

**SUITABILITY OF THE ROLE OF THE ENGINEER TO
THE CONTRACT AS A MEDIATOR TO MITIGATE
THE DISPUTES IN CONSTRUCTION PROJECTS**

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Degree of Master of Science in Construction Law and Dispute
Resolution

Department of Building Economics

University of Moratuwa

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Dissertation submitted in partial fulfilment of the requirements for
the Master of Science in Construction Law and Dispute Resolution

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DECLARATION

I declare that this is my own work, and this dissertation does not incorporate without acknowledgement any material previously submitted for a Degree or Diploma in any other University or institute of higher learning, and to the best of my knowledge and belief, it does not contain any material previously published or written by another person except where the acknowledgement is made in the text.

Further, I acknowledge the intellectual contribution of my research supervisor Ch. QS. Prof. (Mrs.) B. A. K. S. Perera for the successful completion of this research dissertation. I affirm that I will not make any publication from this research without the name of my research supervisor as contributing author unless otherwise, I have obtained written consent from my supervisor.

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U. G. D. I. Bandara

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Date

The above candidate has carried out research for the Dissertation under my supervision.

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Ch. QS. Prof. (Mrs.) B. A. K. S. Perera

Dissertation Supervisor

.....

Date

Suitability of the Role of the Engineer to the Contract as a Mediator to Mitigate the Disputes in Construction Projects

ABSTRACT

Disputes are widespread in construction projects. The Engineer to the Contract can avoid most of these disputes. The Engineer is identified as an impartial judicial decision-maker. However, alternative dispute resolution is the next step in resolving disputes out of the Engineers control. Mediation is the best resolving technique out of other alternative dispute resolution methods, and Mediator is the key person in the Mediation process. Past studies prove that the Engineer can play a Mediator's role and provide evidence for the industry's need for a mediator role from Engineer.

Therefore, this study aims to investigate the suitability of the Engineers role to the contract as a Mediator to mitigate disputes in construction projects. A qualitative research approach and semi-structured interviews were selected as the data collection methodology to approach the aim based on the study objectives. Collected empirical data were analysed using manual content analysis. Characteristics of the Engineer and the Mediator, enablers, and barriers were collected via the literature survey and validated through the expert interview. The interviewees identified entire barrier management strategies and disclosed new enablers and barriers. The study recommended forming a standard agreement accepted by all contracting parties when appointing the Engineer to the contract.

Keywords: Barrier Management Strategies, Disputes, Engineer to the Contract, Mediator

DEDICATION

**I dedicate
my work to my family
and respected teachers
for their commitment, love, and
encouragement**

ACKNOWLEDGEMENT

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LIST OF ABBREVIATIONS

Abbreviation	Description
ADR	Alternative Dispute Resolution
CEDR	Centre for Effective Dispute Resolution
FIDIC	Fédération Internationale Des Ingénieurs-Conseils
GDP	Gross Domestic Product
SBD	Standard Bidding Document

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