



DBM are a medium-sized building contractor specializing in internal finishing work and we had the opportunity to tender for a complicated refurbishment a listed building which involved significant remodeled re-modelling and then the complete fit out of the property which was being converted into accommodation for our clients.

DBM became signatories in 2023 to the Conflict Avoidance Pledge and Managing Director Tom Brown stated that “we are encouraged to sign the Pledge by our consultant Len Bunton who has been heavily involved in the development of conflict avoidance processes in the industry.

During the course of our tender negotiations we suggested to the client’s design team that we would like the Pledge incorporated into the contract and explained to them the beneficial purposes of doing that and that we are a nonconfrontational company and given the complexities of the project, we had anticipated that there were a number of issues emerging which we could resolve by early intervention and collaboration. Unfortunately, this proposal was not accepted, and it was indicated by the Design team that if there are any issues these should be dealt with by the dispute resolution procedures in the contract and we found that to be very disappointing.

We elected during the duration of the contract to have external consultancy support in dealing with valuation of variations, payment applications and the preparation of the final account as the project progressed. As it turned out, we were able to identify that some of the contract documents were not accurate and that some of the quantification within the contract documents did not accurately reflect the works were executed on site.

Also, during the contract Len had a watching brief and was copied in on all correspondence and was able to help us flag up any issues of concern and have these addressed in the earliest possible date.

It would be true to say that a number of difficulties have been encountered on this project but adopting the principles of the Pledge we have identified these at the earliest possible date and have discuss these in detail with the design team and we also encouraged client involvement so that the client was fully aware of what was happening on the project.

Many technical difficulties arose on the project, the clients relied on our building expertise, and we met with the architects and engineers on many occasions to resolve the issues.

The project was significantly delayed and our advisers helped us to give the proper notices under the contract and to make sure that we were maintaining records of delay and disruption,

and we also took significant level of photographs of the work in progress as this could be relied on as evidence at a later date.

We successfully negotiated an acceptable extension of time for the appropriate loss and expense and also relied on accountants to assist us in the proper valuation of variations. There is no doubt that the client and their design team recognized that we were doing our absolute best to try to get issues resolved in the early stages, and without resulting in any confrontational tactics. Nonetheless, we did indicate to the client and the design team that we would follow the provisions in the contract for the giving of notices in order that all parties were fully aware of issues that are emerging in the project.

As we move towards completion of the project, we want to endorse the use of the Conflict Avoidance Process where early intervention was in the form of face-to-face meetings and discussions rather than both sides hiding behind a blizzard of email communications and we were constructively communicating as the works progressed.

There is no doubt in our minds that we have learned a great deal on this project from adopting the course of actions that I described above, and we will continue to operate our business based on early intervention, identifying issues and producing constructive solutions for debate and discussion.

I believe that in adopting the principles behind the **Conflict Avoidance Process**, that we are protecting your own business, giving the clients value for money and early intervention into issues allows us to get these resolved so that we can concentrate on getting a high quality project completed within the relevant timescales, and with the client recognizing they we are entitled to additional costs in circumstances where there has been a significant level of variations which have impacted on the duration of the project.

On Behalf of DBM Building Contractors Ltd



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