

ONLINE

VIA ZOOM



SESSION
1-10!

MBAM CONTRACT ADMIN PROGRAMME

This programme aims to empower participants with the knowledge, tools, and strategies essential for effective construction contract administration, contributing to their professional growth and the overall success of construction projects they are involved in.

 5:00 pm - 7:00pm | Online Via Zoom

Session 1 : 19 Aug 2024

Loss and Expense Claim by
Mr Lim Hock Siang, Partner,
Presgave & Matthews



Session Overview :

- Loss & Expense in Standard Forms of Contracts.
- The types of loss and expense Claims.
- How to make a Loss & Expense Claims.
- Ascertainment of Loss & Expense.
- Practical Consideration in the preparation and defending of Loss & Expense Claims.

Session 2 : 26 Aug 2024

Extension of Time by
Mr Chan Kheng Hoe, Partner,
Kheng Hoe & Lee Yuen



Session Overview :

- Time in a construction contract
- Progress of works
- Works programme
- Practical completion
- Claiming EOT
- Assessing EOT
- Proving delay
- Financial consequences of delay
- Overheads, loss of profit and formula claims
- Global claims, disruption and acceleration

Session 4 : 24 Sept 2024

The Use of The Expert Witness
by Mr Nick Powell, Director,
Axiom Consultants



Session Overview:

Expert witnesses are used to introduce 'opinion' evidence that cannot be supplied by a factual witness. Their use in civil litigation has been heavily (and fairly) criticized in many jurisdictions as inherently biased, expensive and introducing unnecessary complexity.

Session 3 : 11 Sept 2024

The Trouble with Building Defects
New Trouble beyond Delay and
Quantum Disputes 'Losing more
than your Pants' by Ar Anthony
Lee Tee, Architect Centre Sdn Bhd



Session Overview :

Findings from Architect Centre's building Condition Inspections Reports over the last decade highlight common and recurring faults like cracks on walls & roofing, water seepage and leaks, electrical deficiencies, defective finishes, and the list goes on. It is disheartening that the building is sick even before occupancy, and regularly, property owners find themselves in murky waters due to investment in a lemon.

Who should they lay the blame on? The Developer, Contractor or Consultants?

Shoddy workmanship, back-charges, set-off, loss of retentions with spill-over to sub-contractors and latent defects are new troubles beyond delay and quantum disputes. With the deterioration of building quality in Malaysia and increased awareness by property owners, dispute cases over building defects are increasing. Aren't Architects & Engineers supposed to be the gatekeeper of quality and safety; and aren't they already adequate building regulations to govern building construction?

On most construction disputes of any size, the criticisms of cost and complexity are not major concerns, but the issues on bias remains an open and regular battlefield.

This session will focus of what Experts should be doing, and conversely not doing. It will also outline the stages in report production, information production, expert exchange of views, production of the Expert Reports for the Tribunal/Court and the Hearing. There are differing systems for the above, there is not a one-size-fits-all methodology but (in Nick's view) some methods invariably drive better results than others.

Session 5 : 9 Oct 2024

Variations and Instructions by Mr Foo Joon Liang, Partner, Gan Partnership



Session Overview :

The employer or his representative's right to issue a variation order allows the construction contract to remain operative whilst the scope of work is adjusted midstream. The contractor is obliged to carry out the change instructed to the extent permitted by the contract. Such a change may come in the form of additional works or by way of an omission of works originally within the contractual scope. In the case of the former, the contractor is entitled to payment for the additional work done. A standard form contract typically regulates the instruction for a variation, and the mechanism for payment.

In this session, we will explore the legal concept of a variation, what it entails legally, and how a contractor can protect its interests when a variation is instructed.

Session 8 : 20 Nov 2024

Mediation as Compared to Other Dispute Resolution Methods by Ms Karen Ng Yueh Ying, Partner, Yatiswara, Ng & Chan



Session Overview:

Arbitration, statutory adjudication introduced under the Construction Industry Payment and Adjudication Act 2012 (CIPAA 2012) and mediation are the common alternative dispute resolution forums available to the construction industry in Malaysia to resolve construction disputes.

These alternative dispute resolution forums are complimentary to the usual dispute resolution method, i.e. court litigation. In this MBAM Training, the speaker will share with the participants the process and advantages of mediation as well as the comparison between mediation and the other types of alternative dispute resolution.

Session 6 : 22 Oct 2024

Construction Industry Payment and Adjudication Act by Ms Lynn Yang Lee Yuen, Partner, Kheng Hoe & Lee Yuen



Session Overview :

- Time in a construction contract
- Progress of works
- Works programme
- Practical completion
- Claiming EOT
- Assessing EOT

Session 7 : 6 Nov 2024

Arbitration and Litigation by Datin Chu Ai Li, Partner, Azman Davidson & Co.



Session Overview :

Litigation

- Judicial System in Malaysia
- Superior Courts
- Subordinate Courts
- Sources of Law

- Rules of Court
- Typical Steps in Court Procedure (from writ to judgment)

Arbitration

- Alternative Dispute Resolution
- Legislative Framework for Arbitration
- Types of Arbitration
- Arbitration Agreement
- Breach of Arbitration Agreement
- Arbitration Rules
- Typical Steps in Arbitration Procedure (from arbitration notice to award)
- Arbitration Award

Session 9 : 4 Dec 2024

Standard Forms of Contract by Karen Ng Gek Suan, Partner, Karen, Mak and Partners



Session Overview:

- Introduction
- Government, Private, International Sector
- Types of Standard Forms of Contract in Malaysia: PAM, CIDB, IEM, PWD, AIAC
- Modified, Bespoke and/or Ad Hoc
- Adversarial or Collaborative
- Key clauses and comparisons

Session 10 : 18 Dec 2024

Practical strategies to prepare for disputes by Mr Chan Kheng Hoe, Partner, Kheng Hoe & Lee Yuen



Session Overview:

- As CIPAA claimant
- As CIPAA respondent
- Arbitration or litigation
- Preparing for arbitration and litigation
- Using mediation
- Using expert determination
- Engaging experts effectively for dispute resolution
- Strategies at trial
- Setting the groundwork for appeals
- Choice of arbitrator, witnesses, etc

- Each training session can be attended individually by participants
- Register and pay at least three (3) working days before each training session date.
- Full payment is due for the registration fees and confirmation of participation
- Proof of payment to be emailed to mbam28@mbam.org.my
- Make payment to Maybank: Master Builders Association Malaysia 014-114-430-810
- No refund policy
- Organiser reserves the rights to change the content, platform, date and time of the programme if necessary.



REGISTRATION LINK
<https://bit.ly/4dpJ5Qn>

REGISTRATION FEE

MBAM Member	Non Member
RM 50	RM 100

For Enquiries

MBAM PR Assistant Manager, Ms Farah Alia at mbam28@mbam.org.my
MBAM General Manager, Mr Lenny Lim at mbam01@mbam.org.my
Tel: 03-7984 8636

MASTER BUILDERS ASSOCIATION MALAYSIA
No. 2-1, Jalan 2/109E, Desa Business Park,
58100 Kuala Lumpur.