



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

Introduction:

The criteria for admission has been compiled by the SAICE Alternative Dispute Resolution panel.

All Listees must comply and adhere to the SAICE Code of Conduct and Ethical Standards, as well as the SAICE ADR Panel's Code of Conduct.

A Listee, by applying for admission to the President's list for Arbitrators, Adjudicators and Amicable Settlement Facilitators, agrees to be subjected to disciplinary proceedings if any of the Codes of Conduct or Ethical Standards have been breached.

Requirements for persons wishing to be considered for inclusion in the SAICE President's List of Arbitrators

SAICE is acknowledging the fact that inclusion on the list of **Arbitrators (only)** should not necessarily be limited to 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:

- Association of Arbitrators (Southern Africa) admission requirements for Arbitrators
- ECSA and SAICE accredited training programmes

A person who wants to be enlisted as an Arbitrator to the SAICE's President's List should:

- i. be registered as a Corporate 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 either a Participant, Associate or Corporate Member (in good standing) of the SAICE.
- ii. have worked as a Project Manager, Construction Manager, Employer's Agent, Principal Agent, Engineer or Legal Practitioner or equivalent related to engineering construction projects for a period of at least 10 years, with appropriate project management, contract management and/or legal experience.
- iii. If-
 - an engineering professional, be registered as a Professional Engineer or Professional Engineering Technologist (in good standing) with the Engineering Council of SA (ECSA) or ECSA recognized equivalent (through various accords) for at least 10 years, or as a Professional Construction Manager or Professional Construction Project Manager (in good standing) with SACPCMP for at least 10 years.
 - a quantity surveyor, be registered as a Professional Quantity Surveyor (in good standing) with the South African Council for the Quantity Surveying Profession for at least 10 years.
 - a legal practitioner, be registered or enrolled with an appropriate Professional Council (such as the South African Legal Practice Council) (in good standing) and have been in practice as legal practitioner for at least 10 years and is not bound by any Association the person belongs to (for example an Advocate or Attorney Bar Council) that prevents the person in entering into a direct agreement with the disputing parties for appointment as an Arbitrator.

- iv. have a detailed working knowledge of the latest suite of the General Conditions of Contract for Construction Works (GCC) published by SAICE including the dispute resolution provisions, and passed the latest “KnowYourGCC” and “Alternative Dispute Resolution” online assessment at saice.vzagroup.com.
- v. have a working knowledge of international and local practice, legislation, and institutional guidelines on arbitration, including the CIDB and SAICE guidelines.
- vi. have successfully completed an appropriate recognized dispute resolution course dealing with Arbitration acceptable to the SAICE ADR Panel (e.g. the Association of Arbitrators Fellowship in Arbitration).
- vii. have a working knowledge of construction contract law, rules of natural justice and law of procedure and evidence.
- viii. have an appreciation of:
 - the factors that affect construction costs
 - investigations, design, construction, and fabrication methods
 - programming and delay assessment
 - resource and risk assessment.
- ix. be impartial and capable of fair and independent judgment.
- x. If invited for a personal interview, be able to satisfy the ADR Panel that he is a suitable person to be an Arbitrator and has achieved the necessary level of knowledge of construction and dispute resolution procedures as well as possessing the necessary skills to conduct an arbitration.

Requirements for persons wishing to be considered for inclusion in the SAICE President’s List of Adjudicators

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

- CIDB Best Practice Guideline #C3 Adjudication, September 2005
- ICE-SA admission requirements for entry onto ICE’s Panel of Adjudicators
- ECSA and SAICE accredited training programmes

A person who wants to be enlisted as an Adjudicator to the SAICE’s President’s List should:

- i. have a degree or diploma in Civil Engineering.
- ii. be registered as a Corporate Member (in good standing) of the South African Institution of Civil Engineering (SAICE).

- iii. have worked as a Project Manager, Construction Manager, Employer's Agent, Principal Agent, Engineer or equivalent on engineering construction projects for a period of at least 10 years, with appropriate project or contract management experience.
- iv. be registered as a Professional Engineer or Professional Engineering Technologist (in good standing) with the Engineering Council of SA (ECSA) or ECSA recognized equivalent (through various accords) for at least 10 years, or as a Professional Construction Manager or Professional Construction Project Manager (in good standing) with SACPCMP for at least 10 years.
- v. have a detailed working knowledge of the latest suite of the General Conditions of Contract for Construction Works (GCC) published by SAICE including the dispute resolution provisions, and passed the latest "KnowYourGCC" and "Alternative Dispute Resolution" online assessment at saice.vzagroup.com.
- vi. have a working knowledge of international and local practice, legislation, and institutional guidelines on adjudication, including CIDB and SAICE guidelines.
- vii. have successfully completed an appropriate recognized dispute resolution course dealing with Adjudication acceptable to the SAICE ADR Panel (e.g. the Association of Arbitrators Certificate in Arbitration or the University of Pretoria Certificate Program in Adjudication).
- viii. have successfully attended an appropriate recognized minimum 2-day course on the Legal Process dealing with Construction Disputes and where it fits into that Process, acceptable to the SAICE ADR Panel (e.g. the "Legal Process dealing with Construction disputes course" presented by SAICE).
- ix. have a working knowledge of construction contract law and the rules of natural justice.
- x. have an understanding and appreciation of:
 - the factors that affect construction costs
 - investigations, design, construction, and fabrication methods
 - programming and delay assessment
 - resource and risk assessment.
- xi. be impartial and capable of fair and independent judgment.
- xii. if invited for a personal interview, be able to satisfy the ADR Panel that he is a suitable person to be an Adjudicator and has achieved the necessary level of knowledge of construction and dispute resolution procedures as well as possessing the necessary skills to conduct an adjudication.

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

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

- SAICE Guidelines for Amicable Settlement 2021 and Code of Conduct 2021.

A person who wants to be enlisted as an Amicable Settlement Facilitator to the SAICE's President's List should:

- i. have a degree or diploma in Civil Engineering.
- ii. be registered as a Corporate Member (in good standing) of the South African Institution of Civil Engineering (SAICE).
- iii. have worked as a Project Manager, Construction Manager, Employer's Agent, Principal Agent, Engineer or equivalent on engineering construction projects for a period of at least 10 years, with appropriate project and contract management experience.
- iv. be registered as a Professional Engineer or Professional Engineering Technologist (in good standing) with the Engineering Council of SA (ECSA) or ECSA recognized equivalent (through various accords) for at least 10 years, or as a Professional Construction Manager or Professional Construction Project Manager (in good standing) with SACPCMP for at least 10 years.
- v. have a detailed working knowledge of the latest suite of the General Conditions of Contract for Construction Works (GCC) published by SAICE including the dispute resolution provisions, and passed the latest "KnowYourGCC" and "Alternative Dispute Resolution" online assessment at saice.vzagroup.com.
- vi. have a working knowledge of international and local practice, legislation, and institutional guidelines on amicable settlement, including CIDB and SAICE guidelines.
- vii. have successfully completed the courses listed in either paragraph vii of the criteria for Adjudicators or paragraph vi of the criteria for Arbitrators;
- viii. have successfully completed a recognized 5-day/40 hours program in amicable mediation skills provided by a Service Provider acceptable to the SAICE ADR Panel. The course should be similar to those presented by Conflict Dynamics and the Association of Arbitrators (Southern Africa) NPC.
- ix. have successfully attended an appropriate recognized minimum 2-days course on the Legal Process dealing with Construction Disputes and where it fits into that Process, acceptable to the SAICE ADR Panel (e.g. the "Legal Process dealing with Construction disputes course" presented by SAICE).
- x. have a working knowledge of construction contract law.

- xi. have an appreciation of:
- the factors that affect construction costs
 - investigations, design, construction, and fabrication methods
 - programming and delay assessment
 - resource and risk assessment
- xii. be impartial and capable of fair and independent participation.
- xiii. be competent to conduct amicable settlement.
- xiv. if invited for a personal interview, be able to satisfy the ADR Panel that he is a suitable person to be an Amicable Settlement Facilitator and has achieved the necessary level of knowledge of construction and dispute resolution procedures as well as possessing the necessary skills to conduct amicable settlement.

CHAIRMAN: SAICE ADR Panel
17 August 2023