



THE ACEK NEWSLETTER

ISSUE 06 | JULY 2021



Trending News:

Nairobi Expressway Tour | Alternative Dispute Resolution

Chairman's Note



Dear readers welcome to our July, 2021 Newsletter edition. A monthly newsletter in which we put forward to you short articles and bring you up to speed with happenings at and around ACEK.

The Association of Consulting Engineers of Kenya was able to release its first Magazine ("The Consulting Engineer"). The released magazine contained articles reviewed by the ACEK Editorial Board on topical issues that are not only informative but also interactive for the readership with an interest in engineering related matters. Water governance, Intelligent Intersections, Environment and Social Impact Assessment (ESIA), Engineering Kenya's Agriculture, Nairobi Expressway, Non-motorized transport and hydropower project were some of the areas covered comprehensively in the magazine. We owe our membership and other stakeholders a vibrant information platform where Government

policies, plans and visions relevant to and affecting this profession are discussed. We will continue to produce the magazine every quarter of the year.

With council leadership and committee membership fully re-constituted for the year, ACEK has managed to participate and conduct its activities efficiently. In the coming months, we plan to conduct FIDIC trainings on module 1 and 4 and participate in the FIDIC Annual Conference among other day-to-day activities and services to our membership.

In the month of July, ACEK partnered with KeNHA and conducted a visit to the Nairobi Expressway project site. The visit that was very informative saw the two groups (each led by senior engineers from ACEK, KeNHA and project contractors) taken through the entire project campsites through to the actual site on the ground. The visit culminated with launching of girders onsite. ACEK understands the role of such workshops in shaping young engineers' interests and plans to conduct similar activities in future.

On behalf of the council, I welcome you to our Newsletter and maiden magazine. We are setting trends in engineering associations and consultancy. Please join us in reading that which matters to both you and us in the ways they matter

Enjoy the read,

Eng. Henry A. Ndugah | Chairman ACEK



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Alternative/Appropriate Dispute Resolution & Arbitration (ADR), Construction Industry which is the way go

By Eng. Odhiambo Aluoch CE, MIEK, MCI Arb



1. Introduction

Across the world, construction projects are important elements of any country's infrastructure and industrial growth. The change in technology and advancement of skills by the construction experts have become more complex and the inclination will continue.

The management aspect of the construction business has also become more complicated, encompasses great number of parties, foreign participants, cultures, language and applicable laws which has increased the probability of a dispute to occur. It's reported that the constructions disputes worldwide increased with respect to the length of time it takes to resolve them.

Even though the devastating effect of COVID 19 witnessed across the world since 2020 in the economic and financial calamities may not be seen again soon, recent statistics and forecasts suggest that threats will not diminish any time sooner. As a result, the construction professional should adapt to modern markets by developing and implementing longer-term dispute resolution strategies, exploiting multiple dispute resolution methods (DRMs), including alternative or appropriate dispute resolution mechanisms (ADRM).

Reshaping of Lord Woolf Civil Litigation on his judgement, the scenery of ADR has a "vital role"¹ to play in attaining that proportionate cost in projects that affects the infrastructure and the economic growth whilst still dealing with cases and disputes justly.

*"The new landscape will have the following features: Litigation will be avoided wherever possible. (a) People will be encouraged to start court proceedings to resolve disputes only as a last resort, and after using other more appropriate means when these are available. (b) Information on sources of alternative dispute resolution will be provided at all civil courts"*²
Lord Woolf 1995

"There should be a single authoritative handbook, explaining clearly and concisely what ADR is (without

either hype or jargon) and giving details of all reputable providers of mediation"
Lord Jackson 2012.

2. Formation of dispute

During the execution of a project, several issues arise that cannot be resolved among project participants. Such issues typically range from being dynamic, simple and at time can be very complex involving interpretation of contractual principles of law and and technical issues. Fig 1 below give a simple process of how disputes erupt. Claims are becoming an inevitable and unavoidable burden in modern projects involving new technologies, specifications and high expectations from the contracting parties. It is, therefore, imperative for all the parties to be fully acquainted with the procedures and systems, including reserves to certain pre-emptive actions as found necessary and required.

3. Causes of Claims within the construction industry.

Most of the deeds that occurs during the contract are unforeseen, however their gravity can be diluted. Interpretation of contract clauses, differences of opinion regarding their application, creates contractual problems.



Fig1: Formation of Dispute.

The births of many disputes often lie in the contract document itself. The tender documents are often prepared in haste, satisfactory consideration is not paid to certify that a) all the required information and details are appropriately fused in the document b) the consistency of the document is ensured, i.e., no contradiction in the provisions of general conditions, special conditions including the drawings, and c) specifications are availed when needed.

The causes of disputes are broadly classified as external and internal factors, as financial, physical or technical commercial and psychological. Some of major causes are:

¹ The Role Of Alternative Dispute Resolution In Furthering The Aims Of The Civil Litigation Costs Review: Lord Justice Jackson, Eleventh Lecture In The Implementation Programme 8 March 2012
<https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Speeches/lj-jackson-speech-eleventh-lecture-implementation-programme.pdf> accessed 29 March 2021 1:29pm

² Woolf, Lord (1995) Access to justice: Interim Report to the Lord Chancellor on the civil justice system in England and Wales. P 4 para 2

5. Methods of Alternative/appropriate Dispute Resolution

It is to be noted that ADR has several methods however the two principles of natural justice, '*nemo judex in causa sua*' and '*Audi alteram partem*' must be followed while adopting any of the method under ADR. The main ADRMs includes:

- a. Arbitration
- b. Adjudication
- c. Negotiation
- d. Mediation
- e. Conciliation
- f. Mini trial
- g. Expert Appraisal
- h. Dispute Board

Arbitration

This is a device whereby the settlement of a matter, which is of interest for two or more persons, is entrusted to one or more other persons—the arbitrator or arbitrators—who derive their powers from a private agreement, not from the authorities of a State, and who are to proceed and decide the case on the basis of such an agreement. The first and most important opportunity for the parties to take control of their arbitration is in the drafting of their arbitration clause. As part of this exercise, the parties have considerable liberty in engineering the structure of their arbitration.

A word of caution is in order. There is no such thing as a single “model”, “miracle” or “all purpose” clause appropriate for all occasions.³ Each clause should be carefully tailored to the exigencies of a given situation.

Adjudication

This is a rapid form of decision making on disputes arising out of construction contracts, with that decision being temporarily binding, there being a later final decision by the courts or arbitration if the parties do not come to an agreement.

Negotiation

This is a non-binding, voluntary process where the parties communicate to put deal together or resolve their dispute while keen on preserving their relationships. It allows for a wide range of possible solutions maximizing the possibility of joint gains.

Mediation

The term “mediation” denotes the act of a third party relating to the settling of a dispute between two struggling parties. Conciliation

It is a non-binding process in which an impartial person settles the dispute amicably and makes recommendations pertaining to dispute. Such person is called ‘conciliator’

Mini trial

It is a scenario where the disputing parties approach the senior executives to adjudicate the dispute. It is also a non-binding process in which opposing parties make presentation of their

case in a summarized manner to evolve the opportunity to negotiate the disputed matter with the help of a neutral advisor.

Expert's Appraisal or determination

Another non-binding process in which an expert makes investigation and submits his opinion to the parties. Under this method an expert of relevant filed is appointed to investigate and furnish non-binding opinion.

Dispute Review Board

The concept of the Dispute Review Board appears to have developed in other parts of the world. It is essentially a process where an independent board of one person or three people evaluates disputes as they arise during the project and make settlement recommendations to the parties. Its normally constituted at the commencement of the project. The board periodically visits the site and receives project information to ensure familiarity with the project and the parties.

6. In conclusion

From the above presentation, the public knowledge is that the legal systems are equipped to resolve disputes through various means. Multiple options are available for parties in contract to disputes and those seeking to prepare for, avoid, or mitigate disputes. Both public and private institutions offer trained, experienced professionals assist in the process. Proprietors, partners, managers, engineers, and even experienced supervisors generally have knowledge of the most common disputes, i.e., changes, incomplete information, ambiguous contractual terms, unrealistic dates, and delays. There are myriad reasons to utilize private methods. Demand for ADR and private DRM services is robust and growing. Practitioners and institutional bodies are in adequate supply. Currently, better preparation and more skilled performance are needed. Research is a key component to these improvements to propel the country's infrastructure and industrial growth in the 21st century.

References

1. The Role of Alternative Dispute Resolution in Furthering The Aims of The Civil Litigation Costs Review: Lord Justice Jackson, Eleventh Lecture In The Implementation Programme 8 March 2012
2. <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Speeches/lj-jackson-speech-eleventh-lecture-implementation-programme.pdf>.
3. Woolf, Lord (1995) Access to justice: Interim Report to the Lord Chancellor on the civil justice system in England and Wales.
4. Stephen Bond, How to Draft an Arbitration Clause (Revisited),
5. [http:// www.ijesrt.com](http://www.ijesrt.com)
6. Sakate, P., & Dhawale, A.W. (2017). Analysis of Claims and Dispute In Construction Industry. International Journal of Engineering Sciences & Research Technology, 6(5), 523-535. doi:10.5281/zenodo.400838



16th - 17th September 2021

FIDIC Module 1

The Practical use of the 2017 FIDIC Conditions of Contract for Construction

ACEK

The Association of Consulting Engineers of Kenya (ACEK) is a membership organization which was founded in 1968. Its main objective is to promote the advancement of the professionalism within the consulting engineering sector & cooperation among consulting engineers. As the local affiliate of FIDIC, ACEK has been organizing FIDIC Contracts Courses since 2012 & has trained over 800 participants.

Course Overview

The training course is designed to provide practical guidance to those who are involved in managing or administration of projects where use of FIDIC forms of contracts is required. The management disciplines and procedures in the Pre-Contract phase of the project including the FIDIC Client Consultant Service Agreement & selection of the appropriate FIDIC form of contract. It also covers the post Contract award phase including all contract management disciplines and claim management issues. The FIDIC Red Book [for Construction] & the Yellow Book (Design & Build).

Who Should Attend

It is suitable for all the Parties involved with a FIDIC Contract – the Employer, the Project Manager, the Contractor, the Engineer, and the DA(A)B Members.

Course Materials

All delegates will be provided the following materials, in English:

- Soft copy of presentation
- Soft copy of case studies

To be purchased by the participant

- Hard copy of FIDIC Red Book [for Construction] and the Yellow Book (Design & Build) from ACEK Office

Event Details

Date: 16th - 17th September 2021

Venue: Online (Zoom)

Time: 8:30am - 16:30pm

Facilitator

Eng. Kevin Spence: a registered Professional Engineer, Mediator, Adjudicator and Arbitrator with over 40 years' experience in the Construction Industry. His experience spans across Freeway Construction, Airport Runway Rehabilitation, Dams & Water Retaining Structures, Pipelines, Civil & Building Construction, Concrete Structures, Asphalt & Concrete Road Surfacing & most recently Claims Preparation & Defence. Eng. Spence is an admitted member of the FIDIC President's List of Adjudicators. He is an expert on the FIDIC suite of contract documentation. He is a FIDIC Accredited Trainer based in South Africa.

Course Recognition

Association of Consulting Engineers of Kenya (ACEK) is fully accredited as a CPD provider and the courses validated by Engineers Board of Kenya. The training is FIDIC accredited and the trainer is fully FIDIC accredited. Each participant will receive a certificate of attendance per Module

Course Fees

Registration & payment of fees closes a week before the course begins

FIDIC Guide to Practice	Fee	VAT 16%	Total	EBK PDUs
ACEK Members	40,000.00	6,400.00	46,400.00	12
ACEK Future Leaders (FL)	30,000.00	4,800.00	34,800.00	12
NON-MEMBERS	45,000.00	7,200.00	52,200.00	12
Yellow Book	11,550.00			
Red Book	11,550.00			

* Registration link to be shared upon full payment

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Elevated artistic expression: the invisible force behind realization of your potential

By Dr. Eng. Siphila W. Mumenya



The word “Potential” evokes a very specific emotion, reminding us that everyone was born with limitless potential to do something artistic. Put in a different way, each one of us is inherently creative (or inherently artistic). The difference between individuals is in where each of them choose to explore and develop that potential. For pure artists, you are putting yourself out there for the public to see you, more often than

not, at an individual level. And that is courageous because there is the possibility of being rejected, and not everybody is up for that. For the scientist, engineer, and technologist, conceptualizing the meaning of creative self-actualization and translating it to productivity at the work place may sound philosophical, abstract, or even irrelevant. This is because the work (or job) of an engineer may obscure the person(s) behind it. However, whether or not you will excel in what you do in the engineering world actually depends on whether or not you will exhibit your amplified individuality. The amplification is due to resonance between your natural creative expression, what you do on a daily basis, and your environment. In other words, there is a deeper meaning to what you do on a daily basis that is different from just working at a job and you go. Put in the familiar scientific language, there is an algorithm at play in individuals who stand out at work place, which differentiates them from the ordinary worker. Similarly, there is an algorithm at play in the top performer in the liberal arts, in politics, and indeed, in all areas of life, and it is this algorithm that we need to be integrated with. This way, the algorithm will be, so to speak, flowing in your veins, such that your job will feel like it was actually created for you.

It is important to firstly raise the reader's awareness of what natural creative expression is and what that means for the activities the reader should be performing on a daily basis. In a series of interviews with different world renowned superstars, Kennedy Gachiri¹ found that all entrepreneurs are artists, but not all artists are entrepreneurs! Gachiri found that “synchronicity between natural creative expression and the daily activities in a role results in elevated effectiveness, fulfillment, and performance that is recognized as generally top notch”. In addition, it is important to recognize that to unlock your amplified individuality, you need to be in an environment that amplifies your creative attributes and daily activities.

Here are examples (that is not exhaustive) of some of the natural creative expressions which every person gravitates towards:

- Creating with your hands in 3D;
- Creation through rhythm and body movements the way a dancer would;
- Working with words and weaving them into oral narratives;
- Working with words and weaving them into written pieces;
- Art of listening and “reading in between lines”;
- Converting pieces of daily life into comedy;
- Art of recognizing your audience and addressing it appropriately, hence, creating a strong rhythmic pull and foundation, as well as identity, the way top performing politicians have mastered;
- Recognizing potential in individuals, initiating collaborations,

hence, empowering people;

- Designing of alternative realities through sound the way instrumentalists do;
- Creation of vocal styles and melodies, the way musicians would, thus creating a spectrum of emotion and feelings and experiences;
- Working with colours to change the mood of an environment;
- Collection of artifacts and displaying them artistically to create extra dimensions of reality;
- Art of expression through lyrics, as opposed to words;
- Art of blending of substance and style, thus patching up bits and pieces together to create a new whole;
- Having a general demeanor and effect that immediately puts people at ease;
- The art of having enough guts to challenge the status quo (an act of defiance), i.e. looking at different ways to push back against complacency and normative roles in the various ways in which they manifest;
- Talent of bringing the best out of people, and sharing beautiful, inspiring stories with the world
- And many more.

“Synchronicity between natural creative expression and the daily activities in a role results in elevated effectiveness, fulfillment, and performance that is recognized as generally top notch”.

Kennedy Gachiri

From a sample of natural creative expressions listed above, it is therefore clear to see that every person has one or a multiple of artistic modes or channels that they gravitate towards. Often though, we don't give ourselves the freedom to actually think of ourselves as being inherently creative (or inherently artistic). Once we accept that we are inherently artistic and creative, the next step is to give ourselves even more freedom and accept that we are multiple artists in one. The key artistic modes that we gravitate towards combine to form our idiosyncratic natural creative expression, which is our individualized preference to create. You can call this natural creative expression your “Code”, or “Trade Mark”.

Once someone understands their natural creative expression, the next step is to know what that means for the role they should be engaging in on a daily basis. The emphasis here is not job titles but rather the actions that a person would be executing on a daily basis. It is the answer to the question, “how do you spend your time?”

Environmental factors include the actual physical layout of the spaces that we inhabit on a regular basis, the attributes of culture carriers in organizations and social systems, and the interpersonal interactions throughout the course of work.

Three examples of some creativity in enhancing the general mood of the physical working spaces that we inhabit are demonstrated



Figure 1: Study room illustrating a working mood within a simple residential environment

in figures 1 - 3.

To exhibit an amplified individuality, there needs to be resonance between the natural creative expression, what one does on a daily basis, and their environments. This is the algorithm we all need to integrate with. However, there are two orders of resonance in this algorithm, namely: (i) the first order of resonance is between an individual's natural creative predisposition and his work or craft ("micro-resonance"); and, (ii) the second order of resonance happens when broader environmental factors are added to the equation ("macro-resonance").

Finally, there is the need to address some of the ancillary but crucial factors that are integral to attaining and maintaining complete resonance. The reader will learn to avoid the so-called resonance disaster". This is the phenomenon that happens when one is surrounded by people who are too similar to you and don't offer sufficient checks and balances. An example of resonance disaster in physics is when glass breaks if the soundwaves are applied at the right frequency but the resonance time is extended beyond a certain period. Therefore, the reader will learn to work through "growing pains" that may not be a sign of discord, but that

are typical in certain roles and industries. A typical example of "growing pains" is when there may be a requisite period of getting up to speed on the technical aspects at a new job. The other ancillary factors that play a crucial role in advancing or stifling creative self-actualization are: family, gender, drugs, religion, and in general, personal relationships.

Ultimately, having and mastering your trade mark lies at the heart of resonance between your natural creative expression, what you do on a daily basis, and the environment that you inhabit.

In conclusion, having an appreciation that natural creative expression is our individualized preference to create, we shall henceforth be able to know how to work our way to top performance and to realize our personal potential. We shall also be able to tell what is "top performance" when we hear it. After this discourse, we should be able to immediately recall people that we know who can be categorized as top performers. Perhaps these are work colleagues, family members, or some public figures. You very likely know them by name in the social and work ecosystems that you inhabit. But bear in mind that being a top performer has nothing to do with fame or fortune, although some performers may have either or both. At the heart of it, top performers exhibit an amplified individuality. They exhibit a strong resonance between their inherent creative expression, what they do on a daily basis, and the social systems that they are a part of.

We need to escalate this discussion further with the following personal questions:

1. What is the meaning of this resonance?
2. How can I identify this resonance within me?
3. How can I create this resonance for myself?
4. What are the distractions, and potential for gut-wrenching self-doubt on my way?
5. Do I have a strong base of support?

If you can adequately address the above questions, you will emerge with an understanding of how to master the invisible forces of resonance that are at the heart of top performance.

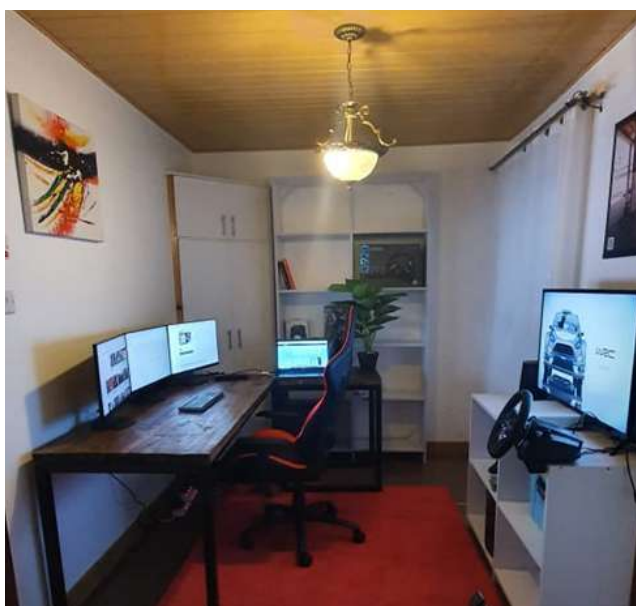


Figure 2: Work environment incorporating "virtual driving to and from the office"



Figure 3: Commercial work environment illustrating creative use of colour

References

1. Kennedy Gachiri, "The Superstar Agenda is the Artist's Agenda", The Superstar Agenda Magazine Spring/Summer 2018: Volume III, <http://superstaragenda.com>

BRT Development on Thika Road

By: Stephanie Gituru, ACEK Future Leader



Nairobi City is choked in traffic and the major highways into and out of town bear the brunt, it has become necessary to review the traffic management. Towards this end,

Nairobi Integrated Urban Development Masterplan (NIUPLAN) amongst other studies, have recommended solutions and alternatives. NIUPLAN recommended a Transport Policy which is described in Section 7.1.6 of the report. Of particular interest is the Public Transport Policy that recommends modal shift to public transport, and promotion of transit-oriented development. NIUPLAN proposed introduction of Bus Rapid Transit (BRT) in Nairobi. Thika superhighway is one of the roads that were selected to have the BRT. The highway was a successful candidate due to high levels of congestion experienced on the 8-lane controlled access highway. It is a road of great importance to the Kenyan economy as it links Namanga at the Tanzania-Kenya border to the Kenya-Ethiopia border town of Moyale. It forms a major artery bringing traffic into and out of the City. The Nairobi Metropolitan Area Transport Authority (NAMATA) is in charge of implementation of the project that runs from Ruiru to Kenyatta National Hospital (KNH) via CBD.

A walk through the social media streets can give you an idea of how the public feels about the ongoing construction of Bus Rapid Transit (BRT) stations on Thika

Road for the implementation of the BRT system. Some feel that the road that was designed for high speed unhindered traffic should be left as is and the service lanes utilized instead. Others are of the opinion that other vehicles may use the lane for BRT due to the lack of demarcation, while others still are concerned about the fate of the matatu industry as they wonder if private car users will shift to BRT. This article attempts to shed a ray of light on some of these queries as well as share basic information.

The concept of the Nairobi BRT system is borrowed from other successful BRT system in Curitiba, Bogota and Quito, where high-capacity buses provide services on segregated bus-lanes in the median of trunk corridors. If the BRT was to be implemented on the service lane the interaction with other vehicles that have to use the service lanes would substantially reduce the benefits of the system through lower operating speeds, reduced reliability, and a weaker identity for the system. For these reasons, operations in mixed traffic should be restricted to only those radial streets with fairly free-flow conditions, branch lines, and for residential collection (Levinson 2003).

The identity of the BRT system is in the use of a separate lane. It is proposed that Nairobi BRT roadways can make use of various demarcation strategies including collapsible demarcation. The pilot project on Thika road will be demarcated with entry and exit point at 50m intervals. The sole purpose of the entry and exit is to allow for movement in the case of an emergency.

The systems in the cities aforementioned are complemented by feeder buses that transfer passengers



BRT Station Plan



BRT Station under construction opposite Safari Park

at terminals or other designated stops; in our case this would be done by matatus. The BRT does not cover all the areas of public transport and thus there will still be need for matatus even with the BRT operational. Hence the BRT may not be the end of the matatu system in the near future but may be a shift in its operations. However there is a clear concern about how the competition between BRT and the matatu system would drive down fares, increase insecurity, making it more difficult to survive.

Matatus are often unreliable, pose a security risk, comfort is not guaranteed and the fares depend on factors like passenger demand, traffic, crew and are not fixed. Private vehicles are often chosen over Matatus for some of these reasons and to be honest they are still seen as a status marker. The number of private vehicles has risen

in the recent years and has become a great contributor to the heavy congestion. The aim is, for the BRT being a high capacity public transit system to be a step in reducing the traffic congestion by being a viable competitor to private car use that will provide a fast and reliable service reducing the need and desire for car use and ultimately car ownership. To provide a suitable blend between private car use and public transport, Park and ride (P&R) systems come into play. P&R systems provide parking areas for private car users as they take public transport into the city centers; they are designed to relieve road congestion along the roads leading into the city. The BRT system being installed on Thika road will utilize the P&R system at Kasarani.

THE EVENTS CALENDAR 2021

16 th - 17 th Sept	FIDIC Training Module 1
20 th - 21 st Sept	FIDIC Training Module 4
22 nd Sept	The Role of the Engineer
13 th - 15 th Oct	FIDIC Annual Conference
25 th - 26 th Nov	FIDIC Training Mod 2
29 th - 30 th Nov	FIDIC Training Mod 3
09 th December	ACEK Annual Dinner



ACCOUNTANT



The Accountant shall be responsible for undertaking the regular accounting operations of the Association.

For details of job description, qualifications and method of application.

Visit: acek.co.ke/careers-and-opportunities
Application Deadline: **31st August 2021**

For More Information Please Contact;

The ACEK Secretariat | Tel: 0717191593 | Email: acek@acek.co.ke



20th - 21st September 2021

FIDIC Module 4

The Contract Management & Administration
of the 2017 FIDIC Conditions of Contract
(Construction Contract, Plant & Design-Build)

ACEK

The Association of Consulting Engineers of Kenya (ACEK) is a membership organization which was founded in 1968. Its main objective is to promote the advancement of the professionalism within the consulting engineering sector & cooperation among consulting engineers. As the local affiliate of FIDIC, ACEK has been organizing FIDIC Contracts Courses since 2012 & has trained over 800 participants.

Course Overview

This practical training course explains and illustrates the use of the FIDIC Red Book and Yellow Book. The course covers management disciplines and procedures in the Pre-Contract phase of the project (FIDIC design & build construction policies) & in particular the post contract policies, procedures pertaining to contract management under the FIDIC design & build and Construction contracts (Yellow Book & Red Book, 1999 & 2017). The special focus of this course is on tendermanship, programmanship, claimmanship and the management of change.

Who Should Attend

The course is designed to help the participants have confidence in working with these documents whether representing employers, consultants or contractors.

Course Materials

All delegates will be provided the following materials, in English:

- Soft copy of presentation
- Soft copy of case studies

To be purchased by the participant

- Hard copy of Red Book & Yellow Book from ACEK Office
- Soft copy of FIDIC Red & Yellow Books (www.fidic.org/bookshop)

Event Details

Date: 20th - 21st September 2021

Venue: Online (Zoom)

Time: 8:30am - 16:30pm

Facilitator

Eng. Kevin Spence: a registered Professional Engineer, Mediator, Adjudicator and Arbitrator with over 40 years' experience in the Construction Industry. His experience spans across Freeway Construction, Airport Runway Rehabilitation, Dams & Water Retaining Structures, Pipelines, Civil & Building Construction, Concrete Structures, Asphalt & Concrete Road Surfacing & most recently Claims Preparation & Defence. Eng. Spence is an admitted member of the FIDIC President's List of Adjudicators. He is an expert on the FIDIC suite of contract documentation. He is a FIDIC Accredited Trainer based in South Africa.

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NON-MEMBERS	45,000.00	7,200.00	52,200.00	12
Yellow Book	11,550.00			
Red Book	11,550.00			

* Registration link to be shared upon full payment

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New ACEK Council Members



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Hon. Treasurer



Eng. Patrick S. Wambulwa
Hon. Secretary



Eng. Gurmeet K. Bambragh
Member



Dr. Eng. Siphila Mumenya
Member



Eng. Jane Mutulili
Member



Prof. Eng. Lawrence Gumbe
Member



Eng. Matu Mwangi
Member



Eng. Gabriel Jabongo
Member



Eng. Tom Opiyo
Member



Aluora Kenneth
Member



Eng. Lillian Ogombo
CEO

ACEK COMMITTEES

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Eng. Henry A Ndugah - Chairman
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Eng. Solomon M Kitema- Hon.Treasurer

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Eng. Solomon M. Kitema
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Dr. Eng. Matu Mwangi
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Eng. Andrew Wahome
Passy Wairimu (FL)

BECOME A MEMBER



ACEK offers numerous benefits and keep the membership on top of important, ever hanging issues and trends in the sector.

1. Advocacy

Close liaison with government and other industry bodies on contractual and legislative issues. Lobbying for better procurement laws.

2. Networking & Knowledge Sharing with other consulting engineers both locally and globally.

ACEK organizes a number of events throughout the year, both local and internationally being a member of FIDIC Africa and FIDIC.

3. Business Support to Members

Identification and Sharing of business

opportunities. Access to database of regional and international consulting firms.

4. Capacity Building

ACEK has well-coordinated local and international industry specific training. Members enjoy discounted training rates.

5. Becoming a member of both FIDIC and FIDIC Africa through ACEK

ACEK is a member of FIDIC and Africa. Members automatically become members of these international organizations through ACEK.

6. Public and Private Sector Support

The association acts as a public watchdog on engineering issues and acts as an interface between the public and consulting engineers.

ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP

- ACEK Members profess to possess the relevant qualifications, expertise and facilities to offer the highest quality of service in their engineering disciplines of expertise while adhering to the highest ethical and professional standards.
- To join ACEK, an Engineer must be registered with the Engineers Board of Kenya (EBK) in the category of Registered Consulting Engineer.
- Must be a corporate member of the Institution of Engineers of Kenya (IEK)
- Must be actively practicing engineering as a partner, director or sole principal in a firm registered as a legal entity under the Laws of Kenya.

Nairobi Expressway Tour

On Thursday 8th July, 2021 ACEK partnered with KeNHA and took about 50 of its future leaders (FL) members for a day-long tour of the expressway. The young engineers were divided into two groups each led by senior engineers from ACEK, KeNHA and project contractors. They were taken through the procedures and were guided practically on the project's different components such as the steel works, concrete works, materials and lab tests. Members also enjoyed the launching of girders onsite.

The tour was both educative and fun.





22nd September 2021

The Role of the Engineer

ACEK

The Association of Consulting Engineers of Kenya (ACEK) is a membership organization which was founded in 1968. Its main objective is to promote the advancement of the professionalism within the consulting engineering sector & cooperation among consulting engineers. As the local affiliate of FIDIC, ACEK has been organizing FIDIC Contracts Courses since 2012 & has trained over 800 participants.

Course Overview

The training course is designed to provide practical guidance to those who are involved in managing or administration of projects where use of FIDIC forms of contracts is required. The course includes, the Model Services Agreement: The Client and Consultant, Components of the Model Services Agreement (The White Book), The Role of the Engineer under the Red and Yellow Contracts. The Engineers Authority among others are reviewed in depth preparing the engineers for their contractual roles.

Who Should Attend

Professionals from Government Ministries and its Agencies, Private Sector Employers, Consulting Engineers, Contractors, Quantity Surveyors, Architects, Legal Advisers among others

Course Materials

All delegates will be provided the following materials, in English:

- Soft copy of presentation
- Soft copy of case studies

To be purchased by the participant

- Hard copy of FIDIC Red Book, Yellow Book and the White Book from ACEK Office

Event Details

Date: 22nd September 2021

Venue: Online (Zoom)

Time: 8:30am - 16:30pm

Facilitator

Eng. Kevin Spence: a registered Professional Engineer, Mediator, Adjudicator and Arbitrator with over 40 years' experience in the Construction Industry. His experience spans across Freeway Construction, Airport Runway Rehabilitation, Dams & Water Retaining Structures, Pipelines, Civil & Building Construction, Concrete Structures, Asphalt & Concrete Road Surfacing & most recently Claims Preparation & Defence. Eng. Spence is an admitted member of the FIDIC President's List of Adjudicators. He is an expert on the FIDIC suite of contract documentation. He is a FIDIC Accredited Trainer based in South Africa.

Course Recognition

Association of Consulting Engineers of Kenya (ACEK) is fully accredited as a CPD provider and the courses validated by Engineers Board of Kenya. The training is FIDIC accredited and the trainer is fully FIDIC accredited. Each participant will receive a certificate of attendance per Module

Course Fees

Registration & payment of fees closes a week before the course begins

FIDIC Guide to Practice	Fee	VAT 16%	Total	EBK PDUs
ACEK Members	20,000.00	3,200.00	23,200.00	6
ACEK Future Leaders (FL)	15,000.00	2,400.00	17,400.00	6
NON-MEMBERS	22,500.00	3,600.00	26,100.00	6

Yellow Book	11,550.00
Red Book	11,550.00
White Book	6,450.00

** Registration link to be shared upon full payment*

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**For further information
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Available FIDIC Publications

EPC/Turnkey Contract (Silver Book) 2nd Ed 2017

Plant and Design-Build Contract (Yellow Book) 2nd Ed 2017

Construction Contract (Red Book) 2nd Ed 2017

Design-Build-Operate Contract (Gold Book)

1st Ed 2008

Short Form of Contract (Green Book) 1st Ed

1999

Construction Contract MDB Harmonised Ed

(Pink book) Version 3: June 2010 Harmonised Red Book

FIDIC Golden Principles Free

Construction Subcontract 1st Ed 2011

Client-Consultant Agreement (White Book) 5th

Ed 2017

FIDIC Procurement Procedures Guide 1st Ed 2011

FIDIC Contracts (1999 editions) Guide 1st Ed 2000

Sub-Consultancy Agreement 2nd Ed 2017

DBO (2008 Gold Book) Contract Guide 1st Ed 2011

FIDIC Guide to Practice, The Business of a Professional Services Firm 2015 Edition



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A quarterly magazine published by ACEK. Members and partners are invited to **contribute articles** as well as **advertise**.



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