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:
6 PDUs/ 7 CET Hours (Approved)/ BOA-SIA & 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
### 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.

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### 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.”

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### 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.” |

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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)

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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