



## Building Information Modeling (BIM) and Alternative Dispute Resolution (ADR) before, during and after construction

### Alternative dispute resolution methods could gain ground with BIM

Large construction projects have the potential for huge conflicts. A lot is at stake, and legal proceedings are lengthy and expensive, particularly in construction matters. Alternative dispute resolution methods, such as mediation, can be enormously helpful. Digitalization in the construction industry, particularly BIM, will favour and further ADR.

December 2016, Dr. Sabine Renken, M.A.

**BIM – or Building Information Modeling** – is the digital planning method of all architects participating in a construction project in a multi-dimensional planning software. The building model allows to make immediate consequences of changes during the planning process and their effects on schedules and costs visible to all parties.



All parties are granted access to virtual plans and control of processes as well as extensive databases and construction models. Automatic collision checks, quality checks, quantity determinations, and, depending on the structure of the model, possible performance descriptions, as well as visualization of change-induced cost effects and deadlines, are all possible. This correlates to a high degree of transparency in the planning process and makes cooperation necessary right from the start of the planning of a building – otherwise, BIM will not work. The BIM planning method requires intensive interaction between project partners during planning and execution. Siggie Wernik (Managing Director of DhochN Digital Engineering GmbH and a pioneer of the BIM planning method) emphasizes that this really is a culture change in the real estate and construction industry.

## Transparency and Cooperation

The focus of the partners on their own roles must be broadened to achieve a paradigm shift towards the overall construction process. Such a process can and will promote a

different, more cooperative kind of dispute resolution, especially when dealing with large construction projects.

If an integrated digital process of service delivery is paramount, then the areas of performance of the participants must orient themselves to the reasonable requirements of the overall process and to the possibilities that are available through the digital tools for the BIM planning method. The same applies when handling disputes: instead of representing or even striving for the individual positions that have hitherto been customary (according to the overhauled understanding of roles), conflict resolution will and must be able to move along with the transparency and cooperation that were created at the outset. The same applies to mediation, where, behind the positions of the parties, the real interests and needs of all stakeholders are taken into account, thereby leading to a mutual and sustainable solution. Just as decision-making can be facilitated through BIM, conflicts can also be resolved more quickly.

### Recommendation

Construction contracts regarding BIM projects should provide mechanisms that allow for a constructive approach to conflicts. Such mechanisms should help solve conflicts in a goal-oriented, quick and, above all, correct and professional manner, while keeping an eye on possible further cooperation.

Unlike litigation, alternative dispute resolution procedures are efficient, fast, interest-based, discreet and value-adding. Alternative dispute resolution mechanisms should therefore be integral part of each construction contracts.

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