

VIRTUAL 2 DAY COURSE ON UNDERSTANDING CONSTRUCTION CONTRACTS - FAILURES AND REMEDIES

BEM APPROVED CPD: 14

REF NO: IEM23/HQ/483/C (w)

ORGANISED BY: PROJECT MANAGEMENT TECHNICAL DIVISION, IEM

SPEAKER :
Ir. LAI SZE CHING

**11 & 12 JUNE 2024,
TUESDAY & WEDNESDAY
9.00AM - 5.30PM**

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CLOSING DATE: 4 JUNE 2024

| | ONLINE (Log-in for registration & payment: www.myiem.org.my/member/login.aspx) | NORMAL FEE (RM) (By fax & email) Payment by cash, credit card and bank-in |
|----------------------|--|--|
| IEM Student Member | 125.00 | 240.00 |
| IEM Graduate Member | 250.00 | 300.00 |
| IEM Corporate Member | 400.00 | 450.00 |
| Non-IEM Member | 960.00 | 1020.00 |

Register Online at www.myiem.org.my

SYNOPSIS

Dispute in business is inevitable, and the construction industry is no different. Disputes arise within the construction industry for all sorts of reasons, with several possible ways by which to resolve them. However, although these disputes are often resolvable, they inevitably bring many challenges and legal issues that have to take into consideration.

In order to avoid the disputes, we have to understand what are the traps and pitfalls in construction contracts. Even if we may not be able to avoid the disputes completely we may be able to reduce some of them. This course will explore the common problems that exist in construction projects and to seek for possible solutions to overcome them before the disputes escalate.

The traps and pitfall that we seek to explore include:

- 1.What are the duties and liabilities of Engineers/Architects and Quantity Surveyors in administering construction contracts?
- 2.Are Engineers/Architects liable to the Contractors for under or no certification?
- 3.Does Contractor entitled to extension of time for delays caused by the Employer?
- 4.Under what situations are Contractors entitled to claim for loss & expense for the delay?
- 5.What if the late completion is due to concurrent delay by both the Contractor and employer?
- 6.When a project is practically completed?
- 7.Can the Contractor claim for the variation order which is only issued verbally?
- 8.Can the Employer terminate a contract when then contractor is progressing slowly and behind the schedule of the program of work?
- 9.Is retention sum trust money?

This seminar will provide a detailed analysis to the above problems and their related issues.

ABOUT THE COURSE LEADER

Ir. LAI SZE CHING, graduated as a Mechanical Engineer from the University of Malaya. He also holds LL.B degree from University of London and LL.M from University of Malaya, majoring in Construction Law, Alternative Dispute Resolution, Arbitration Law, Remedy and Civil Procedure. In addition, he also holds a Certificate of Legal Practice from Qualifying Board of Malaysia and Diploma in International Commercial Arbitration (CIarb UK). Ir Lai is a Fellow Member of Chartered Institute of Arbitrators (UK), Malaysian Society of Adjudicators, Malaysia Institute of Arbitrators (MIarb) and Asian Institute of Alternative Dispute Resolution (AiADR). He is also a Fellow Member of the Institution of Engineers, Malaysia (IEM) and Honourable Fellow Member of Asean Federation of Engineering Organisation (AFEO).

Ir. Lai has more than 30 years working experience in the field of construction, property development and contractual claims. He is currently the Managing partner of an Adjudication & Arbitration Chamber and the Managing Director of a consulting firm specialised in project management. He has authored many articles on ADR, Arbitration and Construction Law and had conducted talks on ADR, Law for Engineers and on Construction Law to local companies and Universities.

Being an accreditator of Engineering Accreditation Council Malaysia, he is also actively involved in the accreditation of local engineering programmes. Ir. Lai has also been appointed as the Student Ambassador for the External Law Programme of University of London. He is empaneled in the panel of Asia International Arbitration Centre (Arbitrator, Adjudicator & Mediator), Asian Institute of Alternative Dispute Resolution (Arbitrator & Mediator), Borneo International Centre of Arbitration and Mediation (Arbitrator & Mediator), The Malaysian Institute of Arbitrators (Arbitrator) and IEM (Arbitrator).

COURSE SCHEDULE & OUTLINE

| Day 1 | | Day 2 | |
|------------------|--|------------------|--|
| 08:30 - 09:00 | Registration | 08:30 - 09:00 | Registration |
| 09:00 - 10:45 | The Nature of Construction Contracts Common Breaches. Contractor's Obligations | 09:00 - 10:45 | Valuation of Variation Defects |
| 10:45 - 11:00 | Tea Break | 10:45 - 11:00 | Tea Break |
| 11:00 - 13:00 | Employer's Duties Duties of Architects/Engineers/QS | 11:00 - 13:00 | Termination of Contract |
| 13:00 - 14:00 | Lunch Break | 13:00 - 14:00 | Lunch Break |
| 14:00 - 15:30 | Delays Delay Analysis | 14:00 - 15:30 | Retention Sum Professional Negligence |
| 15:30 - 15:45 | Tea Break | 15:30 - 15:45 | Tea Break |
| 13:45 - 17:00 | Practical Completion Variation Orders | 13:45 - 17:00 | Professional Négligence in Construction Adjudication |
| 17:00 - 17:30 | Q & A | 17:00 - 17:30 | Q & A |

WHO COULD BENEFIT FROM THE COURSE

- Project Directors
- Contract Managers / Executives
- Project Managers / Engineers
- Project Architects
- Site Managers / Site Agents
- Quantity Surveyors
- Site supervisors
- Developers
- Contractors and sub-contractors

Cancellation Policy

No cancellation will be accepted prior to the date of the event. However, replacement or substitute may be made at any time with 7 days prior notification and substitute will be charged according to membership status.

Personal Data Protection Act

I have read and understood the IEM's Personal Data Protection Notice published on IEM's website at <http://www.myiem.org.my> and I agree to IEM's use and processing of my personal data as set out in the said notice.

Chairman,
Project Management Technical Division
The Institution of Engineers Malaysia,
Lots 60 & 62, Jalan 52/4, P.O. Box 223 (Jalan Sultan),
46720 Petaling Jaya, Selangor Darul Ehsan
Tel: 03-7968 4005 Fax to 03-7957 7678
Email: suriani@iem.org.my

Website: www.myiem.org.my

REGISTRATION FORM

**Virtual 2 Day Course on
Understanding Construction Contracts - Failures and Remedies
11 & 12 June 2024 (Tuesday & Wednesday)
Closing Date: 4 June 2024**

| No | Name(s) | Membership No. | Grade | Fee (RM) |
|---------------|---------|----------------|-------|----------|
| | | | | |
| | | | | |
| | | | | |
| SUB TOTAL | | | | |
| + 8% SST | | | | |
| TOTAL PAYABLE | | | | |

PAYMENT DETAILS :

Cash RM _____

Cheque no. _____ for the amount of RM _____ (non-refundable) .

FULL PAYMENT must be settled before commencement of the course, otherwise participants will not be allowed to enter the hall. If a place is reserved and the intended participant fails to attend the course, the fee is to be settled in full. If the participant failed to attend the course, the fee paid is non refundable. The Registration Fee includes lecture notes, refreshment and lunch.

For **ONLINE REGISTRATIONS**, please note that payment **MUST** be made **BEFORE the closing date**. If payment is not received within the stipulated time, the registration fee will be reverted to the normal registration fee.

Contact Person: _____ Designation: _____

Name of Organization: _____

Address : _____

Telephone No. : _____ (O) _____ (Fax No.)

_____ (H) _____ (HP)

Email : _____

Signature & Stamp

Date

Photocopies are acceptable