



## BK SURCO TRAINING

presents a series of

### COMMERCIAL AND CONTRACT MANAGEMENT TRAINING SEMINARS

for

### CONSTRUCTION PROFESSIONALS



- |  |          |
|--|----------|
| ◆ Extensions of Time   | half day |
| ◆ Valuation of Variations                                      | half day |
| ◆ Bonds, Guarantees, Collateral Warranties & Letters of Credit | half day |
| ◆ Introduction to Construction Insurance                       | half day |
| ◆ BQ Problems on Government Civil Engineering Contracts        | half day |
| ◆ The DRA in Action  | half day |
| ◆ A Mock Mediation   | half 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

## Valuation of Variations

### Duration

Half day

### Aims

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

### Coverage

- 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

### 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

## Bonds, Guarantees, Collateral Warranties & Letters of Credit

### Duration

Half day

### Aims

To give participants the opportunities of:

- furthering their knowledge of the purpose and use of bonds, guarantees, collateral warranties and Letters of Credit in the construction industry
- understanding the principles behind the use of bonds, guarantees and collateral warranties, how to recognize the different agreements and some of the pitfalls to look out for
- understanding the principles behind the use of Letters of Credit, their advantages and disadvantages

### Coverage

- Lectures:
  - types of bond and guarantee and how they work
  - common types of bond and guarantee including On-demand and Conditional bonds
  - calling of bonds
  - importance of wording of bonds and guarantees
  - review of typical forms of bonds and guarantees
  - reasons for use of Collateral Warranties in the construction industry
  - how collateral warranties work
  - points to consider when preparing a collateral warranty and review of typical form of warranty
  - purpose of Letters of Credit and how they work
  - review of typical form of Letters of Credit
  - risks of using Letters of Credit
- Questions and Answers

### Who should attend

All architects, builders, engineers, surveyors, commercial managers, administrators, contractors and sub-contractors involved with project documentation and the management of risk.

Any other professionals that advise clients on such issues.

## Introduction to Construction Insurance

### Duration

Half day

### Aims

To give participants the opportunities of:

- understanding the concept of transferring risk and the use of insurance within the process
- furthering their knowledge of the purpose and use of insurance in the construction industry
- understanding the necessity for and types of insurance cover used on construction and engineering projects
- understanding the insurance requirements in construction contracts

### Coverage

- Lectures:
  - development of risk transfer and modern insurance
  - what is insurance and the types of insurance available
  - insurance terminology
  - characteristics of insurance contracts
  - the modern insurance market
  - risk management and the transfer of risk in construction
  - insurance on construction projects
  - typical requirements in Hong Kong Private and Public Sector Contract Forms
- Questions and Answers

### Who should attend

All architects, builders, engineers, surveyors, commercial managers, administrators, contractors and sub-contractors involved with project documentation and/or construction related insurance and the making of claims.

Any other professionals that advise clients on such issues.

## The DRA In Action

<b>Duration</b>	Half day																
<b>Aims</b>	<p>To give participants the opportunity of:</p> <ul style="list-style-type: none"> <li>• getting to know and understanding the DRA System through DRA Briefing Meeting</li> <li>• furthering their knowledge on how solutions can be found to complex commercial and contractual problems through the assistance of the DRA</li> <li>• actively participating in questioning and discussing the application of the Contract requirements to the commercial and contractual problems to be resolved</li> <li>• 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</li> </ul>																
<b>Coverage</b>	<p>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 two separate scenarios in which potential disputes have arisen from:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> </ul>																
<b>Who should attend</b>	<table border="0"> <tr> <td>Contractors'</td><td>and Consulting Engineers'</td></tr> <tr> <td>• project managers</td><td>• project managers</td></tr> <tr> <td>• commercial managers</td><td>• senior resident engineers</td></tr> <tr> <td>• senior quantity surveyors</td><td>• resident engineers</td></tr> <tr> <td>Government's</td><td>• senior quantity surveyors</td></tr> <tr> <td>• project managers</td><td></td></tr> <tr> <td>• senior engineers</td><td></td></tr> <tr> <td>• senior quantity surveyors</td><td></td></tr> </table>	Contractors'	and Consulting Engineers'	• project managers	• project managers	• commercial managers	• senior resident engineers	• senior quantity surveyors	• resident engineers	Government's	• senior quantity surveyors	• project managers		• senior engineers		• senior quantity surveyors	
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## BQ Problems on Government Civil Engineering Contracts

<b>Duration</b>	Half day
<b>Aims</b>	<p>To give participants the opportunity of:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• receiving advice on how problems associated with the BQ can be avoided</li> <li>• actively participating in questioning and discussion, by reference to real life case study, how such problems should be resolved</li> </ul>
<b>Coverage</b>	<ul style="list-style-type: none"> <li>• Lectures: <ul style="list-style-type: none"> <li>– introduction to BQ</li> <li>– purpose of BQ</li> <li>– status of BQ under the Contract</li> <li>– ambiguities and discrepancies</li> <li>– errors in descriptions</li> <li>– omitted items</li> <li>– errors in quantities</li> <li>– Standard Method of Measurement (“SMM”)</li> </ul> </li> <li>• Case Study: <ul style="list-style-type: none"> <li>– dispute as to method of measurement of pipes</li> </ul> </li> <li>• Advice: <ul style="list-style-type: none"> <li>– best practice for preparing BQ to avoid problems</li> <li>– best practice for overcoming time constraints, lack of design information and lack of site investigation information</li> </ul> </li> </ul>
<b>Who should attend</b>	<p>Contractors'</p> <ul style="list-style-type: none"> <li>• commercial managers</li> <li>• quantity surveyors</li> </ul> <p>and those involved in contract administration on behalf of consulting engineers and government departments and</p> <ul style="list-style-type: none"> <li>• lawyers</li> </ul> <p>who are involved in advising clients on claims in respect of errors in BQs and omissions therefrom</p>

## A Mock Mediation

### Duration

Half day

### Aims

To give participants the opportunity of:

- furthering their knowledge of mediation
- experiencing a mock mediation involving a construction dispute
- receiving advice on the various stages of a mediation and the techniques used by the mediator to encourage settlement
- understand the important part played by the parties and the party representatives

### Coverage

- Lectures:
  - an overview of mediation setting out:
    - the mediation process
    - the mediation agreement and mediation rules
    - the mediator's methods
    - preparing for mediation
    - some skills in attending a mediation
    - confidentiality and liability issues
    - the settlement agreement
    - some do's and don'ts
- A Mock Mediation:
  - Understanding how a mediation is conducted by:
    - witnessing the various stages of a mediation involving a construction dispute leading up to and including settlement and the drafting of a Settlement Agreement

### Who should attend

All architects, engineers, quantity surveyors, contractors, subcontractors, government representatives and others who have been involved in construction disputes on behalf of:

- employers and government departments
  - contractors and subcontractors
  - architectural and engineering consultants
  - quantity surveyors
- and

- lawyers

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



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 and is a CEDR Accredited Mediator. Nicholas is a council member and past Chairman of the Society of Construction Law Hong Kong and the past Chairman of the Construction Committee 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"/> BQ Problems on Government Civil Engineering Contracts	9 December 2010 (Thursday)	9.00 am to 12.30 pm	HK\$900.00
<input type="checkbox"/> The DRA in Action	10 December 2010 (Friday)	9.00 am to 12.30 pm	HK\$900.00
<input type="checkbox"/> Extensions of Time	13 December 2010 (Monday)	9.00 am to 12.30 pm	HK\$900.00
<input type="checkbox"/> Bonds, Guarantees, Collateral Warranties & Letters of Credit	15 December 2010 (Wednesday)	9.00 am to 12.30 pm	HK\$900.00
<input type="checkbox"/> Valuation of Variations	17 December 2010 (Friday)	9.00 am to 12.30 pm	HK\$900.00
<input type="checkbox"/> Introduction to Construction Insurance	21 December 2010 (Tuesday)	9.00 am to 12.30 pm	HK\$900.00
<input type="checkbox"/> A Mock Mediation	22 December 2010 (Wednesday)	9.00 am to 12.30 pm	HK\$900.00

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, 4<sup>th</sup> 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](mailto: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.