NIQS NORTH EAST/NORTH WEST ZONAL WORKSHOP TITLED: SUSTAINABLE CONSTRUCTION CLAIMS MANAGEMENT: CONFLUENCE OF THEORY, PRACTICE AND INNOVATION

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INTRODUCTION

- Construction projects comprised of airports, roads/bridges, communication facilities, power and energy, rail lines, water facilities, jetties/harbours, pipelines, waste management, residential, commercial and industrial etc.
- To achieve economic development on a sustainable basis, sustainable construction is a acritical consideration.
- Scholars and climate change campaigners are continually concerned with sustainability of construction projects, bringing to the fore discourse such as air pollution, greenhouse gases, alternative energy sources, carbon tax, business ethics and corporate governance.
- Execution of construction projects in countries such as Nigeria are bedevilled with numerous claims resulting into challenges such as abandonment; failure of construction/contract (poor quality, cost overrun, and time overrun) and contract revocation (Obebe *et al.*, 2020).
- The occurrence of claims undermines project performance making successful completion within approved budget and completion schedule a mirage (Iheme & Chiagorom, 2018).
- The aim of this workshop is to equip participants and the public about the importance of sustainable construction and construction claims management strategies.

SUSTAINABLE CONSTRUCTION

- There is no consensus in the literature on definition of sustainability because it is constantly evolving and its meaning changes rather rapidly.
- An attempt was made by Robertson (2014) referring to sustainability as systems and processes that can operate and persist over long time horizon.
- Ray (2013) believes that sustainability simply refers to using economic, social and environmental resources responsibly.
- Sustainable development is the “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987).
- Hinze *et al*. (2013) defined sustainable construction as the creation and responsible management of a healthy built environment based on resource efficiency and ecological principles.

CONSTRUCTION PROJECTS CLAIMS

- Construction claims are considered by project stakeholders as one of the most unpleasant occurrences and a major risk factor hampering project performance (Abhishek *et al*., 2019).
- Construction claims are collectively referred to as requests by either party to the contract, (in most cases the contractor) for compensation in respect of damages caused by failure of the other party to fulfill all or part of the obligations outlined in the contract (Shailesh, 2022).
- Akinseinde and Fabi (2015) discovered the major causes of claims include change or variation order, variation in quantities, and changes in material and labour.
- Claims are sometime classified as contractual claims, extra-contractual claims and ex-gratia claims (Akinseinde & Fabi, 2015)

CONSTRUCTION CLAIMS MANAGEMENT

- Managing construction claims is a crucial aspect of project success and dispute resolution.
- This process begins with identification and documentation of potential issues or risks that may give rise to a claims.
- When claims arose, they should be properly evaluated and negotiated leading to reasonable settlement.
- If the parties are unable to reach an amicable settlement, they may resort to Alternative Dispute Resolution (ADR) or litigation as may be stipulated in the contract is a crucial aspect of project success and dispute resolution.

ROLES OF THE QUANTITY SURVEYOR IN SUSTAINABLE CONSTRUCTION AND CLAIMS MANAGEMENT

- The Quantity Surveyor has crucial roles to play in sustainable construction.
- Such roles include lifecycle costing, protecting the environment, promoting sustainable use of construction materials, minimizing waste generation and encouraging responsible disposal of waste, advocating effective energy consumption (Omotayo *et al*., 2022).
- Other roles include promoting community development and social inclusion, minimizing negative impact of development on the environment, encouraging sustainable land use, encouraging and contributing to sustainable design of projects (Omotayo *et al*., 2022)
- The management of construction claims is the greatest challenge facing contractors in today's business environment (Kululanga *et al*., 2001), as unresolved claim most times degenerates into unnecessary disputes and conflicts.
- Claims management is an important content of contract management and for the parties involved to reduce the losses with a view to getting economic benefit of business.
- The claims management process comprised six basic principles: recognition and identification of claim; notification of claim; accurate documentation of claim; analysis of cost and time impact of claim; preparation of claim; and negotiation of claim (Levin, 1998).

RECOMMENDATIONS

- The Quantity Surveying curriculum in Universities and Polytechnics should be updated to include modules on sustainable construction.
- The profession equally needs reskilling in green costing and carbon cost planning to meet the demands of sustainable construction.
- Present day Quantity Surveyors need to improve and develop competencies in claim preparation, evaluation, and management.
- Competency in negotiation skills and ADR mechanisms are imperative in order to contribute optimally to construction project success and by extension to national development.
- Construction companies should establish communication protocols that ensure a timely and accurate exchange of information between the parties.
- Parties should maintain detailed records of all project-related activities, including change orders, project plans, specifications, and contract documents.

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