

Contract Administration for International Contracts





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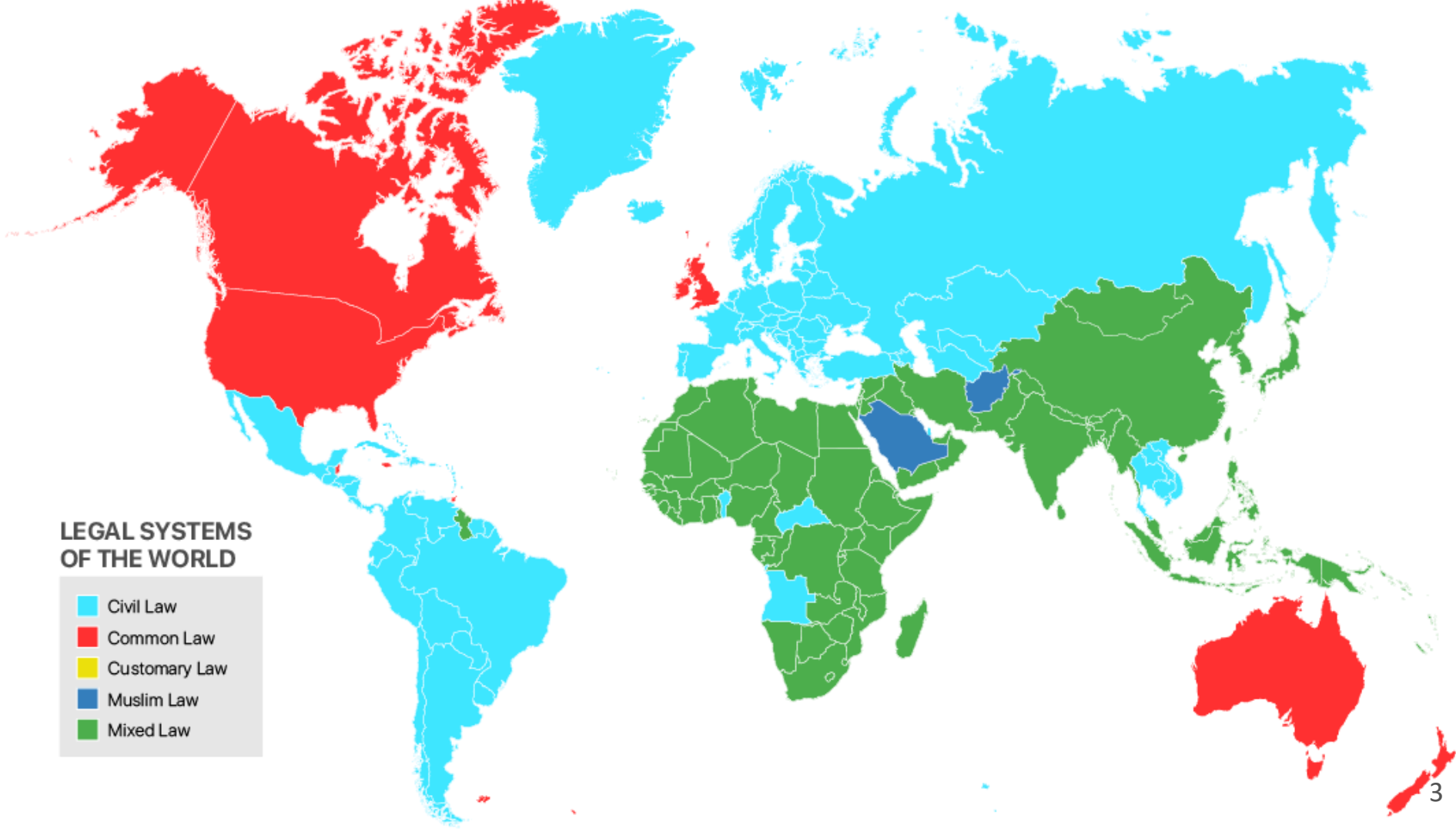
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LEGAL SYSTEMS OF THE WORLD

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



BACK-TO-BASICS

KEY BUSINESS STRATEGIES



Business Vehicle



Business Climate



Licensing



Foreign Workers



Manpower Costs

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

Consequential
Losses

02

03

Rights of Third
Parties

Force Majeure

04

05

Liquidated
Damages

Governing Law

06

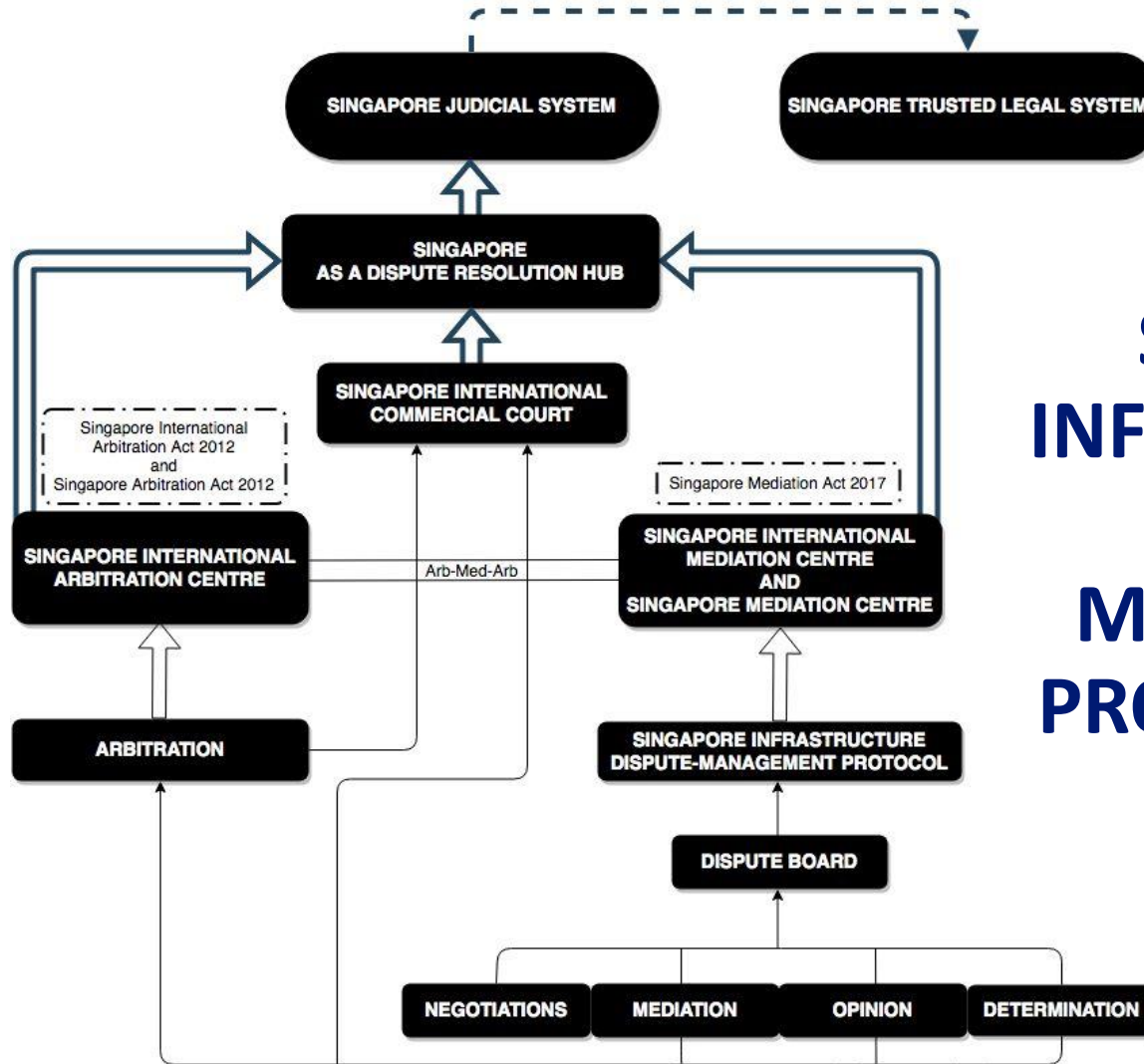
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Fit for Purpose

Limitation
Period

08

INTERNATIONALIZATION OF SINGAPORE CONTRACTS



SINGAPORE INFRASTRUCTURE DISPUTE- MANAGEMENT PROTOCOL (SIDP)



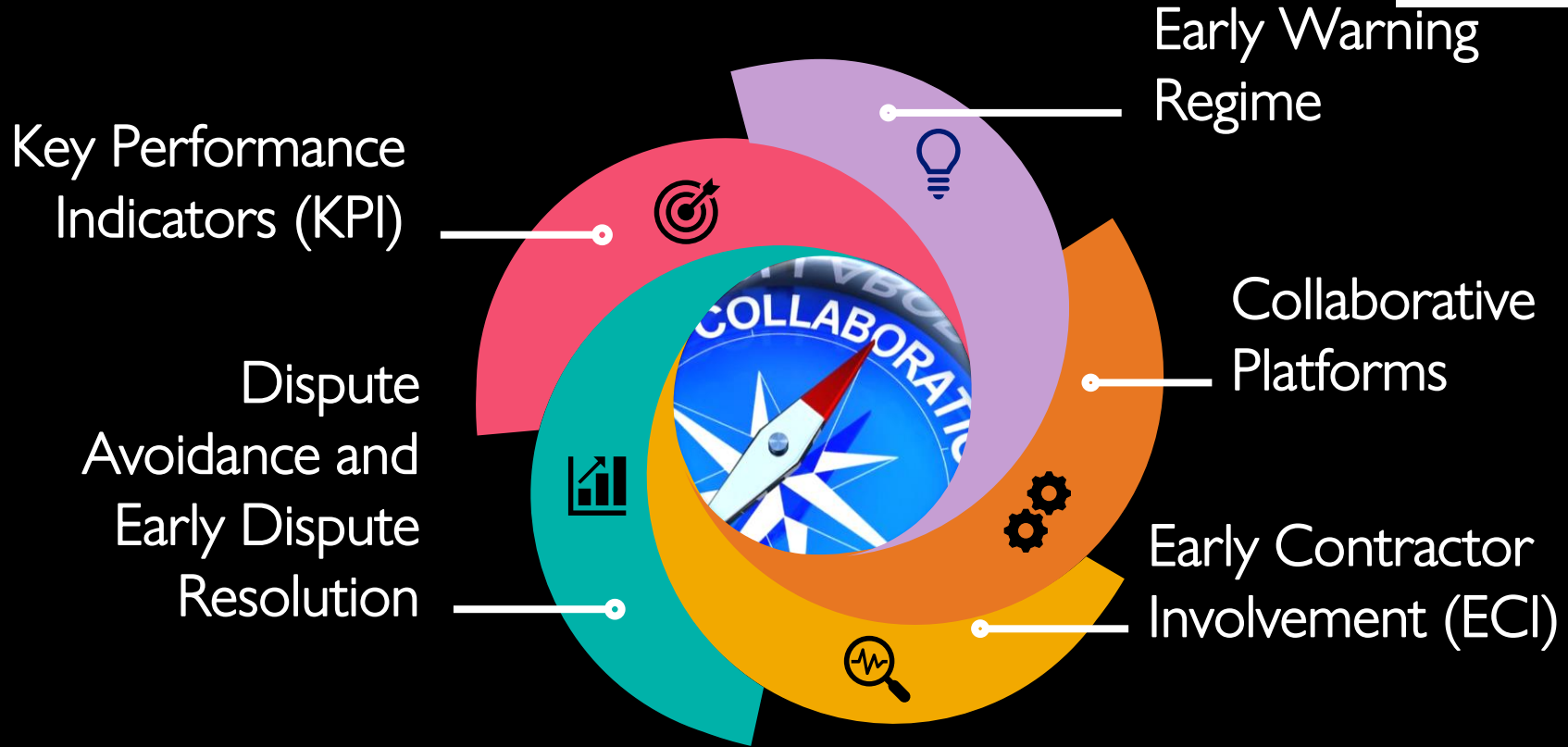
We want to promote more **COLLABORATIVE CONTRACTING** models. We have studied what other countries do.

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.

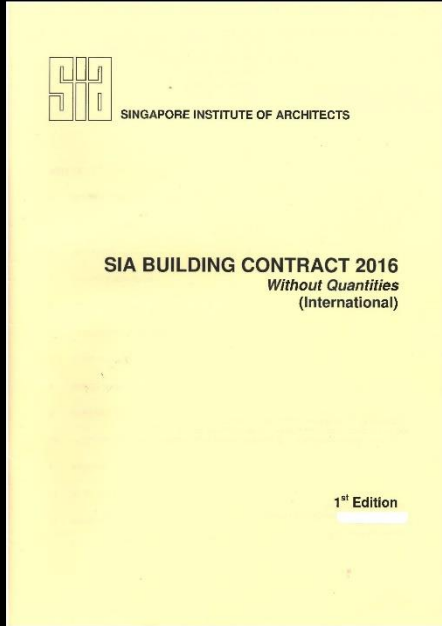
In America, we see many examples of what they call Integrated Project Delivery (IPD). From day one of the project, all the different parties will come together to conceptualise the project, and seek to reduce errors and wastage, and minimize re-design problems. All the team members, bound together contractually,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

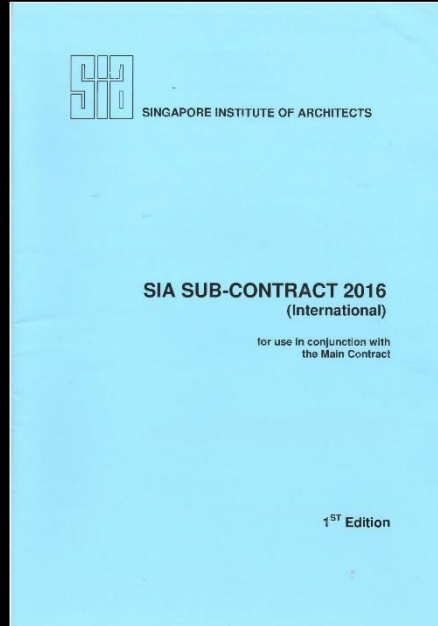
COLLABORATIVE CONTRACTING



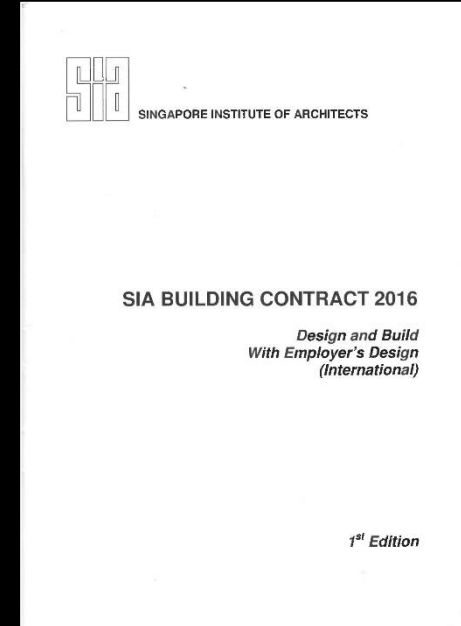
S.I.A. BUILDING CONTRACT 2016



**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

- 13th 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)**

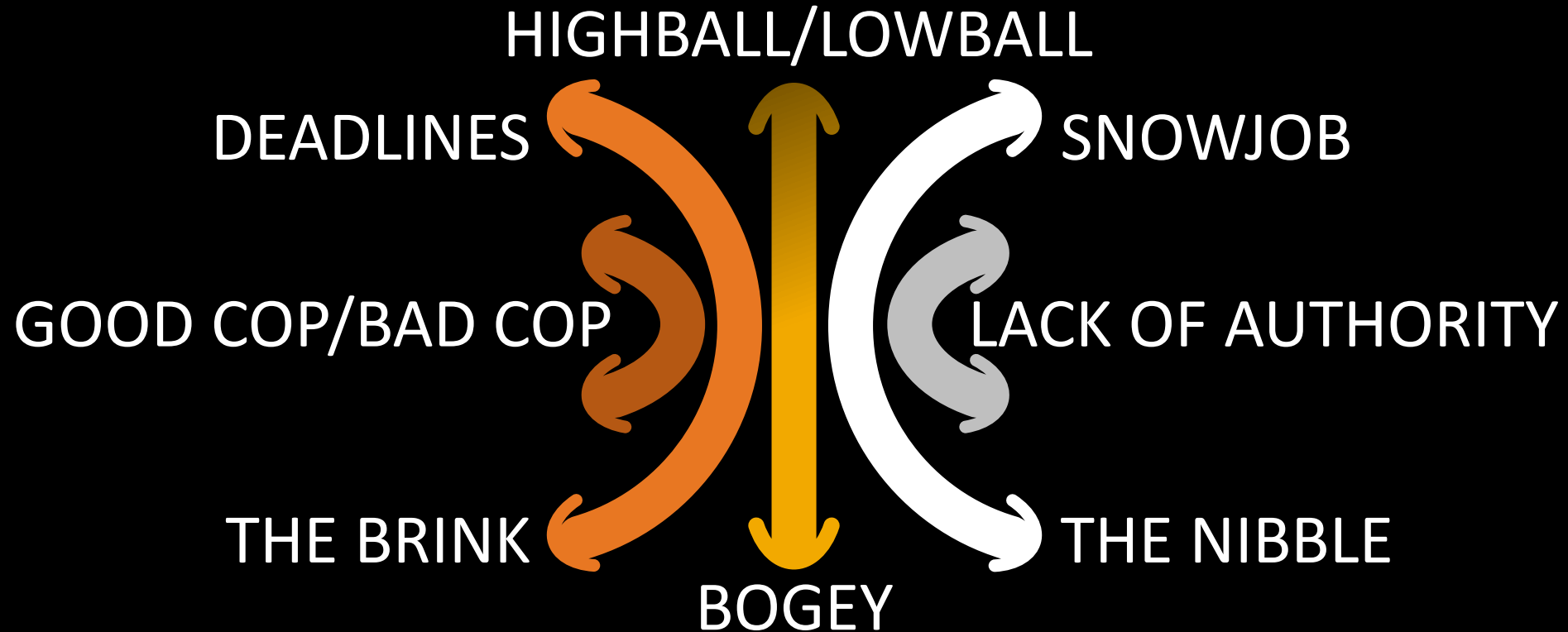
1. OBJECTIVE
2. SCOPE OF WORK
3. GENERAL ARRANGEMENT DRAWINGS
4. PROCESS FLOW DIAGRAM
5. KKS / BUILDING DESIGNATION CODE
6. LIST OF CONTRACT DOCUMENT AND ORDER OF PRECEDENCE
7. SYNOPSIS OF COC (I.E. TABLE OF CONTENT, CONTRACTUAL SUBMISSIONS, TIME FOR COMPLETION, TESTS ON COMPLETION, CRITERIA FOR COMPLETION, 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 EI/VO (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			

NEGOTIATION TECHNIQUES





- ❖ 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



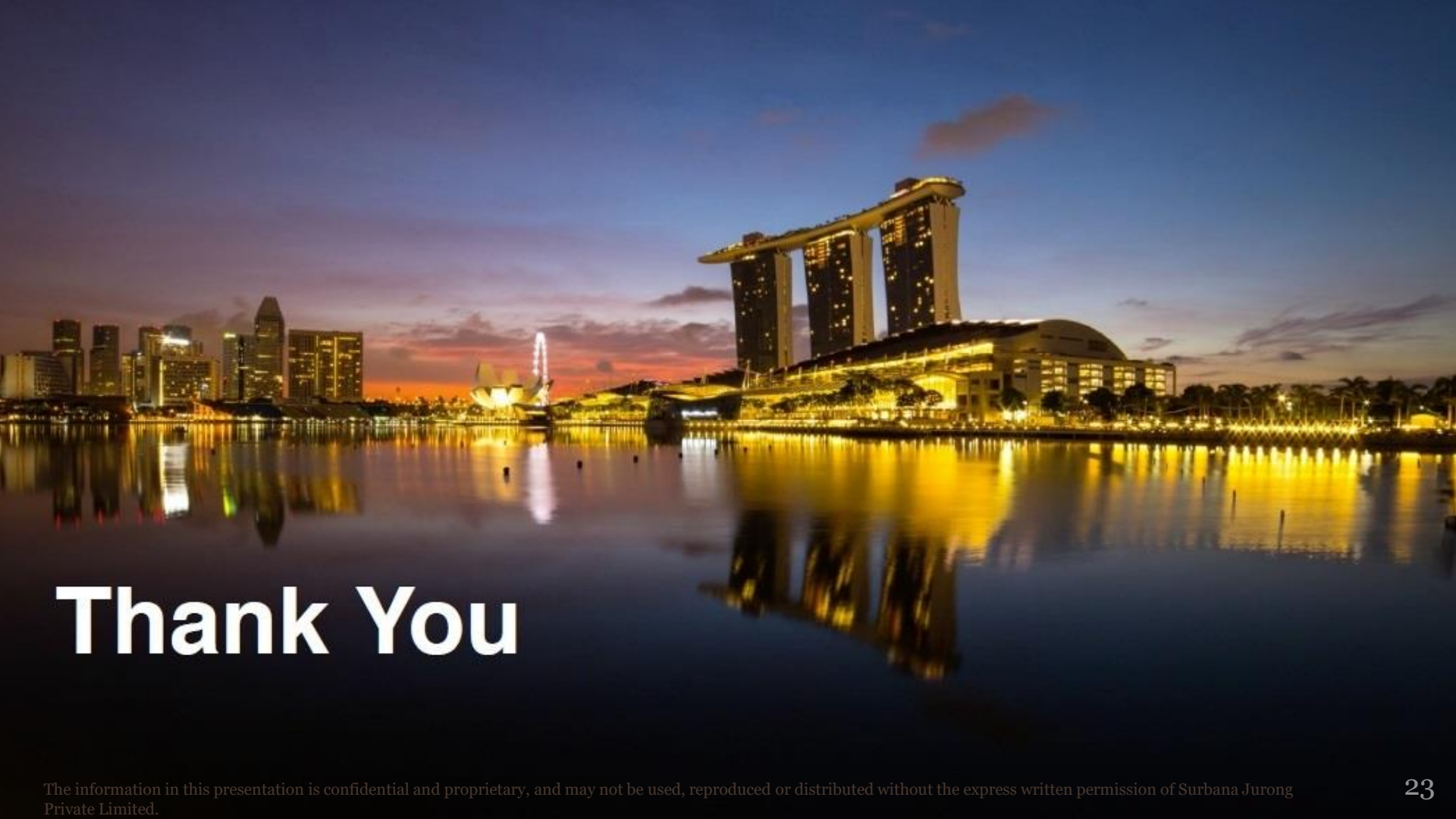
SEAH CHOO MENG
Chairman



AMOS TEO
Director



EZANI RAIS
Dy Director



Thank You