

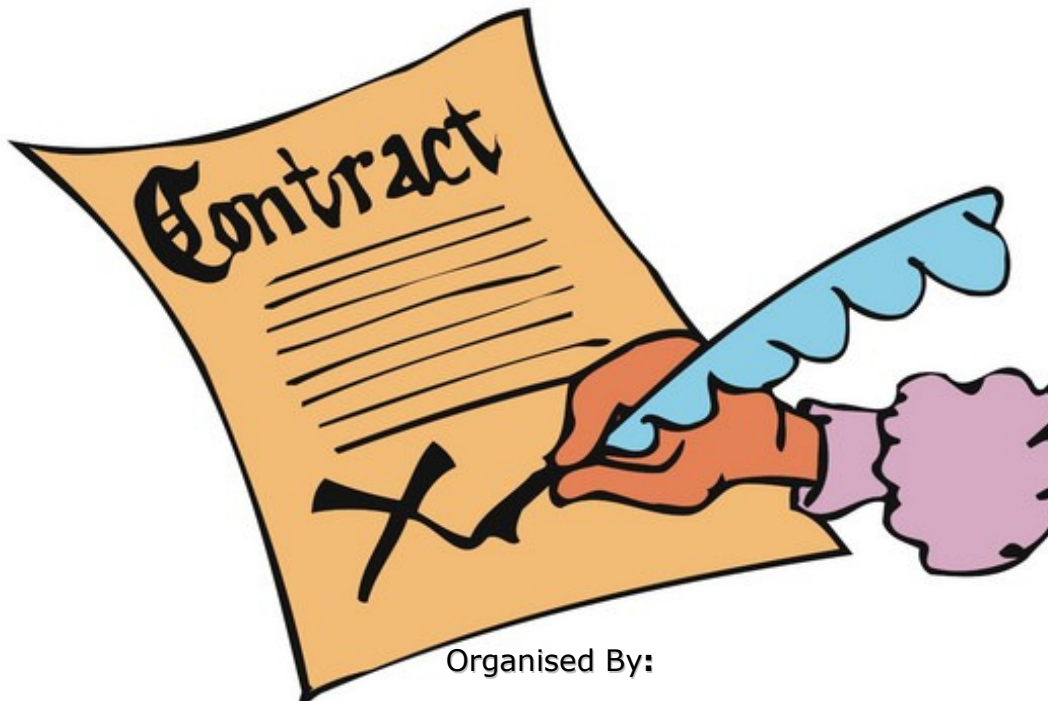


Singapore Institute of
Surveyors and Valuers

Certificate in Building Contract Law

Dates : 15 May - 10 July 2013 (Wednesdays)
Lecturer : Mr Edwin Lee, Eldan Law LLP
Time : 6:30pm to 9:30pm
Venue : SISV Training Room
110 Middle Road #09-00 Chiat Hong Building

CPD Units: 25 points (Applicable to Members of QS Division)
4 points (Members of SIA and BOA)
18 points (Member of IES and PEB)



Organised By:

Quantity Surveying Division

Singapore Institute of Surveyors and Valuers
110 Middle Road #09-00 Chiat Hong Building
Singapore 188968

Mainline: 6222 3030 Fax : 6225 2453

Website: <http://www.sisv.org.sg>

COURSE SYNOPSIS

This course covers the various sources of building contract law, the standard forms of contract, dispute resolution mechanisms, general understanding of basic legal principles and concepts, and the essential elements for the formation of a contract. Participants will be able to tell when a contract has been legally formed, and on which set of standard terms. Commonly encountered situations of unsigned quotations, purchased order terms being different from those stated in the quotation, and further negotiation of terms after delivery of material will be discussed. The circumstances under which a signed contract is considered void or unenforceable will be discussed. Issues such as misrepresentation, frustration, mistake and duress will also be examined. The breaching of contract and its consequences will also be covered. The legal rights and obligations regarding the time for completion of works or delivery will be discussed. Participants will learn the best way to avoid liability for delay and liquidated damages, and preserving their rights to claim for extensions of time, and even payment of prolongation cost for delays. The contractual basis for variations and payment for variations will be discussed - issues include the circumstances under which a contractor rejects variation orders, and when an omission order may be considered invalid. The course will also cover the more commonly subscribed payment regime. Cases of building contract law will also be covered during the course.

This course is designed for all stakeholders and practitioners of the real estate, building and construction industry such as developers, quantity surveyors, managing agents, project managers, superintending officers, architects, engineers, construction managers, building managers, contracts managers, building contractors and sub-contractors including specialist contractors and suppliers of construction materials and products.

COURSE OBJECTIVES

It serves to equip participants with the knowledge and skills in contract negotiations, create awareness of the dos and don'ts in the operation of contracts, and gain better appreciation of the technicalities in contractual matters. The course provides a foundation for participants in their understanding, drafting and execution of contracts. The course is designed and structured to cover key aspects of contract law and how they should be addressed within the contractual framework.

COURSE STRUCTURE AND DURATION

- Classes : 15 May – 10 July 2013 (Wednesday, 6:30pm – 9:30pm);
- Private Study : 24 to 28 June 2013
- Revision : 3 July 2013
- Written Examination: 10 July 2013

ASSESSMENT METHODS

A **Certificate in Building Contract Law** will be awarded by SISV to candidates who have attended at least 75% of the course and upon successful completion of a written examination.

ADMISSION

For practising professionals in real estate and construction industry.

SKILLS DEVELOPMENT FUND (SDF) TRAINING ASSISTANCE

SDF amount of \$36 is available to Singapore citizens and PRs.

COURSE FEE

\$ 856.00	- SISV members or Staff of Member Firms
\$ 1,123.50	- CIJC members (<i>applicable to SIA, SIBL, SCAL, IES, REDAS, SPM, ACES</i>)
\$ 1,444.50	- Non-members

*All fees quoted are inclusive of GST.

VENUE (subject to change)

SISV Training Room, 110 Middle Road #09-00 Chiat Hong Building Singapore 188968

COURSE OUTLINE

Week	Lecture Date	Topic
1	Wed / 15 May 2013	<p>The Legal Environment</p> <p>This lecture will discuss the various sources of building contract law, the standard forms of contract, the dispute resolution mechanisms available, and also provide a general understanding of basic legal principles and concepts.</p>
2	Wed / 22 May 2013	<p>Contract Formation</p> <p>This lecture will discuss the essential elements for the formation of a contract. At the end of the seminar, participants will be armed with the ability to tell when a contract has been legally formed, and on whose set of standard terms. Commonly encountered situations of quotations not being signed, purchase order terms being different from the terms in the quotation, and further negotiation of terms after delivery of material, will be discussed.</p> <p>Some of the issues that will be discussed include:</p> <ul style="list-style-type: none"> • When is a contract actually formed – what happens when quotations are not signed and goods have to be delivered? • Whose standard terms apply when there are terms in the quotation? • The legal significance of a letter of intent, letter of award and documents marked “subject to contract”
3	Wed / 29 May 2013	<p>Contract Avoidance</p> <p>After a contract has been signed, under what circumstances will the contract be considered void or unenforceable? Issues such as misrepresentation, frustration, mistake and duress will be discussed. Also included in the lecture will be breach of contract and its consequences.</p>
4	Wed / 5 June 2013	<p>Delay and Liquidated Damages</p> <p>The legal rights and obligations regarding time for completion of works or delivery will be discussed in this seminar. Participants will learn how best to avoid liability for delay and liquidated damages, and how to preserve their rights to claim for extensions of time, and even payment of prolongation cost for delays.</p> <p>Issues that will be covered include:</p> <ul style="list-style-type: none"> • What is the proper time for completion? • What happens when the main contractor delays, or the master schedule is not followed? • What is the relationship between liquidated damages clauses and extension of time clauses? • When are liquidated damages clauses not enforceable? • How much of the liquidated damages is too much? • Can liquidated damages be charged even if the employer suffers no loss as a result of the delay? • Can a contractor pass on to a supplier the liquidated damages which the employer is imposing on him? • What are the ways to protect/ defend against claims for delay and liquidated damages • What are the best ways to preserve your rights to claim for more time and/or even compensation for standby?
5	Wed / 12 June 2013	<p>Variations and Defects Claims</p> <p>The lecture will discuss the contractual basis for variations and payment for variations. Issues include the circumstances under which a contractor rejects variation orders, and when an omission order may be said to be invalid.</p>

6	Wed / 19 June 2013	<p>Recovering Payment Effectively</p> <p>This lecture presents a short course on the payment regime introduced by the Building and Construction Industry Security of Payment Act, and emphasizes how it affects all players in the construction industry. Effective use of the Security of Payment Act will not only ensure efficient recovery of payment, but also avoid pitfalls when faced with claims by other sub-suppliers and sub-contractors. As the Act has been in place for 5 years already, many lessons can be gleaned from the claims and failures that have occurred in these past years, and these will be discussed at the seminar.</p> <p>Some of the issues that will be covered include:</p> <ul style="list-style-type: none"> • Making proper use of the Security of Payment Act to make claims • Avoid being taken by surprise by claims from contractors/ sub-contractors / suppliers • What can and cannot be included in a claim? • When is it too late to make a claim? • How to apply for adjudication, and how to prepare for it.
7	24 - 28 June 2013	Self-Study Week
8	Wed / 3 Jul 2013	Revision Lesson
9	Wed / 10 Jul 2013	Examination

APPLICATION PROCEDURE

All applications must be submitted with the following:

1. Completed application form*
2. One recent passport-size photograph
3. Copies of academic certificates (where applicable)
4. Requisite payment**

Cheques must be made payable to “**SINGAPORE INSTITUTE OF SURVEYORS AND VALUERS**”

* Application forms are obtainable from SISV or the SISV website: www.sisv.org.sg

** Requisite payment includes all fees quoted under Course Fees.

PENALTY FOR WITHDRAWAL

Notice	Penalty
Written notice of withdrawal received <i>more than two weeks</i> before commencement of the course	25% of full course fees
Written notice of withdrawal received <i>less than two weeks</i> before commencement of the course	100% of full course fees

REPLACEMENT

Fees paid are not refundable under any circumstances. If you are unable to attend the course, please inform us in writing at least 2 week before commencement of course, otherwise full payment is still applicable even if you did not turn up for the course. In the case of a CIJC or non-member replacing a member (within the same company), the CIJC or non-member will have to pay the fee difference.

SISV reserves the right to amend the course details, revise the course fee without prior notice, to cancel or postpone the course under unforeseen circumstances.

COURSE ENQUIRIES

Mr Xavier Shee, Tel: 64240287, Email: xaviershee@sisv.org.sg or

Ms Manisah Jalil, Tel: 64240272, Email: manisah@sisv.org.sg