

Society of  
Project  
Managers  
Singapore

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# SPM Webinar Series 2022/7

## Performance Bonds In Construction Contracts And The Doctrine Of Unconscionability

**Speaker : Mr Kelvin Kek**

**Date : 22 July 2022**

**Time : 3pm to 6pm**

**Mode : Zoom**

**Who Should Attend :**

**Developers, Project Managers, Architects,  
Engineers, Quantity Surveyors, Contract Managers  
and Contractors.**

**Fee :**

**SPM Members : S\$30 nett**

**Non-SPM Members : S\$40 nett**

**Attendees will be awarded 4 CPD points by SPM**



**Speaker :**  
**Kelvin Kek**

### Speaker's Profile

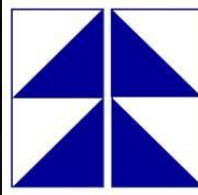
Kelvin's areas of practice encompass various aspects of commercial disputes, both in litigation and international arbitration. He has acted as counsel in a broad range of matters for multinational corporations, financial institutions, private and publicly-listed entities. These matters include JV related disputes, directors' duties, shareholder disputes and various property related issues. The cross-border nature of his work often necessitates travel to other jurisdictions like Malaysia, Indonesia and India.

Notably, Kelvin acts for several publicly-listed developers and owners in various disputes over the construction and design of commercial and private developments in Singapore. He has also advised a number of Singaporean statutory boards on a variety of construction claims against contractors and sub-contractors, including claims relating to the Building and Construction Industry Security of Payment Act (Cap 30B). As part of his construction practice, Kelvin frequently acts for companies in arbitrations over large scale infrastructural and engineering disputes. These disputes are often cross border in nature and deal with complex issues of delay, acceleration and defect rectification.

Kelvin graduated from the National University of Singapore with an LLB (First Class Honours) degree in 2008. He was called to the Singapore Bar in 2009 and the New York State Bar in 2012. Prior to pursuing his legal career, Kelvin graduated from the National University of Singapore with a first degree in Electrical & Electronic Engineering. Kelvin is also an accredited mediator with the Singapore Mediation Centre.

### Synopsis of Topic:

Performance Bonds are a useful tool within the construction industry to provide employers with security in the event of non-compliance or breach by a contractor. That said, the law does not allow an Employer to have a completely free reign over the call of even on-demand bonds. This session will explore the grounds for obtaining an injunction over the call of on-demand bonds, focusing on the doctrine of unconscionability which has developed in the Singapore jurisprudence. The session will cover some practical tips and case studies of recent case developments like the case of CEX v CEY [2021] 3 SLR 571.



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**The Society of Project Managers (SPM) is an association of professionals, primarily of the construction industry, with a common interest of promoting and developing the science and art of project management. It promotes and propagates sound managerial, technical and commercial practices relating to the project management profession with the view of enhancing the quality of professional functions undertaken by members of the Society.**

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##### **More Information**

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