

ADJUDICATION GUIDELINES

1.0 Introduction

Uganda Institution of Professional Engineers (UIPE) is a professional organization that brings together all Engineers, Technologists and Technicians in Uganda. In Uganda, UIPE is the ultimate Dispute Adjudication Board (DAB) that appoints specific adjudicators for all Engineering projects as per the Fidic yellow book sub clause 8.2.

These guidelines provide information and standards of performance to all parties involved in adjudication process in order to streamline the process. The guidelines provide for how to start an adjudication, appointment of the adjudicator, adjudication fees and costs, proceedings of the adjudication, adjudication decision, enforcement of adjudication decision and appealing against adjudication decision.

2.0 Understanding Adjudication

Adjudication is an alternative dispute resolution provided to resolve contractual disputes in a short time possible and at minimal cost as compared to other dispute resolution processes. The process involves appointment of the adjudicator and either contractual party may refer any dispute that may arise to an independent party (the adjudicator) who is then required to make a decision within 28 days of the matter being referred. Adjudication may be invoked at any time of the contract to resolve disputes provided the parties have a contractual relationship.

Most times, the contracts provide for the time frame within which to seek adjudication once a dispute has arisen and as well as providing for the time within which the adjudicator to make a decision. While adjudication is meant to be a straightforward process without the need to involve lawyers, the parties may wish to consider taking professional advice on particular circumstances.

Adjudication can be sought for matters arising before the contract came into existence or for matters arising outside of the contract.

Adjudication does not necessarily achieve final settlement of a dispute because either of the parties has the right to have the same dispute heard afresh in court (or where the contract specifies arbitration, in arbitration proceedings). Nevertheless, experience shows that the majority of adjudication decisions are accepted by the parties as the final result.

