



ACEM Sabah - BICAM Half Day Course on “Handling Consultants’ Liability Issues and Disputes in Construction Contracts”

Date	:	9 December 2023 (Saturday)
Time	:	8.30am – 1.00pm
Mode	:	Hybrid
Venue (Physical)	:	IEM Sabah Training Centre, Lot 25-3, Damai Point Commercial Centre, Jln Damai, Luyang, Kota Kinabalu, Sabah.
Platform	:	To be advised
Approved BEM CPD Hours	:	4 hours
Registration fee (Physical)	:	RM150 (Member) / RM180(Non-Member)
Registration fee (On-line)	:	RM120 (Member) / RM150(Non-Member)

Introduction

This is an intensive half-day course intended to introduce participants especially Consultants to the important facets of their liability and also how to resolve disputes in construction contracts that they will encounter in their practice.

The course comprises two principal modules and is intended to be more of a workshop involving active participation by the attendees especially during the Q&A Sessions.

Purpose

The principal aims of the above course is for the participants to:

- Be exposed to the various types of liabilities that govern consultants vis-à-vis construction contracts especially in Sabah including addressing contemporary developments;
- Understand the rights and duties of the consultants to the various parties/stakeholders under construction contracts especially the authorities, employers, users/third parties, main contractors, and sub-contractors/suppliers;
- Learn the important aspects of handling a typical local construction contract to avoid disputes and liability claims with respect particularly to the main conditions of contract and the other local Forms used in Sabah;
- Acquaint themselves with effective means of managing liability issues and disputes in design, cost estimation and running of a typical construction contract from inception until hand-over; and
- Ensure an understanding of the various means of minimizing/mitigating liability risks in construction contracts/consultancy agreements.

PRINCIPAL CONTENTS:

Module 1: Consultant’s Liabilities in Construction Contracts

- a) Types of liabilities: contractual, tortious and statutory;
- b) Contractual liability: nature/types, risks and enforcement;
- c) Tortious liability: nature/types, risks and enforcement;
- d) Difference between “Reasonable skill & care” and “fit for purpose” liability;
- e) Statutory Liability: nature/types, risks and enforcement;
- f) Effects of Novation Agreements on liability Issues;
- (g) Effects of the Sabah Limitation Ordinance (Cap. 72) compared with the Limitation Act 1953 (West Malaysia);
- (h) Effect of the amendments to Section 21 of the Sabah Development (Control and Licensing) Enactment 1978;
 - i) Minimizing/mitigating liability e.g.
 - (i) Professional Indemnity Insurance, Limitation of liability clauses, etc.; and
 - (j) Relevant law/recent developments.

Module II: Handling Disputes in Construction Contracts

- a) Consultant's role and duties under the construction contract/consultancy agreement;
- b) Main Methods in practice e.g. Traditional Dispute Resolution (TDR) and Alternative Dispute Resolution (ADR);
- c) Arbitration: types, features, practice, enforceability, etc.;
- d) Adjudication: types, features, practice, enforceability, etc.;

Mediation: types, features, practice, enforceability, etc.;

Other ADR Methods; Expert Determination, Dispute Adjudication Boards, etc.;

BICAM: Purpose/role, advantages of using BICAM, consultant's role in promoting BICAM, professional development, capacity building and empanelment, etc.; and

Contemporary Developments

Course Leader

Ir. Harbans Singh K.S- BICAM Council Member, Professional Engineer, Chartered Engineer, and Chartered Arbitrator.

Ir. Harbans Singh K.S. is a Professional and Chartered Engineer, Chartered Arbitrator, Mediator, and Adjudicator. Called to the Malayan Bar in 1995, he is at the moment however not in active practice as an Advocate and Solicitor. He commenced his career with the Public Works Department (JKR), Malaysia before joining an international German consultancy practice with whom he worked locally and then in Koblenz as a designer, resident engineer, and contract administrator.

Later, Ir. Harbans served with a local consultancy firm in various professional capacities and presently is heading HSH Consult Sdn. Bhd and HSKS Dispute Resolution Chambers. Ir. Harbans is a Council Member of the Borneo International Centre for Arbitration and Mediation (BICAM) since early 2023. He is a regular contributor to *"The Ingenieur"*, *"The Malayan Law Journal"*, *"The Law Review"* and other publications and is the recipient of a number of awards. Ir. Harbans is also the author of a series of four books entitled *'Harbans' Engineering and Construction Contracts Management'*, co-author of *"Construction Law in Malaysia"*, *"Practice and Procedure of Mediation"* and *"The PAM Contract 2006"*, contributor to *'The Malaysian Standard Precedents and Forms (Vol.N)'* and is a regular speaker at courses/seminars and conferences both locally and internationally.

CONTINUE NEXT PAGE....

PROPOSED PROGRAMME

Time	Programme
08.30am – 09.00am	Registration
09.00am – 09:15am	Opening address
09:15am – 11:00am	Module I
11.00am – 11.15am	Tea Break
11.15am – 12.45pm	Module II
12.45pm – 01.00pm	Q & A
01.00pm	Closing Address/End of Course

Registration Form

ACEM Sabah - BICAM Half Day Course on "Handling Consultants' Liability Issues and Disputes in Construction Contracts"

I/We wish to participate in the above event on Saturday, 9 December 2023. (8.30am-1.00pm)

Name	ACEM No.	ACEM Panel Firm	RM
<u>PLEASE PROCEED TO REGISTER BY CLICKING ON THIS LINK</u>			
TOTAL RM:			

Contact Person & Designation : _____

Telephone No.: _____

Organisation & address : _____

Fax No.: _____

Email Add: _____

Signature: _____

Date: _____

I/We understand that the fee is not refundable if I/we withdraw after my/our application(s) is/are accepted by ACEM Sabah. However, substitution of participants will be allowed. If I/we fail to attend the course, I/we will still settle the registration fee in full.

Completed Registration Form should be fax / submit to:

Association of Consulting Engineers Malaysia (Sabah Branch)
c/o IEM Sabah, Lot 25, 3rd Floor, Block C, Damai Point Commercial Centre, Luyang, Jalan Damai, 88300 Kota Kinabalu.
Tel and Fax: 088-222 261 Email: acem.sabah@yahoo.com.my

Payment details: Association of Consulting Engineers Malaysia : 60098-00100-11370 (Alliance Bank)