Instruction Procedures

### Engineer / His Representative #
- **Instruction #**
  - Oral or Written ?
  - Oral / Verbal / Sketch / WA / Site Memo
  - Confirm or not ?
    - Within 2 days
    - Yes
    - Engineer respond & contradict
    - Valid Instruction
    - RFC / CVI
    - RF/ CVI
    - Valid Instruction
    - Closed
    - New / Revised Instruction
    - RFC / CVI
    - E discretion To treat
    - **
    - over 2 days
    - No
    - Oral Instruction cancelled ?
      - Valid Instruction
      - Closed
      - New / Revised Instruction
      - RFC / CVI
      - E discretion To treat or depend on what had written in Particular Condition **

### Contractor
- **Event Record #**
  - Valid Instruction
  - Event Record
  - RFC / CVI
  - **

### Documents
- RFC = Request For Confirmation
- CVI = Confirmation Verbal Instruction
- EI = Engineer Instruction
- ER = Event Record

### Remark
- # Engineer / Eng Rep may delegate to his assistant (assignment shall be in writing). Refer to:
  - Fidic 87 s.c 2.2; 2.3; 2.4
  - Fidic 99 s.c 3.2
- **#** as an anticipation besides apply RFC/CVI within 'd' days then on the spot we can apply “Mirza’s method” = Event Record (ER) = Berita Acara = Whilst during Owner’s site visit and may arise many verbal instruction then we shall give the form consists of verbal instructions during its day for the owner to confirm and sign it.
- “In F87 there is no such of the Engineer doesn’t reply the RFC then constitutes EI like in F99 (not accommodated in F87). Contractor have to be pro-active to do re-confirmation.
- **When Contractor confirming the oral instruction over than 2 days (F99) or 7 days (F87) is consider under this category. Engineer discretion to treat such of a situation, or either treated under normal RFC/CVI procedure.
- Related clauses:
  - Fidic 99 s.c 3.5 [Determinations] – ‘Engineer shall consult with each Party in an endeavour to reach agreement. If it is not achieved, the Engineer shall make a fair determination in accordance with the contract, taking due regard of all relevant circumstances (in other words: Engineer’s power to determine any decision in a fair way)’
  - F99 s.c 3.1 – act for Employer (no more impartially)
  - But wider power (whenever issues EI w/o 1st obtaining Employer’s approval, then the Employer shall be deemed to have given his approval)
  - Fidic 87 s.c 2.6 – Engineer to Act Impartially
- Variations:
  - F99 Cl.13 Instruction constitutes Variation
  - F99 s.c 13.3 Eng requests – Contractor shall respond ASAP
  - F99 s.c 13.1 Contractor shall execute Instruction unless give Notice promptly
  - F87 s.c 51.1 [Variations] including acceleration
  - F87 s.c 51.2 [Instruction for Variations] shall not make any such of Variation without EI
- Some cases:
  - owner’s director signed EI
  - need owner’s org chart
  - Owner’s relatives became Engineer (SIA protecting this due to more professionalism requirement & tight longer SOP)
  - SOP between Engineering - Planner – Commercial when received unofficial instruction (internal circulation controlled by PM; Chief Engineer initiative to coordinate with Planner & Commercial to comply F99 s.c 3.3 time bar)
  - sometime owner need to sign EI, is it correct? Sometimes accommodated in Particular Condition
  - s.c 1.3 Communication
  - etc.
- Civil code:
  - bad faith / wrongful acts √
  - never respond official letter means consider accepted … ?

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<table>
<thead>
<tr>
<th>Engineer / His Representative #</th>
<th>Contractor</th>
<th>Document s</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HK I A Clause 2</strong></td>
<td></td>
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<td>@ Due to more detail procedures in compare to other CoC then the professionalism of Engineer is constituted</td>
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</tbody>
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### HK I A Clause 2

- **Oral or Written?**
  - **Written (EI/PMI/SI)**
    - **Valid Instruction**
      - **Event Record #**
        - **RFC / CVI**
          - **Within 7 days**
            - **Engineer respond & contradict**
              - **Valid Instruction**
                - **Engineer does not respond/ reply ***
                  - **Within 7 days**
                    - **Oral Instruction cancelled?**
                      - **yes**
                        - **Valid Instruction**
                          - **PMI shall take effect from the expiration of the latter said 7 days**
                      - **no**
                        - **Closed**
                          - **New / Revised Instruction**
                            - **Valid Instruction**
                              - **Contractor shall forthwith comply**
            - **no**
              - **over 7 days**
        - **Within 7 days**
          - **Engineer respond & not contradict**
            - **Within 14 days**
              - **Engineer does not respond/ reply ***
                - **Valid Instruction**
                  - **Within 14 days**
                    - **Oral Instruction cancelled?**
                      - **yes**
                        - **Valid Instruction**
                          - **Closed**
                            - **New / Revised Instruction**
                              - **Valid Instruction**
                                - **over 14 days**
                      - **no**
                        - **over 14 days**
            - **Within 14 days**
              - **Valid Instruction**
            - **no**
              - **Closed**
            - **New / Revised Instruction**
              - **Valid Instruction**
        - **no**
          - **Closed**
        - **New / Revised Instruction**
          - **Valid Instruction**

### SIA Clause 1 – Sub-Clause 1 (1)

- **Oral or Written?**
  - **Written (AI)**
    - **Valid Instruction**
      - **Event Record #**
        - **RFC / CVI**
          - **Within 14 days**
            - **Engineer respond & contradict**
              - **Valid Instruction**
                - **Engineer does not respond/ reply ***
                  - **Within 14 days**
                    - **Oral Instruction cancelled?**
                      - **yes**
                        - **Valid Instruction**
                          - **Closed**
                            - **Any contractor spending to date, will be compensated**
                      - **no**
                        - **over 14 days**
            - **no**
              - **Closed**
        - **New / Revised Instruction**
          - **Valid Instruction**

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