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UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER I
SESSION 2011/2012**

COURSE NAME : CONTRACT & ESTIMATION
COURSE CODE : BFC 2022
PROGRAMME : 2BFF/3BFF/4BFF
EXAMINATION DATE : JANUARY 2012
DURATION : 2 HOURS 30 MINUTES
INSTRUCTION : ANSWER FOUR (4) QUESTIONS ONLY

THIS PAPER CONSIST OF TEN (10) PAGES

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Q1 An agreement will create rights and obligations that may be enforced in the courts.

(a) Clearly describe the existence of Contract Act 1950 in Malaysia.

(9 marks)

(b) Briefly explain the civil law as the essence of contract law.

(6 marks)

(c) Discuss why Malaysian court of laws needs to apply certain English Common law principles in their court judgment.

(10 marks)

Q2 (a) Define the following terminology from the view of contract:

- (i) offer
- (ii) acceptance
- (iii) consideration
- (iv) intention
- (v) capability
- (vi) free consent

(6 marks)

(b) Discuss the void contract, voidable contract and unenforceable contract.

(10 marks)

(c) State **three (3)** conditions at which the person is competent to contract based on Section 11, Contracts Act 1950.

(3 marks)

(d) Explain the difference between fraud and misrepresentation.

(6 marks)

- Q3** (a) The contract bond should ended when the contract has been executed. Beside that, state **two (2)** methods how the contract bond can be concluded.
(2 marks)
- (b) With suitable example, discuss **four (4)** conditions when the doctrine of frustration could happen.
(8 marks)
- (c) State **five (5)** forms of remedy that could be apply in the case of breach of contract.
(5 marks)
- (d) Explain **five (5)** forms of compensation that could be claimed in the case of breach of contract.
(10 marks)
- Q4** (a) What is the meaning of tender?
(2 marks)
- (b) Sketch the flow chart of the tender process in Malaysia.
(5 marks)
- (c) With reference to *Clause 43: Delay and Extension of Time, Equivalent Contractual Terms PWD. 203*, Give **six (6)** reasons for the delay which allow the contractor to obtain the certificate of 'delay and extension of time'.
(6 marks)
- (d) A project to construct an alternative road to link UTHM - Pagoh will be implemented to provide better travel facility for future. As a quantity surveyor, you are required to propose the most appropriate tendering method to a client to invite contractors to execute the project. Justify your answer.
(12 marks)

- Q5 (a)** The proposed bus stop structures will be consisting with **four (4)** numbers for each following elements; (i) pad footings, (ii) round column stump, (iii) round column and, (iv) ground beam. Based on **Figure Q1 (a)** and **Figure Q1 (b)**, measure all quantities for the following items:
- (i) Formwork to round column stump and ground beam. (5 marks)
 - (ii) Main reinforcement bar in pad foundation and ground beam. (5 marks)
 - (iii) Links in round column stump and stirrups in ground beam. (5 marks)
- (b)** Prepare a complete measurement to build up a rate for one (1) meter cubic concrete. **Table 1** shows relevant information for reinforced concrete (1:2:4 with 25 mm aggregate) in pad foundation using concrete mixer. (10 marks)

TERJEMAHAN BAHASA MALAYSIA

- S1** Perjanjian akan mewujudkan hak dan kewajipan serta berkuatkuasa dalam mahkamah.
- (a) Terangkan dengan jelas perihal kewujudan Akta Kontrak 1950 di Malaysia.
(9 markah)
- (b) Huraikan dengan ringkas undang-undang sivil sebagai asas yang penting bagi undang-undang kontrak.
(6 markah)
- (c) Bincangkan mengapa mahkamah undang-undang Malaysia perlu mengaplikasikan prinsip-prinsip *English Common law* yang tertentu dalam keputusan penghakiman.
(10 markah)
- S2** (a) Terangkan maksud terminologi berikut dari sudut pandangan kontrak:
- (i) tawaran
 - (ii) penerimaan
 - (iii) balasan
 - (iv) niat
 - (v) kelayakan
 - (vi) kerelaan bebas
- (6 markah)
- (b) Bincangkan berkenaan dengan kontrak batal, kontrak boleh batal dan kontrak yang tidak boleh dilaksanakan.
(10 markah)
- (c) Nyatakan **tiga (3)** syarat keupayaan pihak yang berkontrak menurut Seksyen 11, Akta Kontrak 1950.
(3 markah)
- (d) Huraikan perbezaan antara *fraud* dan salah nyata.
(6 markah)

- S3 (a) Ikatan kontrak bagi kontrak yang telah dilaksanakan akan tamat. Selain daripada itu, nyatakan **dua (2)** cara lain bagaimana ikatan kontrak boleh ditamatkan.
(2 markah)
- (b) Bincangkan dengan menggunakan contoh yang sesuai **empat (4)** keadaan bagaimana doktrin kekecewaan boleh berlaku.
(8 markah)
- (c) Nyatakan **lima (5)** bentuk remedi yang boleh dipohon bagi kes pelanggaran ataupun kemungkiran kontrak.
(5 markah)
- (d) Jelaskan **lima (5)** bentuk ganti rugi yang layak dituntut dalam kes pelanggaran ataupun kemungkiran kontrak.
(10 markah)
- S4 (a) Apakah maksud tender?
(2 markah)
- (b) Tunjukkan carta alir bagi proses tender di Malaysia.
(5 markah)
- (c) Dengan merujuk kepada *Fasal 43: Kelambatan dan lanjutan Masa, Syarat Kontrak Setara JKR 203*, Berikan **enam (6)** sebab kelambatan yang membolehkan pihak kontraktor mendapat 'Perakuan Kelambatan dan Lanjutan Masa'.
(6 markah)
- (d) Satu projek membina sebuah jalan alternatif menghubungkan UTHM – Pagoh akan dilaksanakan dengan tujuan memberikan kemudahan perjalanan yang lebih selesa untuk dimasa akan datang. Sebagai seorang juruukur bahan, anda dikehendaki mencadangkan **satu (1)** jenis tender yang sesuai kepada klien bagi menjemput kontraktor melaksanakan projek tersebut. Berikan sebab dan kebaikan pemilihan tender yang dicadangkan.
(12 markah)

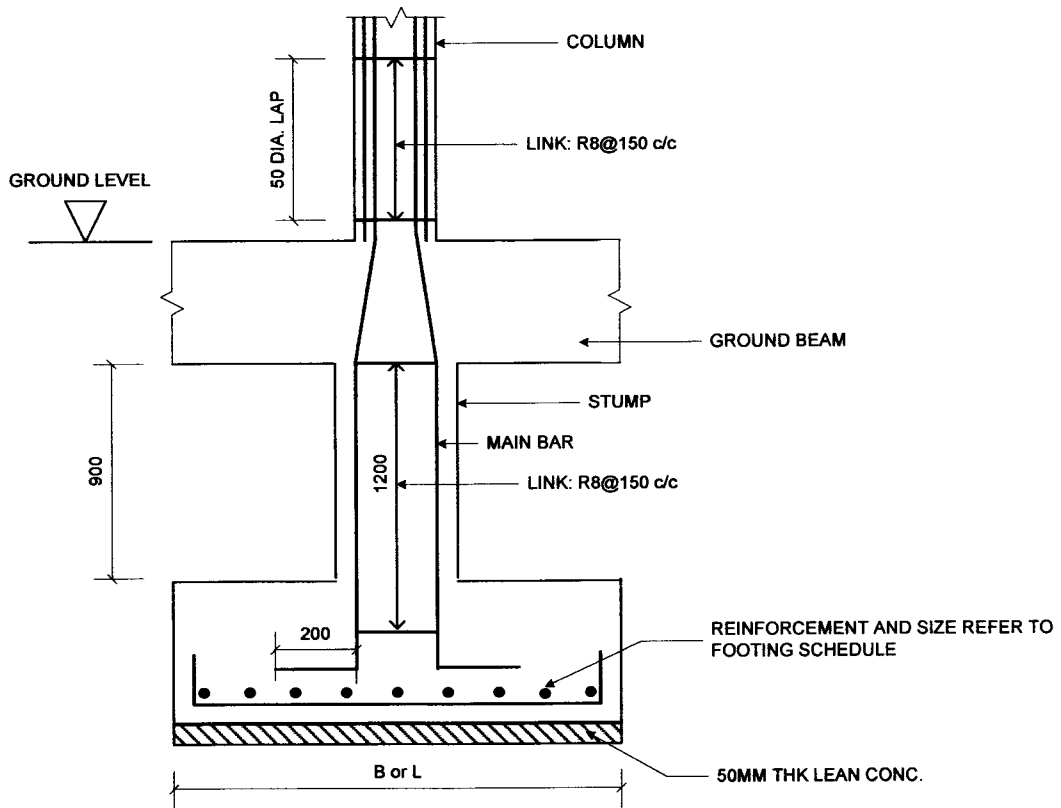
- S5 (a) Cadangan perhentian bas akan merangkumi struktur asas pad, tunggul tiang bulat, tiang bulat dan rasuk tanah. Setiap elemen struktur ini masing-masing mempunyai empat (4) bahagian yang sama saiz. Berdasarkan **Rajah Q1(a)** dan **Rajah Q1(b)**, kirakan kuantiti bagi item-item berikut:
- (i) Acuan bagi tunggul tiang bulat dan rasuk tanah.
(5 markah)
 - (ii) Tetulang utama di dalam asas pad dan rasuk tanah.
(5 markah)
 - (iii) Pengikat tetulang utama di dalam tunggul tiang bulat dan rasuk tanah.
(5 markah)
- (b) Sediakan kadar harga bagi satu (1) meter padu konkrit. **Jadual 1** menunjukkan maklumat yang berkaitan dengan binaan konkrit bertetulang (1:2:4 dengan 25 mm batu baur) dengan menggunakan mesin pembancuh konkrit.
(10 markah)

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FOOTING SCHEDULE

Type	B x D x H	Main Reinforcement
F2	1200 x 1200 x 450	10T16@125 (B/W)



TYPICAL FOOTING DETAIL

CONVERSION TABLE FOR ROUND BAR

SIZE	MASS PER UNIT LENGTH (KG/M)
6	0.222
8	0.394
12	0.888
16	1.579

Notes:
 All pad foundation, stump & ground beam - similar concrete cover (50mm)

FIGURE Q1 (a)

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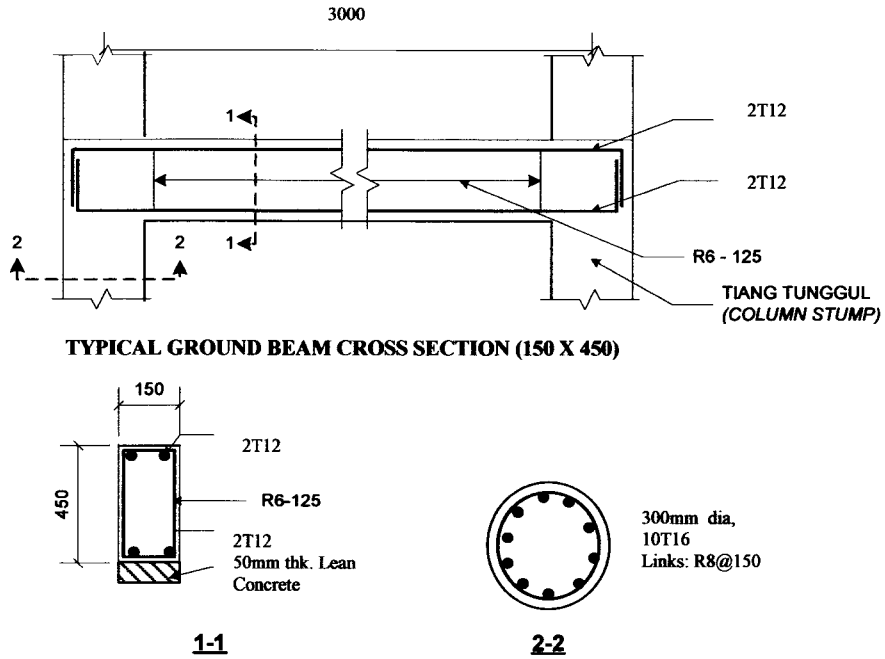


FIGURE Q1 (b)

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TABLE 1

Item	Rate
Cement (1420 kg/m ³)	RM600.00/tonne
Sand (2840 kg/m ³)	RM150.00/tonne
Aggregate (5680 kg/m ³)	RM300.00/tonne
Rental Rate for Concrete Mixer	RM400.00/week
Concrete Mixer Productivity	4m ³ /hour
Workers to handle the concrete mixer machine	2 persons/ machine
Salary (8 working hours/day)	RM40.00/day
Labour Constant for Concrete Mixing	1.30 hours/ m ³
Profit	3%
Wastage	40%

Notes:

- 1000 kg = 1 tonne
- 1 week = 6 working days = 8 hours/day
- Please give your own assumption if there any insufficient information.