

**MINIMISING POST CONTRACTUAL CLAIMS: BEST
PRACTICES OF PROJECT CONSULTANTS DURING
PRE-CONTRACT STAGE FOR PUBLIC
CONSTRUCTION PROJECTS IN SRI LANKA**

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Master of Science in Construction Law and Dispute Resolution

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Dissertation submitted in partial fulfilment of the requirements for the degree of
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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.

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A.G.N.D. Dissanayake

.....

Date

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

.....

Ch. QS H.S. Jayasena

Thesis Supervisor

.....

Date

DEDICATION

To my beloved late mother
& my dearest father, husband, and son
who make everything possible
with their love and support...

ACKNOWLEDGEMENT

This research is a result of the commitment and encouragement of many people who have supported me in several ways. I would like to express my gratefulness to all of them for their valuable ideas, encouragement, and commitment for successfully completing this research.

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Minimising Post Contractual Claims: Best Practices of Project Consultants During Pre-Contract Stage for Public Construction Projects in Sri Lanka

Claims are an inherent aspect of the construction industry, as its complex nature makes it challenging to find any project that remains unaffected by them. Thus, the presence of claims becomes an inevitable occurrence within construction projects. Claims have a negative impact on construction projects in the form of time, cost, and quality. Though claims occur in the post contract stage, the origins of the claims can be found from the pre-contract stage. Main root causes for the claims can be easily minimized by the project consultant who engages in the construction projects. One of the key responsibilities of project consultants is to proactively work towards minimizing the occurrence of claims. While there is extensive research available on claims management within the global construction context, the body of academic research exclusively centered on the public construction sector within the Sri Lankan construction industry is notably constrained, indicating a significant gap in the existing literature. Taking into consideration the aforementioned context, the fundamental aim of the research is identifying the suitable practices of project consultant during pre-contract stage in order to minimize claims in public construction projects in Sri Lankan construction industry.

The literature survey provided a comprehensive review of various aspects related to project consultants, including their scope, types of claims, different causes of claims, consequences of claims, and the practices adopted by project consultants to manage claims during the pre-contract stage. Subsequently, a comprehensive set of semi structured interviews was undertaken, involving a select group of eight (08) industry experts from the Sri Lankan construction sector. These interviews aimed to gather valuable insights and perspectives from experienced professionals within the field. The gathered data was subjected to a meticulous process of manual content analysis, wherein careful examination and interpretation were conducted to derive meaningful insights and conclusions. In addition, a questionnaire survey was administered to collect data, which was subsequently analyzed using the relative importance index (RII) and standard deviation (SD) methods. These analyses enabled a comprehensive examination of the insights and perspectives gathered from the questionnaire survey.

Further to findings, five (05) types of claim types were revealed and identified contractual claims as the most significant claims in the public construction projects. Questionnaire findings identified five (05) significant causes of claims influenced by project consultant and eight (08) significant consequences of claims in the public construction projects in the Sri Lankan construction industry. The research findings highlight a range of best practices that can effectively minimize post contractual claims during pre-contract stage of public construction projects. Moreover, twenty (21) significant practices taken by quantity surveyors, twenty (20) significant practices taken by engineers and thirteen (13) significant practices taken by architects were finally identified. Hence, the findings of this research provide precise and actionable guidance on the optimal practices to be adopted by project consultants during the pre-contract stage, enabling them to effectively handle and minimize claims within public construction projects in the Sri Lankan construction industry. These recommendations serve as a valuable resource for industry professionals, empowering them to enhance project performance, mitigate risks, and ensure successful project delivery. Ultimately, these advancements will contribute to the efficient execution of projects, ensuring successful outcomes and promoting sustainable development in Sri Lanka's construction industry.

Keywords: *Claims, Pre-Contract, Project Consultants, Public Construction Projects, Sri Lanka*

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LIST OF ABBREVIATIONS

Abbreviation	Description
A	: Architect
BIM	: Building Information Modelling
BOQ	: Bill of Quantities
E	: Engineer
ICTAD	: Institute of Construction Training and Development
KPI	: Key Performance Indicators
QS	: Quantity Surveyor
RIBA	: Royal Institute of British Architects
RICS	: Royal Institution of Chartered Surveyors
SL	: Sri Lanka

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