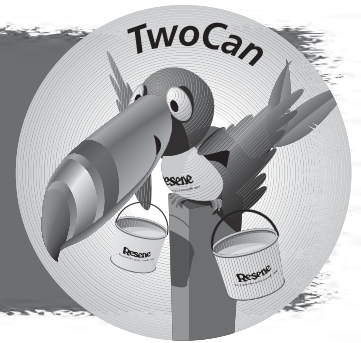


“ It’s often said the customer is always right... well except for the times that they aren’t. We all know the cases of unreasonable customers who are impossible to please no matter what you do. These days it’s often recommended you fire customers who take up a lot of your time and energy for little or no return, so that you can spend more time focusing on the ones who actually want and appreciate the service you have to offer...”



## Construction disputes taking longer to resolve

Internationally, construction disputes are taking longer to resolve, according to UK-based consultancy company EC Harris.

The company released the results from a study at the end of last month (May 24), which compared the trend across different regions around the world including the United Kingdom, Europe, the United States, the Middle East and Asia.

Titled 'Global construction disputes: A Longer Resolution', the report was the third of its kind undertaken by the London consultancy with research help from ARCADIS Construction Claims Consulting.

One of the main findings showed that construction disputes in 2012 averaged more than a year in length, which is 20 per cent longer than those in 2011.

The average length of a dispute was 12.8 months, which was up from 10.6 months in 2011, and 9.1 months in 2010.

However, the good news is that the average value of the 2012 disputes actually declined slightly, down to US\$31.7 million from US\$32.2 million in 2011.



Mike Allen, the global head of contract solutions for EC Harris explained this value fall by saying that "construction projects are increasing in complexity, so when a dispute materializes, its duration is not necessarily linked to its value, and so complex disputes can take equally as long to unravel".

These numbers are averages however, so in actual fact, the length of disputes in both the United States and Europe fell in the 2012 period. What once took 14.4 months to resolve in 2011 was down to just 11.9 months in 2012 in the US, while mainland Europe showed the shortest dispute time with an average of just six months.

In the US, the values were not "significantly different" from their US\$10.5 million average value of 2011, falling to US\$9 million in 2012.

The study credited the decline to a culture of claims avoidance and the experience of their clients and contractors. Some managers, for example, may have previously dealt with disputes and could work to prevent them before they arose.

## Causes and resolutions

As for what was causing these disputes, the top five claims included failure to make interim awards on extensions of time and compensation, differing site conditions, failure to understand and/or comply with contractual obligations by the employer/contractor/subcontractor, and general errors and/or omissions to the contract document.

And at the number one spot for dispute causes internationally were incomplete and/or unsubstantiated claims.

Following this, the three most common practices of alternative dispute resolution in the United States were party-to-party negotiation, mediation and arbitration.

In the UK, the two most common means of resolution were adjudication and arbitration, followed by party-to-party negotiations.

## What does it mean for us?

While this may all seem far away from the South Pacific, these disputes and resolutions may have some lessons for those downunder too.

The Consumer Guarantees Act declares that any service should be carried out with reasonable skill and care at a reasonable price which applies to all building practitioners.

The best dispute is no dispute, so keeping clear lines of communication open between client and contractor is vital in order to make sure both party's expectations are met.

If a dispute does arise however, expert advice will help you to keep the length, and invariably the costs to all involved, down to a minimum.



## Top papers

**Need to choose a wallpaper with confidence that it will be universally appealing? Here's a rundown of the Resene top 20 most popular wallpapers. All are from the Resene Home or Habitat collections.**

- 1 47067
- 2 47079
- 3 47151
- 4 47176
- 5 47043
- 6 47514
- 7 47066
- 8 47046
- 9 47171
- 10 47502
- 11 47527
- 12 47150
- 13 47500
- 14 47045
- 15 47136
- 16 47496
- 17 47069
- 18 47174
- 19 47040
- 20 47153

## Think before you leap

"I had a job that I will never forget 15 years ago and we still laugh about it today.

We had to paint an interior of a launch that was docked in a marina. We painted the whole interior in Alkyd Gloss Enamel. On this particular day we packed up and decided to go home. We usually just jumped from the launch to the wharf, which was about a metre, my partner went first and made it as usual with no problems... But I decided to carry two paint pots of Gloss Enamel half filled, one in each hand.

I jumped cautiously, but as I jumped the back of my foot clipped the rope that holds the boat, and I fell into the drink!! I can still clearly remember going down holding onto the pots of paint, thinking where the heck the bottom is! I ended up finally letting go of the pots that were dragging me down into a seemingly bottomless abyss!!

As I swam up to the surface I didn't give the paint a thought. As the pots filled up with water they floated to the surface causing a film on the top of the water that I had to eventually break through to get air!

As I popped up through the paint slick my partner was in uncontrollable laughter as I was wearing bib and brace overalls and was white from head to toe.

Every orifice on my body had white paint in them, on them, around them - there wasn't an inch of unpainted flesh to be seen! There was a high

## Safe and sound

To help you look after you and your team, Resene has the handy Putting your safety first brochure, which has a host of information on everything from lead based paint to sanding dusts. It's available free from Resene ColorShops or you can read an online copy at [www.resene.com/pdf/safety\\_first.pdf](http://www.resene.com/pdf/safety_first.pdf).



## Top on top



Resene Decorator High Opacity Ceiling Paint won the Best New Paint Product Award at the recent Master Painters awards, so if you haven't given it a go yet, give it a try and see for yourself why it's proving so popular.

## Keep on keeping on

Remember if you're struggling to get the paint to dry, consider switching to Resene Wintergrade products. They're designed to cure at much lower temperatures to help you keep painting through the colder weather.



pressure hose nearby thank goodness - when I was hosed down it got 85% off, the rest I left up to my wife to scrub me. Bottle brushes had to come out. We managed to disperse the paint that was on the surface of the water with the high pressure hose.

What we learned from this, safety first, NEVER take shortcuts. And always think before you do anything!"

Thanks to Peter Ferris.



That's all for now –  
catch ya next month!

TwoCan, Editor.

