

**FACILITATING CLAIM ESTABLISHMENT AT THE  
DEFECT LIABILITY PERIOD OF MEP PROJECTS: A  
GUIDELINE FOR RECORD-KEEPING**

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**Sri Lanka**

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DEFECT LIABILITY PERIOD OF MEP PROJECTS: A  
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**Thesis/Dissertation submitted in partial fulfillment of the requirements for the  
degree Master of Science in Construction Law and Dispute Resolution**

**Department of Building Economics**

**University of Moratuwa**

**Sri Lanka**

**December 2020**

## DECLARATION

I hereby declare that this submission is my own work and this dissertation does not incorporate without acknowledgement any materials previously submitted for a Degree or Diploma in any other University or institution 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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### Statement of the Supervisor

The above candidate has carried out research for the Master's Dissertation under my supervision,

Name of the supervisor: Dr. Chandanie Hadiwattege

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Signature of the Supervisor

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Date

## **DEDICATION**

*To my beloved Wife and Daughter-----*

## **ACKNOWLEDGMENTS**

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## ABSTRACT

If any party raised a claim, the main objective is to achieve success. Researchers have found that Contractors' claims mostly fail due to the inadequate proof documents to substantiate the claims.

This study investigates the record-keeping related to claim management, with the aim of developing a guideline for record-keeping for successful claims in the MEP trade. Existing record-keeping practices were identified through a literature survey. Said existing record types were tested with industry trade experts via a questionnaire survey for the importance and applicability related to claims establishing in MEP projects during the defect liability period.

Partly organised interviews and online question feedback assessments were selected as appropriate research methodologies as suitable methods are required to collect a high degree of information from the construction professionals. A total of 36 satisfactory responses were received in the questionnaire survey, representing seven (07) from employers, eleven (11) from consultants, 18 from contractors, and one (01) representing other parties. Two (02) experts from the contractor's side and one (01) expert consultant and one (01) expert representing Engineer's side, participated in semi-structured interviews.

The questionnaire survey outcome for the ranking for applicability of the records types for managing MEP claims at the defect liability period was used as the key in developing the guideline. The expert ratings on record types were treated as a high priority and incorporated to the top of the applicability ratings. The outcome was further developed by cross-checking the similar record types verified by literature review findings and confirmed by industry experts during the interview. Additional record types that were identified by the industry experts through interviews and open-ended questionnaire survey responses were compiled to the similarities and added further to the guideline covering the total record-keeping requirement for the claim success. As per the views of interview responders, the common record types of original contract document and progress photograph records on milestone completion (indicating milestone name, date, and time of completion), were rated as high priority requirement for establishing MEP related claims in DLP. The O&M manuals record was ranked third priority type. However, the record types; testing and commissioning reports, proper completion records, proper handing over records, material approvals, maintain a log for attendance for maintenance, and complaint register were newly identified as high priorities.

As the scarcity of the studies available to MEP trade produced guidelines from the present study would enhance the contracted parties to schedule their record-keeping mechanism from the pretender stage for achieving the claim success.

Keywords: Records, Recordkeeping, MEP Claims, Defect Liability Period,

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## LIST OF ABBREVIATIONS

|        |   |   |
|--------|---|---|
| AIQSSL | - | Associate Member of the Institute of Quantity Surveyors Sri Lanka |
| APAWE  | - | Advanced Professional Award in Expert Witness Evidence            |
| BMS    | - | Building Management System  |
| BOI    | - | Board of Investment   |
| BSc    | - | Bachelor of Science   |
| CCTV   | - | Closed-circuit television   |
| CIDA   | - | Construction Industry Development Authority                       |
| CL&DR  | - | Construction Law and Dispute Resolution                           |
| CPM    | - | Construction Project Management                                   |
| CUSDEC | - | Customs Declaration   |
| D&B    | - | Design & Build  |
| D.L.P  | - | Defect Liability Period   |
| EPC    | - | Engineering, Procurement, and Construction                        |
| FIDIC  | - | Federation of Consulting Engineers                                |
| FIR    | - | First Inspection Request  |
| HVAC   | - | Heating, ventilation, and air conditioning                        |
| ICIOB  | - | Incorporated Member of the Chartered Institute of Building        |
| ICTAD  | - | Institute for Construction Training and Development               |
| IFC    | - | Issued for Construction   |

|       |   |  |
|-------|---|--|
| IIESL | - | The Institution of Incorporated Engineers, Sri Lanka         |
| IR    | - | Inspection Request   |
| LC    | - | Letter of Credit   |
| M&E   | - | Mechanical and Electrical                                    |
| MAIQS | - | Member of the Australian Institute of Quantity Surveyors     |
| MAS   | - | Material Approval Sheet                                      |
| MECF  | - | Metropolitan Engineering, Consulting & Forensics             |
| MEP   | - | Mechanical Electrical Plumbing                               |
| MICCP | - | Member of the Institute of Construction Claims Practitioners |
| MRICS | - | Member of the Royal Institute of Chartered Surveyors         |
| MSc   | - | Master of Science  |
| O&M   | - | Operation and Maintenance                                    |
| OM    | - | Operation and Maintenance                                    |
| PMP   | - | Project Management Professional                              |
| RFI   | - | Request For Information                                      |
| SBD   | - | Standard Bidding Document.                                   |
| TKMEC | - | Thangal Kunju Musallar College of Engineering                |

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