CRITERIA FOR ADMISSION TO THE PRESIDENT’S LIST FOR ARBITRATORS, ADJUDICATORS AND AMICABLE SETTLEMENT FACILITATORS FOR ENGINEERING AND CONSTRUCTION DISPUTES

1). Requirements for persons wishing to be considered for inclusion in the SAICE President’s List as Arbitrators

SAICE is acknowledging the fact that inclusion on the list as Arbitrators (only) should not necessarily be limited to registered Professional Engineers. This revision of the admission criteria for Arbitrators allows for this eventuality.

These requirements are based, but not dependent, 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 guidelines for Arbitration; and
- ECSA accredited programmes.

Applicants should:

i. be registered as a Member (in good standing) of the South African Institution of Civil Engineering (SAICE) or, if qualified in a discipline of engineering other than civil engineering, be registered as Associate Member (in good standing) or higher membership category of the SAICE;

ii. have worked as Project Manager, Construction Manager, Engineer, Principal Agent, Legal Practitioner or equivalent related to engineering construction projects for a period of at least 10 years, with appropriate contract management and/or legal experience;

iii. be registered as a Professional Engineer, or Professional Engineering Technologist, (in good standing) with the Engineering Council of SA (ECSA) or ECSA recognised equivalent (through various accords) of at least 10 years standing;

iv. if not registered as a professional Engineer, be registered or enrolled with the appropriate Professional Council (such as the South African Legal Practice Council for legal practitioners) of at least 10 years standing in practice and not be bound by any Bar Council rules or any other rules that conflict with the General Conditions of Contract (GCC);

v. have detailed working knowledge of the standard forms of contract recommended by the CIDB and the suite of General Conditions of Contract (GCC) published by SAICE including the arbitration provisions;

vi. have working knowledge of international and local practice, legislation and institutional guidelines on arbitration, including CIDB guidelines;

vii. have successfully completed an appropriate recognized dispute resolution course accepted by the Alternative Dispute Resolution Panel (ADR Panel) of SAICE (e.g. the Association of Arbitrators Fellowship in Arbitration etc.);

viii. have working knowledge of construction contract law, rules of natural justice and law of procedure and evidence;

ix. have appreciation of:
   - the factors that affect construction costs;
   - investigations, design, construction and fabrication methods;
   - programming and delay assessment; and
   - resource and risk assessment;

x. be impartial and capable of fair and independent judgment; and
xi. if invited for an interview, be able to satisfy the Alternative Dispute Resolution (ADR) panel 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 List as Adjudicators

These requirements are based, but not dependent, on the following documents;

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

Applicants should:

i. be registered as a Member (in good standing) of the South African Institution of Civil Engineering (SAICE) or, if qualified in a discipline of engineering other than civil engineering, be registered as Associate Member (in good standing) or higher membership category of the SAICE;

ii. 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;

iii. be registered as a Professional Engineer or Professional Engineering Technologist, (in good standing) with the Engineering Council of SA (ECSA) or ECSA recognised equivalent (through various accords) of at least 10 years standing;

iv. have detailed working knowledge of the standard forms of contract recommended by the CIDB and the suite of General Conditions of Contract (GCC) published by SAICE including the adjudication provisions;

v. have working knowledge of international and local practice, legislation and institutional guide-lines on adjudication, including CIDB guidelines;

vi. have successfully completed an appropriate recognized dispute resolution course accepted by the Alternative Dispute Resolution Panel (ADR Panel) of SAICE (e.g. the Association of Arbitrators Certificate in Arbitration or the University of Pretoria Certificate Program in Adjudication);

vii. have working knowledge of construction contract law and the rules of natural justice.

viii. have appreciation of:

• the factors that affect construction costs;
• investigations, design, construction and fabrication methods;
• programming and delay assessment; and
• resource and risk assessment;

ix. be impartial and capable of fair and independent judgment; and

x. if invited for an interview, be able to satisfy the Alternative Dispute Resolution (ADR) panel 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 List as Amicable Settlement Facilitators (incl. Mediators and Neutrals etc.)

These requirements are based, but not dependent, on the following documents;

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

Applicants should:

i. be registered as a Member (in good standing) of the South African Institution of Civil Engineering (SAICE) or, if qualified in a discipline of engineering other than civil engineering, be registered as Associate Member (in good standing) or higher membership category of the SAICE;

ii. 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;

iii. be registered as a Professional Engineer, or Professional Engineering Technologist, (in good standing) with the Engineering Council of SA (ECSA) or ECSA recognised equivalent (through various accords) of at least 10 years standing;

iv. have detailed working knowledge of the standard forms of contract recommended by the CIDB and the suite of General Conditions of Contract (GCC) published by SAICE including the amicable settlement techniques (i.e. mediation/neutral) provisions;

v. have working knowledge of international and local practice, legislation and institutional guidelines on adjudication, including CIDB guidelines;

vi. have successfully completed an appropriate recognized dispute resolution course accepted by the Alternative Dispute Resolution Panel (ADR Panel) of SAICE (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);

vii. have working knowledge of construction contract law;

viii. have appreciation of:
  • the factors that affect construction costs;
  • investigations, design, construction and fabrication methods;
  • programming and delay assessment; and
  • resource and risk assessment;

ix. be impartial and capable of fair and independent judgment; and

x. if invited for an interview, be able to satisfy the Alternative Dispute Resolution (ADR) panel 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.