

**PAM**

# **/ PRACTICE NOTE**

## **/ THE ARCHITECT'S RESPONSIBILITY IN SETTING OUT THE BUILDING**

**IN RELATION TO  
THE UNIFORM BUILDING  
BY-LAWS 1984 AND  
THE PAM CONTRACT 2018**

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## Practice Note: The Architect's responsibility in Setting Out the Building in relation to the Uniform Building By-laws 1984 and the PAM Contract 2018

This advisory note aims to highlight best practices to be adopted by the Architect in performing their roles under the Uniform Building By-laws 1984. Setting out is a critical phase in the construction process that involves accurately transferring the dimensions and positions of a building design onto the actual site. While Land Surveyors are primarily responsible for the setting out work, Architects play a crucial role in ensuring that the necessary professional expertise is engaged for this task with adequate information provided by the Architect.

### 1. Reference to the Architect's Rules 1996:

With reference to the Third Schedule (Rule 29) Part 1 Conditions of Engagement;

*11. The client shall provide the Architect with all the necessary information on his requirements for the project to enable the Architect to proceed with his work, including particulars concerning the survey and land title of the site, existing structures and features of the site, sub-surface conditions and adjoining sites, unless such particulars are agreed to be provided by the Architect under the Memorandum of Agreement.*

### 2. Use a current site survey for submission

A detailed survey should be current, ie. no more than 12 months before the submission of the Building Plan for approval to take into account the most recent site conditions and neighbouring buildings. This would also enable the surveyor to capture the most recent survey markers (stones) and features around the site.

### 3. Architect's Obligations under the UBBL

Under 'Borang G2',<sup>1</sup> the Architect certifies that he/she has supervised the setting out of the building and that to the best of his/her knowledge and belief, such works are in accordance with the approved plans and that he/she accepts full responsibility for the same.

Although the Architect (as PSP) accepts responsibility, the by-laws recognise that Architects are neither experts nor have the training, technical competence, or equipment to carry out the setting out works; thus, the provision to have the Form countersigned by the Licensed Land Surveyor and the Contractor. Nevertheless, the Architect should undertake due diligence and be satisfied that the person carrying out the survey is a professional registered with the Board of Land Surveyors Malaysia (LJTM).

It is good practice for the Architect to witness the setting-out in person or assign a representative to witness the setting out and prepare a report with photographs for their office record and submit the same to their Client.

The Architect should request for the completed survey and overlay it on his own plans.

### 4. Provide the Contractor with sufficient details to set out the works

The Architect has the duty of care to provide the Contractor (and by extension the Surveyor) with Construction Drawings with sufficient detail including setting out points, and all levels which may be required for the execution of the works. This is also consistent with the PAM Contract 2018.<sup>2</sup>

#### Notes:

<sup>1</sup> Referring to the Uniform Building By-laws 1984 (Amendment 2021) under bylaw 25 and 27, Borang G2 has the following declaration;

*"We certify that we have supervised and/or carried out the setting out of the building and that to the best of our knowledge and belief such works are in accordance with the approved plans \_\_\_\_\_ and that we accept full responsibility for the same.*

*Co-signed by Contractor, Licensed Surveyor and the Principal Submitting Person."*

<sup>2</sup> • Clause 5.1 of the PAM Contract 2018:

*The Architect shall determine all levels which may be required for the execution of the Works and shall provide the Contractor with drawings and information to enable the Contractor to set out the Works. The Contractor shall at his own cost rectify any errors arising from any inaccurate setting out. With the consent of the Employer, the Architect may instruct that such errors need not be rectified subject to an appropriate deduction to be set-off by the Employer under Clause 30.4.*

#### **5. Conduct periodic checks during construction**

It is good practice for Architects to still do the occasional check, especially where accurate setting out is critical. These interim checks could be part of the Architect's site inspections. The Architect should make provisions within the contract to engage a licensed surveyor to check the dimensions confirming the dimensions between gridlines, and verticality checks of structural elements of multi-storey projects. These inspections should be recorded diligently throughout the project.

#### **6. Managing disputes between contractors engaged for different stages**

In projects where different contractors are engaged for different stages (eg. a contractor is engaged for substructure works, followed by another contractor engaged for superstructure works), the Architect should include a provision in the contract for an As-Built Survey to be conducted by the Client's Land Surveyor to capture the work completed by the previous contractor. This Surveyor would serve the interests of the Client and would be an independent party to the two Contractors. This will enable the consultant team to be independently informed of discrepancies and find ways to address them with the contractor responsible and avoid disputes between the two contractors.

#### **Conclusion**

Architects are advised to be mindful of their professional responsibilities under the Uniform Building By-laws 1984. Effective communication, coordination, verification, and record-keeping are essential to achieve successful outcomes during the construction phase and avoid complications or disputes.

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This Practice Note was authored primarily by Ar. David Teoh, reviewed by Practice Note Working Group, Professional Practice Committee 2023-24 and issued on 9 November 2023.

This Practice Note updates PN 2008-2 and PN 1991 (Jan-Feb), issued previously.

Practice Notes are a guide for Architects to rely on, and provides clarity on a particular subject but it should also be considered in relation to their respective projects. As in all practices, there are peculiarities and specific issues which PN may not or cannot cover. Therefore Architects must exercise their own judgement.