

FORM SH
REGISTRATION OF ENGINEERS ACT (AMENDMENT) 2002
(Section 4(1)(e)(ea))
[to be read together with Circular No 1/2006 Rev 3]

APPLICATION FOR BOARD OF ENGINEERS MALAYSIA TO ACT AS STAKEHOLDER

Name of Applicant

NRIC/Passport Nationality

Name of project

.....

Disputing Parties

A. Name of Client

.....

Company Registration No

.....

Address

.....

Tel.No..... Fax.No E-mail

B. Name of Consulting Engineers (First Engineer)

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Company Registration No

.....

Address

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Tel.No..... Fax.No E-mail

Contact person

Brief description of dispute (Please use additional pages if necessary)

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Attachments: (Please tick where submitted)

- Copy of contract document
- Proof of contract
- Other relevant documents (please describe)
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.....
- Non-refundable processing fee of RM 2,000.00
Cheque No.

I/We hereby request the Board of Engineers Malaysia to act as stakeholder for the disputing parties as detailed above and hereby confirm that I/We shall abide by the conditions as contained herein.

.....
Applicant's Signature

.....
Position in company

.....
Company Stamp

Date

CONDITIONS

1. The Applicant shall abide by the decision of the Board of Engineers Malaysia (BEM) on the quantum of money (the stake) to be deposited with BEM acting as stakeholder.
2. BEM shall have the right to call upon any party to assist in determining the stake.
3. The Applicant shall forward payment of the stake in the form of a crossed cheque made payable to BEM within six (6) months of being informed of the amount, failing which this application will be deemed to have lapsed.
4. On confirmation that the cheque is cleared, BEM shall instruct the First Engineer to issue the Letter of Release to the Client.
5. BEM shall place the stake in a Stakeholder Account.
6. (i) The Applicant undertakes to initiate action within sixty (60) days of the date of the Letter of Release to settle the dispute on fees with the First Engineer in accordance with the provisions in the professional services agreement signed between the two parties, failing which the Applicant hereby agrees that BEM may release the stake to the First Engineer, unless otherwise agreed by all parties concerned.

(ii) In the case where the professional services agreement is silent on the mode of settlement of dispute, the Applicant undertakes to negotiate and agree within thirty (30) days of the Letter of Release with the First Engineer on a mode of settlement of dispute over non-payment of fees or quantum of any outstanding fees under the contract. If the negotiation is not successful, the Applicant hereby agrees that he/she shall allow BEM to determine the mode of settlement and abide by BEM's decisions thereof, inclusive of the release of the stake to the First Engineer
7. On being informed of the terms of settlement, BEM shall release the settlement sum or the entire sum in the Stakeholder's account, whichever is the lesser to the First Engineer.
8. The balance of money, if any, in this account after disbursement to the First Engineer, shall be returned to the Client.
9. Accrued interest shall be distributed proportionately to the disputing parties.