FIDIC CERTIFIED ADJUDICATOR (FIDIC-CA)

Monitoring and recertification procedure

SECTION 1: Procedure

The certification is valid for three (3) years from the date of issue. To maintain the validity of the credentials for the 3-year term and to renew their certification when it expires, certificate holders will need to follow the Monitoring and recertification procedure as described below:

1. **At the end of the 1st year of the certification** (12 months from the date of the issuance of the certificate), certificate holders will need to provide evidence of:
   - **Eight hours of continuous professional development** (CPD) completed within the preceding 12 months, in the form of conferences, courses and seminars (as attendee or speaker, in person or online), or non-executive positions on boards and committees, or presenting articles that are published, that cover one or more of the following topics:
     - Contract management, FIDIC contracts; Procurement and commercial risk; Project commercial challenges; Risk, liability and force majeure; Claims, disputes and arbitration; Dispute avoidance; Sustainability management; Ethics and dealing with fraud and corruption; Communication and interpersonal skills; Quality management; Business development skills; Management and leadership skills; Global infrastructure knowledge;
     - NB: out of the 8 hours, a minimum of 4 hours should be on Claims, disputes and arbitration and/or dispute avoidance topics.
   - **Payment of the yearly registration fees.**

   The evidence for the CPD requirements should be presented as certificates of attendance, signed self-attestation statements, or published articles, together with details of dates and venues, submitted to FCL ahead of the expiration of each monitoring period through the online applicant tracking system (ATS) platform.

   Candidates will receive an automated notification message to pay their fees once their CPD submissions have been reviewed and approved by FCL. The estimated timeline for the review of the submissions is five (5) working days from the time of submission. The payment of the relevant fees should be completed before the candidate’s yearly certification anniversary.

2. **At the end of the 2nd year of certification** (24 months from the date of the issuance of the certificate), the certificate holders will need to provide evidence of:
   - **Eight hours of continuous professional development** (CPD) completed in the preceding 12 months in the form of conferences, courses and seminars (as attendee or speaker, in person or online), or non-executive positions on boards and committees, or presenting articles that are published, that cover one or more of the following topics:
     - Contract management, FIDIC contracts; Procurement and commercial risk; Project commercial challenges; Risk, liability and force majeure; Claims, disputes and arbitration; Dispute avoidance; Sustainability management; Ethics and dealing with fraud and corruption; Communication and interpersonal skills; Quality management; Business development skills; Management and leadership skills; Global infrastructure knowledge;
corruption; Communication and interpersonal skills; Quality management; Business development skills; Management and leadership skills; Global infrastructure knowledge;

NB: out of the 8 hours, a minimum of 4 hours should be on Claims, disputes and arbitration and/or dispute avoidance topics.

AND

b. **Payment of the yearly registration fees.**

The evidence for the CPD requirements should be presented as certificates of attendance, signed self-attestation statements, or published articles, together with details of dates and venues, and submitted to FCL ahead of the expiration of each monitoring period through the online ATS platform.

Candidates will receive an automated notification to pay their fees once their CPD submissions have been reviewed and approved by FCL. The estimated timeline for the review of the submissions is 5 working days from the time of submission. The payment of the relevant fees should be completed before the candidate’s yearly certification anniversary.

3. **At the end of the 3rd year of certification** (36 months from the date of the issuance of the certificate), certificate holders will need complete their **recertification procedure** by providing evidence of:

   a. **Eight hours of continuous professional development (CPD)** in the preceding 12 months in the form of conferences, courses and seminars (as attendee or speaker, in person or online), or in non-executive positions on boards and committees, or presenting articles that are published, that cover one or more of the following topics:

      ▪ Contract management, FIDIC contracts; Procurement and commercial risk; Project commercial challenges; Risk, liability and force majeure; Claims, disputes and arbitration; Dispute avoidance; Sustainability management; Ethics and dealing with fraud and corruption; Communication and interpersonal skills; Quality management; Business development skills; Management and leadership skills; Global infrastructure knowledge;

      NB: out of the 8 hours, a minimum of 4 hours should be on Claims, Disputes and arbitration and/or dispute avoidance topics.

   AND

   b. a **minimum of six days of involvement** in the preceding 36 months in a form of alternative dispute resolution (ADR) process such as dispute boards, adjudication, arbitration or other ADR process that arises from FIDIC, FIDIC-based or other construction or engineering contracts in a role such as party representative, advisor or dispute resolver;

   AND

   c. **Payment of the recertification fees.**

The evidence for the CPD requirements should be presented as certificates of attendance, signed self-attestation statements, or published articles, together with details of dates and venues, and submitted to FCL ahead of the expiration of each monitoring period through the online ATS system.
The evidence of the ADR involvement should be presented in a form of a detailed attestation including a list with each project’s name, parties, dates involved, FIDIC contract used, duration of involvement etc., OR a copy of a formal decision/procedural order OR detailed time sheets OR any equivalent documentation and submitted to FCL ahead of the expiration of each monitoring period through the online ATS system. All ADR evidence can be redacted to comply with any confidentiality requirements but would allow FCL to properly assess that the certificate holder fulfils the requested requirement, during any internal or third-party auditing processes.

Candidates will receive an automated notification message to pay their fees once their CPD and ADR submissions have been reviewed and approved by FCL. The estimated period for the review of the submissions is five (5) working days from the date of submission. The payment of the relevant fees should be completed before the candidate’s yearly certification anniversary.

SECTION 2: Process

Process for certificate holders

One month before the expiry of the period of 12 months after the date of issuance of their certification (“the expiry date of the monitoring period”), the certificate holder receives a notification from FCL reminding them of the need for them to provide evidence that they have complied with the yearly requirements, and they will be requested to pay the fee by the expiry date of the monitoring period. In the same notification, they will receive information on how they can submit the required evidence through the ATS platform.

If a Certified Adjudicator meets the abovementioned requirements within the expiry date of the monitoring period, they will receive a notification from FCL informing them that their certification status is up to date and will continue to remain active until the second year of their certification cycle.

If a Certified Adjudicator fails to meet any of the abovementioned requirements, or fails to provide evidence of meeting such requirements, or fails to pay the fee by the expiry date of the monitoring period, then the consequence will be suspension or withdrawal (or non-renewal - as applicable for the recertification procedure) of the certification, in accordance with the “Consequences of non-compliance with the Monitoring and Recertification Procedure” as stated below.

The same process will be repeated at the end of the second and third year of their certification cycle.

SECTION 3: Non-compliance

Consequences of non-compliance with the Monitoring and recertification procedure

1. The consequences of a failure to provide evidence or pay the registration fee are as follows:
   a. **On the expiry date** of the monitoring period: The day after the expiry date of the monitoring period (“the suspension date”), their certification as Certified Adjudicator will automatically be suspended, unless they have made a challenge or appeal in accordance with the FCL Challenges and Appeals Procedure by that date - on the basis that FCL has not accepted as being evidence which complied with the CPD requirements or there is dispute about whether they have paid the fee.
   b. **By 30 days after the expiry date** of the monitoring period: The day after 30 days from the expiry date of the monitoring period (“the withdrawal of certification date”), their certification as Certified Adjudicators will automatically be withdrawn unless they make an application to the FCL Management.
Team for an exemption from the CPD requirements submission by that date or have made a challenge or appeal in accordance with the FCL Challenges and Appeals Procedure by that date, in which case, their certification as Certified Adjudicators will remain suspended, but their certification will not be withdrawn.

2. The consequences of the certification of a FIDIC Certified Adjudicator being suspended:
   a. They can no longer present themselves as being FIDIC Certified Adjudicators for any future work for which they are not yet appointed, from the suspension date onwards;
   b. They must notify the relevant parties in any appointments where they are currently acting on the basis that they are FIDIC Certified Adjudicators that their certification is suspended;
   c. Their status as a FIDIC Certified Adjudicator under suspension shall be noted on the FCL website.

3. The consequences of the certification of FIDIC Certified Adjudicators being withdrawn:
   a. They are no longer a FIDIC Certified Adjudicator for any current or future work and must not present themselves as being a FIDIC Certified Adjudicator;
   b. They must notify the relevant parties in any appointments where they are currently acting on the basis that they are FIDIC Certified Adjudicators that they are no longer a FIDIC Certified Adjudicator;
   c. Their status as a FIDIC Certified Adjudicator will be removed from the FCL website and it shall be noted for the remaining period of their withdrawn certification that their certification has been withdrawn on the FCL website.

4. An application for exemption:
   a. If a FIDIC Certified Adjudicator is unable to undertake the CPD requirements by reason of an unforeseen event or circumstance beyond their control ("force majeure event") they may apply for an exemption from undertaking those requirements for an additional period of 2 months, that would extend the suspension period to a total of 3 months.
   b. If a FIDIC Certified Adjudicator considers that they have undertaken the CPD requirements but there has been a procedural irregularity or an error in producing evidence or if the evidence is not accepted by FCL as being evidence which complied with the CPD requirements or if there is a dispute as to whether they have paid the fee, they may make a challenge or appeal and this shall be done in accordance with the FCL Challenges and Appeals Procedure within 30 days of becoming aware of the matter which they seek to challenge or appeal against.
   c. The application shall be made in writing to the FCL Management Team and sent to fcl@fidic.org as soon as reasonably practicable after the Certified Adjudicator becomes aware of the fact that they will not be able to undertake those requirements by reason of a force majeure event. Any such application shall contain evidence of the force majeure event and when it started and, if it has ended, when it ended, together with reasons or evidence that the force majeure event prevented them from undertaking the relevant requirements.
   d. The FCL Management Team will determine the application for exemption within 15 days. If an exemption is granted, the certificate will remain suspended for an additional period of 2 months, that would extend the suspension period to a total of 3 months from the yearly certification anniversary. Once that person has complied with those requirements and provided the required evidence, the suspension of that person's certification as a FIDIC Certified Adjudicator will be lifted. If no exemption is granted, the certification will be withdrawn 30 days after the expiry date of the monitoring period or with immediate effect if the 30 days after the expiry date of the monitoring period has already lapsed.
   e. If a Certified Adjudicator wishes to challenge or appeal against the FCL Management Team’s determination of the application for exemption, they shall do so in accordance with the FCL Challenges and Appeals Procedure within 30 days of receipt of the FCL Management Team’s determination.
5. Following a withdrawal of certification, a candidate may become a FIDIC Certified Adjudicator again by applying for such certification, as any other new candidate would.

6. If a Certified Adjudicator is unable to undertake the practical ADR experience by the end of the expiration period of their certification (36 months after the date of issue of their initial certification), they will be allowed to participate in a separate recertification assessment, containing elements of the programme’s initial assessment, within maximum 3 months from the expiration date of their initial certification, to renew their certification. Successful participation in the recertification assessment will renew their certification. In the case of a FIDIC Certified Adjudicator who has unsuccessfully participated in the recertification assessment, this will mean that the FIDIC Certified Adjudicator’s certification will not be renewed. In such an instance, the candidate can apply to be certified as a new candidate and participate from scratch in the initial assessment.

7. The consequences of the certification of the Certified Adjudicators not being renewed:
   a. They are no longer a FIDIC Certified Adjudicator for any current or future work and must not present themselves as being a FIDIC Certified Adjudicator;
   b. They must notify the relevant parties in any appointments where they are currently acting on the basis that they are a FIDIC Certified Adjudicator that they are no longer a FIDIC Certified Adjudicator;
   c. Their status as a FIDIC Certified Adjudicator will be removed from the FCL website.

Whenever the status of any certificate holder’s certificate changes, the FCL Management Team shall make a relevant update in the programme’s registry of certificate holders. This information is public.

Please note that FCL maintains the right to change the monitoring and recertification procedures in the future, due to changes in legislation and/or practices.

This document is effective from 15 December 2022.