

## Representative Legal Matters

### Janice Tay

Janice has had numerous arbitrator appointments. In addition, she has advised and represented clients in both international and domestic arbitrations conducted in accordance with various institutionalised rules such as ICC, PAM, AIAC, SIAC, HKIAC, BDAC and IEM and in ad hoc arbitrations, relating to projects in Malaysia, Singapore, Thailand, India, Hong Kong, Myanmar, Saudi, Vietnam, Indonesia, Sudan.

Janice sits as an Adjudicator and acts as Counsel in several adjudication disputes involving construction contracts pertaining to retention sums, variation claims, loss and expense, defective claims and delay damages under Malaysia's Construction Industry Payment and Adjudication Act 2012 (CIPAA).

She is also experienced in adjudication disputes under Singapore's Building and Construction Industry Security of Payment Act (SOPA).

- Advised and represented the investor on disputes pertaining to allegations of fraud in a joint venture for power plants.
- Advised and represented clients in obtaining/ defending disputes (and injunctions) relating to performance bonds/ securities/ guarantees, parent company guarantees and advance securities.
- Advised clients on the interpretation and constitution of contracts, e.g. whether lump sum or merely provisional, the inclusion of tax in the contract price, price fluctuations, variations, tests, delay and quantum issues.
- Advised in relation to various data centres in relation to the construction, supply, delivery, installation, completion, testing and commissioning, maintenance of equipment. Advised, in particular, on contractual entitlement in relation to gross/ deliberate negligence, willful misconduct and indirect liability claims.
- Advised and assisted with project management and due diligence

### **Selected Arbitration experience/ Arbitrator experience**

Janice has had numerous arbitrator appointments. In addition, she has advised and represented clients in both international and domestic arbitrations conducted in accordance with various institutionalised rules such as ICC, PAM, AIAC, SIAC, HKIAC, BDAC and IEM and in ad hoc arbitrations, relating to projects in Malaysia, Singapore, Thailand, India, Hong Kong, Myanmar, Saudi, Vietnam, Indonesia, Sudan.

Her selected experience includes:

- Arbitrator in relation to a housing project in Brunei relating to under the BDAC Rules.
- Arbitrator in relation to a power plant project under the SIAC Rules.
- Arbitrator in a dispute pertaining to a supply agreement for export of marine sand from Myanmar.

- Arbitrator for a dispute pertaining to a Service Transfer Agreement for financial related services under the SIAC Rules.
- Arbitrator for a dispute pertaining to a construction project of 3 levels shopping outlet and 8 levels basement carparks under AIAC Arbitration Rules.
- Arbitrator for a dispute pertaining to a construction of a cable car station and electric generating substation in Malaysia under AIAC Arbitration Rules.
- Arbitrator for a dispute pertaining to the supply and delivery of the GFRC Panel for a condominium in Singapore.
- Arbitrator for a dispute pertaining to the supply and delivery of precast façade and parapet wall for a technology development park in Singapore.
- Arbitrator for a dispute pertaining to supply and delivery of precast façade and parapet wall for a business park building in Singapore.
- Arbitrator for a dispute pertaining to the supply and delivery of precast components for a deep water ocean basin with workshop and research building in Singapore.
- Advised and represented a utilities company in arbitration proceedings in relation to technical and complex issues of fact and law on chilled water supply.
- Represented clients in an international oil and gas dispute concerning the construction, transportation and installation of Jackets and Platforms both onshore and offshore of Thailand. The dispute centered largely on issues of delay and changes to the scope of work.
- Represented a prominent developer in a dispute concerning the development of a mix residence / high-end shopping mall in Penang, Malaysia.
- Advised clients in an arbitration in Saudi under Saudi law relating to the Operations and Maintenance of the Al-Mashaaer-Al- Mugaddassah Metro- South Line Project.
- Advised clients in relation to external glass façade issues for a project in Hong Kong under Hong Kong law and the HKIAC rules.

## **Selected Litigation/ Advisory/ Project Management experience**

Janice advises and represents clients (international and domestic) on a diverse range of issues.

Her selected experience includes the following:

- Advised and represented clients in obtaining/ defending disputes (and injunctions) relating to performance bonds/ securities/ guarantees, parent company guarantees and advance securities.
- Advised clients on the interpretation and constitution of contracts, e.g. whether lump sum or merely provisional, the inclusion of tax in the contract price, price fluctuations, variations, tests, delay and quantum issues.
- Advised in relation to various data centres in relation to the construction, supply, delivery, installation, completion, testing and commissioning, maintenance of equipment. Advised, in

particular, on contractual entitlement in relation to gross/ deliberate negligence, wilful misconduct and indirect liability claims.

- Advised in relation to data centres in relation to service agreement(s).
- Advised in relation to hydroelectric projects for civil and associated works.
- Advised and represented the investor on disputes pertaining to allegations of fraud in a joint venture for power plants.
- Advised a public listed company in its internal investigations for breach of fiduciary duties and advising the client on potential legal exposure and available recourse.
- Advised a major global manufacturer on terminating a tenancy agreement in light of foreign regulations. Advised on, amongst others, force majeure and mitigation issues.
- Advised on issues of trespass of land and goods.
- Advised on disputes pertaining to engineering services for the supply of process topsides systems and engineering services for offshore work. Advised on, amongst others, warranties, condition precedents and claims pertaining to retention sums, acceleration costs and backcharges.
- Advised and represented a contractor in a project of approximately RM 1.2 billion in the construction of a landmark multi-tower project in Kuala Lumpur in relation to a dispute pertaining to external façade works.
- Advised and represented a contractor in the construction of a perimeter bund involving sea-land reclamation and marine construction services such as shore protection, reclamation, and geo- textile works.
- Advised and represented an international oil and gas joint venture in a dispute over an EPCIC contract involving wellhead platforms, subsea pipelines and host tie-ins for a natural gas project in Thailand.
- Advised and represented the employers of a Proposed Mixed Development involving the underpinning of a United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Site and engaging in multiple construction issues such as delay analysis, defects and rectification works.
- Advised a multinational onshore and offshore service provider in a dispute in relation to a high-profile oil and gas development project.
- Advised and represented a contractor in dealing with issues pertaining to the design, procurement and construction of a semi- submersible floating production system (FPSO).
- Advised and represented a contractor in an offshore project of a floating liquid natural gas (FLNG) unit in a technical dispute relating to latent liability issues of fallen anodes and cracked anode brackets.
- Advised and represented various entities in relation to a major refinery and petrochemical development project in Malaysia in several dispute resolution forums, involving issues such

as the upgrade and/or expansion of catalyst production, force majeure issues and testing/ hand over obligations.

- Advised and represented an offshore company in relation to an 'Engineering, Procurement, Construction and Commissioning of Pumping Facilities Contract' in relation to the building, constructing and commissioning a one thousand kilometre pipeline and pumping facilities for the passage of crude oil in Sudan. The dispute involved conflict of laws issues (jurisdictional and appropriate forums) and issues on bank guarantees.
- Advised clients in relation to disputes arising out of the construction of the Mass Rapid Transportation line.
- Provided Project Management services to clients (international and domestic).
- Due diligence.

## **Selected Adjudication/ Adjudicator experience**

Janice sits as an Adjudicator and acts as Counsel in several adjudication disputes involving construction contracts pertaining to retention sums, variation claims, loss and expense, defective claims and delay damages under Malaysia's Construction Industry Payment and Adjudication Act 2012 (CIPAA).

She is also experienced in adjudication disputes under Singapore's Building and Construction Industry Security of Payment Act (SOPA).

Her experience includes:

- Adjudicator for a contract on site clearance and earthworks, inclusive of environmental protection works.
- Successfully represented an oil and gas company in making a claim for variation orders and demobilization costs pursuant to an agreement to lease mobile offshore production units and obtained one of the largest sum awarded in adjudication proceedings in the region of USD 255 million.
- Successfully obtained an adjudication decision in favour of a subcontractor against the main contractor in relation to the Pengerang Gas pipeline Project.
- Defended an oil and gas company in a dispute over a factually and legally complex case involving technical aspects of leasing, operation and maintenance and demobilisation of platforms and arguments surrounding the scope of CIPAA (whether it applies to ships), what amounts to a construction contract and liquidated ascertained damages.
- Represented a main contractor against the subcontractor for 3 projects and presented novel arguments pertaining to the role of AIAC in administering adjudication proceedings, consolidation and appointment of adjudicator issues.
- Defended a foreign client in relation to disputes pertaining to rationalisation of rates, work done, variation orders, self-termination issues, acceleration costs, liquidated ascertained damages, loss and expense claims and retention sums.

# Baker McKenzie.

- Successfully obtained an adjudication decision in favour of a consulting engineer for outstanding consultancy fees. The dispute involved the interpretation of the JKR 1998 Consultancy Standard Form Contract and is connected to the Pan Borneo Highway project.