

BK ASIA PACIFIC LIMITED

presents a series of

**CONSTRUCTION
CONTRACTS SURGERIES
and TRAINING WORKSHOPS**

for

CONSTRUCTION PROFESSIONALS

Training Workshops	Date	Time
• Extension of Time Workshop	14 th October 2009, Wednesday	9.00 am to 4.30 pm
• Prolongation Workshop	21 st October 2009, Wednesday	9.00 am to 4.30 pm

This series of Workshops will provide both construction professionals and construction lawyers with a unique opportunity to participate in practical “hands on” exercises to apply several of the important principles relating to extension of time entitlements and recovery of prolongation costs (such as “who owns the float” in programmes, how to avoid arguments on concurrent delay and notices as conditions precedent to entitlements) to a complex situation of multiple delays on a building contract caused by both Contractor and Architect and by neutral delays.

The price for each one-day “Workshop” is HK\$1,800 per person. **10% discount** will be given to those persons who book in advance for both Extension of Time and Prolongation workshops together.

Contracts Surgeries	Date	Time
• Dispute Resolution	15 th October 2009, Thursday	9.00 am to 12.30 pm
• Principles of Contract Law for Construction Contracts	22 nd October 2009, Thursday	9.00 am to 12.30 pm
• Sub-Contract Problems	30 th October 2009, Friday	9.00 am to 12.30 pm
• Extensions of Time	4 th November 2009, Wednesday	9.00 am to 12.30 pm
• Prolongation Claims	11 th November 2009, Wednesday	9.00 am to 12.30 pm
• Valuation of Variations	18 th November 2009, Wednesday	9.00 am to 12.30 pm

This series of Contracts Surgeries will provide construction professionals with the opportunity of furthering their knowledge of contractual and commercial matters and receiving advice on real life contractual and commercial problems in relation to these topics and will also provide construction lawyers with a unique opportunity of experiencing first hand how construction professionals view these matters, the problems they face and how such problems can be overcome through the day to day commercial management and administration of construction contracts and sub-contracts.

The price for each “Contracts Surgery” is HK\$900 per person. **10% discount** will be given to those persons who book in advance for at least three of these seminars together.

Training Workshop – Extension of Time

Date: Wednesday, 14th October 2009, 9.00 am to 4.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge on several of the important principles relating to entitlement to extension of time
- actively participating in questioning and discussing the application of such principles
- participating in practical “hands on” exercises to apply such principles to a complex situation of multiple delays on a building project caused by both the Contractor and the Architect and by neutral delays

Who should attend: Contractors’ and Sub-Contractors’

- quantity surveyors
- site agents
- engineers

and those who are involved in contract administration on behalf of consulting engineers, architects, quantity surveyors, government departments and other employing organizations

and

- lawyers

who are involved in advising clients on extension of time issues

Programme:

- Lectures:
 - Requirements of the HKSAR GCC and HKIA/ RICS Contract in relation to programming, time for completion and extension of time.
 - “float” in programmes
 - notices of delay
 - concurrent delays
- Workshop exercises:
 - review contract programme
 - review delays and “as built” programme
 - drafting notice of delay and review
 - review Architect’s response
 - drafting reply to Architect and particulars of cause and extent of delay and review

Materials: Comprehensive seminar documentation comprising pre-workshop briefing papers, pre-lecture notes, contract extracts and full copies of speaking notes and other reference material will be provided to all participants

Remarks: Places are limited for this workshop and will be allocated on a “first come first served” basis. **Deadline for applications is 7th October 2009.** Pre-workshop Briefing Papers will be despatched to successful applicants one week before the workshop. In order to be properly prepared for participating in the discussions and exercises it will be necessary for all participants to study the Briefing Papers in advance of the Workshop.

Training Workshop – Prolongation

Date: Wednesday, 21st October 2009, 9.00 am to 4.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge on several of the important principles relating to prolongation
- actively participating in questioning and discussing the application of such principles
- participating in practical “hands on” exercises to apply such principles to a complex situation of multiple delays on a building project caused by both the Contractor and the Architect and by neutral delays

Who should attend: Contractors’ and Sub-Contractors’

- quantity surveyors
- site agents
- engineers

and those who are involved in contract administration on behalf of consulting engineers, architects, quantity surveyors, government departments and other employing organizations.

and

- lawyers

who are involved in advising clients on prolongation claims issues

Programme:

- Lectures:
 - requirements of the HKSAR GCC and HKIA/ RICS contract in relation to prolongation claims.
 - elements of prolongation
 - notices of claim
 - concurrent delays
- Workshop exercises:
 - review contract programme
 - review delays and “as built” programme
 - review Architect’s letter granting EOT
 - drafting reply to Architect and notices of claim
 - review reply and agree “model” reply/notice
 - review letter received from Architect
 - drafting particulars of claim
 - review and agree “model” particulars

Materials: Comprehensive seminar documentation comprising pre-workshop briefing papers, pre-lecture notes, contract extracts and full copies of speaking notes and other reference material will be provided to all participants

Remarks: Places are limited for this workshop and will be allocated on a “first come first served” basis. **Deadline for applications is 14th October 2009.** Pre-workshop Briefing Papers will be despatched to successful applicants one week before the workshop. In order to be properly prepared for participating in the discussions and exercises it will be necessary for all participants to study the Briefing Papers in advance of the Workshop.

Contracts Surgery – Dispute Resolution

Date / Time: Thursday, 15th October 2009, 9.00 am to 12.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge of the different forms of dispute resolution
- considering the advantages and disadvantages of each of the alternative methods of dispute resolution as they are practiced in the construction industry
- receiving advice on how to develop bespoke dispute resolution solutions to suit the varied nature and size of construction disputes with the object of saving time and costs

Who should attend: All architects, engineers, quantity surveyors and others who have become involved in construction disputes on behalf of:

- architectural and engineering consultants
- employers and government departments
- contractors and sub-contractors

and their

- lawyers

who wish to consider more practical, amicable and cost effective dispute resolution solutions

Programme:

- Lectures:
 - Introduction to alternative methods of dispute resolution
 - Arbitration
 - Mediation
 - Adjudication
 - Dispute settlement provisions in standard contracts
 - Combining ADR techniques (including use of Dispute Resolution Advisor)
- Questions and Advice

Contracts Surgery – Principles of Contract Law for Construction Contracts

Date / Time: Thursday, 22nd October 2009, 9.00 am to 12.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge of the principles of contract law relevant to construction contracts
- understanding how such principles are relevant to day to day problems encountered in the construction industry
- receiving advice on how to apply such principles in various situations

Who should attend: All architects, engineers, quantity surveyors and others who on behalf of:

- architectural and engineering consultants
- employers and government departments
- contractors

and

- sub-contractors

who wish to know more about the legal principles on which the contracts they are administering are based

Programme:

- Lectures:
 - development of the law in common law jurisdictions
 - introduction to contract law
 - essential elements of a contract
 - construction of contracts
 - payment and varied works
 - default and damages
 - time for completion and liquidated damages
 - defences for non-performance
 - doctrines and remedies
 - limitations by statute
- Questions and Advice

Contracts Surgery – Extensions of Time

Date / Time: Wednesday, 4th November 2009, 9.00 am to 12.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge of contractual and commercial matters relating to extensions of time
- receiving advice on real life contractual and commercial problems
- receiving advice on how to minimize the risk of improper deductions of liquidated damages
- understanding the importance of the extension of time clause to the Employer as well as the Contractor

Who should attend: All architects, engineers, quantity surveyors and others who are involved in the notification, processing and granting of extensions of time on behalf of:

- architectural and engineering consultants
- employers
- contractors
- sub-contractors

and

- lawyers

who are involved in advising clients on such issues

Programme:

- Lectures:
 - Contract completion requirements
 - Importance of programming
 - Delays to progress and completion
 - Concurrent delays
 - Who owns the float?
 - How to avoid arguments on concurrent delay
 - Non-completion certificate
 - Notice of delay
- Questions and Advice

Contracts Surgery – Prolongation Claims

Date / Time: Wednesday, 11th November 2009, 9.00 am to 12.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge of contractual and commercial matters relating to valuation and assessment of prolongation claims
- receiving advice on real life contractual and commercial problems
- receiving advice on how to maximize revenue from prolongation claims resulting from variations

Who should attend: All architects, engineers, quantity surveyors and others who are involved in the valuation and assessment of prolongation and recovery of additional payment from prolongation arising from delays to progress on behalf of:

- architectural and engineering consultants
- employers
- contractors
- sub-contractors

and

- lawyers

who are involved in advising clients on such issues

Programme:

- Lectures:
 - requirements of the HKSAR GCC and HKIA/ RICS contract in relation to prolongation claims.
 - claimable elements of prolongation
 - notices of claim
 - concurrent delays
 - importance of programming
- Questions and Advice

Contracts Surgery – Sub-Contract Problems

Date / Time: Friday, 30th October 2009, 9.00 am to 12.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge of contractual and commercial matters relating to sub-contracting
- receiving advice on real life contractual and commercial problems
- understanding the importance of proactive management of sub-contractors and careful administration of sub-contracts
- receiving advice on how to avoid the pitfalls when entering into sub-contracts

Who should attend: All architects, engineers, quantity surveyors and others who are responsible for approving sub-contracts or who are involved in the management of sub-contractors and administration of sub-contracts on behalf of:

- architectural and engineering consultants
- employers
- contractors

and

- sub-contractors

and

- lawyers

who are involved in advising clients on such matters

Programme:

- Lectures:
 - importance of sub-contractors
 - assignment and sub-contracting provisions
 - incorporating main contract terms
 - pitfalls in letters of award/acceptance/intent
 - sub-contract completion-periods or programme
 - programming management of sub-contractors
- Questions and Advice

Contracts Surgery – Valuation of Variations

Date / Time: Wednesday, 18th November 2009, 9.00 am to 12.30 pm

Objectives: To give participants the opportunity of:

- furthering their knowledge of contractual and commercial matters relating to valuation of variations
- receiving advice on real life contractual and commercial problems
- receiving advice on how to maximize revenue from variations

Who should attend: All architects, engineers, quantity surveyors and others who are involved in the valuation of variations and recovery of additional payment from variations on behalf of:

- architectural and engineering consultants
- employers
- contractors
- sub-contractors

and

- lawyers

who are involved in advising clients on such issues

Programme:

- Lectures:
 - Introduction – what is a variation?
 - Ordered variations
 - Valuation of Variations
 - Impact of Variations on time for completion
 - Impact of Variations on other work
 - “Deemed Variations”
 - Provisional Sums
 - Notice relating to variations
- Questions and Advice



CONSTRUCTION CONTRACTS SURGERIES and TRAINING WORKSHOPS

About the Speakers



Dr. Brenda YIP has contributed to the construction industry and academia for almost 20 years. She is a Member of the Royal Institution of Chartered Surveyors, the Chartered Institute of Building, the Hong Kong Institute of Construction Managers, the Hong Kong Institution of Engineers and the Australian Institute of Building. Brenda has gained substantial professional experience in building engineering and project management for numerous successful large scale public and private property developments. She has been invited to be a member of the Construction Industry Council and the Construction Industry Group at the British Chamber of Commerce to contribute her expertise and to help continuously improve the industry. Brenda presently holds a Professoriate post at the Department of Real Estate and Construction at the University of Hong Kong. Her teaching experience includes diversified areas in construction management at both undergraduate and postgraduate levels. She is also actively involved in research and knowledge transfer within the industry. She has a proven publication record and has been awarded an international fellowship, four awards and commendations related to her achievements.

John Battersby is a Quantity Surveyor by profession having worked in the construction industry for 42 years, 26 years of which have been spent working on projects in Hong Kong, China and South East Asia. He is a Fellow of the Chartered Institute of Building, Hong Kong Institute of Construction Managers, Institution of Civil Engineering Surveyors, Chartered Institute of Arbitrators and Hong Kong Institute of Arbitrators and a Member of the Royal Institution of Chartered Surveyors and Hong Kong Institute of Surveyors. John has acted as an expert witness several times, both in arbitration and litigation, in respect of additional cost/loss and expense/damages claims, measurement issues, adjustment of rates, valuation of variations and causes and effects of delays to construction works. He has acted both as party appointed and "single joint expert" (or "tribunal expert"). He is a Practising Member of the Academy of Experts and accredited by the Academy as an Expert. He has also been appointed as Arbitrator, Assessor, Mediator and Dispute Resolution Advisor several times.



Nicholas Seymour is a Chartered Quantity Surveyor who has had over 38 years working experience in the construction industry. He specializes in the provision of commercial, contracts and claims avoidance advice during the tender/pre-contract stages for building and civil engineering projects and the provision of commercial, contracts, dispute resolution advice and expert services during the post contract stage including advice and assistance regarding mediation, arbitration and litigation. Nicholas is a Fellow of the Royal Institution of Chartered Surveyors, Fellow of the Chartered Institute of Arbitrators, Fellow of the Hong Kong Institute of Arbitrators and holds a MSc in Construction Law and Arbitration. Nicholas is a council member and past Chairman of the Society of Construction Law Hong Kong and the current Chairman of the Hong Kong Construction Mediation Committee, which is a sub-group of the Hong Kong Mediation Council.

About BK Asia Pacific Limited

BK Asia Pacific Limited provides a comprehensive network of Project Management, Commercial and Contract Management and Specialist Procurement, Contracting and Consulting services to the local and international construction industries through its operating companies incorporated in the Asia Pacific region with offices in Cambodia, China (Hong Kong, Macau and Shanghai), Malaysia, Philippines, Singapore, Thailand and Vietnam. **BKAsiaPacific** is dedicated to maximizing benefits for its clients from the contracts they enter into whilst minimizing their downside risk, cost effectively, professionally and commercially. For further information of our services, please contact John Battersby, Group Managing Director, or Nicholas Seymour, Managing Director of Battersby Kingsfield Limited by telephone on (852) 26872267 or email johnbattersby@bkasiapacific.com / nseymour@bkasiapacific.com or visit our website www.bkasiapacific.com.



CONSTRUCTION CONTRACTS SURGERIES and TRAINING WORKSHOPS

REGISTRATION FORM

I wish to register for the "Construction Contracts Surgeries and Training Workshops".

Mr/Mrs/Ms First Name: _____ Surname: _____

Company: _____

Position: _____ Email: _____

Tel: _____ Fax: _____ Mobile: _____

Address: _____

Date and Time (Please select and tick the appropriate boxes)

Training Workshops:

- | | | |
|---|--|--------------------|
| <input type="checkbox"/> Extension of Time Workshop | 14 th October 2009, Wednesday | 9.00 am to 4.30 pm |
| <input type="checkbox"/> Prolongation Workshop | 21 st October 2009, Wednesday | 9.00 am to 4.30 pm |

Contracts Surgeries:

- | | | |
|--|---|---------------------|
| <input type="checkbox"/> Dispute Resolution | 15 th October 2009, Thursday | 9.00 am to 12.30 pm |
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| <input type="checkbox"/> Extensions of Time | 4 th November 2009, Wednesday | 9.00 am to 12.30 pm |
| <input type="checkbox"/> Prolongation Claims | 11 th November 2009, Wednesday | 9.00 am to 12.30 pm |
| <input type="checkbox"/> Valuation of Variations | 18 th November 2009, Wednesday | 9.00 am to 12.30 pm |

Fees (Please select and tick the appropriate boxes)

Course	Regular Price for each course	Discounted Price for each course	No. of Courses	Total Amount
Training Workshop	<input type="checkbox"/> HK\$1,800.00	<input type="checkbox"/> HK\$1,620.00 [#]	()	()
Contracts Surgery	<input type="checkbox"/> HK\$900.00	<input type="checkbox"/> HK\$810.00*	()	()

[#] The price for each "Workshop" is HK\$1,800 per person. Fees includes lunch, light refreshments and seminar materials. 10% discount will be given to those persons who book in advance for both workshops together.

* The price for each "Contracts Surgery" is HK\$900 per person. Fee includes light refreshments and seminar materials. 10% discount will be given to those persons who book in advance for at least three of these contract surgeries together.

I enclose a cheque for HK\$ _____ made payable to "Battersby Kingsfield Limited".

Signed: _____ Dated: _____

Please send the payment together with the registration form to:
Battersby Kingsfield Limited, Suite 407-8, 4th Floor, World Commerce Centre, 11 Canton Road, Tsim Sha Tsui, Hong Kong (Tel: (852) 2687 2267 / Fax: (852) 2687 2252)

For further enquiries, please contact Ms. Phoebe Lai on Tel: (852) 2687 2267 or E-mail: batty@bkasiapacific.com

Cancellation: A replacement is always welcome with prior notice to the organizer at no extra charge should the registered delegate be unable to attend. Refunds (less 20% administration charge) will be made for all cancellations received in writing by the organizers not later than 5 working days prior to the date of the seminar.

Note: The conference programme is subject to change at any time without any liability.