



6th Intake } **Certificate in Building Contract Law**

Commencing 31 August 2017

Every Monday & Thursday

Time: 6:30pm to 8:30pm

Venue: SISV Training Room*

***Venue (subject to change)**

CPD Credit:

SISV, QS Division = 25 hours

SIA-BOA = 4 points

Qualified for 16 PDUs by PEB

Every QS Division Member
(Fellows, Members, Probationers and Technical Members) must complete at least 20 CPD hours each year.

Admission Requirements

For practitioners in real estate and built environment Industry.

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.

Course Structure and Duration

Classes :

31 Aug - 16 Oct 2017

Revision :

12 Oct 2017 (Thursday)

Self Study week:

3 - 11 Oct 2017

Written Examination:

16 Oct 2017 (Monday)

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. This course provides a foundation for participants in their understanding, drafting and execution of contracts. This course is designed and structured to cover key aspects of contract law and how they should be addressed within the contractual framework.

COURSE OUTLINE

Week	Lecture Date	Topic
1	31 Aug 17 (Thurs)	The Legal Environment 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.
	4 Sep 17 (Mon)	Contract Formation 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. Some of the issues that will be discussed include: <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”
2	14 Sep 17 (Thurs)	Contract Avoidance 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.
	18 Sep 17 (Mon)	Delay and Liquidated Damages 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. Issues that will be covered include: <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?

COURSE OUTLINE (Cont'd)

Week	Lecture Date	Topic
3	21 Sep 17 (Thurs)	(Continues) Delay and Liquidated Damages
	25 Sep 17 (Mon)	Variations and Defects Claims 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.
4	28 Sep 17 (Thurs)	Recovering Payment Effectively
	2 Oct 17 (Mon)	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. Some of the issues that will be covered include: <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?
5	3-11 Oct 17	Self-Study Week
6	12 Oct 17(Thurs)	Revision Lesson
7	16 Oct 17(Mon)	Examination

About the Trainer



Practising for more than 20 years, **Edwin Lee** has argued both major courtroom disputes and arbitrations. He is one of the founding partners of Eldan Law LLP. He is recommended for infrastructure and energy (AsiaLaw Profiles (2007)) and is cited as a leading Singapore construction law practitioner in Euromoney's *Guide to the World's Leading Construction Lawyers* (2013 & 2015).

Edwin is an accredited adjudicator with the Singapore Mediation Centre, and a member of the Construction Adjudication Accreditation Committee, which oversees the selection and assessment of adjudicators. He is extremely familiar with the adjudication regime, having acted as Counsel in numerous adjudications. He has also acted as Adjudicator and Review Adjudicator, hearing adjudications and adjudication reviews. He successfully argued the landmark Court of Appeal case of *Lee Wee Lick Terence v Chua Say Eng*.

Apart from his active legal practice, Edwin is also an Adjunct Assistant Professor with the National University of Singapore and is a trainer for the Singapore Building & Construction Authority, on Construction Law.

Edwin is the author of *Building Contract Law in Singapore*, 2nd Edition (2003), a co-author of *Law & Practice of Injunctions in Singapore* (2004), co-author of *Confidentiality in Arbitration* (2007), and one of the general editors of the annual *Singapore Construction Adjudication Review*.

COURSE FEE*

- \$ 856.00 - SISV members or Staff of Member Firms
- \$ 1,123.50 - CIJC (ACES, IES, REDAS, SCAL, SIA, SIBL, SPM), AIQS, BoA, IQSI, PEB, PICQS, PUJA, RICS, SCL, SGBC
- \$ 1,444.50 - Non-members

*All fees quoted are inclusive of GST.

SKILLS DEVELOPMENT FUND (SDF) TRAINING ASSISTANCE

SDF training grant of \$36 per trainee is available to company-sponsored participants (Singaporeans or Singapore Permanent Residents). The application will be subjected to SDF's requirements and consideration, on a case-by-case basis.

PAYMENT MODE

- ◆ By Cheque. Crossed cheque payable to “**Singapore Institute of Surveyors and Valuers**”. Please indicate your name, company and course title on the back of the cheque.
- ◆ Via ibanking/Bank transfer. Details as follows: **DBS current account no: 007 005007 0**. Please email us the transaction slip once payment is done
- ◆ Invoice company

APPLICATION PROCEDURE

All applications must be submitted with the following:

1. Completed application form*
2. One recent passport-size photograph
3. Photocopies of academic qualifications
4. Copy of NRIC (Front and Back)
5. Requisite payment**



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

* As attached. Application forms are also obtainable from SISV or via www.sisv.org.sg/qs-courses

** 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 or to cancel or postpone the course due to unforeseen circumstances.

COURSE ENQUIRIES

For course enquiries and registrations, please contact:

- Dina Abdullah ☎ : 64240286 ✉ : dina@sisv.org.sg
- Joel Teo ☎ : 64240287 ✉ : qs.admin@sisv.org.sg

**SINGAPORE INSTITUTE OF SURVEYORS & VALUERS**

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 Email : qs.admin@siv.org.sg Website: www.siv.org.sg

Application for Certificate in Building Contract Law (6th Intake)**31 August 2017—16 October 2017**

- Category SISV Member / Staff of Member Firms
 (Please tick) CIJC (ACES, IES, REDAS, SCAL, SIA, SIBL, SPM), AIQS, BoA, IQSI, PEB, PICQS, PUJA, RICS, SCL, SGBC
 Non-Member

*Attached a recent
 passport-size
 photograph*

Applicant Information

Applicant Information collected in this form is solely for the purpose of processing your application for enrolment.

Name as in NRIC/Passport (underline surname) Mr / Mrs / Miss		English Name (if any)	
NRIC/Passport No	Date of Birth	Citizenship	Gender : Male / Female
Company		Designation	
Address (O)			
Address (H)			
Email Address# (compulsory)		Handphone	Phone (O) / (H)

I hereby consent to SISV and/or its Divisions collecting, using, disclosing and/or processing my personal data for purposes of its membership administration and its events marketing. All communications shall be through email/sms.

Academic Information (Certified true copies of your academic certificates must be submitted with this form)

Institution	Year	Full-time / Part-time	Qualifications Achieved

Employment History

Organisation	Length of Service	Position Held

Registration / Payment

Course Fee per Trainee		SDF Assistance Per Trainee	Pay to SISV
Member or Staff of SISV Member Firms	\$ 856.00 (Incl GST)	\$36	\$ 820.00
CIJC Member	\$1,123.50 (Incl GST)		\$1,087.50
Non Member	\$1,444.50(Incl GST)		\$1,408.50

SPONSORED BY COMPANY: YES / NO**APPLY SDF: YES / NO**

(Please provide Company endorsement letter if participant is sponsored by Company and/or applying for SDF Assistance)

***NOTE:**

- ◆ The Institute reserves the rights to cancel or postpone the course.
- ◆ Full payment (via cheque or bank transfer) must be made before commencement of course.
- ◆ Company sponsoring their employee/staff applying for training grant must enroll online via SkillsConnect at least 30 days before/after commencement of course. All applications are subject to SSG's requirements and consideration.

Employer's Name & Signature
 Date:

Company Stamp

Applicant's Signature
 Date:

For Official Use

Batch # _____ Cheque: _____ Amount: _____ Official Receipt: _____