

## METHOD OF ASSESSING CONCURRENT DELAYS

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Specially dedicated to *Mak* and *Ayah*

I really miss both of you.

*Al-Fatihah*

To my children

*Nathasya, Ryan, Noura* and *Nche*

May this be an inspiration.

And

To my husband,

Thank You.

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## **ABSTRACT**

Construction delay claims are inevitable in most projects in the construction industry. It is rarely seen that a project completed without any adjustment on the completion time. Concurrent delay claims are the most disputed issue in the industry mainly because there is no uniform definition and lack of understanding on the concurrent delay itself. The objective of this research is to establish method of assessing concurrent delay which has been accepted and applicable in the court of law. The method of assessing extension of time which involves single event of delay are normally straight forward but when there are more than one causes of delay and often when one of the causes of delay are due to the contractor's own fault and the other are a Relevant Event, the Extension of Time award are often disputed. This research is a critical analysis of selected journals which discussed issues of concurrent delay. Analysis has directed to the legal principles, approaches and method used in the practice and which have been tested in the court of law for assessing concurrent delay claims which is significant in assisting a contract administrator in evaluating concurrent delay claims in practice. The findings are expected to be useful as to encourage further references and studies. Further research in quantitative nature can be carried out in which case studies can be carried out in practice.

## ABSTRAK

Tuntutan Lanjutan Masa adalah tidak dapat dielakkan di dalam industri pembinaan. Jarangkali dilihat sesuatu projek dapat disiapkan tanpa perlu mengubah tarikh siap asal projek tersebut. Lanjutan Masa Serentak adalah isu yang paling mendapat perhatian dimana ianya menjadi pertikaian di dalam industri pembinaan kerana kemungkinan besar adalah disebabkan tiada definisi seragam dan kurangnya kefahaman terhadap maksud sebenar Lanjutan Masa Serentak itu sendiri. Objektif kajian ini adalah untuk mengenalpasti Prinsip Perundangan Lanjutan Masa Serentak yang telah diterima dan digunapakai di mahkamah serta pendekatan dan kaedah yang biasa digunapakai dan diterima oleh industri pembinaan dan di buktikan di mahkamah.

Kaedah dan pendekatan yang digunakan untuk penilaian Lanjutan Masa yang melibatkan kelewatan tunggal adalah mudah. Walaubagaimanapun jika kelewatan tersebut melibatkan lebih daripada satu(1) punca kelewatan serta apabila salah satu punca kelewatan adalah di sebabkan oleh kelewatan kontraktor sendiri dan kelewatan ‘acara berkaitan’, awad Lanjutan Masa yang diberikan oleh Arkitek/Pentadbir Kontrak selalunya dipertikaikan. Kajian ini adalah merupakan analisa kritikal bagi jurnal yang terpilih yang membincangkan isu isu berkaitan Penilaian Lanjutan Masa Serentak. Analisa yang dijalankan adalah menjurus kepada Prinsip Perundangan, pendekatan dan kaedah yang digunakan di dalam amalan industry pembinaan dan telah pun dibuktikan secara perundangan bagi menilai kelewatan serentak di mana ianya adalah penting di dalam membantu pentadbir kontrak did lam membuat penilaian. Hasil kajian juga dijangka dapat menggalakkan kajian lanjut dan menjadi rujukan di masa hadapan. Kajian lanjut secara kuantitatif dapat dijalankan dan kajian kes boleh dijalankan di dalam amalan industri pembinaan.