

Contracts & Practice

Conditions of Contract in Today's Built Environment - Risks & Responsibilities

Date: 17 August 2018
Time: 9.00am - 5.30pm
Venue: Orchard Hotel,
442 Orchard Road, Ballroom 1

Accreditations:

7 PDUs/ 7 CET Hours (Approved)/ 7 BOA-SIA & 7 SDUs (Pending)

SCAL/ SLOTS Members: \$260.00

CIJC Members: \$330.00

Non-Members: \$380.00

(All prices shown above are inclusive of GST)



The Singapore Contractors Association and SCAL Academy are organising a full day seminar on "Conditions of Contract in Today's Built Environment - Risks & Responsibilities". This seminar will highlight practical issues dealing with conditions of contract, key elements of legal responsibilities in design for safety, and contractual obligations with respect to BIM. This seminar will also give an update on the recent developments in security of payment act and SCAL's recommendation for the revision of public sector standard conditions of contract.

Who Should Attend

Company directors, contract managers/ executives, personnel in project planning and contract administration, lawyers and consultants.

For enquiries, please contact:
Ms Ange Gan - ange@scal.com.sg
Ms Yen Sze - yensze@scal.com.sg
Tel: 6793 9020



Programme Outline

- 9.00am **Registration**
- 9.25am **All to be seated**
- 9.30am **Welcome Address**
By Mr Kenneth Loo, President of SCAL
- Key Note Speech**
By Mr Wong Meng Meng, Senior Counsel & Founder-Consultant, Wong Partnership LLP
- 9.50am **Design for Safety – Together Everyone in the Value Chain Makes a Difference!**
By Mr Chan Yew Kwong, Director (Special Duties), OSHD, Ministry of Manpower
- 10.35am **Tea-Break**
- 10.55am **Recent Development in Security of Payment (SOP) Act**
By Mr Paul Wong & Mr Kirindeep Singh, Senior Partner, Dentons Rodyk & Davidson LLP
- 11.40am **SCAL's Recommendation for Revision of Public Sector Standard Conditions of Contract (PSSCOC)**
By Ms Monica Neo, Partner, Chan Neo LLP
- 12.25pm **Question & Answer**
Moderator Mr Desmond Hill, Past President and Honorary Life Member of SCAL and Advisor for Contracts and Practice Subcommittee
- 1.10pm **Lunch Break**
- 2.00pm **Understanding Your Contractual Obligations with Respect to BIM**
By Mr Phil Lazarus, Digital Practice Leader, Asia, Aurecon
- 2.45pm **REDAS D&B Conditions of Contract – Practical Issues Faced by Contractors & What to Look Out for Contractors?**
By Mr Wong Tjen Wee, Associate Principal, Baker & McKenzie. Wong & Leow
- 3.30pm **Tea Break**
- 3.50pm **Liability for Defects - Case Study on ['MCST 3322 v Mer Vue'] [2016] SCHC 38**
By Mr Christopher Chuah, Partner, Wong Partnership LLP
- 4.35pm **Question & Answer**
Moderator Mr Desmond Hill, Past President and Honorary Life Member of SCAL and Advisor for Contracts and Practice Subcommittee
- 5.30pm **The End**



Speakers' Profile



Mr Chan Yew Kwong

Mr Chan Yew Kwong is the Director (Special Duties) in the Ministry of Manpower's Occupational Safety & Health Division. He has been with the Ministry of Manpower for about 34 years. Before his appointment as Director (Special Duties), he served various roles in OSHD.

Title: Design for Safety – Together Everyone in the Value Chain Makes a Difference!

Synopsis - In July 2015, the Ministry of Manpower gazetted the WSH (Design for Safety) Regulations to have developers, working with their designers, consultants and even contractors, to address foreseeable design risks at the design and planning phase of a construction project. The Regulations have since taken effect from 1st Aug 2016. The Workplace Safety & Health Council has also produced the "Guidelines on Design for Safety in Buildings and Structures" which provide the framework and process to address risks at the design and planning stages of a construction project. Design for Safety (or DfS, in short) is about identifying and eliminating occupational safety and health hazards at the design stage or controlling risks, as early as possible. DfS is about how to make a building/structure safer to build, use, maintain and even for safe demolition.



Mr Paul Wong

Mr Paul Wong is a Senior Partner at Dentons Rodyk. He has acted as counsel in numerous construction disputes, both in arbitration and litigation, with a specific emphasis on engineering related issues. Apart from dispute resolution, Paul advises his clients on the drafting of construction related transactions, including numerous forms of construction contracts as well as public-private partnership (PPP) projects.

Mr Kirindeep Singh is a Senior Partner at Dentons Rodyk. Kirin's practice areas include construction and engineering, arbitration, general civil and commercial litigation. In construction and engineering, Kirin has been involved in numerous disputes in adjudication, arbitration and litigation. He represents owners, developers, consultants, and contractors in construction and engineering disputes under standard form and bespoke contracts.



Mr Kirindeep Singh

Title: Recent Developments in Security of Payment (SOP) Act

Synopsis - "The last year has since the Singapore Courts provide significant guidance on the proper interpretation of the SOP Act especially in situations where no payment response has been provided by the respondent. This scenario has resulted in many cases of applications to set aside adjudication determinations as respondents search for various ways to overcome the difficulty of having no right to argue the merits of the case since no payment response had been issued. In addition, the talk will also highlight other recent developments in relation to the SOP Act."



Ms Monica Neo

Ms Monica Neo is an Advocate & Solicitor (Singapore) and a Partner of Chan Neo LLP. She has practiced exclusively in Building and Construction law for over 25 years and has acted as Counsel in all sorts of construction disputes and in courts, arbitrations, adjudications under the Singapore Building and Construction Industry Security of Payment Act (SOPA), mediations, and all forms of construction dispute resolution. She is also a lecturer of the Certificate Course in Construction Law & Contracts conducted by BCA and has written a number of books and/or commentaries on construction law and construction contracts.

Title: SCAL's recommendation for revision of Public Sector Standard Conditions of Contract (PSSCOC)

Synopsis - The PSSCOC form of contract was first published in 1995 and has been around for over two decades. While it had undergone several reviews over these 20 years (with the current version being the seventh edition (Jul 2014)), the PSSCOC remains inequitable in the distribution of risks, and often puts the contractors in vulnerable positions. In recent years, SCAL had convened a Working Group to review and consider areas where the PSSCOC could be further improved to reflect a more equitable allocation of risks between the key players. The Working Group has since made some recommendations for revision. In this presentation, the speaker, who assisted the Working Group in making the recommendations, will discuss the recommended revisions and the rationale behind them.

Speakers' Profile



Mr Phil Lazarus

Mr Phil Lazarus is an American Architect with over 20 years of experience in the design, documentation and delivery of large projects around the globe. Immersed in 3D process from the start of his career, he has leveraged the power of BIM on the behalf of architects, engineers, contractors and clients. In his current role as Aurecon's Digital Practice Leader for Asia, Phil is overseeing the activities of over 200 staff focused upon digital engineering, and applied technology in practice.

Title: Understanding Your Contractual Obligations with Respect to BIM

Synopsis - The Singapore construction landscape is changing rapidly. Though the current BCA statutory BIM submissions focus upon mainly design consultants, national development priorities are steadily expanding the reach of required deliverables. Construction firms are being impacted. Additionally, clients in both the public and private sectors are requiring higher levels of digital engagement and BIM in project delivery. In this 45 minutes session, Mr. Lazarus will outline the current market landscape for BIM as these regulations and expectations apply to construction firms.



Mr Wong Tjen Wee

Mr Wong Tjen Wee is a Partner in the Dispute Resolution Practice Group in Baker & McKenzie.Wong & Leow Singapore. He regularly advises and acts for property developers, contractors and consultants in complex construction disputes - both in court and arbitration proceedings. He is also well versed and experienced with adjudication under the Singapore Security of Payment Act. Apart from construction disputes, he also handles a broad range of commercial, MCST, shareholder, and employment disputes.

Tjen Wee is a recommended lawyer on Legal 500 for "Construction".

Title: REDAS D&B Conditions of Contract – Practical Issues Faced by Contractors & What to Look Out for Contractors?

Synopsis - The Real Estate Developers Association of Singapore ("REDAS") Design and Build Conditions of Contract is an important standard form building contract that is commonly adopted for use in private sector design and build projects. The current edition introduced an option module to allow developers to retain control over the architectural design and in 2013, REDAS introduced the REDAS Design and Build Conditions of Sub-Contract. This standard form continues to play an important role in shaping the administration of major construction projects - and this seminar identifies and discusses the common and practical issues that are encountered in the use of the REDAS contract.



Mr Christopher Chuah

Mr Christopher Chuah heads the Infrastructure, Construction & Engineering Practice in Wong Partnership LLP and is a Partner in the International Arbitration, China and Myanmar Practices. In January 2018, Christopher was amongst the inaugural batch of select practitioners to be appointed Senior Accredited Specialist in Building and Construction Law by the Singapore Academy of Law. He is also a leading light in the field of building and construction law and has authored various books on this subject.

Title: Liability for Defects – Case Study on 'MCST 3322 v Mer Vue [2016] SGHC 38'

Synopsis - "The case of MCST 3322 v Mer Vue Developments [2016] SGHC 38 has clarified how the law determines the appropriate parties to bear risks of tortious liability for defects in a building project. Specifically, the court defined the extent that Developers, Architects and Main Contractors may rely on the independent contractor defence to avoid liability where there is a claim in tort against them for alleged building defects. This presentation will examine the case and highlight the implications the decision has on any potential liability of Contractors at all levels of a Project for defects arising from their works."

Application Form

Please complete the application form and send the completed form by e-mail or fax to SCAL Academy before 17 August 2018. For further enquiries, please do not hesitate to contact:

Miss Ange Gan | Tel: 6793 9020 | Fax: 6793 4401 | Email: ange@scal.com.sg

Miss Yen Sze | Tel: 6793 9020 | Fax: 6793 4401 | Email: yensze@scal.com.sg

Participants Information (Please Write/ Type or Print Clearly in Capital Letters)

Name: _____ NRIC/WP/FIN _____ Designation: _____

Name: _____ NRIC/WP/FIN _____ Designation: _____

Name: _____ NRIC/WP/FIN _____ Designation: _____

Organisation / Institution: _____ Company Reg No: _____

Address: _____

Contact Person: _____ Tel : (Office) _____ (Mobile) _____

Fax: _____ Email: _____

Registration Fees per participant (Please tick the appropriate box)

SCAL/ SLOTS Members \$260.00

CIJC Members (ACES, IES, REDAS, SIA, SIBL, SISV, SPM) \$330.00

Non-Members \$380.00

Note: All rates quoted in Singapore Dollars (SGD). The registration fees include of 7% GST, Conference Materials, Tea Break and Lunch.

Payment By crossed cheque made payable to “**SCAL Academy Pte Ltd**” and send to SCAL Academy @ 150 Neil Road, Singapore 088879. Please indicate for “**Contracts & Practice 2018**” behind the cheque.

Terms and Conditions

- 1) Written notice of replacement or withdrawal must be given at least 7 Days before the event date with a penalty charge of 50% of the registration fees for withdrawal. For any replacement, \$50 will be charged per participant replacement.
- 2) There will not be any refund or credit on fee paid.
- 3) Speakers, topics and venue are correct at the time of printing. SCAL reserve the right to substitute any of the speakers, cancel or change the content, venue and timing of the event for reasons beyond its control.

Name/ Authorized Signature/ Designation

Company Stamp (if applicable)

Date

