



THE INSTITUTION OF ENGINEERS, MALAYSIA

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Talk on

"RISK SHARING CONTRACTS"

(Organised by Oil, Gas and Mining Technical Division IEM)
BEM Approved CPD/PDP Hours: 2 Ref No: IEM11/HQ/354/T

Date : 12 November 2011 (Saturday)
Time : 12.00noon – 02.00pm (Refreshment will be served at 11.30am)
Venue : C & S Lecture Room, 2nd Floor Wisma IEM, Petaling Jaya
Speaker: Mr. Khem Thadani

SYNOPSIS

In a typical Risk-Sharing Contract (RSC), the responsibilities, roles and risks are allocated therein to the various parties and agent. RSCs maybe fashioned for projects that may be turnkey or Engineering, Procurement & Construction (EPC) in nature up to that of Project Delivery Partner (PDP).

That PDP typically endeavors to spell out i) Project Management Role ii) EPC Role; iii) Parties Risks and Rewards (with the proportionate Increase); and cover the following critical project parameters i) Development ii) Construction iii) Completion iv) Delivery v) Targets vi) Rewards; and vii) Losses. Other aspects typically treated under PDP i) Project Viability – "Strike Rate" ii) Site Possession iii) Ground Conditions – Employer/Contractor iv) Completion v) Delays vi) Performance Guarantees; and vii) Financing – Developer/Sponsor.

The features of PDP can be reflected in various forms of contract which entail varying the responsibilities, roles and risks: i) PAM ii) IEM iii) CIDB iv) FIDIC (Gold Book, Silver Book, Orange Book, Red Book, Yellow Book, Bespoke/Customised). The impact of anticipated CIPAA will be briefly touched.

BIODATA OF SPEAKER

Khem N Thadani holds an LL.M (University of Melbourne, Australia) and LL.B (University of Canterbury, New Zealand), and also an Advocate and Solicitor of High Court of Malaya, Barrister and Solicitor of High Court of New Zealand and Supreme Courts, Federal and High Court of Australia. He is presently the proprietor of Khem Thadani, Kuala Lumpur, Malaysia but was : i) a consultant to Ashurst (Singapore) and Khaitan & Co., Mumbai, India; ii) solicitor and then equity partner in Zaid Ibrahim & Co., Kuala Lumpur, Malaysia; and iii) in Australia for 6 years as a legal practitioner with Cridlands, Morris Fletcher & Cross (now Minter Ellison) and Doyles. He has been actively involved in last fifteen (15) years in transacting by advising, structuring, negotiating and documenting complex and interdependent agreements, of a corporate/commercial nature, for the following infrastructure projects:

Power	-	power plants and transmission lines;
Oil & Gas	-	floating production, gas supply; and
Transport	-	light and express rail systems, roads/highways and airports.

The experience covers negotiating and successfully closing deals on a project finance basis.

In his initial six (6) years of practice, he was involved in:

- dispute resolution including litigation, mediation and arbitration; and
- counsel to pre-arbitration under International Centre for Settlement of Investment Disputes (ICSID) Rules of arbitration held in London over two (2) years pertaining to a power plant.

His clients ranged from local corporate and conglomerates to international multi-national companies.

Ir. AL-KHAIRI MOHD DAUD

Chairman

Oil, Gas and Mining Technical Division

ANNOUNCEMENTS TO NOTE:

1. Talk is **STRICTLY** for IEM members only (pre-registration is **NOT** required)
2. Telephone and/or fax reservation will **NOT** be entertained
3. Limited seats available on a "first come first served" basis (maximum 110 participants).
4. IEM members are required to produce their membership cards for confirmation of attendance (CPD purpose).
5. Latecomers will not be allowed to enter if the lecture hall is full nor be entitled to CPD.

IEM members who fail to produce their membership cards will be charged a fee of RM20.00.

FUNDS FOR IEM BUILDING FUND (WISMA IEM)

- Kindly be informed that IEM will be charging participants RM10.00 administrative fee for talks organized by IEM.
 - The fee would be used for overhead costs, building maintenance expenses as well as to support the purchase of the new building.
 - All contributions will be deeply appreciated by IEM
 - Students are however exempted.
- Your understanding is greatly appreciated.

CPD HOURS CONFIRMATION

Name:

Membership No:

Signature:

Date: 12 November 2011