

THE NAMIBIA COUNCIL FOR ARCHITECTS & QUANTITY SURVEYORS

THE ASSESSMENT OF PROFESSIONAL COMPETENCE  
PAPER 2

THIS EXAMINATION PAPER IS FOR BOTH  
QUANTITY SURVEYOR AND ARCHITECT CANDIDATES

05 JULY 2016

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**NOTE:**

- This Examination comprises Paper 1, Paper 2 and an Oral Examination. The overall pass mark required is 80%.
- Paper 1 and Paper 2 comprises 45 marks each. The Oral Examination comprises 10 marks with a combined total of 100 marks.
- This is an open book examination and candidates may take into the examination room and use whatever books and reference material they wish. **(No electronic devices permitted such as Ipads, cellphones, e-books, PDA's, etc.)**
- Handwritten notes of whatsoever nature are however not permitted.
- **All questions must be answered.**
- All answers must be numbered correctly.
- Give full reasons for your answers with reference to relevant contract clauses where applicable.
- Time Allowed: 3,5 hours
- This paper consists of 5 (five) pages including the cover page.

**PLEASE READ ALL QUESTIONS CAREFULLY**

## Question 1

You are the Principal Agent on a clinic and the Main Contractor informed you that the works are ready for achieving practical completion.

### Scenario 1

On inspection of the premises you notice that the grout of the wall tiles in the bathrooms, around basins in consulting rooms and above work areas (laboratory and kitchen) is not acceptable and needs to be re-done.

1.1. 1. Do you take practical completion? Please motivate your answer.

**(2 Marks)**

1.1. 2. What are your duties as Principal Agent?

**(2 Marks)**

### Scenario 2

The leveling of the storm water is not done correctly as per documentation (drawings and instructions) of the civil/structural engineer as water is damming up in some areas. The civil/structural engineer instructs the contractor verbally to rectify surrounding levels without touching any paved areas.

1.2. 1. Do you take practical completion? Please motivate your answer.

**(2 Marks)**

1.2. 2. What are your duties as Principal Agent?

**(3 Marks)**

### Scenario 3

The borehole drilled on site is duly executed and yields sufficient water for the project. The water is tested and is drinkable, but falls within the category C - Health risk.

1.3. 1. Do you take practical completion? Please motivate your answer by referring to the specific applicable clause in the contract.

**(3 Marks)**

1.3. 2. What are your duties as Principal Agent?

**(2 Marks)**

## Question 2

You are the Principal Agent of the construction a new accommodation building at an existing police station. The project is late as the practical completion date in the signed contract has lapsed. No extension of time has been granted and none is pending. In the site meeting the main contractor requests a snag list.

2.1. How do you respond to his question? Please refer to the applicable clause/s in the contract.

**(4 Marks)**

2.2. What are the contractor's responsibilities in this instance? Please refer to the applicable clause/s in the contract.

**(2 Marks)**

## Question 3

You are the Principal Agent on a construction project. The standard "Agreement and Schedule of Conditions of Building Contract (White Form)" was signed and the completion date for the project is indicated as 01 December 2015. Due to matters beyond the control of the contractor, a claim for extension of time for 30 calendar days is submitted and approved.

3.1. The contractor claims that builders' holiday was from 15 December 2015 to 15 January 2016 and that he had security throughout this time on site and that he also had to pay additional insurance, water, electricity and rental for toilets during this time. He therefore claims full time-related P&G's for the entire period from 01 December 2015 to 30 January 2016. What would your response be in terms of the contract? Please motivate your answer by referring to the specific applicable clause in the contract.

**(4 Marks)**

3.2. In the Bill of Quantities it's specifically stated that builders' holiday is excluded from this contract. How would you as Principal Agent respond to this in terms of the contract?

**(3 Marks)**

#### Question 4

- A large office project is nearing practical completion
- The tender was based on a provisional Bills of Quantities as the construction drawings were not complete at the time of tender
- The contract period is 14 months. Period of payment is 7 days.
- The Principal Agent/Architect, Green Architects, expects that practical completion will take place in approximately one month's time.
- This puts the project approximately four months behind schedule because it should have been completed three months ago.

The main reasons for this delay was

1. The employer/developer, had great difficulty in finding tenants in the present economic climate
2. Green Architects was only able to give the contractor, OK Construction, information about the various office floor layouts four months after the date of site hand-over.

Further information

- OK Construction put in a written claim for four months extension of time to the contract period within one week (seven days) after receiving the office floor layouts from Green Architects. Green Architects has not yet responded to the OK Construction's extension of time claim.
- A fortnight ago, Green Architects issued payment certificate no. 7 to the Employer and OK Construction to the amount of N\$ 895,000.00.
- The Employer refused to pay the Contractor on the grounds that, even at the date when the payment certificate was issued, the contract was more than two months late and, with penalties at the rate of N\$ 20,000.00 per calendar day the amount of penalties exceeded the value of the payment certificate.
- Included in payment certificate no. 7 was an amount of N\$ 236,000.00 for the A/C & Ventilation Expert, the selected air conditioning sub-contractor.
- The main contractor, OK Construction has not paid A/C & Ventilation Expert because he himself has not been paid. A/C & Ventilation Expert has asked Green Architects to issue a Payment Certificate for direct payment by the employer to them for the outstanding amount.
- OK Construction has not agreed to issue of any such payment certificate.
- The response of A/C & Ventilation Expert to this was to give OK Construction written notice that unless they are paid within 72 hours, they will walk off site.

**Questions:**

- 4.1. What actions should Green Architects take with regards to the contractor's claim for extension of time? State your reasons, referring to the specific applicable clause in the contract.  
**(2 Marks)**
- 4.2. What should Green Architects advise the A/C & Ventilation Expert regarding the payment of Payment Certificate No. 7?  
**(3 Marks)**
- 4.3. What action should Green Architects take regarding the notice from A/C & Ventilation Expert and payment due to them?  
**(2 Marks)**
- 4.4. In case that the extension of time was approved, what should Green Architects advise the Employer?  
**(2 Marks)**

**Question 5**

Please list the pre-requisites to perform work as a professional Architect or Quantity Surveyor within the borders of Namibia.

**(5 Marks)**

**Question 6**

You are the Principal Agent on a project. One week after the contractual practical completion date, your Client request additional work to be done to the value of 15% of the original contract amount. Although 95% of the work is completed, practical completion was not yet achieved.

- 6.1. What would you advice / recommend to your Client in terms of the contract (Agreement and Schedule of Conditions of Building Contract)?  
**(3 Marks)**
- 6.2. Where in the contract would you find the clause dealing with performance guarantee?  
**(1 Mark)**

**TOTAL 45 MARKS**