

PRACTICAL CONSTRUCTION CONTRACT ADMINISTRATION/MANAGEMENT

15 HALF-DAY WEBINAR SESSIONS

1.5 LAM CPD
Points for each
session

Training topics include:

- Architect's Client Brief – Development and Process
- Procurement Systems and Contractual Arrangements
- Tender/Contract Documentation and Obligations
- Bonds and Insurances
- Instructions and Variations
- Payments, Final Account and CIPAA
- Completions, Non Completion and Defects
- Certificate of Compliance and Completion – Statutory Requirements and Process
- Extension of Time
- Loss and/or Expense
- Subcontracting
- Professional Practice and Ethics – Code, Ethics and Practice
- Termination/Determination and Alternative Dispute Resolution
- Construction Contract Law Principles
- Effective Project, Risk and Value Management

Essential topics featured in this Fifteen sessions training programme which targets those involved in the Construction Industry.

Jointly Organised by:



In Collaboration with:

BKAsiaPacific



OBJECTIVE

With the Movement Control Order ("MCO") and its extensions by our Government recently to tackle the Coronavirus or Covid-19 pandemic, life must go on under such difficult and uncertain times. Players and personnel in the construction industry must continue to develop/improve and adapt through acquiring commercial and contractual knowledge and skills, including experiential learning.

This specifically targeted training programme combines construction contract and technical knowledge with practical experience and skills with work related discussions, including the Trainer sharing his experience through three past economic downturns/recession. This impending economic downturn/recession is likely to be the most severe, both locally and globally.

Under such unfortunate circumstances, PAM & RISM in collaboration with BK Entrust have decided to reorganise this series of training seminar via webinar due to the movement control restriction. There are fifteen (15) comprehensive training sessions in this programme, covering a comprehensive contract administration/management topics, including related case law updates with Q&A discussion relating each topic presented, after each session, which is between 2 – 3 hours session. This series is a continuation of the 15 sessions, launched in February 2020, of which only the first 2 sessions were conducted face-to-face at PAM Centre, before MCO commenced. Consequently, the first 2 sessions are repeated at the end of the remaining 13 sessions.

Each session is stand-alone, based on BK Entrust construction contract and management articles published in MBAM Journal since 2002 to date and updated to incorporate primarily Malaysian standard forms of contract, in particular PAM 2006/2018 and JKR/PWD contracts.

These sessions will be different compared to the previous similar sessions conducted under MBAM and PAM as emphasis will be on MCO and difficult uncertain times ahead.

Speakers' Profile

About the Organisers

Pertubuhan Akitek Malaysia (PAM) is the national professional institute representing architects in Malaysia.

The mission statement of the Institute is "To promote the advancement of architecture and the architectural professional for the betterment of society". The Institute provides a framework for its members to operate effectively: to do, to run and to get the business of architecture within the Code of Conduct and Scale of Fees.

Royal Institution of Surveyors Malaysia (RISM) is the registered proprietor of the certification mark "Sr" and the registration is currently valid and subsisting under the Trademarks Act 2019. The Institution comprises four distinct but closely related Divisions i.e. Geomatics and Land Surveying Division, Quantity Surveying Division, Property Surveying Division and Building Surveying Division. The Divisional Chairs are members of the General Council which is the governing body of the Institution.

The mission statement of the Institution is "To continuously improve the standards of professional practice and ethics, To promote the welfare and professional development of members, To expand by incorporating related disciplines into our profession and to continue to be relevant and of benefit to the public

BK Asia Pacific is a group of companies incorporated in the Asia Pacific Region providing a comprehensive network of project management, commercial and contract management services to the international construction industry, with offices in China (Hong Kong, Macau and Shanghai), Malaysia, Philippines, Singapore and Vietnam. For further details, visit www.bkasiapacific.com

Entrust Group is a multidisciplinary group of companies providing comprehensive consultancy, advisory and management services in project, commercial, contracts, construction, facilities, risks, quality and value management, cost management, executive search/personnel recruitment and corporate training/seminars/workshops to various industries particularly in construction, petrochemical, manufacturing and IT, both locally and internationally. For further details, visit www.entrust.com



Sr ONG HOCK TEK ("HT")

Arbitrator/Adjudicator/Mediator/CQS

Cert.Constr.PM/VM Practitioner/Master Trainer

BSc(Hons) MSc MBA DipM DiplCARB MMIM MIVMM MIVMA

FCIOB FRICS FCIInstCES FCIARB FSIARB FMIArb FMSAdj FRISM ICECA FAIADR

Managing Director, BK Entrust

Sr Ong Hock Tek ("HT") is a Fellow of eight professional institutions, a well-qualified multi-disciplinary and specialist consultant, over 30 years of working experience with architects, quantity surveyors, project managers, civil engineering/building contractors and specialist consultants. He has been a Mediator, Arbitrator and current Panel Adjudicator of AIAC, SIARB Panel Arbitrator, Accredited Mediator, Value Manager and Certified Construction Project Manager of CIDB, past Deputy President of CIOB Malaysia, Past President of Lighthouse Club, past 1st Treasurer-General and current ADR Chair (QS Div.) of RISM. His specific experience/expertise include construction project /contracts management, quantity surveying, risks/value management, claims preparation /defense, alternative dispute resolution (ADR), particularly in advisory, support services, documentation and proceedings. He also acts as an Arbitrator, Mediator, Negotiator, Expert (quantum) and Party Counsel/Representative on technical, commercial and contractual disputes/ differences between the contracting parties, at both main and sub-contract levels.

Being a Master Trainer, HT has organised and delivered many public and in-house conferences, seminars and workshops for professional institutions and private/public listed companies, in particular on construction contracts, ADR, risks and value management. He has also lectured part-time for bachelor and master degree programmes in the same areas for several years and has been a regular article contributor to the Master Builders Journal on construction contract and management issues since 2002 till to date.



Ar STEVEN THANG BOON ANN**

Architect, Adjudicator, Expert Witness, Thermographer, Regs. Building Conservator

B.Arch, P.Arch, APAM, MIID

Ar Steven Thang Boon Ann is currently PAM Council Member and Chairs the ADR Committee and Heritage & Conservation Committee. He has appeared many times in courts as an expert witness, and serves as advisor to parties that are seeking legal redress. He represents PAM and chair several technical committees in SIRIM and CIDB.



Ar DAVID CHEAH MING YEW**

Architect, Urban Planner, Adjudicator, Mediator and Chartered Arbitrator

B.Arch.St., B.Arch., M.Urb.Plan., M.Sc. (Construction Law & Arbitration), DipArb.

APAM, APPM, RIBA, RAIA, NZIA, NZPI, PIA, FSIARB, FCIARB

Ar David Cheah Ming Yew is an Architect, Town Planner and Chartered Arbitrator. He believes that due to the nature of construction and the pressure for projects to be completed on time and within budget, the certification process can be a 'minefield'.

** PAM designated speaker for Session 3, 12 and 14

TRAINING OUTLINE CONTENTS

SESSION 3 (Saturday, 4 July 2020)

Architect's Client Brief –

Development & Process **

- What is an Architect's Client Brief?
- Importance of the Brief
- Key Problems
- How the Brief Evolves?
- Brief Preparation Guidelines.
- Design Brief Checklist
- Phases/Process
- Q&A

SESSION 4 (Saturday, 11 July 2020)

Procurement Systems & Contractual Arrangements

- Types of Procurement System
- Selection of Procurement System
- Types of Contractual Arrangement
- Forms of Contract
 - Reason for Standard Forms
 - Malaysian & International Standard Forms
- Contract Strategy and Selection
- Q&A

SESSION 5 (Saturday, 18 July 2020)

Tender/Contract Documentation & Obligations

- Tender and Contract Documents
- Tender Process & Procedure
- Letter of Intent & Formation of Contract
- Obligations & Liabilities
 - Employer
 - Architect/Engineer/SO/CA
 - Contractor
- Q&A

SESSION 6 (Saturday, 25 July 2020)

Bonds & Insurances

- Insurance
 - Principles/Requirements
- Types of Insurance
- Procedure of Claims Notification
- Common Problems in Insurance Claims
- Bonds & Guarantees
- On-Demand Bond vs Performance Bond
- Q&A

SESSION 7 (Saturday, 15 Aug 2020)

Instructions & Variations

- Instructions
- Verbal v Written Instructions
- Instructions ≠ Variations
- The Needs for Variations
- Definition of Variations
- Variations' Instruction
- Scope of Variations
- Valuation of Variations
 - Rules
 - Standard Forms Provisions
- Q&A

SESSION 8 (Saturday, 22 Aug 2020)

Payments, Final Account & CIPAA

- Interim Claims, Valuation & Certification Procedures
- Employer's Obligation to Pay
- Set-Offs
- Fluctuations
- Retention Sums
- Final Account Preparation and Settlement
- Effect of Interim & Final Certificate
- Construction Industry Payment & Adjudication Act (CIPAA) 2012
- Q&A

SESSION 9 (Saturday, 5 Sep 2020)

Completions, Non Completion & Defects

- Practical Completion
 - Conditional CPC
 - Substantial Completion
 - Sectional/Partial Completion
 - Handover
 - Non Completion/LAD
- Defects
 - Patent and Latent Defects
 - Outstanding/Non-compliant Works
 - Liabilities
 - Defects Management
- Q&A

SESSION 10 (Saturday, 12 Sep 2020)

Extension of Time

- Delay Categories
- Commencement, Progress & Completion
- Grounds/Events
- Claim Procedures
- Assessment
 - Concurrent & Culpable Delay
 - Work Programme
 - Expedition, Mitigation & Acceleration
 - Certification
- Q&A

SESSION 11 (Saturday, 19 Sep 2020)

Loss and/or Expense

- Claims and Damages
- Grounds
- Notification
- Submission
- Claims Documentation
- Evaluation
- Head Office Overheads
- Additional Preliminaries
- Global Claim
- Q&A

SESSION 13 (Saturday, 3 Oct 2020)

Subcontracting

- What is Subcontracting?
- Pertinent Subcontract Provisions
- Pertinent Issues & Implications
 - Obligations & Liabilities
 - Commencement & Completion
 - Instructions & Variations
 - Extension of Time
 - Loss and/or Expense
 - Defects
- Q&A

SESSION 14 (Saturday, 10 Oct 2020)

Professional Practice & Ethics – Code, Ethics and Practice **

- Introduction
- Consultant's Role and Dilemma
- Professional Conduct & core principles
- Challenges Faced by Consultant
- Professional practise and it's application
- Understanding Standards & Application
- Disciplinary Complaints
- Q&A

SESSION 15 (Saturday, 17 Oct 2020)

Termination/Determination & Alternative Dispute Resolution

- Determination of Employment
- Termination of Contract
- Nature of Construction Disputes
- Types of Dispute Resolution Methods
 - Traditional
 - Alternative Dispute Resolution (ADR)
- Dispute Resolution Procedures under Building and Construction Contracts
- Q&A

**SESSION 2 – repeated
(Saturday, 24 Oct 2020)**

Construction Contract Law Principles**

- The Malaysian Legal System
- Essential Legal Aspects of Contracts
- Remedies for Breach of Contracts & Torts
 - Damages
 - Specific Performance
 - Injunction
 - Recover Damages via Tort
- Particular Aspects of Building & Construction Contracts
- Salient Provisions in Building & Construction Contracts
- Q&A

**SESSION 1 – repeated
(Saturday, 31 Oct 2020)**

Effective Project, Risk & Value Management

- Project Management
- Contract Management vs Contract Administration
- 12 Essential Elements/ Elements
- Value Management
 - Risk & Philosophy
 - Benefit of VM
 - Job Plan Methodology
 - VM Implementation
 - Soft VM – Value Managed Quality System
- Q&A

**SESSION 12 - rescheduled
(Saturday, 7 Nov 2020)**

Certificate of Compliance & Completion – Statutory Requirements and Process **

- Frameworks
- Principal Submitting Person
- Types of Forms
- Application Process
- Guidelines
- Penalty
- Q&A

**** Session topic and/or contents may be subject to change or replacement due to unforeseen circumstances.**

REGISTRATION

Webinar Saturday Session 9.30 am to 1.00pm, with Q&A

	Fee (per Session)	Six Sessions (per Pax)	Nine Sessions (per Pax)	Twelve Sessions (per Pax)	All Fifteen Sessions (per Pax)
Member	RM100	RM570	RM810	RM1,020	RM1,200
Institution	RM125	RM710	RM1,010	RM1,275	RM1,500
Non-Member	RM150	RM855	RM1,215	RM1,530	RM1,800

➤ Fees are inclusive of SST 6% charges.

Please email your details as per below format to miza@pam.org.my.

Nos of Participant:

- 1) Name:
- 2) Designation:
- 3) Organisation:
- 4) Email:
- 5) Session/s: Please tick the next table & send it together with your registration.
(Repeat item (1) to (5) if more than 1 participant).

Participant's Name			
Session	2 (Repeated)	1 (Repeated)	12 (Rescheduled)
Date	24-Oct-20	31-Oct-20	7-Nov-20
Please Select (✓)			

NOTE:

- 1 Registration is confirmed upon receipt of payment only. All forms and payment receipt are **COMPULSORY** to be send via email **ONLY**.
- 2 The Organizer reserves the rights to change the contents, date, time and webinar application of the training programme if necessary. In any case, the Organiser's liability shall be limited to a refund on the session fee paid only.
- 3 For any enquiry, please contact Ms Miza at 03 - 2202 2866/ 016 - 959 3153 or email to miza@pam.org.my

Conferencing Instruction

- Install Zoom Software on your device ie. PC/Laptop or Handphone.
- Sign up Zoom by email for a verification link to be send to your email then. On receipt of verification email, click the link and follow instruction.
- Test run the software, your device camera and audio are in operation prior to conference.
- Note: strong and stable internet network connection is prerequisite for successful for Zoom webinar conferencing.