

6. REFERENCES

- Amarasekara, W. D. L., Perera, B. S. K., & Rodrigo, M. N. N. (2018). Impact of Differing Site Conditions on Construction Projects. *American Society of Civil Engineers*. doi: 10.1061/(ASCE)LA.1943-4170.0000257
- Asselin, T. H., & Cahalan, S. D. (2000). *Construction Law & Litigation: Differing Site Conditions Expecting the Unexpected*. Retrieved from http://www.sgrlaw.com/resources/articles/construction_law/441/
- Baker, E., Mellors, B., Chalmers, S., & Lavers, A. (2009). *FIDIC Contracts: Law and Practice* (5th ed.). Informa Law from Routledge.
- Baker, E., Hill, R., & Kakim, I., (2021). Allocation of Risk in Construction Contracts. *Global Arbitration Review*.
- Banik, G. C., & Hannan, F. (2003). Speciality Contractors' Perspectives on Risk Importance and Allocation of Design-Build Contract. *Journal of Construction*, 1 (11), 56-60.
- Bednar, R. J., Braude, H. M., Cibinic, J., Ginsburg, G. J., Nash, R., Patin, D., & Stephensen, A. (1991). *Construction Contracting* (1st ed.). Washington, DC: The George Washington University Press.
- Blankenship Const. Co. v. North Carolina State Hwy. Commission, No. 7526 SC727 (N.C. App. 1976)
- Bo, X., & Albert P. C. C. (2010). Key competencies of design-build clients in China. *Journal of Facilities Management*, 8(2), 114-129.
- Bramble, B. B., & Cipollini, M. D. (1995). *Resolution of Disputes to Avoid Construction Claims*. Washington DC, WA: National Academy Press.
- Brennan, D. S., Hanahan, M. J., Nielsen, J. A., & Spangler, J. I. (2008). *The Construction Contracts Book: How to Find Common Ground in Negotiating the 2007 Industry Form Contract Documents* (2nd ed.). American Bar Association.

- Callahan, M. T. (2005). *Construction Change Order Claims* (2nd ed.). New York, NY: Aspen Publishers.
- Chappell, D., Marshall, D., Smith, V. P., & Cavender, S. (2001). *Building Contract Dictionary* (3rd ed.). London: Blackwell Science.
- Chen, W. F., & Liew, J. Y. R. (Eds.). (2003). *The Civil Engineering Handbook* (2nd ed.). New York, NY: CRC Press.
- Christensen, M. R., & Meeker, L. E. (2002). Design-build projects-Lessons learned from the Contractor's perspective.
- Chu, J. M. (2000). Differing Site Conditions: Whose Risk Are They? *Construction Lawyer*, 20(2), 5-12.
- Cibinic, J., & Nash, R. C. (1995). *Administration of Government Contracts*, (3rd ed.). Washington, DC: The George Washington University Press.
- Clark v. United States, 5 Cl. Ct. 447 (1984), 2 FPD.
- Code of Federal Regulations (2005). *Federal Acquisition Regulation*. General services administration department of defence national aeronautics and space administration.
- Cohen, L., & Manion, L. (1980). *Research Methods in Education*, London: Groom Helm Ltd.
- Collins, S. A. & Zack, J. G. (2014). *Changing Trend In Risk Allocation –Differing Site Conditions*, Navigant Construction Forum.
- Creswell, J. (2003). Research design: *Qualitative, quantitative and mixed methods approaches* (2nd ed.). Thousand Oaks, CA: SAGE Publications.
- Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). Los Angeles, CA: Sage.
- Creswell, J. W. (1994). *Research Design: Qualitative & Quantitative Approaches*. London: SAGE Publications.

- Cushman, R. F., Carter, J. D., Gorman, P. J., & Coppi, D. F. (2000). *Proving and Pricing Construction Claims* (3rd ed.). New York, NY: Aspen Publishers.
- Devetak, I., Glazar, S. A., & Vogrinc, J. (2010). The Role of Qualitative Research in Science Education. *Eurasia Journal of Mathematics, Science & Technology Education*, 6(1), 77-84.
- Eisenhart, M. (1991). Conceptual frameworks for research circa 1991: Ideas from a cultural anthropologist; implications for mathematics education researchers. *Paper presented at the Proceedings of the Thirteenth Annual Meeting North American Paper of the International Group for the Psychology of Mathematics Education*. Virginia, VA.
- Feldman, S. W., & Keyes, W. N. (2011). *Feldman and Keyes' Government Contracts in a Nut shell* (5th ed.). Thomson Reuters.
- Fenn, P., & Gameson, R. (Eds.). (1992). *Construction Conflict Management and Resolution*. London: E & F N Spon.
- FIDIC (1999). *Conditions of Contract for Construction for building and engineering works designed by the Employer* (1st ed.).
- Freeman Elec. Constr. Co. v. United States, 618 F.2d 124 (2d Cir. 1979)
- Fru-Con Constr. Corp. v. United States, 43 Fed. Cl. 306,321 (1999).
- Gill, P., Stewart, K., Treasure, E., & Chadwick, B. (2008). Methods of data collection in qualitative research: Interviews and focus groups. *British Dental Journal*, 204(6). 291-295.
- Grant, G., & Osanloo, A. (2014). Understanding, selecting, and integrating a theoretical framework in dissertation research: Creating the blueprint for your "house". *Connecting Education Practice and Research*, 4(2), 12-26.
- Hadikusumo, B. H. W., & Tobgay, S. (2015). Construction Claim Types and Causes for a Large-Scale Hydropower Project in Bhutan. *Journal of Construction in Developing Countries*, 20(1), 49–63.
- Hallman v. United States, 107 Ct. Cl. 555, 68 F. Supp, 204 (1946), 5.03[B]

- Hanna, A. S., Thomas, G., & Swanson, J. R. (2013). Construction Risk Identification and Allocation: Cooperative Approach. *Journal of Construction Engineering and Management*, 139(9). 1098-1107.
- Hannan, E. A., & Maloney, M. S. (1990). What's Different about Differing Site Condition Claims? *Defence Counsel Journal*, 57(3), 304-315.
- Ho, S. P., & Liu, L. Y. (2004). Analytical Model for Analyzing Construction Claims and Opportunistic Bidding. *Journal of Construction Engineering and Management*, 130(1), 94-104. doi:10.1061/(asce)0733-9364(2004)130:1(94)
- Hughes, G. A., & Barber, J. N. (1992). *Building and Civil Engineering Claims in Perspective* (3rd ed.). Longman Scientific & Technical.
- Institute of Construction Training and Development. (2007). *Standard Bidding Document 02 procurement of works major contracts* (2nd ed.). Colombo, Sri Lanka: Author.
- Jaeger, A. V., & Hok, G. S. (2010). *FIDIC-A Guide for Practitioners*. Springer-Verlag Berlin Heidelberg.
- Jasri, S. A. A. (2011). *Disputes in Design and Build Construction Contract, 2011*. (Faculty of Built Environment, University Technology: Malaysia).
- Jensen, D. A. (2002). Analysis of a Type I Differing Condition Claim: An Empirical Study to Determine Which Proof Element is Most Frequently Disputed and Which Party Interest Most Often Prevails. *Journal of Construction Education*, 7(1), 31 – 44.
- Jensen, D. A. (2010). A longitudinal study of Type I differing conditions claim: investigating the Contractor's failure to meet the reasonable prudent standard. *Construction Management and Economics*, 28(1), 63–74.
- Jergeas, G. F., & Hartman, F. T. (1996). *A contract clause for allocating risks*. Morgantown, WV: American Association of Cost Engineers (AACE).
- Jervis, B. M., & Levin, P. (1998). *Construction law principles and practice*. New York, NY: McGraw-Hill.

John McShain Inc. v. United States, 179 Ct. Cl. 632, 375 F.2d 829 (1967), 5.03[A]

Johnson, R. B., & Onwuegbuzie, A. J. (2004). Mixed methods research: A research paradigm whose time has come. *Educational Researcher*, 33(7), 14-26.

Kelleher, T. J., Abernathy, T. E., Bell, H. J., & Reed, S. L. (Eds.). (2010). *Smith, Currie & Hancock's Federal Government Construction Contracts - A Practical Guide for the Industry Professional* (2nd ed.). New Jersey, NJ: John Wiley & Sons, Incorporation.

Kelleher, T. J., Mastin, J. M., & Robey, R. G. (Eds.). (2015). *Smith, Currie & Hancock's Common-Sense Construction Law: A Practical Guide for the Construction Professional* (5th ed.). New Jersey, NJ: John Wiley & Sons, Incorporation.

Kelley, G. S. (2013). *Construction Law: An Introduction for Engineers, Architects, and Contractors*. New Jersey, NJ: John Wiley & Sons, Inc.

Kiewit Construction Company v. the United States, 56 Fed. Cl. 414, (2003).

Klinger, M. (2016). Construction Contract Claims, Changes, and Dispute Resolution

Kumaraswamy, M. M. (1997). Common categories and causes of construction claims. *Construction Law Journal*, 13(1), 21-34.

Lal, H. (2002). *Quantifying and managing disruption claims*(1st ed.). London: Thomas Telford Limited.

Long, R. J., Lane, R. J., & Kelley, J. E. (2015). *Differing Site Conditions*. Retrieved from http://www.long-intl.com/articles/Long_Intl_Differing_Site_Conditions.pdf

Mahfouz, T., Davlyatov, S., & Kandil, A. (2016). Analysis of Differing Site Condition (DSC) Litigation Reasoning Through Statistical Modeling. *International Journal of Construction Education and Research*, 1-18. doi:10.1080/15578771.2016.1172140

McClure, G. H. (1984). Differing Site Conditions: Evaluating the Material Difference. *Public Contract Law Journal*, 15(1), 138-176.

- McNulty, C. M., & Esquire, E. P. M. K. (2002). *Differing Site Conditions*. Retrieved from http://www.king-king-law.com/Articles/02_DiffsiteConditions_Moles.pdf
- Medsger, W. R. (1988). Category II differing site conditions in construction contracts. *The Army Lawyer*, 10-18.
- Merrill, P. G. (2006). *Construction dispute review board settlement panels: Save time, money, headaches*. Contract Manage. Retrieved from <http://www.constructiondisputes-cdrs.com/PDF%20files/CM0%20spring%20%202007.pdf>
- Mitkus, S., & Mitkus, T. (2013). Causes of conflicts in a construction industry: a communicational approach. *Contemporary Issues in Business, Management and Education 2013*, 777 – 786.
- Moura, H., & Teixeira, J. C. (2007). Types of construction claims: A Portuguese survey. In D. Boyd (ed.). *Proceedings: 23rd Annual ARCOM Conference*, 129–130. Association of Researchers in Construction Management, Belfast, UK, 3–5 September.
- Munier, G. (2014). *Risk Management for Engineering Projects*. Switzerland: Springer International Publishing.
- Murgan, G. (2015). A Critical Analysis of the Techniques for Data Gathering in Legal Research. *Journal of Social Sciences and Humanities*, 1(3), 266-274.
- Nadarajan, M. J. (2009). *Quick Guide to Construction Claims*. Prime Consulting – Construction Claims and Contract Consultants.
- Ndekugri, I., & McDonnell, B. (1999). Differing site conditions risks: a FIDIC/engineering and construction contract comparison. *Engineering, Construction and Architectural Management*, 6(2), 177-187.
- O'Connor, J., Chmaytelli, A., & Hugo, F. (1993). Analysis of Highway Project Construction Claims. *Journal of Performance of Constructed Facilities*, 7(3), 170-180.
- Onwuegbuzie, A. J., & Combs, J. P. (2011). Data Analysis in Mixed Research: A Primer. *International Journal of Education*, 3(1), 1-25.

- Ofori, G. (2015). Nature of the Construction Industry, Its Needs and Its Development: A Review of Four Decades of Research. *Journal of Construction in Developing Countries*, 20(2), 115-135.
- Ozdemir, L. (ed.). (2002). *North American Tunneling 2002*. Netherland: Swets & Zeitlinger Publishers.
- Permana, A. I. (2015). Contractor's Liability Under Unforeseen Ground Conditions, 2015 (Faculty of Built Environment, University Technology: Malaysia).
- Puerto, C. L., Gransberg, D. D., & Loulakis, M. C. (2016). Contractual Approaches to Address Geotechnical Uncertainty in Design-Build Public Transportation Projects. *American Society of Civil Engineers*, DOI: 10.1061/(ASCE)LA.1943-4170.0000202
- Powers, J. P., Corwin, A. B., Schmall, P. C., & Kaeck, W.E. (2007). *Construction Dewatering and Groundwater Control* (3rd ed.). New Jersey, NJ: John Wiley & Sons, Ltd.
- Pronchick, D. M. (1990). *The Differing Site Conditions Clause: Time for a Change* (Master's thesis). Retrieved from <http://www.dtic.mil/dtic/tr/fulltext/u2/a252588.pdf>
- Rauzana, A. (2016). Causes of Conflicts and Disputes in Construction Projects, *Journal of Mechanical and Civil Engineering*, 13(5), 44-48.
- Robinson, M. D. (2011). *Contractor's Guide to the FIDIC Conditions of Contract* (1st ed.). John Wiley & Sons, Ltd.
- Sanders, S. (1994). Unanticipated Environmental Costs in Construction Contracts: The Differing Site Conditions Clause as Risk Allocation Tool. *Journal of Natural Resources Environmental Law*, 10(1), 53-82.
- Saaidin, S., Endut, I. R., Samah, S. A. A., & Ridzuan, A. R. M. (2017). Stakeholder's Perspective on Risks Allocation in Design and Build Projects in Malaysia, MATEC Web of Conferences, doi: 10.1051/mateconf/20171030 ISCEE 2016 3009

- Sayegh, S. E., Ahmad, I., Aljanabi, M., Herzallah, R., Metry, S., & Ashwal, O. E. (2020). Construction Disputes in the UAE: Causes and Resolution Methods, *Buildings*, 10(171), 2-14.
- Soni, S., Pandey, M., & Agrawal, S. (2017). Conflicts and Disputes in Construction Projects: An Overview. *Journal of Engineering Research and Application*, 7(6), 40-42.
- Somiah, M. K., Osei-Poku, G., & Aidoo, I. (2015). Relative Importance Analysis of Factors Influencing Unauthorized Siting of Residential Buildings in the Sekondi-Takoradi Metropolis of Ghana. *Journal of Building Construction and Planning Research*, 3,117-126.
- Sweet, J., Schneier, M. M., & Wentz, B. (2014). *Construction Law for Design Professionals, Construction Managers and Contractors*. United States of America: Cengage Learning.
- Sykora, D. W., & Wren, G. (n.d.). *Differing Site Conditions*. Retrieved from <http://www.exponent.com/services/practices/engineering/civil-engineering/capabilities/geotechnical/differing-site-conditions/?serviceId=e65704cf-2821-4144-b632-7773c5615ac2&loadAllByPageSize=true&knowledgePageSize=3&knowledgePageNum=0&newseventPageSize=3&newseventPageNum=0>
- Tarkoy, P. (1998). Differing Site Conditions. *World Tunneling and Subsurface Excavation*, 11(2), 100-104.
- The American Institute of Architects (2007). *Document A-201-2007 General Conditions of the Contract for Construction*. Minnesota, MN: University of Minnesota.
- Thomas, H. R. (2012). Differing Site Conditions Indications and Disclaimers. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 4(3), 86-89.
- Thomas, R. W. (2001). *Construction Contract Claims* (2nd ed.). New York, NY: Palgrave Macmillan.
- Tobin Quarries Inc. v. United States, 114 Ct. Cl. 286 (1949).

- Toole, D. O. (2016). *Differing Site Conditions - Who Bears The Risk?* Troutman Sanders, Attorneys at Law.
- Turnkey Enterprises Inc. v. United States, 597 F.2d 750 (220 Ct. Cl. 1979).
- Vann v. United States, 190Ct. Cl. 546,420 F.2d 968, 982 (1970).
- Walker, O. S. (2013). Differing Site Condition Claims: What Is Below the Surface of Exculpatory Clauses or Other Disclaimers? *The Procurement Lawyer*, 48(4), 24-27.
- Williams, C. (2007). Research Methods. *Journal of Business & Economic Research*, 5(3), 65-72.
- Wm. A. Smith Contracting Co. v. United States, 188 Ct. Cl. 1062, 412 F.2d 1325 (1969).
- Yin, K. (2003). *Case Study Research: Design and Methods* (3rded.). London: Sage publications.
- Yates, J. K., & Epstein, A. (2006). Avoiding and Minimizing Construction Delay Claim Disputes in Relational Contracting. *Journal of Professional Issues in Engineering Education and Practice*, 168-179. doi: 10.1061/_ASCE_1052-3928_2006_132:2_168_
- Zaneldin, E. K. (2006). Construction claims in the United Arab Emirates: Types, causes and frequency. *International Journal of Project Management*, 24(5), 453-459.