

Jointly Organised by:



LAM & BQSM  
CPD Points  
have been  
applied

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

In Collaboration with:

**BK**AsiaPacific



# PRACTICAL CONSTRUCTION CONTRACT ADMINISTRATION/ MANAGEMENT

## 15 HALF-DAY WEBINAR SESSIONS

### Training topics include:

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

Endorsed by:



## 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 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](http://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](http://www.entrust.com)

## OBJECTIVE

With the Conditional Movement Control Order and its extensions by our Government 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 will be organising a 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 topic, including related case law updates with Q&A discussion relating each topic presented, after each session, which is between 3 – 4 hours session.

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.

## Speakers' Profile



### Sr ONG HOCK TEK ("HT")

Arbitrator/Adjudicator/Mediator/CQS  
Cert. Constr. PM/VM Practitioner/Master Trainer  
BSc(Hons) MSc MBA DipM DipICArb MMIM MIVMM  
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, PAM Panel Arbitrator, 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 1, 12 and 14

# TRAINING OUTLINE CONTENTS

## SESSION 1 (Saturday, 19 June 2021)

### 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 2 (Saturday, 26 June 2021)

### Effective Project, Risk & Value Management

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

## SESSION 3 (Saturday, 10 July 2021)

### 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 4 (Saturday, 24 July 2021)

### 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, 14 Aug 2021)

### 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, 28 Aug 2021)

### Bonds & Insurances

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

## SESSION 7 (Saturday, 11 Sep 2021)

### 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, 25 Sep 2021)

### Payments, Final Account & CIPAA

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

## SESSION 9 (Saturday, 9 Oct 2021)

### 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 10 (Saturday, 23 Oct 2021)

### Loss and/or Expense

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

## SESSION 11 (Saturday, 13 Nov 2021)

### 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 12 (Saturday, 20 Nov 2021)

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

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

**SESSION 13 (Saturday, 27 Nov 2021)****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, 11 Dec 2021)  
Professional Practice & Ethics – Code,  
Ethics and Practice \*\***

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

**SESSION 15 (Saturday, 18 Dec 2021)  
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 topic and/or contents may be subject to change or replacement due to unforeseen circumstances.**

**REGISTRATION**

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

	Fee (per Session)	Six Sessions (per Pax)	Nine Sessions (per Pax)	Twelve Sessions (per Pax)	All Fifteen Sessions (per Pax)
<b>Member</b>	RM110	RM600	RM850	RM1,080	RM1,260
<b>Institution</b>	RM130	RM710	RM1,010	RM1,280	RM1,500
<b>Non-Member</b>	RM150	RM860	RM1,220	RM1,530	RM1,800

Please make payment to:  
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**Only online payment/transfer is accepted.  
Closing date of registration is on Wednesday  
before 5.00 PM, three days before event date.**

**Registration Forms:**

Please scan the QR Code or  
use the link below for registration:

<https://forms.gle/PU1Ep8L8PtpyjJMP6>

Member	Pertubuhan Akitek Malaysia (PAM)
	Royal Institution of Surveyors Malaysia (RISM)
Institution	Lembaga Arkitek Malaysia (LAM)
	Chartered Institute of Arbitrators (CIArb)
	The Malaysian Institute of Arbitrators (MIArb)
	Real Estate & Housing Developers' Association (REHDA)
	The Institution Of Engineers, Malaysia (IEM)
	Master Builders Association Malaysia (MBAM)

**NOTE:**

- 1 Registration is confirmed upon receipt of payment only.
- 2 Cancellation 3 days before any session (for fee paid per session option) shall be subjected to a thirty percent (30%) service charge. No refund for cancellation within 3 days of the scheduled session.  
However substitute participants are welcomed at no extra cost.
- 3 The Organizer reserves the right 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.
- 4 The copyright of the handout notes and seminar video are sole property of the BK Entrusty. No recording is permitted for any of this webinar session.
- 5 For any enquiry, please contact **Ms. Afiqah** at 03 - 2202 2866 or email to [afiqah@pam.org.my](mailto:afiqah@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 forwarded to your email then. On receipt of verification email, click the link and follow the 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 a successful Zoom webinar conferencing.