

# Construction Law Seminar 2018

25 - 26 April

Main Auditorium, British Council, Accra, Ghana



Organised by the West Africa Built Environment Research (WABER) Conference and supported by the following partners:



## Programme

### Speakers

**Rob Morson**, Partner, Pinsent Masons

**David Ofose-Dorte**, Senior Partner, AB & David Africa

**Dr Ron Watermeyer**, Director, Infrastructure Options (Pty) Ltd & Chair of ISO Technical Sub-Committee on Construction Procurement

**Ferdinand Adadzi**, Partner, AB & David Africa

**Rockson Dogbegah**, Chairman of Berock Ventures Ltd (Civil Engineering and General Building Contractors)

**Her Ladyship Justice Gertrude Torkornoo**, Justice of the Court of Appeal & Supervising Judge of the Commercial Division of the High Court

### Moderators

**Mrs. Rosemargaret Esubonteng**, Past Chair of QS Division of the Ghana Institution of Surveyors (GhIS)

**Dr Sarfo Mensah**, Dean of Faculty of Built and Natural Environment, Kumasi Technical University, Ghana

**Mr Sammy Amegayibor**, Executive Secretary, Ghana Real Estate Developers Association (GREDA)

**Ms. Elizabeth Ashun**, Senior Associate, Bentsi-Enchill, Letsa & Ankomah

### Convenor

**Prof Sam Laryea**, School of Construction Economics and Management, Wits University, Johannesburg, South Africa  
Chairman of the West Africa Built Environment Research (WABER) Conference

## PROGRAMME (DAY 1 / WEDNESDAY / 25 APRIL 2018)

Time	Topic or activity	Speaker(s)
07:30 - 08:30	Registration (Tea and Coffee available)	
08:30 - 08:40	<b>OPENING SESSION</b> Welcome remarks, Acknowledgment of partners, Introduction of invited guests and resource persons – <i>Prof Sam Laryea, Chairman of WABER Conference</i>	Prof Sam Laryea
08:40 - 08:55	Opening Address by Guest of Honour – <i>Minister of State in Charge of Public Procurement</i>	Hon Adwoa Safo
09:00 - 11:00	<b>SESSION 1: OVERVIEW OF RECENT DEVELOPMENTS IN CONSTRUCTION AND ENGINEERING CONTRACTS</b> <ul style="list-style-type: none"><li>• Overview for day 1 and 2: what we will cover (10 mins)</li><li>• What is currently happening in the construction law and infrastructure contracts space? – An international perspective (20 mins)</li><li>• Recent developments in infrastructure projects in sub-Saharan Africa and its impact on construction/engineering contracts (20 mins)</li><li>• Practical illustration of key emerging issues in the formation and execution of construction and engineering infrastructure projects and contracts (20 mins)</li><li>• Overview of the new China-Africa Joint Arbitration Centre (CAJAC) initiative and its implications for dispute resolution of Sino-African infrastructure construction projects (20 mins)</li><li>• Q &amp; A (30 mins)</li></ul> <i>Session moderator:</i> <i>Mrs. Rosemargaret Esubonteng, Past Chair of GhIS QS Division</i>	Rob Morson David Ofosu-Dorte
11:00 - 11:30	Refreshment and networking break	
11:30 - 13:30	<b>SESSION 2: A LOOK AT THE NEW FIDIC RED, YELLOW AND SILVER BOOKS (SECOND EDITION) RELEASED IN DEC 2017</b> <ul style="list-style-type: none"><li>• A general look at key principles/mechanisms of FIDIC contracts</li><li>• Overview of the second edition of the FIDIC suite of contracts released in Dec 2017</li><li>• Understanding the key changes to the new suite of FIDIC Red, Yellow and Silver forms of contract</li><li>• Q &amp; A (30 mins)</li></ul> <i>Session moderator:</i> <i>Mrs. Rosemargaret Esubonteng, Past Chair of GhIS QS Division</i>	Rob Morson
13:30 - 14:30	Lunch and networking break	
14:30 - 16:00	<b>SESSION 3: SETTING UP AND ADMINISTERING MODERN FORMS OF CONSTRUCTION PROCUREMENT AND CONTRACTING STRATEGIES</b> <ul style="list-style-type: none"><li>• Front-end matters to consider in setting up and administering modern infrastructure procurement and contracts (30 mins)</li><li>• Understanding the application of partnering and collaborative contracting approaches – Framework contracts, Target cost contracts, Management contracts (30 mins)</li><li>• Q &amp; A (30 mins)</li></ul> <i>Session moderator: Dr Sarfo Mensah, Dean of Faculty of Built and Natural Environment, Kumasi Technical University, Ghana</i>	Rob Morson Dr Ron Watermeyer
16:00 - 16:30	<b>GENERAL Q&amp;A SESSION ON MATTERS COVERED IN DAY 1</b> <b>Panel: Rob Morson, David Ofosu-Dorte, Dr Ron Watermeyer</b> <i>Session moderator: Dr Sarfo Mensah, Dean of Faculty of Built and Natural Environment, Kumasi Technical University, Ghana</i>	All presenters
16:30	<b>CLOSE (REFRESHMENTS AVAILABLE)</b>	Prof Sam Laryea

## PROGRAMME (DAY 2 / THURSDAY / 26 APRIL 2018)

Time	Topic or activity	Speaker(s)
08:00 – 08:40	Registration (Tea and Coffee available)	
08:40 - 08:45	Video highlights of Day 1	
08:45 - 09:55	<p><b>SESSION 4: ROLE OF THE CLIENT IN GOVERNANCE AND LEADERSHIP OF INFRASTRUCTURE PROJECTS</b></p> <ul style="list-style-type: none"> <li>International case study on the role of the client as leader of the infrastructure delivery process (60 mins)</li> <li>Q &amp; A (30 mins)</li> </ul> <p><i>Session moderator</i>  <i>Mr Sammy Amegayibor, Executive Secretary, Ghana Real Estate Developers Association (GREDA)</i></p>	Dr Ron Watermeyer
10:00 – 11:00	<p><b>SESSION 5: MANAGING CONTRACTUAL OBLIGATIONS AND EXPECTATIONS IN INFRASTRUCTURE PROJECTS</b></p> <ul style="list-style-type: none"> <li>A practical perspective on dealing with contractual obligations and expectations in infrastructure contracts (45 mins)</li> <li>Q &amp; A (15 mins)</li> </ul> <p><i>Session moderator</i>  <i>Mr Sammy Amegayibor, Executive Secretary, GREDA</i></p>	Justice Gertrude Torkornoo
11:00 - 11:30	Refreshments and networking break	
11:00 - 12:45	<p><b>SESSION 5: PPP AND PROJECT FINANCE TRANSACTIONS</b></p> <ul style="list-style-type: none"> <li>Overview and examples of PPP and Project Finance infrastructure projects in the West Africa region (20 mins)</li> <li>A look at the current regulatory framework and developments within the region (20 mins)</li> <li>Nature of the agreement and role of the parties in PPP and project finance transactions (35 mins)</li> <li>Q &amp; A (30 mins)</li> </ul> <p><i>Session moderator</i>  <i>Mr Sammy Amegayibor, Executive Secretary, GREDA</i></p>	David Oforu-Dorte Ferdinand Adadzi
12:45 - 13:45	Lunch	
13:45 - 15:45	<p><b>SESSION 6: MANAGING CONSTRUCTION CONTRACTS IN A CHALLENGING ENVIRONMENT – STRATEGIES FOR AFRICA SPECIFIC CHALLENGES</b></p> <ul style="list-style-type: none"> <li>Some insights into the current nature and environment of infrastructure projects/ contracts in the WA context (30 mins)</li> <li>Key issues affecting smooth execution of African construction contracts (e.g. irregular funding, late payment, uncertain completion time, suspension, etc.) --- What are the contractual challenges arising from this situation? (30 mins)</li> <li>How to handle African construction contracts and make it work (i.e. A practical perspective on strategies for dealing with the challenging contractual issues in African construction projects) (30 mins)</li> <li>Q &amp; A (30 mins)</li> </ul> <p><i>Session moderator</i>  <i>Ms. Elizabeth Ashun, Senior Associate, Bentsi-Enchill, Letsa &amp; Ankomah</i></p>	Rockson Dogbegah David Oforu-Dorte Rob Morson
15:50 – 16:00	<p><b>A PREVIEW OF UPCOMING EVENT IN JUNE 2018 ON INFRASTRUCTURE PROCUREMENT AND CONTRACTS</b></p>	Prof Sam Laryea David Oforu-Dorte
16:00 - 16:30	<p><b>GENERAL Q&amp;A SESSION ON MATTERS COVERED IN DAY 2</b></p> <p>Panel: Ferdinand Adadzi, Rockson Dogbegah, Rob Morson, David Oforu-Dorte, Dr Ron Watermeyer, Prof Sam Laryea</p> <p><i>Session moderator</i>  <i>Ms. Elizabeth Ashun, Senior Associate, Bentsi-Enchill, Letsa &amp; Ankomah</i></p>	All presenters
16:30 – 16:40	<p><b>VOTE OF THANKS, CLOSE AND COLLECTION OF CERTIFICATES (REFRESHMENTS AVAILABLE)</b></p>	Prof Sam Laryea