

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 SUMMARY OF STUDY

Adjudication is an Alternative Dispute Resolution (ADR) mechanism which can be effectively used in construction disputes. Adjudication is not new to Sri Lankan construction industry. However, the effectiveness of its adoption was questionable. Purpose of this research was to assess the success of adjudication as an ADR method in the Sri Lankan construction industry and to find the answer whether the industry is getting full potential of adjudication to resolve construction disputes.

A questionnaire survey carried out to test the hypothesis formulated in the literature review. Responses obtained from 46 numbers of professionals working in the construction industry and collected data analysed in the chapter number four.

Based on responses it was observed that industry having good knowledge level on adjudication. Awareness of the contractual provisions of adjudication in FIDIC and ICTAD conditions of contracts were in a very high level. But awareness of CIDA Act was less comparing to the available contractual provisions. Level of attraction on adjudication was satisfactory and respondents ranked main reasons for satisfactory as speed, cost effectiveness, flexibility of the process and preserving privacy of the parties. Considering above facts, it can be decided that hypothesis one is not correct and Sri Lankan construction industry is well understood the adjudication.

Nearly 90% of the respondents were familiar with the contractual provisions provided in the FIDIC and ICTAD conditions of contracts. But expressed less familiarity in CIDA Act No. 33 and procedural rules. First part of the second hypothesis seems not correct because professionals were well aware of the contractual provisions of adjudication in the FIDIC and ICTAD forms of contracts. But as mentioned in the second part of the hypothesis most of respondents agreed that prevailing provisions for adjudication not enough and expressed their concern for improvements.

respondents were not happy with prevailing experience level of adjudicators, educational level of adjudicators and specially performance of them. Based on this information it was established that hypothesis number three is correct and required more attention to improve this prevailing status.

Based on above mentioned facts and details described under chapter 4.5 it can be concluded that Sri Lankan construction industry having good practice in construction adjudication but not getting full potential from it.

5.2 CONCLUSIONS

Sri Lankan construction industry has gained lot of experience and knowledge in adjudication by adopting FIDIC and ICTAD standard forms of contracts; but short of full awareness on legislative provisions provided by the legal system of the country. Institutional support for professionals involved in adjudication is not adequate to improve their knowledge on adjudication and its procedures to meet the international standards. Majority of the participants of study expressed their views to have more legal implications into the adjudication. More legal aspects or characteristics to adjudication could arise a question about the intended purpose of adjudication.

5.3 RECOMMENDATIONS

Academic institutions should incorporate prevailing contractual and legislative provisions into their curriculum to enhance awareness and knowledge on construction adjudication.

Suggest to implement an act for adjudication to include adjudication process into the construction contracts as a mandatory provision.

5.4 LIMITATIONS OF THE STUDY

Sri Lankan construction industry well aware on adjudication provisions in FIDIC and ICTAD forms of contracts. But respondent knowledge / awareness on CIDA act No. 33 was limited since it is a newly introduced act. Professional involved in the industry will get more aware on CIDA act in the future.

5.5 FURTHER STUDIES

Awareness and sufficiency of CIDA Act No. 33 provisions in to Sri Lankan construction industry

Comparative study on adjudication practice in Sri Lanka and other countries to find out differences and areas to be improved.




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APPENDIX

Data Collection Chapter 4.1

Reference		Table 4-1	Figure 4-1	Figure 4-2	Table 4-2	Table 4-3
No	Person	Profession	Involve in adjudication	Experience	Type of Organization	service offered by Organization
1	Respondent 1	QS	Average	5-10	Private	QS
2	Respondent 2	Archi	Low High	10-15	Private	Head Contractor
3	Respondent 3	QS	High	25-30	Private	QS
4	Respondent 4	QS	Low High	5-10	Public	QS
5	Respondent 5	QS	Average	15-20	Private	Consultant
6	Respondent 6	QS	Low High	15-20	Private	Consultant
7	Respondent 7	QS	High	15-20	Freelance	Consultant
8	Respondent 8	QS	Low High	15-20	Private	Client
9	Respondent 9	QS	Low High	5-10	Semi Gov	Consultant
10	Respondent 10	QS	Low High	5-10	Private	Head Contractor
11	Respondent 11	QS	Very High	20-25	Private	Other
12	Respondent 12	QS	Low High	0-5	Private	QS
13	Respondent 13	QS	Low High	0-5	Private	Head Contractor
14	Respondent 14	QS	Low High	20-25	Private	Head Contractor
15	Respondent 15	QS	Average	15-20	Private	QS
16	Respondent 16	Eng.	High	25-30	Freelance	Consultant
17	Respondent 17	Archi	Average	20-25	Private	Consultant
18	Respondent 18	Eng.	Low High	20-25	Private	Consultant
19	Respondent 19	QS	Very High	15-20	Public	Consultant
20	Respondent 20	Eng.	Low High	30 +	Private	PM
21	Respondent 21	Eng.	High	30 +	Public	Consultant
22	Respondent 22	Archi	Average	15-20	Private	Head Contractor
23	Respondent 23	Eng.	Low High	20-25	Private	Consultant
24	Respondent 24	QS	High	15-20	Freelance	PM
25	Respondent 25	Eng.	Low High	15-20	Private	Client
26	Respondent 26	Eng.	High	25-30	Freelance	PM
27	Respondent 27	Archi	Average	20-25	Private	Head Contractor
28	Respondent 28	Eng.	Low High	20-25	Private	Consultant
29	Respondent 29	QS	High	15-20	Public	PM
30	Respondent 30	Eng.	Low High	15-20	Private	QS
31	Respondent 31	Eng.	High	25-30	Public	Consultant
32	Respondent 32	Archi	Average	15-20	Private	Consultant
33	Respondent 33	Eng.	Low High	10-15	Private	Consultant
34	Respondent 34	QS	High	15-20	Freelance	Head Contractor
35	Respondent 35	Eng.	Low High	30 +	Private	Client
36	Respondent 36	Law	Low High	15-20	Private	Consultant
37	Respondent 37	Eng.	High	30 +	Public	Head Contractor
38	Respondent 38	Archi	Average	20-25	Private	Consultant
39	Respondent 39	QS	High	15-20	Public	PM
40	Respondent 40	Eng.	Low High	20-25	Private	Other
41	Respondent 41	Eng.	High	25-30	Public	Consultant
42	Respondent 42	Archi	Average	10-15	Private	Head Contractor
43	Respondent 43	Eng.	Low High	25-30	Private	Head Contractor
44	Respondent 44	Law	Average	15-20	Freelance	Consultant
45	Respondent 45	Law	Low High	15-20	Freelance	Head Contractor
46	Respondent 46	Law	Low High	30 +	Freelance	Consultant

Data Collection Chapter 4.2

No	Person	Figure 4-3 Knowledge				Figure 4-4 awareness			Figure 4-5 Level of ADJ				Figure 4-6						
		Very High	High	Average	Low	FIDIC COC	ICTAD COC	CIDA ACT No.	Very High	High	Average	Low	Speed	Cost Effective	Flexible	Privacy	Relationship	Expertise facility	Predictability
1	Respondent 1			1		4	4	1				3	2	4	8	7	1	5	6
2	Respondent 2				1	3	3	1			1	1	3	2	5	4	6	8	7
3	Respondent 3					3	3	1			1	1	2	3	4	5	6	8	7
4	Respondent 4				1	4	4	3			1	2	5	1	4	8	7	3	6
5	Respondent 5			1		4	4	0			1	1	4	6	3	8	2	7	5
6	Respondent 6				1	3	3	1			1	1	6	5	7	3	2	8	4
7	Respondent 7			1		5	5	2			1	3	2	1	6	5	8	7	4
8	Respondent 8			1		4	4	2			1	1	2	4	5	3	8	6	7
9	Respondent 9				1	3	3	2			1	2	3	4	1	6	5	8	7
10	Respondent 10			1		5	5	5			1	1	4	6	3	8	2	7	5
11	Respondent 11		1			5	5	5			1	2	1	3	5	8	7	4	6
12	Respondent 12			1		4	4	2		1		1	2	3	4	6	5	8	7
13	Respondent 13					3	3	1			1	3	2	1	7	5	4	8	6
14	Respondent 14				1	4	4				1	5	1	6	2	4	3	7	8
15	Respondent 15		1			5	4	3		1		2	1	4	6	3	5	8	7
16	Respondent 16					5	5	4		1		1	2	4	5	3	6	8	7
17	Respondent 17		1			5	4	3	1			1	2	3	5	4	6	8	7
18	Respondent 18					5	5	5			1	2	1	3	6	5	7	4	8
19	Respondent 19	1				5	5	2			1	1	2	5	4	8	6	3	7
20	Respondent 20					4	4	4				1	2	5	3	4	6	7	8
21	Respondent 21					1	5	5	4			1	2	5	3	4	6	7	8
22	Respondent 22					5	4	3				1	2	3	5	4	6	7	8
23	Respondent 23										1	2	1	3	5	6	8	4	7
24	Respondent 24			1		5	5	2			1	3	2	5	1	6	7	4	8
25	Respondent 25			1		4	4	2			1	1	2	4	5	3	8	7	6
26	Respondent 26		1			5	5	4		1		1	2	3	5	4	6	8	7
27	Respondent 27		1			5	4	3		1		1	2	3	5	4	6	7	8
28	Respondent 28					5	5	5			1	2	1	3	5	8	6	7	4
29	Respondent 29			1		5	5	2			1	4	2	1	3	5	6	8	7
30	Respondent 30			1		4	4	2			1	1	2	4	5	3	8	6	7
31	Respondent 31		1			5	5	4		1		3	1	2	5	4	6	7	8
32	Respondent 32			1		5	4	3		1		1	2	3	5	4	6	8	7
33	Respondent 33		1			5	5	5			1	2	1	3	5	8	6	7	4
34	Respondent 34			1		5	5	2			1	4	2	6	3	5	8	1	7
35	Respondent 35			1		4	4	2			1	1	2	4	5	3	8	6	7
36	Respondent 36					3	3	1			1	1	5	6	7	3	2	8	4
37	Respondent 37		1			5	5	4		1		2	1	3	4	5	6	8	7
38	Respondent 38					5	4	3		1		1	2	3	5	4	6	8	7
39	Respondent 39			1		5	5	2			1	4	2	6	7	5	8	1	3
40	Respondent 40		1			5	5	5			1	2	1	3	5	8	6	4	7
41	Respondent 41					5	5	4		1		1	3	2	6	4	7	8	5
42	Respondent 42		1			5	4	3		1		1	2	3	5	4	6	8	7
43	Respondent 43			1		4	4	2			1	1	2	4	5	3	8	6	7
44	Respondent 44		1			5	4	3		1		2	1	3	5	4	6	8	7
45	Respondent 45	1				4	4	2			1	1	2	4	5	3	8	6	7
46	Respondent 46			1		3	3	1			1	1	6	5	7	3	2	4	8

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Data Collection Chapter 4.3

No	Person	Figure 4-7				Chapter 4.3.2					Table 4-4			Chap 4.3.2			
		Familiarity				ACT Other countries					Coverage			Requirement Act			
		FIDIC	ICTAD	CIDA ACT No. 33	Procedural rules	Very High	High	Average	Low	Not relevant	only payment	Other disputes	All disputes	Very High	High	Average	Low
1	Respondent 1	4	4	1	2			1					1			1	
2	Respondent 2	4	4	2	1				1				1			1	
3	Respondent 3	4	3	2	3					1			1			1	
4	Respondent 4	3	3	2	2				1				1		1		
5	Respondent 5	3	3	3	2			1					1				1
6	Respondent 6	1	1	1	1			1					1		1		
7	Respondent 7	5	5	2	4			1					1		1		
8	Respondent 8	4	4	0	0					1			1				1
9	Respondent 9	3	3	4	2					1			1		1		
10	Respondent 10	4	4	3	1		1						1		1		
11	Respondent 11	4	4	3	2		1					1		1			
12	Respondent 12	4	4	3	1		1						1		1		
13	Respondent 13	4	4	0	5			1					1	1			
14	Respondent 14	4	4	2	3			1					1		1		
15	Respondent 15	5	5	3	2		1						1	1			
16	Respondent 16	5	5	3	1		1						1	1			
17	Respondent 17	5	5	3	2		1						1	1			
18	Respondent 18	4	4	3	1		1					1		1			
19	Respondent 19	5	5	2	4			1					1		1		
20	Respondent 20	4	4	0	0					1			1				1
21	Respondent 21	5	5	3	1								1				
22	Respondent 22	5	3	2	1								1				
23	Respondent 23	4	4	3	2								1		1		
24	Respondent 24	4	4	0	0					1			1		1		
25	Respondent 25	4	4	0	0					1			1				1
26	Respondent 26	5	5	3	2		1						1	1			
27	Respondent 27	5	5	3	1		1						1	1			
28	Respondent 28	4	4	3	2		1					1		1			
29	Respondent 29	5	5	2	3			1					1		1		
30	Respondent 30	4	4	0	0				1				1				1
31	Respondent 31	5	5	3	2		1						1	1			
32	Respondent 32	5	5	3	1		1						1	1			
33	Respondent 33	4	4	3	2		1					1		1			
34	Respondent 34	5	5	2	2			1					1		1		
35	Respondent 35	4	4	0	0				1				1				1
36	Respondent 36	1	1	1	1			1					1		1		
37	Respondent 37	5	5	3	2		1						1	1			
38	Respondent 38	5	5	3	1		1						1	1			
39	Respondent 39	5	5	2	2			1					1		1		
40	Respondent 40	4	4	3	2		1					1		1			
41	Respondent 41	5	5	3	2		1						1	1			
42	Respondent 42	5	5	3	2		1						1	1			
43	Respondent 43	4	4	0	0				1				1				1
44	Respondent 44	5	5	3	1		1						1	1			
45	Respondent 45	4	4	0	0				1				1				1
46	Respondent 46	1	1	1	1			1					1		1		

No	Person	Chap 4.3.3 SLK act = UK Act				Chap 4.3.3 Intl comp.		Chap 4.3.3 en power	
		Very High	High	Average	Low	Yes	No	Require	Not Require
1	Respondent 1				1		1	1	
2	Respondent 2				1	1		1	
3	Respondent 3				1	1			1
4	Respondent 4			1		1		1	
5	Respondent 5				1	1		1	
6	Respondent 6		1			1			1
7	Respondent 7		1			1		1	
8	Respondent 8		1				1		1
9	Respondent 9		1			1		1	
10	Respondent 10		1				1		1
11	Respondent 11		1			1		1	
12	Respondent 12		1			1			1
13	Respondent 13		1			1			1
14	Respondent 14			1			1	1	
15	Respondent 15		1			1			1
16	Respondent 16		1			1		1	
17	Respondent 17		1			1			1
18	Respondent 18		1			1		1	
19	Respondent 19		1			1		1	
20	Respondent 20		1			1		1	
21	Respondent 21		1			1		1	
22	Respondent 22		1			1			1
23	Respondent 23		1			1		1	
24	Respondent 24		1			1		1	
25	Respondent 25		1				1		1
26	Respondent 26		1			1		1	
27	Respondent 27		1			1			1
28	Respondent 28		1			1		1	
29	Respondent 29		1			1		1	
30	Respondent 30		1				1		1
31	Respondent 31		1			1		1	
32	Respondent 32		1			1			1
33	Respondent 33		1			1		1	
34	Respondent 34		1			1		1	
35	Respondent 35		1				1		1
36	Respondent 36		1			1		1	
37	Respondent 37		1			1		1	
38	Respondent 38		1			1		1	
39	Respondent 39		1			1		1	
40	Respondent 40		1			1		1	
41	Respondent 41		1			1		1	
42	Respondent 42		1			1		1	
43	Respondent 43		1				1		1
44	Respondent 44		1			1		1	
45	Respondent 45		1				1		1
46	Respondent 46		1			1		1	

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Data Collection Chapter 4.4

		Figure 4-8							
		Factors SLK Practice							
No	Person	Experience of Adjudicators	Education of Adjudicators	Satisfaction reg decisions	Appointment of adjudicators	performance of Adjudicators	Availability of established skills	Availability of training facilities	Satisfaction of procedural rules
1	Respondent 1	5	5	4	4	3	3	1	4
2	Respondent 2	3	4	3	4	3	3	2	4
3	Respondent 3	4	5	3	3	2	2	3	3
4	Respondent 4	4	3	3	2	2	2	3	2
5	Respondent 5	5	5	4	4	4	3	3	3
6	Respondent 6	2	3	1	3	2	2	2	1
7	Respondent 7	2	2	1	4	2	1	1	4
8	Respondent 8	4	4	3	4	4	4	3	3
9	Respondent 9	3	2	2	2	2	2	2	2
10	Respondent 10	3	3	4	4	4	3	3	4
11	Respondent 11	2	3	2	1	2	3	2	1
12	Respondent 12	3	3	3	3	3	2	2	3
13	Respondent 13	4	4	3	3	3	2	2	3
14	Respondent 14	3	3	3	1	1	2	1	1
15	Respondent 15	3	2	3	2	3	2	2	3
16	Respondent 16	3	2	3	2	3	2	2	3
17	Respondent 17	3	2	3	2	3	2	2	3
18	Respondent 18	2	3	2	1	2	3	2	1
19	Respondent 19	2	2	1	4	2	1	1	4
20	Respondent 20	4	4	3	4	4	4	3	3
21	Respondent 21	3	2	3	2	3	2	2	3
22	Respondent 22	3	2	3	2	3	2	2	3
23	Respondent 23	2	3	1	4	2	3	2	1
24	Respondent 24	2	2	1	4	2	1	1	4
25	Respondent 25	4	4	3	4	4	4	3	3
26	Respondent 26	3	2	3	2	3	2	2	3
27	Respondent 27	3	2	3	2	3	2	2	3
28	Respondent 28	2	3	2	1	2	3	2	1
29	Respondent 29	2	2	1	4	2	1	1	4
30	Respondent 30	4	4	3	4	4	4	3	3
31	Respondent 31	3	2	3	2	3	2	2	3
32	Respondent 32	3	2	3	2	3	2	2	3
33	Respondent 33	2	3	2	1	2	3	2	1
34	Respondent 34	2	2	1	4	2	1	1	4
35	Respondent 35	4	4	3	4	4	4	3	3
36	Respondent 36	2	3	1	3	2	2	2	1
37	Respondent 37	3	2	3	2	3	2	2	3
38	Respondent 38	3	2	3	2	3	2	2	3
39	Respondent 39	2	2	1	4	2	1	1	4
40	Respondent 40	2	3	2	1	2	3	2	1
41	Respondent 41	3	2	3	2	3	2	2	3
42	Respondent 42	3	2	3	2	3	2	2	3
43	Respondent 43	4	4	3	4	4	4	3	3
44	Respondent 44	3	2	3	2	3	2	2	3
45	Respondent 45	4	4	3	4	4	4	3	3
46	Respondent 46	2	3	1	3	2	2	2	1

Data Collection Chapter 4.5

		Figure 4-9									
		Success Factors									
No	Person	Total Cost involvement	Time scale	Confidentiality	Quality of Adjudication	Flexibility	Party Autonomy	Fairness	Preservation of relationships	Role of legal	Statutory status
1	Respondent 1	4	3	4	4	4	2	4	3	4	2
2	Respondent 2	3	3	4	4	3	2	4	3	3	1
3	Respondent 3	1	3	3	3	3	2	2	2	2	3
4	Respondent 4	3	4	2	4	4	3	3	3	2	2
5	Respondent 5	4	4	4	4	4	3	3	4	3	2
6	Respondent 6	4	4	3	3	4	4	3	2	3	2
7	Respondent 7	4	4	4	2	3	2	2	3	4	3
8	Respondent 8	4	4	3	4	4	4	4	4	4	3
9	Respondent 9	5	5	4	5	3	4	5	4	2	5
10	Respondent 10	4	4	4	4	4	5	4	3	2	2
11	Respondent 11	4	1	3	1	2	2	3	4	4	1
12	Respondent 12	4	3	4	3	4	4	4	3	3	3
13	Respondent 13	4	5	5	4	4	4	3	4	2	2
14	Respondent 14	3	3	4	2	3	2	4	3	4	1
15	Respondent 15	4	4	4	3	4	3	3	2	2	2
16	Respondent 16	4	4	3	3	4	3	4	4	2	2
17	Respondent 17	4	4	3	3	4	3	3	4	2	1
18	Respondent 18	4	1	4	1	2	2	4	2	4	1
19	Respondent 19	4	4	3	2	3	4	3	3	4	3
20	Respondent 20	4	4	4	4	4	4	4	4	4	3
21	Respondent 21	4	4	4	4	4	4	4	2	2	2
22	Respondent 22	4	4	4	3	4	3	3	4	2	1
23	Respondent 23	4	1	3	1	2	4	3	4	4	1
24	Respondent 24	4	4	3	2	3	2	2	3	4	3
25	Respondent 25	4	4	4	4	4	4	4	2	4	3
26	Respondent 26	4	4	3	3	4	3	2	4	2	2
27	Respondent 27	4	4	4	3	4	3	3	2	2	2
28	Respondent 28	4	1	3	1	2	2	4	4	4	1
29	Respondent 29	4	4	4	2	3	4	2	3	4	3
30	Respondent 30	4	4	3	4	4	4	4	2	4	3
31	Respondent 31	4	4	4	3	4	3	2	4	2	2
32	Respondent 32	4	4	3	3	4	3	4	4	2	1
33	Respondent 33	4	1	2	1	2	4	2	2	4	1
34	Respondent 34	4	4	4	2	3	2	4	3	4	3
35	Respondent 35	4	4	2	4	4	4	4	4	4	3
36	Respondent 36	4	4	3	3	4	4	3	2	3	1
37	Respondent 37	4	4	4	3	4	3	4	4	2	2
38	Respondent 38	4	4	3	3	4	3	3	2	2	1
39	Respondent 39	4	4	4	2	3	2	4	3	4	3
40	Respondent 40	4	1	2	1	2	4	4	2	4	1
41	Respondent 41	4	4	3	3	4	3	4	4	2	1
42	Respondent 42	4	4	4	3	4	3	3	2	2	2
43	Respondent 43	4	4	3	4	4	2	4	4	4	3
44	Respondent 44	2	4	3	3	4	4	3	2	3	1
45	Respondent 45	3	3	4	2	3	2	4	3	4	1
46	Respondent 46	1	3	3	3	3	2	2	2	2	3