



IMPROVING FOR CONSTRUCTION CONTRACT MANAGEMENT OF GOVERNMENT CONSTRUCTION PROJECTS

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ABSTRACT

The Government contract management of construction projects often had trouble working. Sometimes it became the dispute to affect the Government and the private sector as partners between them. This study presented guidelines to improve construction project contract management of Government under the relevant laws and regulations by qualitative research. Demonstrate the issues that arise in the construction projects of the Government and the resulting construction contract management of Government project. It found that the guidelines should improve relevant regulations that make government agencies are the rights above the parties making the personnel mislead in the main intent of the law also should be given priority before the procurement process because of continuous direct step toward construction contracts management. Personnel must be qualified and professional experience, the appropriate understanding of the characteristics of the work and the nature of construction work, can fix conflicts caused by the truth and have behavior flexibility to work without making the core essence of construction changes. Although the Prime Minister's Office, will provide regulation measure some of the superior government contractors, the main difference with the equality of the parties, according to the civil and commercial.

Key words: Improving, Contract Management, Construction, Government, Construction Law.

Cite this Article: W. Kongsong and C. Pooworakulchai, Improving For Construction Contract Management of Government Construction Projects, International Journal of Civil Engineering and Technology, 9(7), 2018, pp. 253–260.

<http://iaeme.com/Home/issue/IJCIET?Volume=9&Issue=7>

1. INTRODUCTION

The construction industry has been an important in the Thailand. [1] One had made a study of trends in the domestic construction industry overview in Thailand discussed year 2015. Construction business group was sluggish due to a Government project bid was delayed. But it had accelerated infrastructure construction projects in recent years to achieve the goal 2016 GDP at 3.8% and household economic compensation and the slowdown export. To use the format Track Fart PPP in order to reduce procurement process [2] to analyze the Government's policies in Thailand to stimulus economic. Government had measures to accelerate the annual budget spending and highlight the infrastructure investment projects, construction in 3 departments such as Department of Highways, Department of Rural Roads and the Royal Irrigation Department to stimulate the economy.

To accelerate disbursements of public sector projects in stimulating economies was extremely important, but the factors that contributed to the success of the project were construction management to following construction contracts plan. If the management contract delayed, the construction projects would postpone. [3] To survey the delay in construction public projects of PPP types in Nigeria. Finding the most problems came from fraud consists of 5 main factors of uncertainty in the Government's policy, lack of unity in the formulation of policies, political stability, a lack of understanding on the principles of the PPP and the expense of the very high participation. For Thailand, there were studies about delays of construction projects in construction industry in Thailand that affected to economic development. [4] It was found that the problem was caused by a resource shortage, owner and consultant, contractors.

The construction was a process that many people were related, and allowed the construction of the project to achieving goals, it was necessary to have the project management process. The construction was often divided those involved in the project were as follows: The owner of the project, the contractor who designs, construction supervision, project management, project consulting, which was a feature on each position. If the group was considered as the owner of the project, and a group of contractors, including consultants and group work. By the nature of the construction project was working with a normal aberration. In work might be done under the rules it was the contract figure item and other details, according to the agreement. So obviously, when many parties worked together, but had different duties inevitably conflicts to work as normal. When conflict occurred, sometimes it was modest, but sometimes when there were severe, the construction project would not success. Actually all parties involved in the project had tried to find a way to prevent. According to [5] the discussed dispute in the construction "everyone associated with construction work, nobody wanted to have issues occurring because it would bring the dispute which made unpleasant working and did not happy with their job. But problems inevitably occurred that how much less or much severe just depended on the event which were the situation and condition of the shared workspace and how to fix the problem together."

Construction had party literature work, legal working and environment inevitably conflict were normal from the difference from the idea, the benefits of understanding and feeling, fault communication, dissatisfaction in other people's actions, concealment of certain facts and changing often occurred in construction work. When conflict Like-minded parties trying to call the relevant people to accept their comments caused disputes and led to the failure of the construction projects and further prosecution. [6] Showing the relationship between the conflicts until the increasing severity leading to disputes in construction projects directly affected the selection process in a dispute to solve the problem from 3 factors (3 conflicts) the Conflicts led to cause delays into 3 groups. the Claim and to solve the problem by the process of alternative dispute according to severity 3 level (Level 3) as shown in the illustration 4 was a conflict model in 3CCL construction [7] To presenting abuse of dispute arising from the claim

to extend the deadline and then completed by commented , " the message about the steps to terminate the contract disputes of standards contract employment jobs was ambiguity and unjust for the company," this case study of the agreement, which was a document that used the rules to do the construction work, including a case study of construction of the Government. [8] A study was finding a reason of disputes litigation and proposed solutions to improve the contract, requirements, including the regulation of government authorities to prevent and reduce disputes. This study showed that the Government's construction projects had many conflicts from elements of several sections. A major factor that caused the conflict, leading to a dispute from a Government construction contracts and arising from the terms and conditions of the contract of employment was not clear and lacked of significant terms which caused employers government agencies misled major errors in facts and based on the benefit of the parties themselves might interpret contracts.

[9] This research demonstrated the benefits of the Government Department from contract interpretation, which was caused by the different benefits. Between public sector and private sector focused on the interests of each party too much even be regardless of the actual project goals, chakras, causing a serious impact on the project. To attempt to fix the conflict by bringing contract arbitration to dispute but had not yet succeeded in solving the problem. [10]Refer to the preparation of the contract and the contract documentation was a critical step, which could be done from the start planned construction projects and further improved contract regulation, the relevant agreement, construction efficiency and fairness helped on how to proceed with a proper project management. [11] Because of the Government's construction projects with private contractors to perform the work required under the CMI, which had procurement fraud prevention objective and transparent, but with certain rights in the private sector differs from the civil and commercial code, the principle of equality to the CMI, procurement, certain requirements were unfair towards private sector partners before the year 2017, Thailand used the Prime Minister's Office regarding the parcel was primarily in the procurement processes of the Government. This regulation, which according to the attached contract partners for the Government as employer-employee, was the rights above the private sector as contractors. Operations might be carried out under the framework of regulations because problems, process management, project construction and Government contracts. [12] The analysis approach to reduce the impact on the management of the project construction contract section in of regulation under the Prime Minister's Office regarding the parcel value SI (Severity Index) found that an update might be started prior to procurement procedures and related personnel to develop the professional operators working to reduce the conflicts that occur in the project during the construction stage. [13] The research and construction contracts under the civil law of the country in Romania to propose improvements based on the law construction of Germany. Offering minimum legal standards for construction contracts in the European Union might have general requirements and only special conditions because of the specific nature of construction work to determine the confidence of legal, to have the facility to practice and perform the construction contract. Furthermore, there were ways to dispute the law more efficiently which was flexible enough so that it didn't violate the principle of contractual freedom.

A research wherein the civil and commercial code, the new text (2014) concerning construction work in the Czech Republic [14] analyzed of the new law that the customer was not entitled to deny possession of the construction because there was a bug that did not use the essence of the construction work and mentioned the warranty period at reduced from 5 years to 2 years, but the opportunity for the parties agreed warranty period together. It also determined the contractor free from obligation in birth defects if it could prove that the other user involved errors in the document and the working party that the customer defined of work from the customers. [15] Mentioned on the difficulties in considering proceedings with construction disputes in China. The judge might understand for investigating the facts with caring in order

to protect the rights to those properly and promoted the sustainable development of the rapidly growing a business property in completed due to disputes and facts for the construction contract, was complicated with the new conditions and problems relating to the enforcement of civil law and the law on contracts.

2. OBJECTIVE AND RESEARCH METHODOLOGY

To study the guidelines to improve construction project contract management of Government used qualitative research methods by gathering documents, textbooks, books, articles which related issues then defined the issues in-depth interviews to the relevant number of 6 people to analyze and synthesize to improve construction project contract management of Government. In the manner described, with descriptive analysis of the content of descriptive research by defining the properties of the interview follows.

1. Personnel in the private sector of 3 people who had ever been the Manager position or position project manager construction as a government partners had experience in construction contract management of Government, the private sector at least for 10 years.
2. The number of government personnel 3 people was divided (I.) Legal notice, who had experienced construction contract between the government and private sector not less than 10 years with expertise in legal matters concerning construction contracts attorney positions were corrected or were Attorney (II.) Construction control experienced in construction contract management between the public sector and private sector, with no less than 10 years, was Manager corrected for construction project manager position as agent for the Government side (III.) The parcel side, which had experience working in the construction contract between, parcels of government, the private sector, with not less than 10 years be corrected for position head of the parcel or parcels ever corrected black supervisor.

3. RESULTS AND DISCUSSION

Construction contract management of Government were shared between the Government representatives as an employer in the private sector as a contractor, the information from the interviews case management of Government construction contracts when the error occurred. Affect the goals of construction project quality, cost, duration, both employer and contractor, categorized as impact to employers as a matter of time because the government had a goal to provide services to the public and budget spending. Impact on the contractor was cost. The quality was still maintained, as required by the target. Errors in contract management of Government construction was from both internal factors include a figure item error, changing a figure item from two mistakes, it needs to fix the system, which according to the contract, government regulations often took a long time, but in the meantime, contractors might still work to complete and could not be picked up jobs cause the financial obligations of the contractor. As for external factors, was not expected before. There were risks that caused impacts to the contract management of construction projects of the Government, such as natural disasters, political change Economic conditions and the problem of labor shortage and etc.

3.1. Problems construction of the Government

1. The litigation in the construction project of the government issues, often caused by the vagueness of the supporting contract which caused misunderstanding between employers and the contractor that could not agree. The problem of interpretation within the scope of the material, additional work by the project's characteristics, the government usually offered urgent, so the conflict was occurred in the contract documentation.
2. Rules and regulations issues relating to the construction management and government contract agencies that caused conflicts in the management of construction contracts of

government agencies. Issues like rules. From the information that was directly related to the regulation of the Prime Minister regarding the parcel, because the objective was the guiding principle in common procurement and fraud prevention did not give the Government a loss which was specific to the particular principles of construction alone. Thus, it was not flexible enough in project management, construction, and thus, might be construed in accordance to the main business and the core of the international construction contracts.

3. Qualifications and duties issues of the Committee of employment regulation, Office of the Prime Minister regarding the parcel caused a gap in construction contract management of government agencies because they determined the broad flexibility for employment, the Committee, which was appointed by the position might not directly basic knowledge in construction work so rely on the expertise of experienced moderators. Unavailable in the process, the committee had been appointed it was more of a primary obligation to make the moments that didn't match result in the period being the takes made contractors bear the burden of capital to work. For the supervisor, in which some agencies lacked the appropriate personnel, the need required from another unit but might act in the important work, checked the include had the power to order a change and reported to the Audit Committee to hire every day, which, in fact, the people that received assistance from other agencies, it had less cause to care.

4. Contract documents and contract documentation for issues of construction projects was part the problem both from a scope that was not clear. A mistake from an ambiguous figure item, openness in the selection of material by specifying a device later, amendment to define price. These factors caused the interpretation sometimes led to controversy however, the above factors, the problem could be solved. In the action might comply with the rules and procedures to resolve the long-running. Resulting in the employer's operating costs more or might bear the cost of the changes additional applications without making the project construction cost and delays.

3.2. Analysis of issues affecting management of government project construction contract

3.2.1. Related regulations

The results were directly relevant to the regulation on the management of government construction contracts include: the mess, the Prime Minister's Office regarding the parcel, but some departments may have rules for the Agency, but was still the primary regulation, Office of the Prime Minister regarding the parcel, such as regulations, Bangkok regarding the parcels, etc. Comments about the Prime Minister's Office concerning regulation of parcels because of design intent of this regulation was to define how to practice. The State could not prevent fraud and loss of public ben-efits thus it was not directly in the construction project. To make standards of procurement construction didn't modern barrier to work. In addition, anything related to construction include a Cabinet circular from the Department and a circular from the Commissioner of the parcel. Most of which will often came out to solve the problem. Therefore, it was after working which caused delays and affected the cost of contractors.

There were also regulations relating to the project, the project might follow the Agency about the utilities, electric, plumbing, trees, etc. Some departments to coordinate requirements between departments but which usually delayed from the work of the relevant agencies. Although the cause of coordination between government agencies. It could be a note in the extended blackout, but fines for contractors still had to bear the costs incurred and the employer could not open to the public.

3.2.2. Contract and contract documentation

1. Employment contract for construction of the Government was mainly used as a sample scene in which Commissioner designated parcel were open to fill in details that vary in date and venue contracts. The names and addresses of the parties' Objective scope of collateral contracts, documentation, and compliance with the contract, wages and pay Paying in advance, to define the period of the warranty period, a defect of the standard penalty artisans, all of which contained 24 messages in the mess, the Prime Minister's Office had determined that used of the Government and not make any compromises or may not follow the contract sample, sent the new body, the Office of Attorney and addressing such issues in construction. The area of construction work could not be performed according to the contract of Commissioner Parcel had all needed to change the text of the contract and might send the Office of Attorney-General to consider, but the long-running project plans extend out to. Most would affect the project value exceeds 50 million baht. Such contracts forms, exploit, transfer risk, contractor, contractors, all such payment work. The defect warranty, fines, etc. In this section, as a result of the mess, the Prime Minister's Office regarding the parcel stating that "did not make official drawback." Make the preparation of government contracts were often further exploit private sector partners has become getting Shin, which looked different from the equality of the civil and commercial.

2. Documentation contract, conflict of contract documentation and some of the text from the employment contract. "In case of attachment, contract conflict, the contractors were required to follow the employer's diagnosis" , regardless of the priority of the Assembly contract documentation with representatives of employers did not understand the principles of texture cause problems, disputes, including some cases to assemble with other rules that were used to monitor the behavior of government officials to require protection of officials with making inconsistent with real work, as a result, the contractors affected.

3.2.3. Government personnel

Committee according to the regulation, the Prime Minister's Office regarding the parcel, which was assigned by the Government, employees, Government employees, or employees of a State University by an audit of the work of the contractor, the figure item every week, including requirements and had the power to order a strike, edit and change, at least the people who were in employment, the number of one Audit Committee might have the knowledge in the construction and the nature of the work style construction. There was a principle in examining task. It should not be used sensible in the decision, but the current reality, some agencies have no vocational qualifications in construction. Combined with the additional work load is causing a delay in the work.

The supervisor was a group of people who were especially important because the Prime Minister's Office in accordance with the regulation concerning the parcel might be in control, to take notes and check the details of construction. The Audit Committee reported to the employment information in deciding whether to continue in operation might have sufficient qualifications for each project in accordance with the Prime Minister's Office regarding the parcels required qualifications, according to the designer's suggestion. Normally, there might be not lower than the level of qualifications, professional certifications, which were broadly defined. The fact that, the construction project required a professional engineering branches and required a supervisor to the extent the engineers Act. It should have qualified engineers as act also, a work based on the scope and responsibilities of professional services, construction management and project management and construction supervision of the Engineering Institute of Thailand. The patronage to the project's goals and understand the working procedures reduced the conflicts that may arise in a project; therefore, the appointment of a supervisor of

the government should need to see appropriate. Construction characteristics, such guidelines owing to the Government's personnel might be limited. Solutions should be used how procurement supervisor or obtain assistance from a professional association such as the Council of engineers or Engineering Institute of Thailand under Royal patronage.

4. CONCLUSION

Construction management issues, partly from the process before construction projects occurred. For the government, most of the construction was the construction of categories with a figure item and documents first and using the methods in the procurement procedure before an employment, thereby contributing to the ongoing results to the stages in the management of the project construction contract, and affected the duration. Price for construction of the project was to plan basics technical orientation in construction. Passengers should have enough expertise to affect construction projects, including the disbursements budget. Procurement procedures used, the duration of the contest, the shortest price, which made the contractor was unable to verify the complete details thus it was the risk of obstacles to the administration of the Government project construction contract. Tender process, some-thing that was a problem, the contractors took action a lack of performance. By the Agency could not be limited because the regulations required the Prime Minister to open bidding competition. Some projects required high potential contractors which could work to achieve the goal because the project affects the public service provider opinions about construction period.

All Committee personnel and management was a key contributor to the construction project contract management of Government. It needs to be qualified with professional knowledge and experience that is appropriate according to the details of the construction project also requires acting Executive controls to meet the goal of the project. These personnel are those that have the appropriate quali-fication. An understanding of the characteristics of the work and the nature of the construction work, it can help reduce the impact of problem conflicts greatly.

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