

CRITERIA FOR ADMISSION TO THE PRESIDENTS PANELS FOR ARBITRATORS, ADJUDICATORS AND AMICABLE SETTLEMENT FACILITATORS FOR ENGINEERING DISPUTES

Introduction

The SAICE President can nominate arbitrators, adjudicators and amicable settlement facilitators in terms of the contract agreement on request by the Parties to a dispute and maintains a President's panel of capable persons for this purpose. Admission to the List does not guarantee that a nomination will be made or that appointments will follow.

SAICE sets requirements for admission to the Panels and for retention of a person on the panel.

Candidates wishing to be selected for a panel must complete the standard SAICE application form and satisfy the SAICE's Dispute Resolution Committee that they meet minimum requirements. Failure to demonstrate the necessary competence may result in one of two options:

- Where clarification is required, the applicant may be invited for an interview
- Where certain requirements have not been met, a response will be issued giving the reasons and possible remedial action that can be taken by the applicant.

The SAICE Dispute Resolution Committees decisions on applications are final and not subject to appeal.

1). Requirements for persons wishing to be considered for inclusion in the SAICE President's Panel of Arbitrators

These requirements are based on the following documents;

- CIDB Best Practice Guideline #C3 Adjudication, 2005
- ICE Requirements for entry onto ICE's List of Arbitrators.
- SA Association of Arbitrators guide-lines for Arbitration

Applicants should:

- i. have worked as Project Manager, Construction Manager, Engineer, Principal Agent or equivalent on engineering construction projects for a period of at least 10 years, with appropriate contract management experience.
- ii. be registered as a Professional Engineer or Professional Engineering Technologist with the Engineering Council of SA or equivalent of at least 10 years standing.
- iii. have detailed working knowledge of the standard forms of contract recommended by the CIDB and the suite of General Conditions of Contract published by SAICE including the arbitration provisions.
- iv. have working knowledge of international and local practice, legislation and institutional guide-lines on arbitration, including CIDB guidelines.
- v. have successfully completed an appropriate recognized dispute resolution course. (e.g. the Association of Arbitrators Fellowship in Arbitration).

- vi. have working knowledge of construction contract law, rules of natural justice and law of procedure and evidence.
- vii. have appreciation of:
 - the factors that affect construction costs.
 - investigations, design, construction and fabrication methods.
 - programming and delay assessment.
 - resource and risk assessment.
- viii. be impartial and capable of fair and independent judgment.
- ix. if invited for an interview, be able to satisfy the committee that they are a suitable person who has achieved the necessary level of knowledge of construction and dispute resolution procedures as well as possessing the necessary personal management and communication skills to conduct an arbitration.

2). Requirements for persons wishing to be considered for inclusion in the SAICE President's Panel of Adjudicators

These requirements are based on the following documents;

- CIDB Best Practice Guideline #C3 Adjudication, 2005.
- ICE Requirements for entry onto ICE's List of Adjudicators.
- SA Association of Arbitrators guide-lines for Adjudication.

Applicants should:

- i. have worked as Project Manager, Construction Manager, Engineer, Principal Agent or equivalent on engineering construction projects for a period of at least 10 years, with appropriate contract management experience.
- ii. be registered as a Professional Engineer or Professional Engineering Technologist with the Engineering Council of SA or equivalent of at least 10 years standing.
- iii. have detailed working knowledge of the standard forms of contract recommended by the CIDB and the suite of General Conditions of Contract published by SAICE including the adjudication provisions.
- iv. have working knowledge of international and local practice, legislation and institutional guide-lines on adjudication, including CIDB guidelines.
- v. have successfully completed an appropriate recognized dispute resolution course. (e.g. the Association of Arbitrators Certificate in Arbitration or the University of Pretoria Certificate Program in Adjudication).
- vi. have working knowledge of construction contract law, rules of natural justice and law of procedure and evidence.
- vii. have appreciation of:
 - the factors that affect construction costs.
 - investigations, design, construction and fabrication methods.
 - programming and delay assessment.
 - resource and risk assessment.
- viii. be impartial and capable of fair and independent judgment.
- ix. if invited for an interview, be able to satisfy the committee that they are a suitable person who has achieved the necessary level of knowledge of construction and dispute resolution procedures as well as possessing the necessary personal management and communication skills to conduct an adjudication.

3). Requirements for persons wishing to be considered for inclusion in the SAICE President's Panel of Amicable Settlement Facilitators (incl. Mediators and Neutrals etc.)

These requirements are based on the following documents;

- CIDB Best Practice Guideline #C3 Adjudication, 2005.
- SA Association of Arbitrators guide-lines for mediation.

Applicants should:

- i. have worked as Project Manager, Construction Manager, Engineer, Principal Agent or equivalent on engineering construction projects for a period of at least 10 years, with appropriate contract management experience.
- ii. be registered as a Professional Engineer or Professional Engineering Technologist with the Engineering Council of SA or equivalent of at least 10 years standing.
- iii. have detailed working knowledge of the standard forms of contract recommended by the CIDB and the suite of General Conditions of Contract published by SAICE including the amicable settlement (i.e. mediation/neutral) provisions.
- iv. have working knowledge of international and local practice, legislation and institutional guide-lines on adjudication, including CIDB guidelines.
- v. have successfully completed an appropriate recognized dispute resolution course. (e.g. the Association of Arbitrators Certificate in Arbitration or the University of Pretoria Certificate Program in Adjudication) **and** a recognized program in amicable settlement procedures (e.g. the London School of Mediation's Certificate in Mediation)
- vi. have working knowledge of construction contract law, rules of natural justice and law of procedure and evidence.
- vii. have appreciation of:
 - the factors that affect construction costs.
 - investigations, design, construction and fabrication methods.
 - programming and delay assessment.
 - resource and risk assessment.
- viii. be impartial and capable of fair and independent judgment.
- ix. if invited for an interview, be able to satisfy the committee that they are a suitable person who has achieved the necessary level of knowledge of construction and dispute resolution procedures as well as possessing the necessary personal management and communication skills to facilitate an amicable settlement.