



BK SURCO TRAINING

presents a series of

COMMERCIAL AND CONTRACT MANAGEMENT TRAINING SEMINARS AND WORKSHOPS

for

CONSTRUCTION PROFESSIONALS



- | | |
|--|----------|
| ◆ Extensions of Time | half day |
| ◆ Prolongation Claims | half day |
| ◆ Sub-Contract Problems | half day |
| ◆ Valuation of Variations | half day |
| ◆ Dispute Resolution | half day |
| ◆ Principles of Contract Law for Construction Contracts | half day |
| ◆ BQ Problems on Government Civil Engineering Contracts | 1 day |
| ◆ Extension of Time Workshop (Building Project) | 1 day |
| ◆ Prolongation Workshop (Building Project) | 1 day |
| ◆ Extension of Time Workshop (Civil Engineering Project) | 1 day |
| ◆ Dispute Avoidance Workshop | 1 day |

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Extensions of Time

Duration

Half day

Aims

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

Coverage

- 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

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

Prolongation Claims

Duration

Half day

Aims

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

Coverage

- 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

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

Sub-Contract Problems

| | |
|--------------------------|--|
| Duration | Half day |
| Aims | <p>To give participants the opportunity of:</p> <ul style="list-style-type: none"> • 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 |
| Coverage | <ul style="list-style-type: none"> • Lectures: <ul style="list-style-type: none"> – 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 |
| Who should attend | <p>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:</p> <ul style="list-style-type: none"> • architectural and engineering consultants • employers • contractors <p>and</p> <ul style="list-style-type: none"> • sub-contractors <p>and</p> <ul style="list-style-type: none"> • lawyers <p>who are involved in advising clients on such matters</p> |

Valuation of Variations

| | |
|--------------------------|---|
| Duration | Half day |
| Aims | <p>To give participants the opportunity of:</p> <ul style="list-style-type: none"> • 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 |
| Coverage | <ul style="list-style-type: none"> • Lectures: <ul style="list-style-type: none"> – 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 |
| Who should attend | <p>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:</p> <ul style="list-style-type: none"> • architectural and engineering consultants • employers • contractors • sub-contractors <p>and</p> <ul style="list-style-type: none"> • lawyers <p>who are involved in advising clients on such issues</p> |

Dispute Resolution

Duration

Half day

Aims

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

Coverage

- 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

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

Principles of Contract Law for Construction Contracts

Duration

Half day

Aims

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

Coverage

- 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

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

BQ Problems on Government Civil Engineering Contracts

Duration

1 day

Aims

To give participants the opportunity of:

- furthering their knowledge of the purpose of the BQ, its status under the Contract, problems that can arise from its poor preparation and the contractual provisions for resolving such problems
- receiving advice on how problems associated with the BQ can be avoided
- actively participating in questioning and discussion, by reference to real life case studies, how such problems should be resolved

Coverage

- Lectures:
 - introduction to BQ
 - purpose of BQ
 - status of BQ under the Contract
 - ambiguities and discrepancies
 - errors in descriptions
 - omitted items
 - errors in quantities
 - Standard Method of Measurement (“SMM”)
- Case Studies:
 - dispute as to method of measurement of pipes
 - dispute in relation to under estimation of rock excavation quantities
 - dispute in relation to under estimation of site clearance quantities
 - dispute as to whether weld testing should be measured
- Advice:
 - best practice for preparing BQ to avoid problems
 - best practice for overcoming time constraints, lack of design information and lack of site investigation information
 - demarcation between excavation for structures/foundations
 - zero or negative rates
 - deemed profit in rate
 - how to apply different rates for similar items in different bills to new items arising from remeasurement of work under other bills

Who should attend

Contractors’

- commercial managers
- quantity surveyors

and those involved in contract administration on behalf of consulting engineers and government departments and

- lawyers

who are involved in advising clients on claims in respect of errors in BQs and omissions therefrom

Extension of Time Workshop (Building Project)

Duration

1 day

Aims

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 events

Coverage

- 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

Who should attend

Contractors’ and Sub-Contractors’

- engineers
- quantity surveyors
- site agents

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

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

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.

Prolongation Workshop (Building Project)

Duration

1 day

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 events

Coverage

- 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

Who should attend

Contractors’ and Sub-Contractors’

- engineers
- quantity surveyors
- site agents

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

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

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.

Extension of Time Workshop (Civil Engineering Project)

Duration

1 day

Aims

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 civil engineering project caused by both the Contractor and the Engineer and by neutral events

Coverage

- Lectures:
 - Requirements of the HKSAR GCC in relation to programming, time for completion, liquidated damages, extensions of time, diligent progress and completion of Works
 - “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 Engineer’s response
 - drafting reply to Engineer and particulars of cause and extent of delay and review

Who should attend

Contractors’

- project managers
- commercial managers
- quantity surveyors

and those involved in contract administration on behalf of consulting engineers and government departments and

- lawyers

who are involved in advising clients on extension of time issues

Materials

Comprehensive seminar documentation comprising pre-workshop briefing papers, pre-lecture notes, GCC extracts and full copies of speaking notes will be provided to all participants

Remarks

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.

Dispute Avoidance Workshop

Duration

1 day

Aims

To give participants the opportunity of:

- furthering their knowledge on how solutions can be found to complex commercial and contractual problems on the basis of the requirements of the HKSAR GCC
- actively participating in questioning and discussing the application of the Contract requirements to the commercial and contractual problems to be resolved
- participating in practical “hands on” negotiations between Contractor, Engineer and Employer in respect of various commercial and contractual issues to seek a resolution of those issues

Coverage

Participants will each have the opportunity of playing the role of Contractor’s, Engineer’s and Employer’s representatives in small groups in dealing with five separate scenarios in which potential disputes have arisen from:

- whether or not Contractor’s programme submitted under GCC16 should be accepted by the Engineer
- whether or not an extension of time should be granted in respect of delays caused by variations requiring additional work
- whether or not interim payment should be certified for additional work for which no instruction under GCC60 has been issued nor substantiation of costs provided
- whether or not the Contractor should be paid for standing time while waiting for a change in design to be issued as a result of unforeseen ground conditions for which no notice under GCC64(2) has been served
- whether or not extension of time should be granted for work shown on the Drawings but omitted from the BQ and therefore to be valued under GCC 59(3)/61

Who should attend

Contractors’

- project managers
- commercial managers
- senior quantity surveyors

Government’s

- project managers
- senior engineers
- senior quantity surveyors

and Consulting Engineers’

- project managers
- senior resident engineers
- resident engineers
- senior quantity surveyors

BK SURCO Training is an incorporated joint venture between Battersby Kingsfield Limited, the Hong Kong based operating company of the BK Asia Pacific Group, providing Project Management, Commercial and Contract Management Services to the Hong Kong and International Construction Industries, and SURCO Ltd, the information business of the Chartered Institution of Civil Engineering Surveyors.

BK SURCO Training was founded to provide commercial training resources, advice and help for employers of construction personnel, especially those working in civil engineering, and for individuals engaged in commercial activities within the industry.

BK SURCO Training combines the experience of SURCO Training's experience of providing training advice and structured training programmes for many leading construction companies and employers of engineering services and public seminars in the United Kingdom over many years and the experience of BKAsiaPacific in providing commercial and contract management training in Hong Kong and internationally in China, France, India, Japan, Malaysia, Philippines, Singapore, Thailand and Vietnam.

Training from Experts – Tutors

John Battersby is a Quantity Surveyor by profession having worked in the construction industry for 43 years, 27 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 past Chairman of the Hong Kong Construction Mediation Committee, which was a sub-group of the Hong Kong Mediation Council.

Louise Popplewell is a Chartered Quantity Surveyor by profession, and has worked in the construction industry for 35 years, being based in Hong Kong for the past 30 years, employed with both contractors and consultants. She is a Fellow of the Royal Institution of Chartered Surveyors, the Hong Kong Institute of Surveyors, the Chartered Institute of Arbitrators, and a Registered Professional Surveyor. She is also an Accredited Mediator and Assessor for the Hong Kong International Arbitration Centre. Louise has specialised in dispute resolution in the past 12 years representing clients in arbitrations and mediations, as well as providing contractual and expert advice. She has been appointed as expert witness on several occasions, and acts as mediator. She is an experienced training presenter, a mediation coach and is a well-known local speaker.



Julian Eynon-Lewis is a lawyer and quantity surveyor and has worked as both in the Construction and Engineering industry and related fields for more than 15 years. He has advised employers, contractors, consultants, insurers on a wide variety of contentious and non-contentious project work, including the drafting of contracts, arbitration and litigation. Julian is a member of the Society of Construction Law Hong Kong.



REGISTRATION FORM

I wish to register for the BK SURCO Training Seminar(s) / Workshop(s) as follows:

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

Company: _____

Position: _____ Email: _____

Tel: _____ Fax: _____ Mobile: _____

Address: _____

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

| | Seminar/Workshop | Date (Day) | Time | Fee |
|--------------------------|--|----------------------------|---------------------|--------------|
| <input type="checkbox"/> | Sub-Contract Problems | 30 June 2010 (Wednesday) | 9.00 am to 12.30 pm | HK\$900.00 |
| <input type="checkbox"/> | new date! Extensions of Time | 13 July 2010 (Tuesday) | 9.00 am to 12.30 pm | HK\$900.00 |
| <input type="checkbox"/> | Dispute Resolution | 14 July 2010 (Wednesday) | 9.00 am to 12.30 pm | HK\$900.00 |
| <input type="checkbox"/> | new date! Prolongation Claims | 15 July 2010 (Thursday) | 9.00 am to 12.30 pm | HK\$900.00 |
| <input type="checkbox"/> | Principles of Contract Law for Construction Contracts | 20 July 2010 (Tuesday) | 9.00 am to 12.30 pm | HK\$900.00 |
| <input type="checkbox"/> | new date! Valuation of Variations | 11 August 2010 (Wednesday) | 9.00 am to 12.30 pm | HK\$900.00 |
| <input type="checkbox"/> | BQ Problems on Government Civil Engineering Contracts | 22 July 2010 (Thursday) | 9.00 am to 5.00 pm | HK\$1,800.00 |
| <input type="checkbox"/> | new date! BQ Problems on Government Civil Engineering Contracts | 3 August 2010 (Tuesday) | 9.00 am to 5.00 pm | HK\$1,800.00 |
| <input type="checkbox"/> | Extension of Time Workshop (Building Projects) | 28 July 2010 (Wednesday) | 9.00 am to 5.00 pm | HK\$2,000.00 |
| <input type="checkbox"/> | Prolongation Workshop (Building Projects) | 4 August 2010 (Wednesday) | 9.00 am to 5.00 pm | HK\$2,000.00 |
| <input type="checkbox"/> | new date! Extension of Time Workshop (Civil Engineering Projects) | 13 August 2010 (Friday) | 9.00 am to 5.00 pm | HK\$2,000.00 |
| <input type="checkbox"/> | Dispute Avoidance Workshop | 5 August 2010 (Thursday) | 9.00 am to 5.00 pm | HK\$2,500.00 |

Fee includes light refreshments and seminar materials.

Total Fee: HK\$ _____

Venue: BK SURCO Limited, Suite 407-8 World Commerce Centre, 11 Canton Road, Tsim Sha Tsui, Hong Kong

Payment Method

I enclose a cheque for HK\$ _____ made payable to "BK SURCO Limited".

Signed: _____ Dated: _____

Please send the payment together with the registration form to:

BK SURCO 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: bkapl@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 10 working days prior to the date of the seminar.

Note: The seminar/workshop programme is subject to change at any time without any liability.