

Issue No. 1, Session 2017/2018

JULY 2017

FOR MEMBERS ONLY

FEATURE ARTICLE

Sr Ainon, RISM

QS Division

Innovating Re-Cost and Re-Novate

LAW CASES

Payment Disputes in Construction Industry

Lessons learnt on payment disputes in Malaysian construction industry

CURRENT ISSUES

Issues on BIM

QS Principals
Dialogue 2017





Sources: http://www.kuala-lumpur.ws/

Assalamualaikum and a Warm Welcome to readers of Berita QS

It has been quite a while since our last issue was published, which is more than 10 years ago, and hopefully with the publication of this issue in the Session 2017/2018, Berita QS will be an on-going and continuous publication with support from all directions. We have now set up an Editorial Team who is agile and progressive that brings together a mix of great experience and fresh ideas under the leadership of Sr Dr Norsiah who will bring our professional news to another level.

By bringing this news, we believe it will make our members be more knowledgeable and that our members will continue their learning process even though they are busy with their daily lives. It is hoped that our Berita QS will be a source of information for news about our members, our events, as well as a source of technical information, construction law cases and news about the latest happenings in the Quantity Surveyor's profession and the construction industry.

Berita QS is also published online making it more beneficial and interactive by reaching a bigger audience locally and globally . It also provides a

good platform for continuous forum and discussion on issues which are close and relevant to the QS. We will be looking forward to the next issue of Berita QS to be published in December this year.



"Anyone who stops learning is old, whether twenty or eighty. Anyone who keeps learning stays young. The greatest thing you can do is keep your mind young"

Mark Twain (1835-1910)

I would implore members to contribute articles, comments and their aspirations to the Editorial Team to make Berita QS better and informative. I wish to extend my sincere appreciation to Sr Dr Norsiah and her team for making this a success especially given the limited time to make it a reality.

Selamat Hari Raya and Maaf Zahir and Batin to all

Vice President QS Division Sr Ahmad Suhaimi Abdul Majid CQS, FRICS, FRISM By bringing this news,
we believe it will
make our members be
more knowledgeable
and that our members
will continue their
learning process even
though they are busy
with their daily lives.

Editor's Message

Assalamualaikum and Greetings everyone!

As the new Editor, please let me start by conveying my gratitude to all of you and especially to the previous editors who have set up milestones for Berita QS. For the last years, Berita QS has presented news for the Quantity Surveying profession, and, in order to keep us updated, we have, of course, continued the tradition of communicating significant past; and upcoming events and activities for the QS, including the prestigious annual QSIC to be held in October 2107.

We, the Editorial Committee would like to congratulate our new Vice President, Sr Ahmad Suhaimi Abdul Majid and Committee Members QS Division and are confident for a thriving Session 2017/2018 ahead. In this issue, we give special thanks to Sr Wan Ainon Zuraiha Khalid and acknowledged her contributions during her term as the Vice President of QS Division for the Sessions 2015/2016 and 2016/2017. We trust that her commitments will continue in the future for the betterment of our profession and the construction industry, locally and internationally.

Moving on, in this issue, we hope to raise awareness on lessons learnt with regards to the relentless payment disputes in our industry through the inclusion of two legal cases on payment for work done. As for bridging and leveraging BIM for the QS, an article highlighting BIM issues faced by the QS, is included, which is the outcome from the QS Principals Dialogue held in April this year.

Next, in the section titled 'Do you know?' we shared insights on developments concerning the QS, which are; International Construction Measurement Standards (ICMS), International Cost Engineering Council (ICEC), and MyN3C and Construction Cost Models. These developments are significant towards optimizing our future prospects and cross-country opportunities.

Finally, for our coming issues we cordially welcome reports and submissions from everyone to share your experience either on related QS developments or on newest information on products, books, software and services as further efforts to transform the QS profession and more importantly - 'staying relevant'.

Let me close by offering my sincere thanks to the members of the Editorial Committee where their immeasurable work and dedication has got this issue of Berita QS off the ground.

So here, the issue is now in your hand. I hope you will all enjoy it.

Chief Editor Sr Dr Norsiah Mohamad CQS, MRICS, MRISM

COMMITTEE MEMBERS QS DIVISION SESSION 2017 / 2018

We are delighted to announce the new RISM QS Division Committee Members for 2017/2018.

Congratulations and welcome to our new committee members.



Sr Ahmad Suhaimi Abdul Majid Vice President

Sr Dainna Baharuddin Deputy Vice President

Sr Eric Khoo Sui Lai Secretary

Sr Chong Juang Kai Treasurer

Sr Amnah Mohammed Salleh Member

Sr Lim Meng Heok Member

Sr Quek Jin Keat Member

Sr Umi Kalsum Zolkafli @ Zulkifl Member

Sr Richard Ooi Hoo Ong Member

Sr Lee Wing Tey Member

Sr Wan Ainon Zuraiha Khalid Imm. Past Vice President

Sr Eddie Wong Weng Hong Co-opted Member

Sr Lim Kok Sang Co-Opted Member

Sr Dr. Norsiah Mohamad Co-opted Member

Sr Syed Abdul Haris Syed Mustapa Co-Opted Member

Sr Hafsah Ghazali Sarawak Branch QS Comm

Sr Kee Poh Ching Sabah Branch QS Comm

Sr Dr. Ngoh Wei Ching Johor Branch QS Comm

TBC Northern Branch QS Comm

Sr Tajuddin Arshad East Coast Branch QS Comm



QS DIVISION SESSION 2016 / 2017

To our previous
Committee Members
for Session 2016/2017,
thank you for all your
efforts, hard work
and contributions.

Sr Wan Ainon Zuraiha Khalid

Sr Lim Kok Sang

Sr Mohamad Shazali Sulaiman

Sr Ahmad Suhaimi Abdul Majid

Sr Amnah Mohammed Salleh

Sr Lim Meng Heok

Sr Quek Jin Keat

Sr Umi Kalsum Zolkafli @ Zulkifly

Sr Richard Ooi Hoo Ong

Sr Azita Mohamed Tahir

Sr Dainna Baharuddin

Sr Eddie Wong Weng Hong

Sr Fadilah Mohamad Camaludin

Sr Eric Khoo Sui Lai

Vice President

Deputy Vice President

Secretary

Treasurer

Member

Member

Member

Member

Member

Member

Imm. Past Vice President

Co-opted Member

Co-opted Member

Co-opted Member

CONGRATULATIONS

	Name	Organization
1.	Sr Hj. Azinal Abidin b. Hj. Ali	QS Focus Sdn Bhd
2.	Sr Chew Shiaw Ping	SP Perunding
3.	Sr Ishak b. Hj. Atan	Perunding DMA Sdn Bhd
4.	Sr Zaidi Kassim	Q Bena Resources Sdn Bhd
5.	Sr Chin Keh Liang	JUB Central Sdn Bhd
6.	Sr Asrul Affandi b. Esam	J.B. Bergabung
7.	Sr Mohd Rafee Mohamad	KPK Quantity Surveyors (Semenanjung) Sdn Bhd
8.	Sr Tung May Keen	Gamuda Berhad
9.	Sr Wong Kit Yee	ELP Quantity Surveyors Sdn Bhd
10.	Dato' Sr Zulkefli b. Mohd Zain	Design Cost Consultant
11.	Sr Khoo Chew Wah	JKQS Consultancy Sdn Bhd
12.	Sr Leong Chee Mun	Kuantibina Sdn Bhd
13.	Sr Richard Brian Raymond	Veritas Contracts Sdn Bhd
14.	Sr Toh Keng Loi	KPK Quantity Surveyors (Semenanjung) Sdn Bhd
15.	Sr Wong Seat Sin	Econcos Consultants Sdn Bhd
16.	Sr Abd. Aziz b. Mohd. Khalil	KPK Quantity Surveyors (Semenanjung) Sdn Bhd
17.	Sr Chen Chun	KPK Quantity Surveyors (Sarawak) Sdn Bhd
18.	Sr Corrine Chieng Yew Wei	Hock Peng Furniture & General Contractor Sdn Bhd
19.	Sr Hafsah Ghazali	Jabatan Kerja Raya Sarawak
20.	Sr Tiew Hua Ming	Sarawak Energy Berhad
21.	Sr Hisham bin Abu Bakar	Yong dan Mohamad Faiz Sdn Bhd
22.	Sr Ung Chin Teong	VQS Praktis Sdn Bhd
23.	Sr Dang Bek Hin	DK-QS Sdn Bhd
24.	Sr Ratnalingam a/l Vijayaratnam	KPK Quantity Surveyors (Semenanjung) Sdn Bhd
25.	Sr Kang Keang Huang	DK-QS Sdn Bhd

TO OUR NEW FELLOWS

Berita QS would like to congratulate all our new Fellows. We look forward to your participation and contribution in developing the QS profession and the industry.

Our Members are increasing each year. It is exciting to see this development and we expect to see more Members in the coming years. The following table shows the Category and number of Members in the QS Division as of 20th April 2017.

Number of Members		
169		
1,041		
1,400		
158		
1		
1,395		
4,164		

For registration info, please visit: http://www.rism.org.my/

Attention



Royal Institution of Surveyors Malaysia

Scholarship & Education Fund



Royal Institution of Surveyors Malaysia invites applications from Malaysian Citizens for Educational Loans to pursue full-time courses at local universities (IPTA & IPTS). All courses must be accredited by MQA. The exemption of repayment is subject to First Class Honours only.

How to apply:

http://www.rism.org.my

HEARTIEST CONGRATULATIONS ON THE APPOINTMENTS OF THE PRESIDENT AND BOARD MEMBERS OF BQSM

On the occasion of the appointment of YBhg Dato' Sr Aziz Abdullah CQS, as the President for the 18th Session of Board of Quantity Surveyors Malaysia [2017-2019]; the QS Division of RISM would like to extend our congratulations to YBhg Dato' and the newly appointed Board Members of BQSM. We would like to wish further success for BQSM in the new Session and we look forward to working closely and strenghtening the cooperation between us. The newly appointed Registrar, Secretary, Board Members including Representatives from Other Boards are as follows:

President : YBhg Dato' Sr Aziz Abdullah, CQS

Registrar : Sr Roziyah Ismail, CQS

Secretary : Sr Jamisah Ibrahim, CQS

Board Members : YBhg Dato' Sr Jaafar Shahidan, CQS

YBhg Dato' Sr Mazuki A. Aziz, CQS YBhg. Dato' Sr K. Sri Kandan, CQS Sr Nik Zainal Alam Hasan, CQS

Sr Roznita Othman, CQS Sr Amran Majid, CQS Sr Hilmisofli Alias, CQS Sr David U Ka Hong, CQS

Sr Zulazhar Mohd Ghazali, CQS

Sr Dr. Wan Maimun Wan Abdullah, CQS

Sr Dainna Baharuddin, CQS Sr Laura Yiin Soon Kiong, CQS

Sr Dr. Faizul Azli Mohd Rahim, PQS

Sr Zaid Zakaria, CQS

Representatives from Other Boards

Ar Mustapha Mohd Salleh (Representing Board of Architects, Malaysia)

Ir Ishak Abdul Rahman (Representing Board of Engineers, Malaysia)

MINIMISING FORMAL DISPUTES BY ENHANCING KNOWLEDGE IN CONSTRUCTION LAW

Date: 19th January 2017

Venue: Hotel Istana, Kuala Lumpur







TECHNICAL VISIT TO NIRO CERAMIC (M) SDN BHD

Date: 16th February 2017

Venue: Niro Ceramic (M) Sdn Bhd,

Section 15, Shah Alam







QS PRINCIPALS DIALOGUE 2017

Date: 5th April 2017 Venue: Hotel Istana, Kuala Lumpur



CPD TALK ON GREEN CITY ACTION PLAN FOR MELAKA AND TECHNICAL VISIT TO PERBADANAN TEKNOLOGI HIJAU MELAKA

Date: 6th April 2017

Venue: Perbadanan Teknologi Hijau Melaka









LATEST UPDATES ON BIM (BUILDING INFORMATION MODELLING)

Date: 25th March 2017

Venue: Taylor's University,

Lakeside Campus,

Bandar Sunway, Petaling Jaya





19TH INTERNATIONAL SURVEYORS' CONGRESS

Date: 18th— 19th May 2017

Venue: Hotel Istana, Kuala Lumpur





FIRST QS DIVISION MEETING FOR SESSION 2017/2018

Date: 10th June 2017 Venue: Bangunan Juruukur, Petaling Jaya

General Construction for residential and commerical . civil engineering projects in Malaysia and Overseas .

CK Century Construction Sdn. Bhd.

16-01-1 Lorong Batu Nilam 4A | Bandar Bukit Tinggi

41200 Klang | Selangor Darul Ehsan | Malaysia

Tel: +60 3 3324 0369 | Fax: +60 3 3324

0849

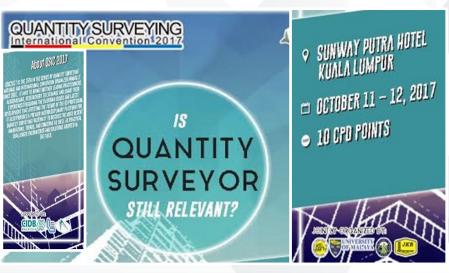
Email: info@ckcentury.com



UPCOMING EVENTS



PACIFIC ASSOCIATION OF QUANTITY SURVEYORS CONGRESS PAQS 2017



QUANTITY SURVEYORS INTERNATIONAL CONFERENCES *QSIC 2017*

11th— 12th October 2017

Location:



SKYTREX

Location: Taman Botanic, Shah Alam

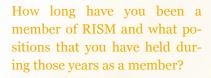
Innovating Re-Cost & Re-Novate

Berita QS had the privilege of interviewing Yang Berusaha, Sr Wan Ainon Zuraiha Khalid to learn more about this inspiring person, her past contributions to RISM and her insights into her roles in elevating the QS profession in particular and image of RISM in general.

Biodata

Sr Wan Ainon Zuraiha Khalid was the Vice President of QS Division for sessions 2015/2016 and 2016/2017 and currently the Chair of Board of Building Management for session 2017/2018. She is also the 2017-2018 Chair of Assessment of Professional Competency (APC) sub-committee under the Board of Quantity Surveyors Malaysia which deals with the Tier 1 registration as Professional QS.

Sr Ainon was born in 1968 in Gerik, Perak and received her early education there. She graduated in BSc (Hon) Quantity Surveying from University of Salford UK in 1992. She joined Northcroft Lim Perunding Sdn Bhd upon graduation and lasted for about 8½ years there before starting her own firm. She founded A I Konsult as the Principal Partner and currently also the Director of ARR QS Consultancy Sdn Bhd, both are QS consultancy firms.

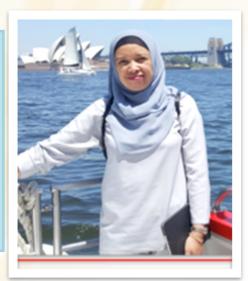


I have been RISM member since 1996. After passing the JTPC in 1998, I have been following the ISM activities then. In 2006, Sr Eddie Wong asked if I could join the committee as Secretary of the QS Division as the previous secretary left to work overseas. I ended up being the Secretary of the Division for almost 4 years. 2009/2010, I became the Secretary General during the time RISM has its first lady president. After that, I took a break from RISM and joined again for session 2013/2014 as co-opted member.

Who is your role model? (Growing up as a child / in QS/construction industry field)

During growing up at that time and living in such a small town, there weren't many people that I know that can be role models. I don't know much about construction industry, let alone Quantity Surveying per se. However, during primary school, I do remember having classmates from Korea and German because their fathers work as Engineers or some construction experts in the building of the Temenggor Dam and the East West Highway from Gerik to Jeli. I felt that isn't it impressive that you can travel overseas while working?

During my secondary school in



MRSM Seremban, I have always thought I wanted to be an accountant. But fate has it that when selecting the course to go overseas after SPM, I chose Quantity Surveying as my career.

In spearheading the QS Divisional Committee, how would you describe your leadership styles towards the other members of the teams to ensure all lined up activities achieved their set objectives and goals? (democratic/participative/teamwork?)

Serving in QS Division is all about voluntary work. In order to develop a working Division, we definitely need team mem-

bers and team work. members, ie. the committee members are the strength of the Division. As the Chair, I can only suggest or propose to do something but without the enthusiastic support from the individuals who are tasked to do it, the proposal will just remain as proposal. You can't force people to do anything, they have to want to do it. So, I was hoping I can make them 'like' and 'enjoy' to do it and steer to the right direction. Some of the committee members have been in the committee for a while because they enjoy volunteering and hopefully benefitting the general members of RISM.

Every leaders have their own mission and vision in their chairmanship, how did you prioritise which activities were your main domain and target goals during your session?

I have always wanted to produce construction cost publication. Even during university time, a few of my friends has even thought of the name of the book ie. SCAN (based on initials of our names), to compete with SPON and others that were available then in UK.

Since the QS Division has the Building Cost Information Centre sub-committee, I thought that they could help to achieve that dream. And the Memorandum of Agreement signed with CIDB last year hopefully can help to reach the goal much faster. So the onset, I have decided



to have 2 chairs for this subcommittee, one to concentrate on the Practical Task under the JTPC, and the other to hopefully compile and produce publications of all the Elemental Cost Analysis (ECA) that we have. Furthermore, at that time the BCIC sub-committee received complaint for delay in giving result of the JTPC candidates doing Practical Task (although not all due to assessors' fault). So I guess, my mission at that time is to make sure BCIC subcommittee can be the most active and can benefit all the members with the dissemination of the information that we have.

Care to share with us how do you get yourself involve with the renovation and upgrading works of the existing office block of Bangunan Juruukur Diraja Malaysia? In what way this new renovation provide a more conducive place for RISM activities and alleviate the corporate image of the Institution?

If you have been coming to RISM building before the renovation, you can appreciate that the building is really in need of repair and upgrading. with its 56 years of history, Royal status and with more than 9,000 members should at least have a proper Board room, some meeting rooms with facilities, training centre and decent library. There were also some safety issues that involve the TNB room at the Lower Ground Floor. The toilets also need upgrading. And with the proposal to make BCIC active, Level 1 is being converted to proper office to accommodate all the documents and full time personnel too.

"I have always
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construction cost
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a few of my friends
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the name of the book"
Sr Ainon

There is a limited budget to meet all these requirements, so although the plans have been discussed many times in many sessions, the President then, Dato Sr Sri Kandan requested a proper Tender procedure is adopted. Therefore, as the QS Division Chair at that time, I was asked to prepare the Tender Drawings and Documents, Tender Report and later became the Project Manager to oversee the construction.

There are still things to be done at the building. At least the infra are already there but we still need to buy more tables and chairs for the seminar rooms, equip with IT etc so that RISM can also rent out the facilities to its members. I would welcome anyone who would like to give feedback on what can be improved further of the RISM building.

It occurred to me that you have a strong role play towards the realisation of a part of the National Construction Cost Centre (N₃C). Certainly N₃C is a long await and a great news to all. Can you update us on how it gets initiated, the ideas and mechanism behinds it. Who would you say recoup benefits from this Centre?

Just to highlight, N3C is actually an initiative by CIDB as part of their Construction Industry Transformation Programme. You can visit the website at myn3c.cidb.gov.my on many of their products on construction costs such as Cost Data (building materials price, labour wage etc), Cost Indices

and other construction cost information.

RISM, having a close relationship with CIDB was invited to be partners on one of the items under the initiatives, which is the Cost Modelling. The Cost Modelling format is almost similar to what we have been doing in RISM under the BCIC, and hence we have much of the ready information that can be used for the purpose as required by CIDB. Since we are quite confident that we can handle the task, CIDB and RISM signed a Memorandum of Agreement on 14 Nov 2016. RISM is probably the only professional institution who has such agreement with CIDB. Actually, a lot of the success of this Agreement is due to the past President Dato Sr Sri Kandan's ability to convince CIDB that RISM is the right organisation to undertake the task. As a professional institution, RISM is also responsible to produce professional cost data that can be used by its members and the public in general, so the Agreement is highly welcome.

Under the Agreement, CIDB has agreed to fund RISM, specifically the QS Division to provide minimum 60 Cost Models over the Agreement period which is anticipated to be renewed annually until the objective is achieved or maximum until 2020. As we all know, the pricing of a construction cost of a building is quite complex as

the pricing is broken into many elements, items, trades etc RISM needs to provide 60 Cost Models that will be based on different types of buildings and infrastructure. For example, we will provide a Cost Model for say, secondary school of 24 classrooms which will have the quantities and the rates to make up for the total construction cost. Another person can use the Cost Model if he wants to know the cost of say, a 36classroom secondary school by just changing the Gross Floor Area. There will be adjustment of year and location which hopefully can give a very accurate estimate. Some other Cost Models to be developed include residential, offices, mosque and bridges,

For now, BCIC is busy developing the Cost Models based on selected projects. CIDB is currently finalising the software vendor who can design the Cost Model just like we want it and once completed, we will feed the information. The intention is that hopefully CIDB/RISM can later allow the public to use this via subscription similar to what BCIS UK has been doing all this while which can be a source of income to RISM in the long run. In addition, cost data publications can also be produced from the Cost Model, so may be the dream of having 'SCAN'can be realised.

How would see the future of the QS profession in years to come

I am one of the people who still thinks QS will always be relevant. What would be your advice to No doubt, we might have to speexpertise to become relevant in the future, but not many courses go through the training like we do. For example, just look at the production of BQ. If you are familiar with the standard of drawings you sometimes received from the designers, it is amazing that the QS can actually arrange,

in staying relevant to the indus- ise etc all these descriptions and activities are aimed to cover all quantities in an orderly manner areas globally, not just sports and that can later be priced.

people whom still taking their cialise, or expand our scope and own time to become member of RISM?

> Not many see the relevance of being RISM member. But with the prefix Sr, many now are clamouring to join. I guess if you are not in the loop, you can never appreciate what RISM has done and is doing for its members. RISM wants its members to be

and challenges that we may face collate, measure, compile, organ- world class surveyors, hence the social, but also professional talks and conferences, technical and courtesy visits, even charity run and corporate responsibility activities. So do join RISM today if any of you have yet to do so.

> Berita QS wishes to thank Sr Wan Ainon for attending to this interview; and Congratulations for the good job in chairing the Session. Best wishes in your future endeavours.

SUMMARY OF LEGAL CASES: PAYMENT FOR WORK DONE

Josu Engineering Construction Sdn Bhd v TSR Bina Sdn Bhd [2016] 1 CIDB-CLR 161

The defendant was the main contractor for the works of upgrading a polytechnic for the Malaysian government. The plaintiff was the sub-contractor engaged by the defendant for two (2) separate sub-contacts: i) earthworks sub-contract for RM 15,755 and ii) site office sub-contract (permanent and temporary site office) for RM 185,000.00. The plaintiff sued the defendant for value of work done but not paid for the following sub-contracts: i) earthworks for RM 270,625.13 and ii) site office for RM 89,811.09. The defendant counterclaimed for the following sub-contracts: i) earthworks: completing the plaintiff's work and clearing debris allegedly dumped by the plaintiff onto neighbouring land: RM 666,820, and ii) site office: clearing works done by a third party: RM 10,000. The High Court dismissed the plaintiff's claim but allowed the defendant's counter claim against the plaintiff. The plaintiff appealed to Court of Appeal.

Held: The Court of Appeal allowed the plaintiff's appeal with costs. i) On the earthworks sub-contract, the defendant ought to pay the plaintiff RM 258,585.20 as unpaid balance value of earthworks executed by the plaintiff. The basis was that the plaintiff had completed the earthworks under the sub-contract and that the balance works allegedly not done by plaintiff were different from that complained by the defendant in terms of type, description, location and quantity. There was also overwhelming evidence that the plaintiff could not have transported all the earth out of the polytechnic site and dumped it on adjoining land. Hence, there could be no counterclaim under this head by the defendant against the plaintiff. The Court of Appeal further asserted that the defendants counterclaim on the gross amount of costs of getting another subcontractor to execute the so-called balance works as the alleged loss or damage should have been calculated

LESSONS LEARNT

Both cases showed lack of understanding and appreciation on the knowledge of construction contract by parties in the contract especially by the paymaster of the contract, where unnecessary ligation costs and time spent could be avoided. Basic contract principles highlighted are:

- 1. The elements of contract are offer, acceptance and consideration or benefit for both parties. This means that works completed by a party as consideration or benefit of the other must be paid by the latter as consideration or benefit to the former.
- 2. The different contractual rights and obligations of parties of the contract are based on the terms of contract agreed by both parties.
- 3. Architects, engineers and quantity surveyors are the 'professional man' in construction contracts where work certified for payment and certificates issued by them are based on their professional knowledge and judgment prima facie binding unless it could be proven that the certificate issued was premised on fraud or improper pressure.

differently. ii) On the site office sub-contract, the defendant is required to pay the plaintiff RM 87,502.07 after taking into account the counterclaim of RM 10,000. The basis was that the decision by High Court failed to appreciate and consider evidence when dismissing the plaintiff's claim and allowing the defendant's counter claim of RM 10,000.

CLLS Power System System Sdn Bhd (No. 2) v Sara Timur Sdn Bhd [2016] 1 CIDB-CLR 192

The defendant was the main contractor for the construction of a data centre. The plaintiff was the nominated sub-contractor to supply, deliver, install, test, commission and maintain generator sets; where the contract sum is RM 20.5 million. On 16th December 2011, the defendant paid the plaintiff RM2 million as down payment. The plaintiff completed the works whereby the value of works was certified by both the electrical engineer and architect. Subsequent payments totalling RM 550,000 was made. The Plaintiff then filed a civil claim for the balance of RM13,786,972.15 as due and owed to him. The defendant filed its defence and the plaintiff applied for summary judgement. The defendant claimed that the payment of contract sum is in stages as follows: 10% as down payment; 70% as delivery of all materials to site before installation, 15% as after installation, and, 5% as testing and commissioning. The defendant's case is that: i) the plaintiff had failed to complete the work by the completion date of 22nd February 2012, ii) the plaintiff can only claim and entitled for the 2nd stage payment, that is, the 70% of contract price after all materials is delivered to site, and the plaintiff failed to deliver all the generator sets and materials iii) the certified value of work done and certificates issued by the engineer and architect were not binding on the defendant and were ambiguous/ wrong, iv) the defendant claimed that the payment of RM550,000 was 'merely to comfort the plaintiff 'as the plaintiff had at that time delivered some, but, not all materials to the site; and this payment is not an admission or a waiver of the defendant's rights.

Held: i) On the sum claimed by the plaintiff, it was due and owing by the defendant. The basis was that the defendant had made three payments totalling RM550,000 - without complaint, hesitation and conditions. This confirmed the plaintiff's contention that the defendant had by its actions and conduct, admitted the existence of the debt owing to he plaintiff and not just 'to comfort the plaintiff'. This is signified by the fact that the defendant partially paid off that debt through this payments which were made unconditionally and unreserved. It had 'lulled' the plaintiff to belief that the debt was not disputed and not 'lie in the mouth' of the defendant to claim otherwise. ii) On the stages of payment of contract sum for RM 20.5 million, the High Court disagreed on this. The basis was that the contract is to 'supply, deliver, install test, commission and maintain' the works by the plaintiff for a fixed lump sum of RM20.5 million. iii) On the certificates issued by the Engineer and Architect not binding on the defendant, there was no provision or agreed term in the contract with respect to this and no issues raised by the defendant that were bona fide.

(Source: CIDB (2016), CIDB Construction Law Report 2015, CIDB Malaysia, Kuala Lumpur)

ISSUES IN BIM FOR QS: OUTCOMES FROM THE QUANTITY SURVEYORS (QS) PRINCIPALS DIALOGUE ORGANIZED BY QS DIVISION, ROYAL INSTITUTION OF SURVEYORS OF MALAYSIA ON 5th APRIL 2017

uantity Surveyors has often been left out of BIM discussions until lately, particularly in countries which do not practice quantity surveying. Problems often arise for QS when the designers focus on the use of BIM for clash detection rather than for automated quantity takeoff. We often find BIM models that are unusable for quantity take-offs because they do not follow "standard" rules of measurement practiced by QS. It can be said that most designers do not understand the way QSs work and undertake measurement and therefore rendering most BIM models not readily usable by the QS for quantity take-off. Moreover, most designers are not amiable to the idea that BIM models should be produced just for the convenience of quantity take-off by another professional that has nothing to do with visualization of the design etc. The task of "federating" the various architectural, structural and MEP for buildings in BIM is already complex enough.

5D or QS BIM is here to stay as clients will in future want quick answers to the implications on quantities, specifications and pricing when they start tweaking the designs in the BIM Model. As long as the bill of quantities is used as a reference document for cost control and pricing, it is a no brainer to say that what is mod-

elled by the designer should be reflected in the measurement in the bill of quantities. Of course, it is not possible to model everything for the bill of quantities, e.g., external works and provisional quantities items which may yet to be finalized. However, if say, 60 percent of the measured items can be modelled in BIM, the burden of producing bills of quantities will be very much reduced and hence productivity can be increased.

The issues that were discussed during the dialogue are summarized below:

Standard BIM Object Library

A single format for BIM software does not exist. You have Revit, Archicad, Bentley, IFC and so on. Therefore, a design for say a type of casement window will need to be modelled in Revit, Archicad, etc. to cater for different software users. It would be great if Malaysia adopts a standard BIM object library for say, Revit so that the 5D BIM parameters can be standardized for their BIM Object Library. For example, internal floor finishes are measured within internal faces of walls and ceiling finishes have an extra allowance for plastering height which is standardized.

The take-away from the dialogue session is that 5D BIM parameters should be embedded in the Standard BIM Object Library to avoid a laissezfaire attitude to QS measurement. RISM should work with other stakeholders such as CIDB, JKR, etc. towards this objective.

BIM Guidelines

Some agencies which have already implemented BIM like CIDB, JKR, PRIMA, etc. and some private sector developer-contractor like Brunsfield have produced their own BIM Guidelines. This seems to be a crowded field and may cause some confusion to consultants and contractors when it comes to the BIM Implementation Plan, BIM Execution, deliverables and so on.

This is quite unlike Singapore where the BIM Guide Version 2.0 is issued by the Building & Construction Authority (BCA) solely and the requirements are commonly understood by consultants and contractors.

It would be better to have a harmonized version of the Malaysian BIM Guide, say of both CIDB's and JKR's BIM Guidelines to reduce the number of versions for the public sector. Buy-in from the various professional bodies including RISM should be sought.

BIM Guide for Measurement

Since 2013, the BIM Technical Committee, QS Division, Royal Institution of Surveyors Malaysia has been in discussion with a Malaysian private sector contractor-developer with a view of adopting a standard approach to measurement for BIM. However, this demands a standard approach to modelling (SAM) and therefore

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requires other stake-holders such as architects, structural engineers, M&E engineers, etc. to be involved. The Hong Kong Housing Authority seems to be adopting this approach successfully. This Hong Kong experience will address the issue raised of RISM not getting buy-in from their own members once the architects, structural engineers, M&E engineers, etc. agree on the SAM that deals with the measurement portion.

Enabling/Collaborative documents

A Malaysian BIM Condition of Contract should be drafted as the existing form of contracts like PAM's, JKR's and CIDB's are not suited for collaboration and rather adversarial. BIM by nature demands collaboration and openness and these needs to be incorporated in a BIM Condition of Contract.

In the interim, a BIM Addendum or BIM Appendix to the Conditions of Contract may be adopted. However, this will not be satisfactory as it is quite impossible to override the adversarial aspects of the Conditions of Contract with a more benign Addendum or Appendix which requires close collaboration where parties need not worry too much about issues of design ownership, etc. when they are properly spelt out.

The BIM Manager who is conversant with design and the practicalities of construction needs to be clearly identified. It should preferably not be the Contractor even in the case of a Design & Build Contract. This is to avoid any objections by the design architect, struc-

tural engineer, M&E engineer, etc. being overridden by the Contractor in the event of a dispute with the BIM Manager.

Linking Cost Modelling to BIM

The New Rules of Measurement 1 (NRM1) by RICS seem suited to be BIM-ed. However, the irony is that NRM2 which is developed for BQ production is not readily BIM-ed.

Under the auspices of BIM Technical Committee, QS Division, Royal Institution of Surveyors Malaysia, Sr KL Chin has developed the Elemental Design Analysis (EDA) which in a number of ways is superior to Elemental Cost Analysis (ECA). It is more logical in approach as it uses primary quantities, secondary quantities and evaluates rogue items rather than just depending on cost per m2 (in ECA).

EDA lends itself more readily to be BIM-ed as it evaluates and takes care of design variations in the building elements as it compares logical ratios rather than just look at cost per m2 alone.

Visualization

It is not inconceivable in the near future that the QS may himself produce a preliminary BIM model to test out certain cost assumptions.

Often times, clients may not readily understand the cost implications of changes or variations in the design. With the use of the BIM model by the QS to show how those variations had occurred in the sequence which can be visualized by the client, it is possible for the QS to defend his cost evaluations more convincingly. There would then be no accusation that the QS had calcu-

lated his costs "wrongly" as the visualization of the model in the proper time sequence will show how any cost overrun had occurred. A minor addition to the design may have a major impact on the earthworks and other external works not readily understood without the aid of visualization.

Thus, visualization can also be a tool that can be used by QS as an effective way of depicting variations visually which may not be grasped fully by mere figures alone. BIM renders clarity to project costs.

As-Built Drawings

As-Built Drawings and other information on equipment, plant, etc. as installed, tested and commissioned should be embedded in the BIM Model upon completion of the construction project. This will ease the task of facilities management once the project is handed over to the client. The construction period of a typical project may be just slightly over three years but the life-span of the building may exceed 60 years. Hence, the importance of accurate As-Built information for post handover maintenance works and facilities management throughout the project life-cycle.

BIM Apps and BIM Tools

Most QSs are still confused over the term BIM software. Authoring or design software are for instance Revit, Archicad, Bentley and Tekla. CostX, Glodon, Vico and the like are strictly speaking BIM tools which extract information from authoring software to produce take -offs, bills of quantities, time and cost analysis of operations, etc.

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There is a need for more BIM Apps or plug-ins in order for QSs to analyse cost models from BIM more efficiently and quickly. It would be a good thing to be able to have Apps that can perform Elemental Cost Analysis and Elemental Design Analysis from BIM

Therefore BIM tools are for such specialized purposes and not for mainstream BIM design per se done by designers.

There is a need for more BIM Apps or plug-ins in order for QSs to analyse cost models from BIM more efficiently and quickly. It would be a good thing to be able to have Apps that can perform Elemental Cost Analysis and Elemental Design Analysis from BIM. This would save lots of time in analysis and ensure that the information is accurate especially when it they are directly extracted from the BIM model.

QS role in BIM

There have been suggestions that the QS upgrade his role to that of a BIM Information Manager as he holds the key to cost information. At the very least, he should act as a BIM facilitator for costs, to be appointed as soon as the other key design consultants are appointed. His role in cost modelling should not be under-estimated.

There have also been other suggestions that As-Built information to be included in the BIM model be checked by the QS. This may mean that additional fee has to be charged but whether the client is prepared to consider this is another matter.

With the advent of the International Cost Management Standards (ICMS) due to be signed at the 21st Pacific Association of Quantity Surveyors Congress in July 21-26, 2017 in Vancouver, the role to be played by the QS will be enhanced. ICMS is expected to be BIM-compliant. This means local practices will still have their own SMM version at the low or detailed level. Whilst at the high level, e.g. measurement of floor areas, etc. the SMM have to comply with ICMS definitions and

required to be BIM-compliant at this level.

Conclusion

Although the turn out in the number of principals in the dialogue was not that many, the panel of speakers picked for their knowledge in certain topics nevertheless were able to tackle the issues raised by the floor and the moderator himself, Sr Lim Kok Sang, with finesse and the dialogue proved to be a lively and an interesting session. The issues raised in BIM, particularly, were pertinent and we believe the audience had a better appreciation of the coming impact of BIM in the OS profession. For the QS, it is a question of understanding what BIM tools are already in the market, their strengths and weaknesses and to start using them now rather than later, to ease the learning curve.

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INTERNATIONAL CONSTRUCTION MEASUREMENT STANDARDS (ICMS)

In 2015 a coalition was formed to produce the International Construction Measurement Standards (ICMS) as an initiative to publish a shared standard in reporting construction cost. The way of reporting construction cost internationally varies from one country to another depending on the locality factors, making it diffi-

cult to evaluate and compare projects around the world. The coalition of 27 independent experts from 17 international organization which is led by RICS is steering this initiative towards its official launch during the Pacific Asia Congress 2017 on the 24th to 25th of July in Vancouver, Canada. RISM is proudly an official participant of the coalition with Sr. Dainna Baharuddin (PQS) being the representative and Dato Sr K Sri Kandan being one of the trustees in the coalition. ICMS aims to develop and implement international standards for benchmarking, analysing, defining, measuring and reporting construction project cost. The standard focuses on the 'line items' in the calculation such as labour, land purchase, design, materials and client costs, instead of the units of measurement. The standards also would not be a substitute to the currently used standards such as SMM, CESMM and the likes. The consistency achieved is hoped to improve reporting and encouraged investment transparency. RISM will announce the implementation of ICMS in Malaysia soon. For further information on ICMS, visit https://icms-coalition.org/.

INTERNATIONAL COST ENGINEERING COUNCIL (ICEC)

ICEC is a global confederation of professional institutions in the fields of cost engineering, quantity surveying, project controls, and project management; providing an international network of project cost management profes-

DO YOU KNOW?

sionals, firms and associations. ICEC is divided into geographical regions, namely: Region 1 North and South America; Region 2 Europe and the Near East; Region 3 Africa; and Region 4 Asia Pacific. Royal Institution of Surveyors Malaysia (RISM) is an ICEC member association from Region 4 Asia Pacific. Some of the benefits for a member of RISM, who is part of the ICEC member community are: participation in a worldwide information network for exchange of cost engineering (CE), quantity surveying (QS), and project management (PM) information and experiences; and, granting individual members of any ICEC society the rights and privileges of membership (excluding the right to vote or stand for elective office) while temporarily residing or working in the home country of another member society. A noteworthy significance for RISM members is the ICEC logo usage. ICEC permits the use of post nominal denoting ICEC accreditation for its individual members. The important consideration in the use of the initials is that the ICECA (International Cost Engineering Council Accredited) follows the initials related to the membership and certification granted by the member organisation. The ICECA initials may not be used separately and may not appear at any other location in a list of credentials. The following example provides an example of what is considered appropriate use of ICEC initials. "FAIQS ICECA" means the person is a fellow of ICEC and holds a current CPD certificate issued by the Australian Institute of Quantity Surveyors, which is ICEC accredited. For further information on ICEC, visit www.icoste.org

MyN3C AND CONSTRUCTION COST MODELS (CCM)

Construction Industry Transformation Programme (CITP) was launched by CIDB in Sept 2015. Among the key performance indicators under the Productivity Thrust of the CITP is to maintain a construction industry information and hence a systematic online



data information system called Malaysian National Construction Cost Centre (MyN3C) was established. The aim of MyN3C is to assist construction players to refer to credible and reliable sources and updated information. Currently it has informative cost data related to building materials prices, labour wage rates, machinery hire rates and equipment purchase rates. The cost indices related to major construction building categories, building materials, labour, machineries and equipment are also accessible at http://myn3c.cidb.gov.my.

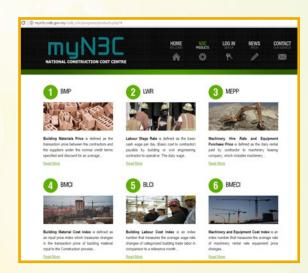


To enhance further MyN3C products, CIDB and RISM has long discussed on finding and improving ways of recording overall building cost construction that can be referred to also by others for research or commercial purposes. Since quantity surveyors are more well versed with construction costs, CIDB agreed to appoint RISM QS Division to be the partner in this initiative. CIDB signed Memorandum of Agreement with RISM on 14th November 2016 at Sheraton Imperial Hotel, Kuala Lumpur witnessed by the Minister of Works, Dato' Sri Fadillah Yusof on. Under the agreement, CIDB agreed to fund RISM QS Division to analyse Bills of Quantities submitted by contractors to CIDB and compile

them into Construction Cost Models (CCM), a format similar to Elemental Cost Analysis. This CCM can be the basis for preliminary estimates, cost planning as well as for the evaluation on investment strategy for clients and investors of construction development.

RISM appointed Sr Wan Ainon Zuraiha Khalid, immediate past Chair of QS Division to head the task force of complying with the Agreement. RISM will need to prepare 60 CCM in the next 2 years comprising of various building types and also infra structure works and so far RISM has completed 40 proto types based on ECA format compiled from what have been done under Building Cost Information Centre (BCIC). CIDB is in the midst of finalising the software vendor who will design the CCM as per requirements of the stakeholders. Once completed, RISM will feed the required information.

CIDB/RISM hope that in the future, the public will be able to use



this CCM services via subscription similar to what Building Cost Information Services (BCIS) in the UK has. Apart from establishing RISM as the professional institution, RISM hopes it can also be a source of income to RISM in the long run.

NEW AND UPGRADED

FACILITIES AT RISM BUILDING





Good News to all Members!

RISM building is now fully renovated to give more conducive and pleasant working spaces. All levels are fully equipped with meeting/ seminar rooms, audio visual; dedicated lavatories and pantries for a variety of functions and activities.

RISM also offers designated meeting/ seminar rooms for rental.

For, any enquiries on rental services, please liaise directly with the RISM secretariat.

Microphone and PA System

Equipment

Seminar Room 2 Seminar Room 3 LCD TV Whole Lower Ground Floor (Seminar Room 1-3) President's Lounge Boardroom

Room/Space

Seminar Room 1

Level 3



RECEPTION COUNTER
WITH NEW RISM LOGO

Level 2

BOARDROOM





Level 2



Level 1

OFFICE



PANTRY &

SIDE DINING TABLE

Venue	Seating	Max Capacity
Seminar	i) theater style	30 pax
Room 1	ii) classroom style	15 pax
Seminar	i) theater style	35 pax
Room 2	ii) classroom style	18 pax
Seminar	i) theater style	35 pax
Room 3	ii) classroom style	18 pax

SEMINAR ROOM/ MEETING ROOM



RESOURCE CENTRE

Level LG



SURAU

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