister, an accredited Mediator, a Fellow of the Institution of Civil Engineers, a Fellow of the Chartered Institute of Arbitrators and holds a post-graduate diploma in accounting and finance. He is a member of the FIDIC President’s List of Approved Disput Adjudicators and of the French National List of FIDIC Adjudicators. He has almost 40 years’ international experience on major projects throughout Asia, Africa and Europe as Contracts Manager, Legal Advisor, Arbitrator, Mediator, Dispute Board member, counsel or expert witness.
What is the programme structure?

The programme will be carried out over 1 year, from September to June, for a total of 158 study hours.

Teaching days will be held in Paris over 1 weekend (Thursday/Friday/Saturday) per month.

Exams will be held in February and June.

The first 2 modules will be wholly dedicated to the fundamental legal principles which govern construction contracts in the main jurisdictions across the globe. Thereafter, the modules will follow the contract life cycle in a very hands-on/practical manner, from the project preparation and procurement phases through the execution phase to close-out. Under each module current international trends will be addressed. Extensive reference to international forms of contracts, such as FIDIC, JCT, ICC, NEC, DEVCO and others, will give participants a complete picture of the best world-wide practice.

Online Distance Learning

In case you cannot attend our courses in Paris, our supported distance learning mode of delivery allows you to study online from any location and is designed to fit in around your work commitments.

Our virtual learning environment offers students flexibility of where and when they can study, offering full and open access to tutors and other class members. The online campus provides students with lectures and materials. Students can access video recorded lectures in case their time zone makes them unable to attend a live lecture. Those attending live lectures can easily interact with the class and the tutors through their computer.

Distant students can either sit the exams in Paris, or in the premises of French institutions in their home country (Consulate, French Council, etc. – subject to conditions – please contact us for further information).

Where can I get more information & register?

Mrs. Marie-Paul Poulin – marie-paul.poulin@u-paris2.fr – (+33) 1 53 63 86 15

Mr. Vincent Leloup – Director of Studies – vincent.leloup@exequatur.pro