

Dear Madam, dear Sir,

Topic 1 **Technical Secretary** to International Arbitrations / Experts for DAAB

Topic 2 Pre-Moot Covid-19: **Force Majeure** (100%) or **Hardship** (50%:50%)

Topic 3: Practical exercises in Contract Management / **Training**

Topic 4: Food for Thought about “**once a king always a competent professional...** please inquire”

Topic 1 _ Expert Consultancy in Dispute Resolutions

Have you ever thought to deploy a tribunal-appointed **Technical Secretary** or party-appointed **Consulting Experts** to support the Parties for

(a) Dispute Avoidance and Adjudication / **DAAB-Board** procedure,

(b) Conciliations, **Mediations**, Amicable Settlements

(c) **Arbitral Tribunal** proceedings in a sophisticated and credible manner?

Think about the following **concept of procedural management** of the **New Prague Rules** (civil law) in controversy to the IBA-Guidelines to taking evidences.

(a) The New Prague Rules (NPR) uses the **inquisitorial model** for an efficient conduct of proceedings, and (b) The International Bar Association prefers an **adversarial approach**.

Identifications of the two **concepts** / approaches of **NPR + IBA** are shown below:

1 Pro-active role with case management conference

2 **Fact Finding Process >>> essential actions**

3 Documentary evidences

4 Fact witnesses and experts (like GuB GmbH experts)

5 *lura novit curia* – to run the proceeding in own motions – to investigate the cause-impacts in time, resources and costs in an inquisitive manner.

6 Hearing ... *argumentum e contrario*

7 Assistance in amicable settlement.

Usually, if GuB GmbH experts support lawyers as technical experts in DAAB and Arbitrations, we use to ask for 300.-- Euro per HOUR for our competent and successful services.

Topic 2 Pre-Moot Covid-19 : Force Majeure (100%) or Hardship (50%:50%)

FiDiC - Situation:

A _ **Extension of Time for Completion (EoTfC)** is granted for Epidemics by the Clauses only, without Cost plus profit reimbursement

B _ **Force Majeure** does not cover the Causation of the Covid-19 Pandemic at present
The court has to rule this issue

C _ **Hardship** would share the loss and damage of the Contractor 50%:50%
A just and fair solution to share the effects of the Pandemic?

What is your view about the balance of equal rights and obligations?

Shall the Courts relieve the incurred Loss and Damages due to the Covid-19 Pandemic by additional payment based on the ground of

A _ Force Majeure (100%), that the Employer will have the burden to reimburse all costs, or

B _ **Hardship (just and fair)**, that both Parties are sharing the incurred loss and damage half to half (50% : 50%)?.

Note: The Extension of Time for Completion is undoubtedly covered by FiDiC Contract law.

Topic 3 Do you seek relief for ...? We are able to support you.

We facilitate Workshops for **technical, financial, administrative and contractual issues** with **disruption and delay** examinations of claims / variations / changes in legislation and costs / sophisticated **effect to cause** investigation either production- or turn-over-based (software), analysis of **unit rates**, all types of **indirect costs**, interest requests, computation of prolongation / EoTfC-costs, and assistance in the entire administrative processes like DAAB, amicable settlements, conciliations, mediations, and arbitration proceedings with **recognized, enforceable and non-challenged** awards.

We are the expert in technical, financial, administrative and contractual project management.

We are well familiar with Procurement procedures, Time- / Resource-+ Cost planning
Disruption + Delay-CLAIMS & D+D-VARIATIONS / Changes & Analysis in Time, Cost plus profit.
 Advanced Payments (financial actions) against **INDIRECT Cost Allocation (physical "works")** for Site Establishment, value- and time related costs, site dismantling, wear and tear, transports,
 Compliance to procedural rules, grounds for entitlements & substantial particulars
 Adjustment for changes in Legislation and Costs, preservation of evidences (records)
Dispute Avoidance + Adjudication Boards, Referrals, Amicable Settlements, Mediations, Arbitration.

Tentative Agenda to adapt to your demands:

Tentative Agenda	Day 1	Contract Management: Definitions of Procedures, Substantiations, Provisional Sums, provisional sums, lump sums, rates and prices, unit rates cover, indirect costs, time issues Work Program (Time + Cost, Critical path, Slacks, Float), revised Programmes, floats, critical path
	Day 2	Claim Notices and Claim Requests; interim claims, procedures, substantiation, evaluation and Notice of Determination, Practical Example to defend/assert the Claim
	Day 3	Variations initiated by Employer, Value Engineering to save Contract Price increase, requested Proposals, submit qualified Merits + quantified Quantum, new rates + prices, eligible / non-eligible for Price escalation / adjustment for changes in costs.
	Day 4	Financial cashflow Advances against Physical Mobilization/ Site establishment, , time-/running costs and value related costs, Demobilisation / Site dismantling (indirect costs),
	Day 5	Monthly Progress Report Structure, monthly Claim Request due to continuing effects, IPC-Structure with Material flow on site (cement, steel, bitumen, fuel, lubricants, formwork)
		Other specified matters can be negotiated, of course.

Breakdown of "Contract Price" with variable and fixed proportions is demonstrated below:

A _ variable input

1-day workshop with an all-inclusive *Basic FEE of 1080 Euro per day*
 plus 3-days preparation time with daily basic Fee

B _ fixed costs input for one mission:

travel times, travel expenses, travel fee plus
 Secretarial services (*between 1-3 days*) for pre- and post-stage administration

C _ Contract price for one mission

3-day workshop requires in addition 9 days preparation plus fixed costs.

Please retrieve Details under www.GuB21.de/Tutor.pdf (www.GuB21.de/12.pdf)

FIDIC - Workshop : Contract Price - one Tutor/Facilitator -							
Type of Cost	Workshop Days	Preparation 2,5-3,0 service days per workshop day	Total required Input days	Unit rate per day inclusive per diem 200.-- EURO per presence day	„VAR“ Cost [EURO]	„FIX“ Cost [EURO]	Contract Price C.P. [EURO]
	(1)	(2)	(3) = (1)+(2)	(4)	(5)	(6)	(7) = (5)+(6)
VAR	1	2,75	3,75	1.040	3.900	4.865	8.765
	2	5,50	7,50	1.040	7.800	4.865	12.665
	3	8,25	11,25	1.040	11.700	4.865	16.565
	4	11,00	15,00	1.040	15.600	4.865	20.465
	5	13,75	18,75	1.040	19.500	4.865	24.365
	Service Assistance		22,0	1.040	22.880	4.865	27.745
FIX	Flight MUC - ??? Business		1	1.200	1.200		C.P. NET
	international travel Residence to airport MUC		1	360	360		without TAX
	2 Travel days, Fee		2	1.040	2.080		
	Administrative / secretarial services in pre- and post-stage of contract administration		1	1.225	1.225	minimum	Up to max 3 days
	„Fixed“ Cost for one mission / one workshop				4.865	EURO	

For Your information

FYI >>> per diem rates (EU-Standard / Donor-Standards) paid in addition to basic Service FEE

Google :

Monthly Housing+Food+Sundry Allowance = 30 days times Per Diem Rate (i.g. 150 Euro per day)

Current EU per diem rates 2020 / daily allowances (down loaded result = Country list and rates from 01 FEB 2020) is published in the internet.

https://www.google.de/search?source=hp&ei=cuZMX77xHlmbkwXLjK6QDA&q=eu+current+per+diem+rates+2020&oq=eu+current+per+diem+rates+2020&gs_lcp=CgZwc3ktYWIQAzIIICCEQFhAdEB5KBOgJEgExSgUIClBMVDcBVjcBWD5CWgAcAB4AIAbClgBcJIBAZuMzGgBAKABAqABAaoBB2d3cy13aXo&scient=ps-ab&ved=0ahUKEwi-8uC6ssXrAhWJzaQKHUuGC8IQ4dUDCAs&uact=5

Topic 4 Inquiry “Food for Thought” .. once a king, always a competent professional

Please send your **confidential note** to Katharina@GuB21.de

PS1: GuB GmbH Consulting Experts (DAAB) / Technical Secretaries (Arb) support lawyers as **advisory experts** (Tec, Fin, Admin, and Contractal matters) in DAAB, Arbitrations, and Litigations.

Our appropriate fees, per diems, retainer fees, other expenses take into consideration our excellent **competences**, **success rates** and **fair market value**.

PS2: Sponsor wanted: Digital Contract Administration APP www.GuB21.de/DCA_APP.pdf

PS: Usually, if GuB GmbH experts supports lawyers as **technical experts in DAAB and Arbitrations**, we use to ask for 300.—Euro per HOUR for our competent and successful services.