

# Contract Administration for International Contracts





1



5

Beijing Summer Olympics 2008  
Beijing, China  
2008



2



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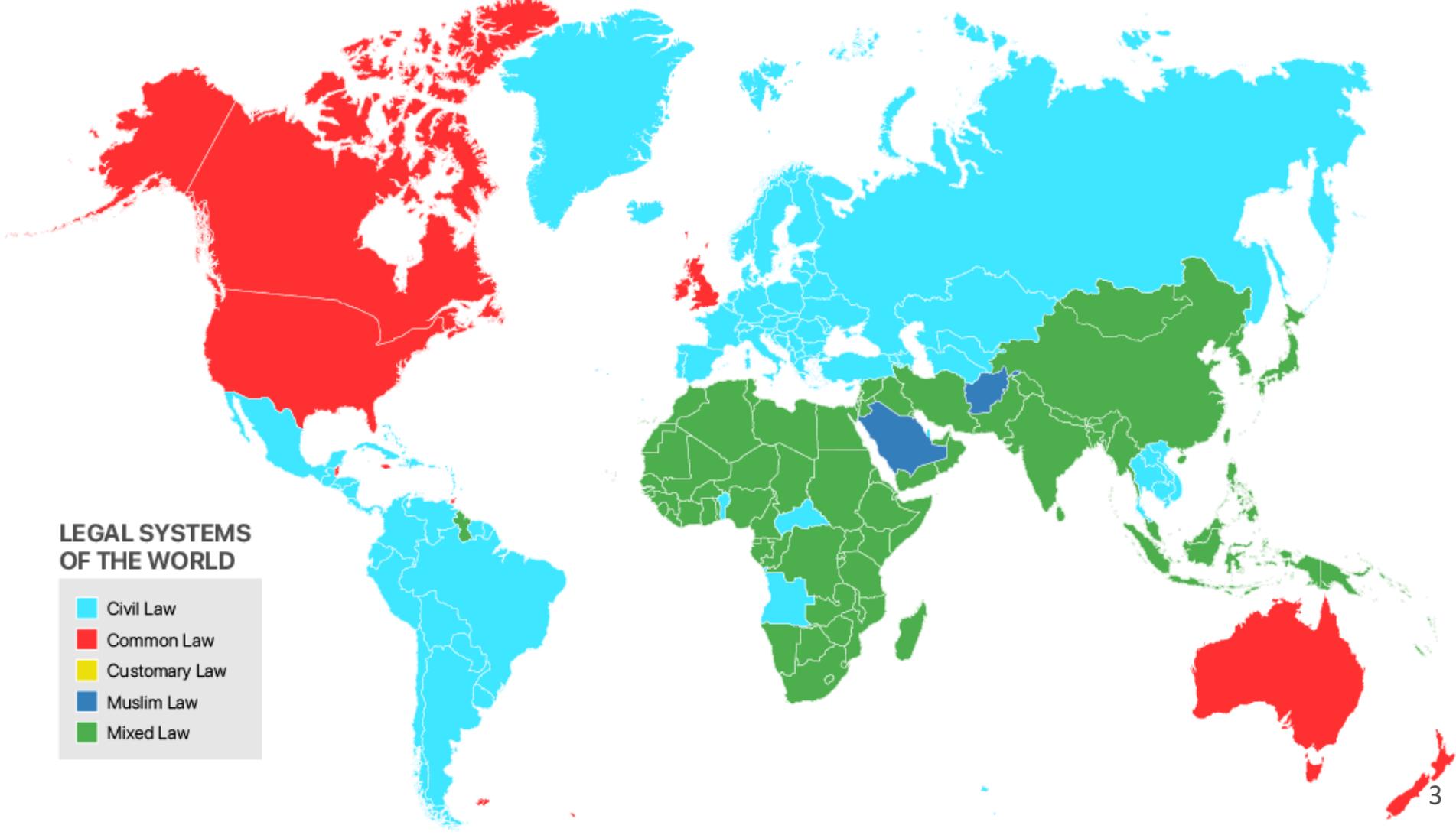


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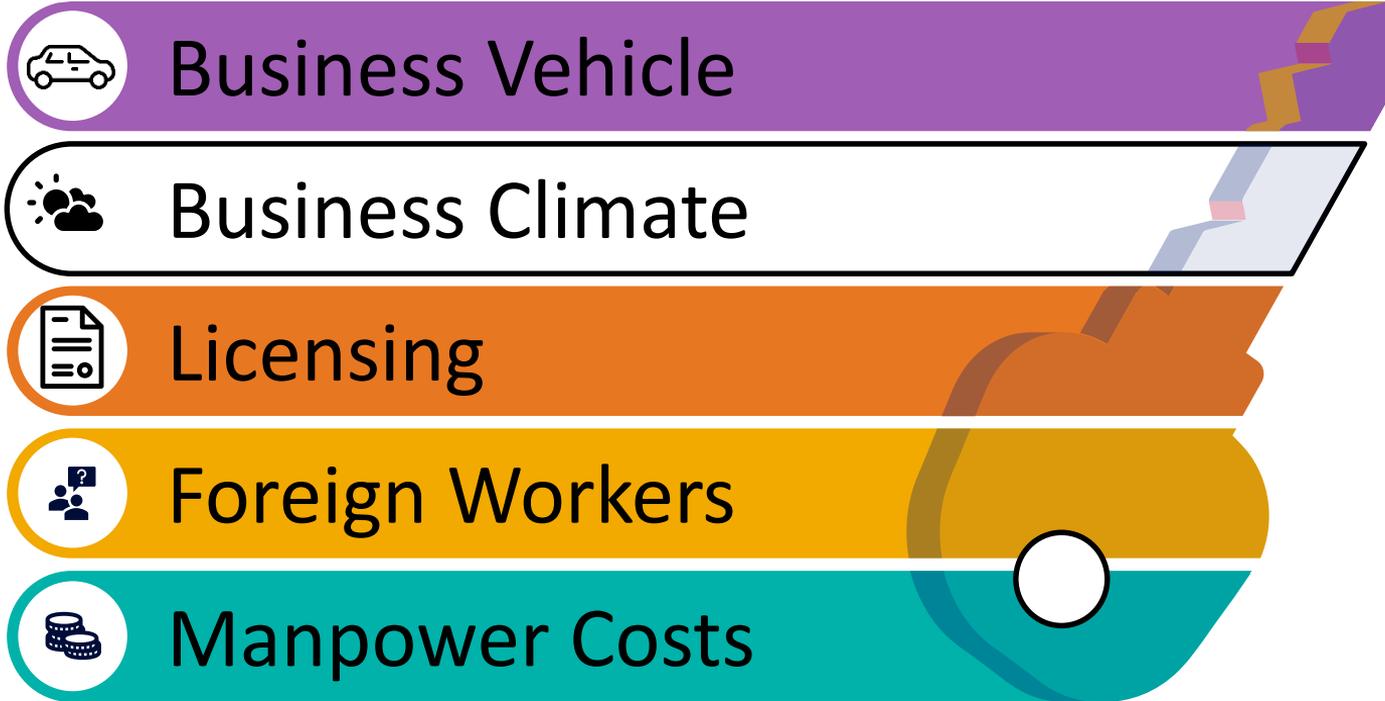
## LEGAL SYSTEMS OF THE WORLD

- Civil Law
- Common Law
- Customary Law
- Muslim Law
- Mixed Law



# BACK-TO-BASICS

# KEY BUSINESS STRATEGIES



# CONTRACTING BOOKLET



Standard Forms  
of Contract



Types of  
Contract



Types of  
Procurement



Types of  
Tendering



Types of Bill  
of Quantities



Types of  
Specifications

# MONEY TREE

## Variations

Payment

Extension of Time

Site Possession

Termination

Scope of Works

Dispute Resolution



# MIDNIGHT CLAUSES

01

Limitation of Liability

02

Consequential Losses

03

Rights of Third Parties

04

Force Majeure

05

Liquidated Damages

06

Governing Law

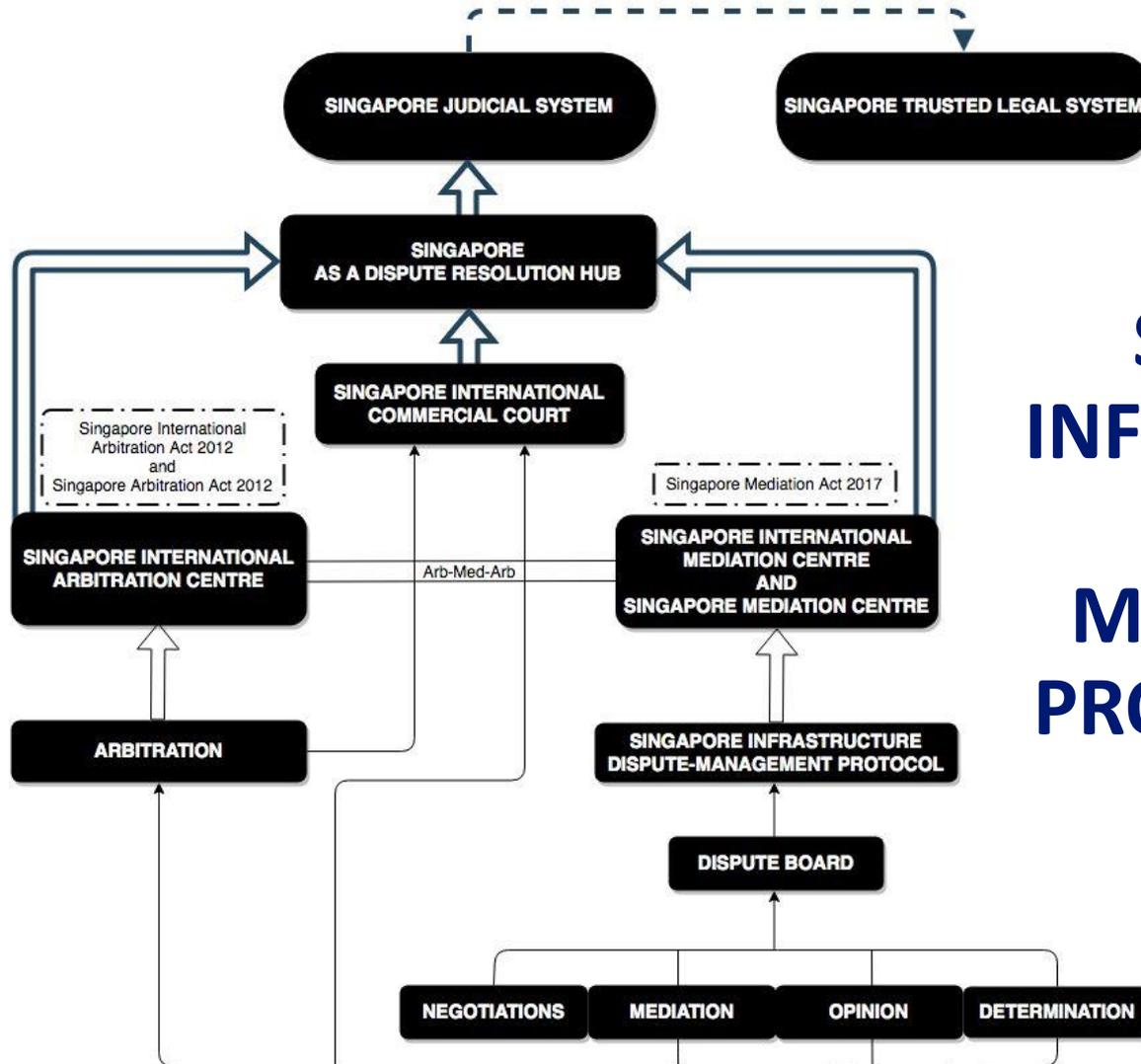
07

Fit for Purpose

08

Limitation Period

# INTERNATIONALIZATION OF SINGAPORE CONTRACTS



# SINGAPORE INFRASTRUCTURE DISPUTE- MANAGEMENT PROTOCOL (SIDP)



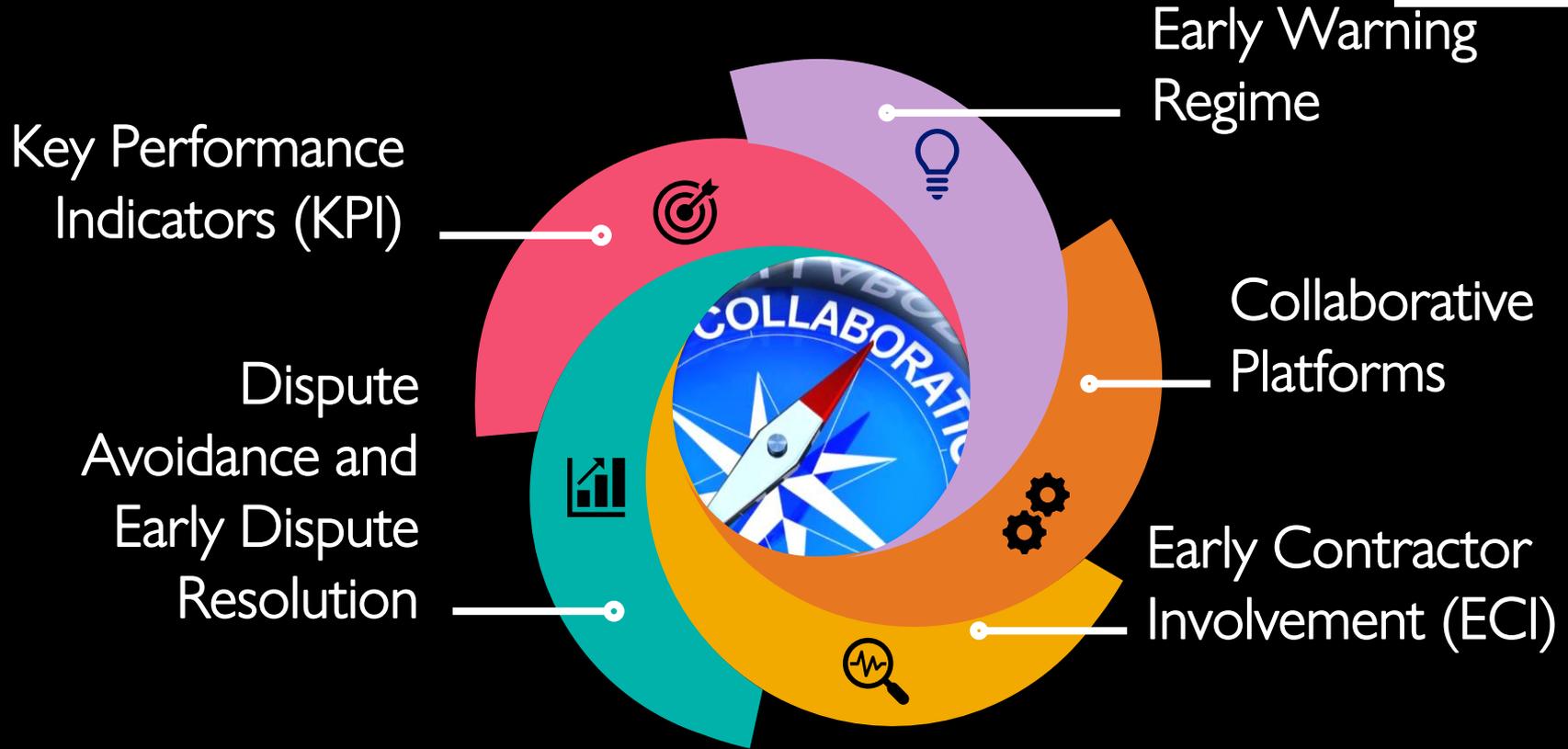
We want to promote more **COLLABORATIVE CONTRACTING** models. We have studied what other countries do.

For example, Hong Kong has implemented a **COLLABORATIVE CONTRACTING** framework called the New Engineering Contract (NEC) where the project owner works collaboratively with the private sector to deliver the project.

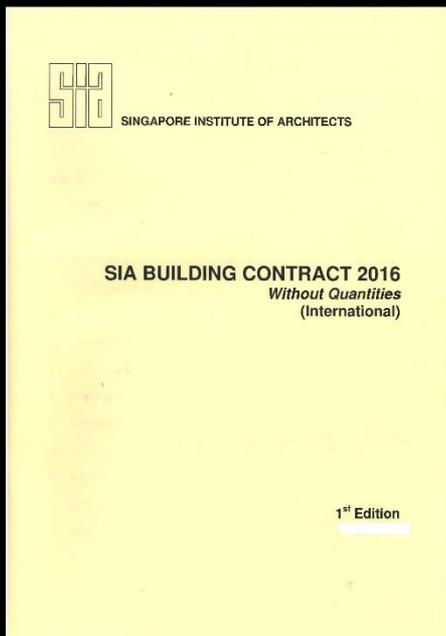
In America, we see many examples of what they call Integrated Project Delivery (IPD). From day one of the project, all the different parties will come together to conceptualise the project, and seek to reduce errors and wastage, and minimize re-design problems. All the team members, bound together contractually, share risks and rewards based on achievement of the goals.

These are very interesting and innovative new models of contracting with one another. We will like to pilot some of these **COLLABORATIVE CONTRACTING** models in our public sector projects.

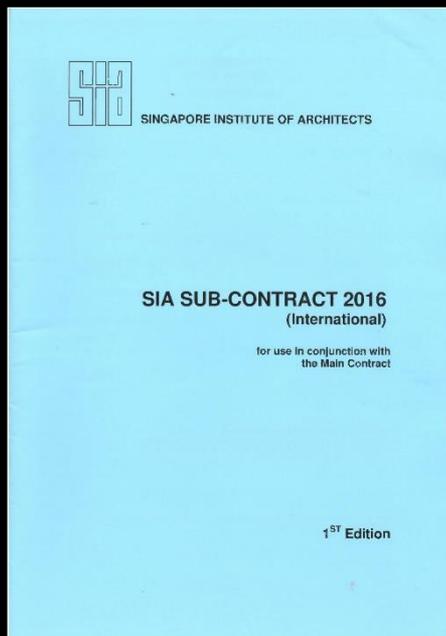
# COLLABORATIVE CONTRACTING



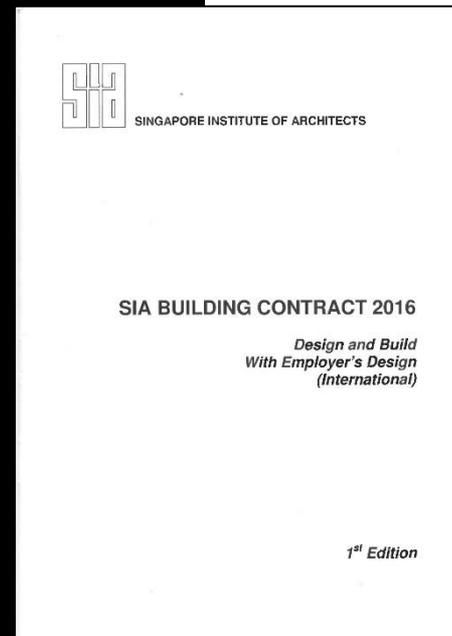
# S.I.A. BUILDING CONTRACT 2016



**SIA BUILDING  
CONTRACT 2016  
Without Quantities  
(International)**



**SIA SUB-CONTRACT 2016  
(International)  
for use in conjunction with  
the Main Contract**



**SIA BUILDING  
CONTRACT 2016  
Design and Build With  
Employer's Design  
(International)**

# INTERNATIONAL PRACTICES

# PEER REVIEW (PRE-CONTRACT)

- Procurement and Contracting Strategy
  - Mismatch between intent and form of contract
- Core Contract Conditions
  - Onerous Clauses
- Tender and Contract Documentation
  - Adequacy of Scope Definition
  - Clarity in Risk Allocation
  - Identifying Gaps and Overlapping in Scope

# PEER REVIEW (POST-CONTRACT)

- Robustness of project control procedures
  - Cost and contract deliverables
  - Change management procedures
  - Insurance claim procedures
  - Non-budgeted costs procedures
- Cost Integrity
- Claims Management Procedure
  - Emphasis on Dispute Avoidance

# COST COMPONENTS OF MANPOWER

## WAGES

- Total number of working hours permitted by law
- Make allowance for non-working hours (i.e. inclement weather)



## ENTITLEMENT

- 13<sup>th</sup> month
- CPF/Contributions
- Sickness & Holidays
- Overtime
- Medical/Insurances
- Levies or Taxes
- Allowances
- Bonuses
- Severance Pay



## OTHERS

- Travel
- Subsistence
- Lodging
- Relocation
- Passports and Visas
- Travel Insurance
- Dependants
- Transport
- Training

**CONTRACTS MANAGEMENT ORGANISER  
(TO BE DONE FOR MAIN CONTRACT AND SUBCONTRACTS)**

1. OBJECTIVE
2. SCOPE OF WORK
3. GENERAL ARRANGEMENT DRAWINGS
4. PROCESS FLOW DIAGRAM
5. KKS / BUILDING DESIGNATION CODE
6. LIST OF CONTRACT DOCUMENT AND ORDER OF PRECEDENCE
7. SYNOPSIS OF COC (I.E. TABLE OF CONTENT, CONTRACTUAL SUBMISSIONS, TIME FOR COMPLETION, TESTS ON COMPLETION, CRITERIA FOR COMPLETION, ETC.)
8. CONTRACTUAL SUBMISSIONS
  - 8.1 ORGANISATION CHART
  - 8.2 WORK PROGRAMME (TTS, MTS, STS, SCS)
  - 8.3 BANK GUARANTEES (DPB, GB, PB)
  - 8.4 INSURANCES (CAR, WC, etc)
  - 8.5 STATUTORY OBLIGATIONS
9. TERMS AND CONDITIONS OF PAYMENT
  - 9.1 PAYMENT FLOWCHART
  - 9.2 TRADE PAYMENT BREAKDOWN
  - 9.3 SAMPLE OF PAYMENT CERTIFICATE
  - 9.4 SAMPLE OF ELVO (I.E WORK REQUEST)
  - 9.5 SAMPLE OF FINAL ACCOUNT CERTIFICATE
  - 9.6 JOB RATING SPECIFICATIONS
  - 9.7 UNIT RATES
  - 9.8 DAYWORK RATES
10. MONTHLY COST AND CONTRACT REPORTS
  - 10.1 SITE PERIODIC REPORT
  - 10.2 COST AND CONTRACT REPORT
  - 10.3 SUMMARY OF PAYMENT
  - 10.4 SUMMARY OF ADDITIONAL WORK
  - 10.5 SUMMARY OF REMEASUREMENT OF QUANTITIES
  - 10.6 SUMMARY OF CLAIMS
  - 10.7 SUMMARY OF NBCs
  - 10.8 PRINCIPAL QUANTITIES FOR MAJOR TRADES
11. SUBCONTRACTING
  - 11.1 LIST OF APPROVED CONSULTANTS / SUBCONTRACTORS / SUPPLIERS / VENDORS
  - 11.2 SAMPLE OF NOVATION AGREEMENT

**CONTRACTS MANAGEMENT ORGANISER  
(TO BE DONE FOR MAIN CONTRACT AND SUBCONTRACTS)**

12. NBC
  - 12.1 WBS AND DoW
  - 12.2 SUMMARY OF MEGATOOL (I.E. FWO, NCR ETC)
13. EXTENSION OF TIME
  - 13.1 EXPRESS PROVISIONS UNDER THE CONTRACT
  - 13.2 MAJOR KEY DATES / KEY DATES
  - 13.3 LD RATE
  - 13.4 EOT CHECKLIST
  - 13.5 SAMPLE OF E.O.T. CERTIFICATE
14. ACCELERATION & DISRUPTION
  - 14.1 SAMPLE OF ACCELERATION AGREEMENT
  - 14.2 ACCELERATION & DISRUPTION CHECKLIST
15. QA / QC
  - 15.1 IQP
  - 15.2 SITE QUALITY EXECUTION PLAN
  - 15.3 QC PROCEDURE – SITE REQUEST FOR INSPECTION
  - 15.4 QC PROCEDURE - MATERIAL RECEIVING PROCEDURE AT SITE
  - 15.5 QC PROCEDURE – HANDLING, STORAGE, PRESERVATION AND ISSUANCE OF MATERIALS AT SITE
  - 15.6 SAMPLE ITPL
16. EHS
  - 16.1 SPECIFIC SITE EHS PLAN
  - 16.2 SPECIFIC SITE EMERGENCY PLAN
17. TEMPLATES
  - 17.1 GENERIC INVITATION TO BID DOCUMENT (MINOR CONTRACTS)
  - 17.2 TYPICAL WEEKLY/MONTHLY PROGRESS REPORTS
  - 17.3 TYPICAL KICK-OFF MINUTES OF MEETING
  - 17.4 TYPICAL WEEKLY PROGRESS MINUTES OF MEETING
  - 17.5 SAMPLE OF COMPLETION CERTIFICATES (CTO, TOC, SCC/TOC, ECC, PAC, FAC)
  - 17.6 SAMPLE OF CONTRACTUAL LETTERS
  - 17.7 SAMPLE OF INSURANCE REPORTS
18. CHECKLIST FOR COMPLETENESS OF CONTRACT DOCUMENT

CONTRACTUAL DOCUMENTATIONS	REGISTERS / LISTS	STATUS	REPORTS & MINUTES OF MEETING	CERTIFICATES
1. Contract Documents	1. Drawing Register	1. Authority Status (Permits, Licenses and Approvals)	1. Design Reports	1. Interim Payment Certificates 1.1. Re-measurement records 1.2. VO records
2. Supplementary Agreements	2. Request for Information Register	2. Cost Status	2. Minutes of Meeting (with all parties)	2. Final Payment Certificate
3. Advance Payment Bonds	3. Request for Approval Register	3. Contract Status	3. Daily Reports	3. Taking Over Certificates
4. Performance Bond	4. Request for Inspection Register	4. EOT Status	4. Monthly Progress Reports	4. Performance Certificate
5. Insurances (including copy of Employer's insurance programme)	5. Non-Conformance Records Register		5. Safety Reports	
6. List of Approved Sub-Contractors	6. QA/QC Test Register		6. Test Reports	
7. Warranties / Indemnities	7. List of Engineer's Instructions		7. VO Reports	
8. Organisation Chart (including revisions) 8.1. Employer, Contract Administrator and Contractor 8.2. Contact Details 8.3. Letter of Appointments / Approvals	8. List of Engineer's Determination			
9. Delegation by the Engineer	9. Design Change Log			
10. Approved Programme	10. Claims Register			
11. Quality Assurance System 11.1. PQP 11.2. Site Quality Execution Plan 11.3. QC Procedures 11.4. ITP, ITPL	11. Insurance Claims Register			
12. Safety Procedures 12.1. Site EHS Plan	12. List of Employer's Approvals			

CONTEMPORANEOUS RECORDS

# NEGOTIATION TECHNIQUES

## HIGHBALL/LOWBALL

DEADLINES

SNOWJOB

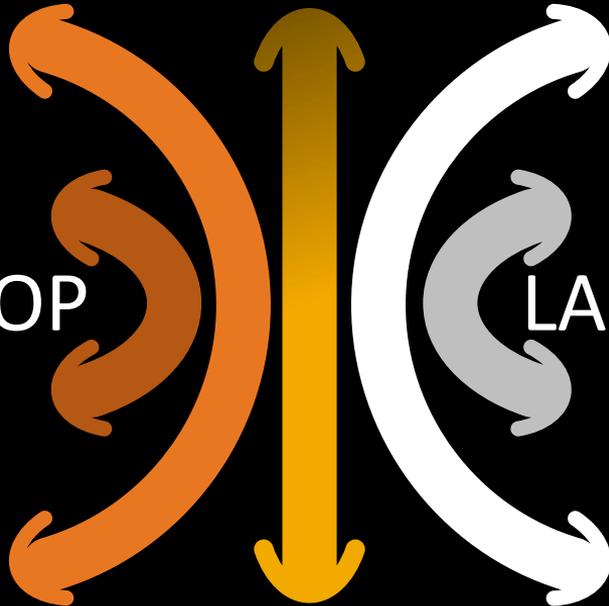
GOOD COP/BAD COP

LACK OF AUTHORITY

THE BRINK

THE NIBBLE

BOGEY



# threesixty

Contract Advisory

- ❖ Pre-Contract Advisory
- ❖ Post-Contract Advisory
- ❖ Claims Assessment
- ❖ Construction Cost Assessments
- ❖ Dispute Management (Avoidance and Resolution)
- ❖ Other Related Services

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*"Opportunity arises for the prepared mind."*

*- said Louis Pasteur*

At  
Threesixty Contract Advisory,  
our role,  
as our name portrays,  
is to be prepared at all times,  
in all ways  
– 360 degrees –  
to provide solutions to any  
challenge that our clients  
face.

## OUR TEAM

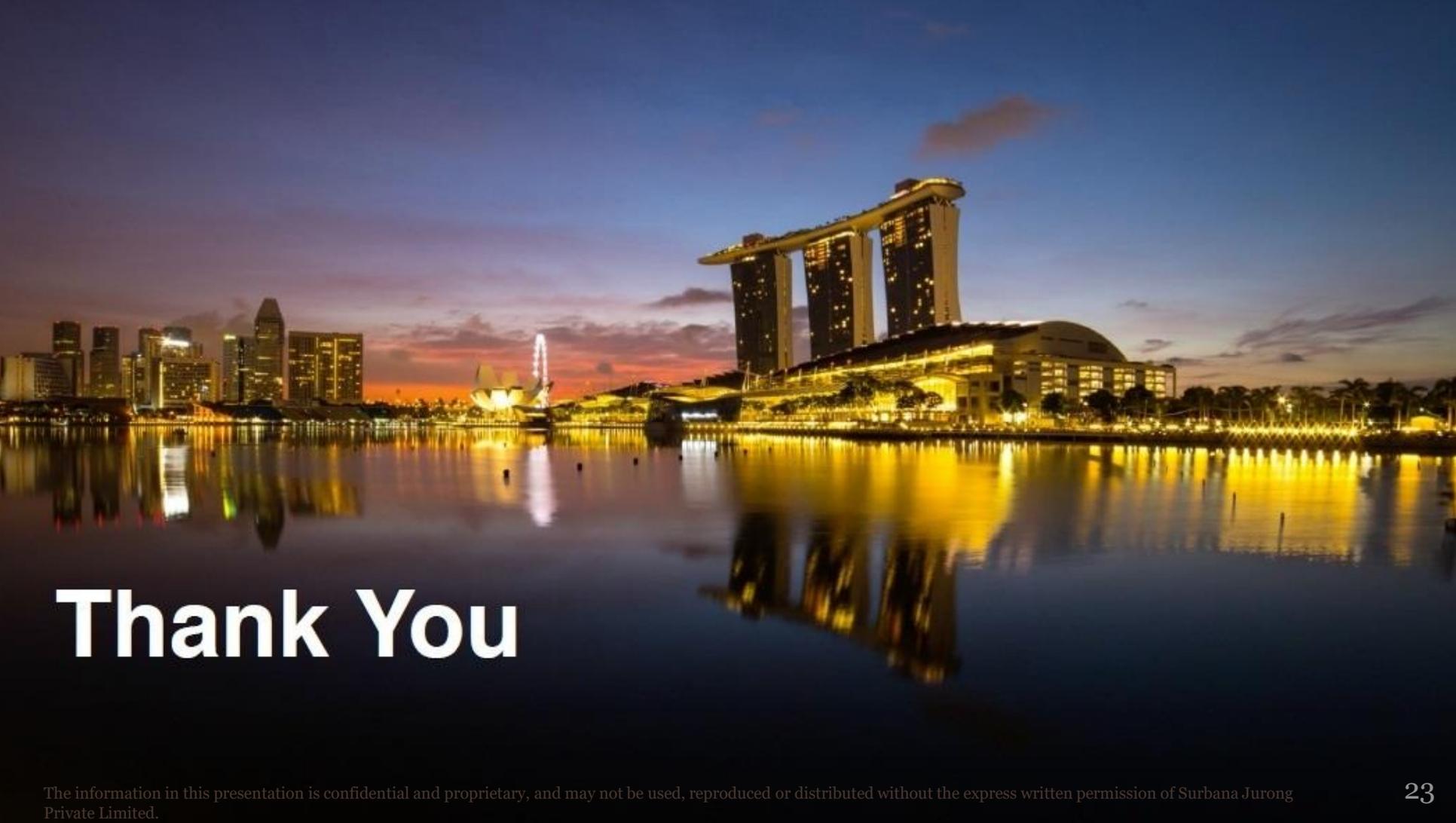


**SEAH CHOO MENG**  
Chairman



**AMOS TEO**  
Director

**EZANI RAIS**  
Dy Director



# Thank You