



PAM ADR SERVICES

To President, Pertubuhan Akitok Malaysia

APPLICATION (to be typed out, completed and, submitted to PAM in two copies by Applicant for ADR Appointee)

1 Has a construction contract been signed by the parties? Yes
 No

2 Is the signed construction contract a standard PAM Form? Yes
 No

If 'Yes',

Is it the PAM Form of Building Contract 1998
 2006
 2018

Or is it the PAM Sub-Contract Form

If 'No',
 State the form of Contract _____

Applicant to provide a certified true copy of the Agreement and Conditions of Contract -Copy provided

Operative Clause has not been deleted. Yes
 (Mediation/Adjudication/Arbitration) No

3 What is the job/project title (use separate sheet if require more space):

4 Name / Address / Email of Employer:

5 Name / Address / Email of Contractor:



6 Name / Address of Architect:

7 Is Applicant represented by Solicitors? Yes
If 'Yes', to provide name, email and address of Solicitors No

8 Is Respondent represented by Solicitors? Yes
If 'Yes', to provide name, email and address of Solicitors No

9 Disputes or differences have arisen out of the
construction contract. Yes
No

10 Has Applicant issued '**Notice**' to the other party stating that:

i) disputes or differences have arisen out of the
construction contract. Yes
No

ii) the disputes or differences shall be referred to an mediator
or adjudicator or arbitrator to be agreed upon by the parties. Yes
No

iii) failing the agreement by the parties to agree upon an
mediator or adjudicator or arbitrator between themselves
within 21 days from the date of the 'Notice', an application
shall be made to the President of Pertubuhan Akitek
Malaysia for the appointment of a mediator or adjudicator
or arbitrator. (Please enclose copies of relevant
correspondence.) Yes
No

If answer is 'No', [in respect of parts i) and/or ii)]

Applicant is to issue the required 'Notice', **wait for 21 days to expire** (i.e. 21 days
to lapse from date of 'Notice') before an application may be made to the President of
Pertubuhan Akitek Malaysia for the appointment of an mediator, adjudicator or
arbitrator

If answer is 'Yes',



Applicant is to provide **a copy of the 'Notice'** as issued to the other party.
Application to the President of Pertubuhan Akitek Malaysia for the appointment of a mediator, adjudicator or arbitrator will not be processed **if**:

- i) there is no proof that the required 'Notice' had been issued to the other party in the Contract,
- ii) there is no proof to show that the parties in the Contract are unable to concur on the appointment of a person and method of dispute resolution by themselves.

11 Has either party commenced any legal proceedings and/or is any court action pending pursuant to this construction contract? Yes
No

12 The dispute is in respect of the following: (Applicant to **briefly** describe the issues in dispute)

13 **The Contract Sum is RM**

The Disputed Sum is RM

14 If the PAM Form of Contract is the Form of Contract entered into, have parties attempted to resolve the dispute(s) by mediation?

15 **If Applicant is unable to provide a certified true copy of the Agreement and Conditions of Contract** (e.g. works had proceeded pursuant to issue of 'Letter of Award' or 'Acceptance Letter' and a formal contract document had not been executed), Applicant is required to provide:

- i) proof that the Conditions of Contract as per the PAM Form of Contract (1998/2006/2018) is applicable and/or
- ii) proof that there is an agreement between parties in the contract for disputes or differences arising therefrom to be referred to
 - arbitration and that the arbitrator is to be appointed by the President of Pertubuhan Akitek Malaysia.



- mediation and that the mediator is to be appointed by the President of Pertubuhan Akitek Malaysia.
- adjudication and that the adjudicator is to be appointed by the President of Pertubuhan Akitek Malaysia.

If application is made under '14', the Applicant is to state the documents which Applicant is relying upon and to provide copies of the documents with the return of this Questionnaire and the proposed method of dispute resolution.

- 16 If application is not under '14', then proof that there is an agreement between parties in the contract for disputes or differences arising therefrom to be referred to mediation or adjudication or arbitration and that both parties agree that the mediator or adjudicator or arbitrator is to be appointed by the President of PAM.
- 17 List of the proposed name/s of the person/s, that the parties have declined as mediator or adjudicator or arbitrator in this dispute which has arisen between the parties.
- i)
 - ii)
 - iii)

The undersigned affirms that the particulars as stated in this Application are true and correct.

.....
Applicant (Signature and Company stamp)

Date:.....

Name of signatory:.....

Address:.....

.....

.....

Tel:..... Fax:..... Email:.....

Reference:

PAM Rules for Mediation
PAM Rules for Adjudication
PAM Rules for Arbitration