



SRI LANKAN CONSULTING ENGINEER



Newsletter of the Association of Consulting Engineers, Sri Lanka
(Founded in 1980, Incorporated by Act No. 42 of 2003)

A Member Association of
the international Federation
of Consulting Engineers

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Issue 16

KEEP IN TOUCH WITH THE ASSOCIATION OF CONSULTING ENGINEERS, SRI LANKA

COUNCIL MEETINGS & ACTIVITIES

The following Council meetings were held during the period 1st September 2006 to 24th January 2007.

- Council Meeting No. 197
- Council Meeting No. 198
- Council Meeting No. 199
- Council Meeting No. 200
- Council Meeting No. 201
- Council Meeting No. 202
- Council Meeting No. 203

The last council meeting was the 13th for the year 2006/2007

The Annual General Meeting was held on 26th January 2007 at which the Council for the year 2007/2008 was elected.

At the Council meeting No. 204 held on 19th February 2007 the following office bearers were elected.

- Mr. D.P.T. Munasinghe - President
- Mr. K. Suntharalingam - Vice President
- Mr. B. Senaratne - Hony. Secretary
- Mr. Upali Delpechitre - Hony. Treasurer
- Mr. R.M.A. Senarath - Council Member
- Mr. T.G. Perera - Council Member
- Mr. H.P.R. Gunawardena - Council Member
- Mr. T.P. Ranaweera - Council Member
- Mr. G.E.M. Gomez - Council Member
(Editor)

The main activities of the Association during this period since the last bulletin in September 2006 were:

- More engineers were enrolled as members of AECESL The total membership of the Association stands as follows :
Member Firms - 13
Individual Members - 56
- Two day Course on “ Claims Management, Dispute Resolution and Adjudication” (More details in this bulletin).
- Hony. Secretary, Mr. B. Senaratne represented the AECESL at the FIDIC

General Assembly Meeting and participated at the conference. All expenses in this regard were borne by him.

- The President and Hony. Secretary represented the association at the Chamber of Construction Industry Council.
- On receiving information that the IESL was discussing an Engineering Council Act for Registration of Engineers, with the Institute of Incorporated Engineers, the President IESL was requested to provide a copy of the Draft Act and involve ACESL also in all future discussions. Several provisions in the draft were considered to be detrimental to the interests of members of ACESL. At a well attended SGM of the IESL held on 10th February 2007, this Draft Act was duly discussed and it was decided that the provisions in the Draft Act are not acceptable and a new Act should be drafted by a Committee of the Institution of Engineers, Sri Lanka with the participation of all stakeholders. ACESL will be represented on the Committee.
- Updating the web site of the Association of Consulting Engineers, Sri Lanka. The web site can be accessed at : www.acesl.org
Members are kindly requested to access this website and make any observations or comments which in your opinion may improve it's usefulness.

FIDIC NEWS

2006 International Consulting Engineering Conference, Budapest 24 :: 27 September
Venue : Hotel Intercontinental :: Budapest :: Hungary.

Bringing together the world's consulting industry to discuss challenges, trends and opportunities.

The role played by Consulting Engineers and their professional colleagues in providing the all important connection between
:: vision and reality
:: client and customer
:: built environment and natural environment

A window on fast developing regions in :

- :: east and central Europe
- :: Asia and the mid-East

The International Consulting Engineering Conference was organized by:

- :: International Federation of Consulting Engineers
- :: European Federation of Engineering Consultancy Associations
- :: Association of Hungarian Consulting Engineers and Architects.

EDITOR'S NOTE

FIDIC has always exercised its mandate in the production of various documents, contract forms, guides and manuals to assist Consulting Engineers all over the world to perform and deliver services to their clients. These publications have facilitated the business practice of Consulting Engineers to establish standards or norms which are used by an increasingly large number of Consulting Engineers and their clients. Some of the documents are very specific, while others are more of a guideline. Almost inevitably, all of the FIDIC products have had the benefit of a large number of members contributing to the total effort.

In the present context of the highly competitive field of Consulting Engineering, it is only a full knowledge of the guidance provided by FIDIC on numerous aspects of this field, that the Consulting Engineer can excel and work with full confidence. AECESL has in the past endeavoured to close this gap by organizing seminars and short courses with the assistance of FIDIC, to enhance the capability of members, member firms as well as prospective clients. AECESL intends to pursue this course of action in the years to come by organizing more useful courses and seminars.

Two Day Course on "Claims Management, Dispute Resolution and Adjudication" held on 8th & 9th January 2007.

The course consisted of presentation by Mr. Cochrane of ECV/FIDIC on various aspects of contractual claims, dispute resolution and adjudication. The course was structured into five sessions. Each session was followed by questions and answers by both the presenter and the participants. The 4th session consisted of 6

groups conducting mock deliberations on selected projects with a history of disputes and presenting their recommendations, the exercises having been formulated by ECV/ FIDIC.

More than 80 representatives from both public and private institutions participated in the course.

The topics of presentation and deliberation centered mainly around Risks apportionment, the different construction and contractual issues which results in claims vis-a-vis disputes either by the employer or the contractor and the qualifications and role of the Dispute Adjudication Board (DAB) in dispute resolution. The 3 party relationship among the Employer, Engineer and the Contractor too were parallelly highlighted towards the issues of the claims and dispute resolution.

Some of the highlights of the course can be summarized as follows.

- What type of risks can be taken by the employer or the contractor in contracts which may result in claims by either party. What are the safeguards that can be inbuilt through insurance to ensure the stability of the tendering process at the bidding stage.
- The interpretation of the clauses that deal with such and other claims.
- The suitability of the different FIDIC contractual documents – red, yellow books for different risks background.
- The procedures required to be adopted in both submitting claims by one party and dealing with these by the other party.
- The limitations of time period in submitting notices of claims and actual claims.
- The claims arising from different events such as those arising from delays and extension of contract period, these arising from variation or extra works etc.
- The Engineer's role in making the determination and his areas of limitations in making determinations. The relevance of S. C. 3.S the Engineer's role was also highlighted.
- The last session was confined to the subject of Dispute Adjudication Board (DAB) in dispute resolution. The subject was also approached through some exercises formulated by ECV/FIDIC. Some of the highlights are detailed hereunder.
- The impetus to resolve disputes through setting up of DAB arose due to the inordinate delays and enormous cost involved in the traditional arbitration procedures. The DAB as pre arbitration procedures was not only less time consuming but also result in not only cost saving for both the employer and the contractor but also a prior idea of what the cost₂

commitment would be for such dispute resolving procedure. Only when the DAB fails to resolve the dispute, the parties have to resort to the arbitration procedure.

- Depending on the complexity and the magnitude of the project either one member or the 3 member DAB is chosen. The latter having the advantage of having a mix of different disciplines that may be appropriate to the particular project.
- The one person adjudicator can be appointed as a retainer or a full time member as may be agreed by both the employer and the contractor.
- Both the employer and the contractor not only share the cost of the DAB equally but also are fully aware of the cost implication.
- The various provision of S .C 20.2 to 20.5 were discussed at length.

The course sessions were concluded by presentation of the summary of deliberations and a vote of thanks.

Bluegills on Guard Duty (Food for Thought)

A type of fish so common that practically every American kid who ever dropped a fishing line and a bobber into a pond has probably caught one is being enlisted in the fight against terrorism

San Francisco, New York, Washington and other big cities are using Bluegills - also known as Sunfish or Bream – as a sort of Canary in a coal mine to safeguard their drinking water.

Small numbers of the fish are kept in tanks constantly replenished with water from the municipal supply and sensors in each tank work around the clock to register changes in the breathing, heart beat and swimming patterns of the bluegills that occur in the presence of toxins. “Nature’s given us pretty much the most powerful and reliable early warning centre out there” said Bill Lawler, co-founder of Intelligent Automation Corporation, a Southern California company that makes and sells the Bluegill monitoring system.

“There’s no known man-made sensor that can do the same job as the bluegill.”

Since September 11, the government has taken very seriously the threat of attacks on the U.S. water supply. Federal law requires nearly all

community water systems to assess their vulnerability to terrorism.

Big cities employ a range of safeguards against chemical and biological agents, constantly monitoring, testing and treating the water. But electronic protection systems can trace only the toxins they are programmed to detect, Lawler said.

Bluegills – a hardy species about the size of a human hand – are considered more versatile. They are highly attuned to chemical disturbances in their environment, and when exposed to toxins, they experience the fish version of coughing, flexing their gills to expel unwanted particles.

The computerized system in use in San Francisco and elsewhere is designed to detect even slight changes in the bluegills’ vital signs and send an e-mail alert when something is wrong.

San Francisco’s Bluegills went to work about a month ago, guarding the drinking water of more than one million people from substances such as cyanide, diesel fuel, mercury and pesticides.

Eight Bluegills swim in a tank deep in the basement of a water treatment plant south of the city.

“It gave us the best of both worlds, which is basically all the benefits that come from nature and the best of high tech” said Susan Leal, General Manager of the San Francisco Public Utilities Commission.

New York City has been testing it’s system since 2002 and is seeking to expand it. The New York City Department of Environmental Protection reported atleast one instance in which the system caught a toxin before it made it into the water supply. The fish noticed a diesel spill two hours earlier than any of the agency’s other detection devices.

They do have limitations. While the Blugills have successfully detected atleast 30 toxic chemicals, they cannot reliably detect germs. And they are no use against other sorts of attacks – say, the bombing of a water main, or an attack by computer hackers on the systems that control the flow of water.

Still, Lawler said more than a dozen other cities have ordered the anti terror apparatus , called the Intelligent Aquatic Biomonitoring System, which was originally developed for the army and starts at around \$45,000.

San Francisco plans to install two more Bluegill tanks.

“It provides us an added level of detection of the unknown,” said Tony Winnicker , a spokesman for the city’s Public Utilities Commission. “There’s no computer that’s as sophisticated as a living being.”

(AP)

Global View, Sunday Island,September 24, 2006

GOOD MANAGEMENT AND READING BETWEEN THE LINES

John Jones, the head of the company asked his manager to write a detailed employment review describing Bob Smith, one of his programmers. The manager replied :

1. Bob Smith my assistant programmer, can always be found
2. hard at work in his cubicle. Bob works independently , without
3. wasting company time talking to colleagues. Bob never
4. thinks twice about assisting fellow employees, and he always
5. finishes given assignments on time. Often Bob takes extended
6. measures to complete his work, sometimes skipping coffee
7. breaks. Bob is a dedicated individual who has absolutely no
8. vanity in spite of his high accomplishments and profound
9. knowledge in his field . I firmly believe that Bob can be

10. classed as a high-caliber employee, the type which cannot be
11. dispensed with. Consequently I duly recommend that Bob be
12. promoted to executive management, and this proposal be
13. executed as soon as possible.

Signed - - -
Jim

A MEMO WAS SOON SENT FOLLOWING
THE LETTER

John,
That, idiot was reading over my shoulder while I wrote the
Report sent to you earlier today.
Kindly read only the odd numbered lines above
(1, 3, 5,etc) for my true assessment of him.

Regards - - -
Jim

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