

GeoBIM Middle East 2015  
Conference  
MANAGING THE LEGAL RISK IN  
DELIVERING SUSTAINABLE AND  
BIM PROJECTS

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- Sustainability
- BIM
- A drive to quality, efficiency and reduced waste

- Green regulations
- Estidama Ratings
- LEED Ratings

- No standard forms of contract
- Need to understand credit process
- Have clarity as to intended outcome

- Best lies with the designer
- Information collation with the contractor
- Design and construct contractor should bear the risk
- Always be careful of a non committed employer

- Manage variations that impact on rating
- Check warranties that are given
- Do not take risk for where there is no control

- Collaboration of consultants
- Formalized coordination
- New role - ESD manager

- Linking provision of information to payment
- Make design subcontractors to collaborate
- Back to back provisions



- Increasing adoption of BIM in UAE's construction industry
- The region's acceptance of BIM is behind the USA and UK, but is developing
- Again there is no standard form contract

- Procurement and tendering
- Intellectual property and ownership
- Insurance
- Newly defined roles
- Allocation of risk
- Warranties and Indemnities

- Having the right permissions to use - not in most standard contracts
- Copyright most design documents traditionally are paper-based
- Who owns the model? On sale of the project with the BIM (if suited for facility management)

- With BIM, many parties may have access to information which would otherwise be considered to be confidential
- Access to BIM is the first issue - who has access?
- Different areas of BIM may only be made available to the appropriate person

- Contractual requirements for parties to ensure their professional indemnity insurance covers failures due to BIM design
- Most professional indemnity policies do not commonly express specific exclusions in relation to the use of BIM
- Duty to disclose material facts - disclose that BIM is implemented on a project “material fact”
- Interface risk between various parties’ insurance (cross-liability, waiver of subrogation clauses)

- Defining the roles of those involved with BIM
- BIM manager - who is it?
- Novation of design team - BIM responsibility
- BIM execution plan as a contract document
- Version control - copy of inputs / federated or collaborative
- Impact on warranties and indemnities

- An error in BIM may cause knock-on effect - may be difficulties in allocating risk and pinpointing fault
- Issue likely to arise with risk for delay and costs arising from those errors
- Warranties and indemnities should be appropriately inserted to distinguish between the risks of those involved

- Discuss BIM early - do not 'bolt on'
- Ensure everyone is on board
- Ensure there is a BIM execution plan
- Have contracts back-to-back



Questions?

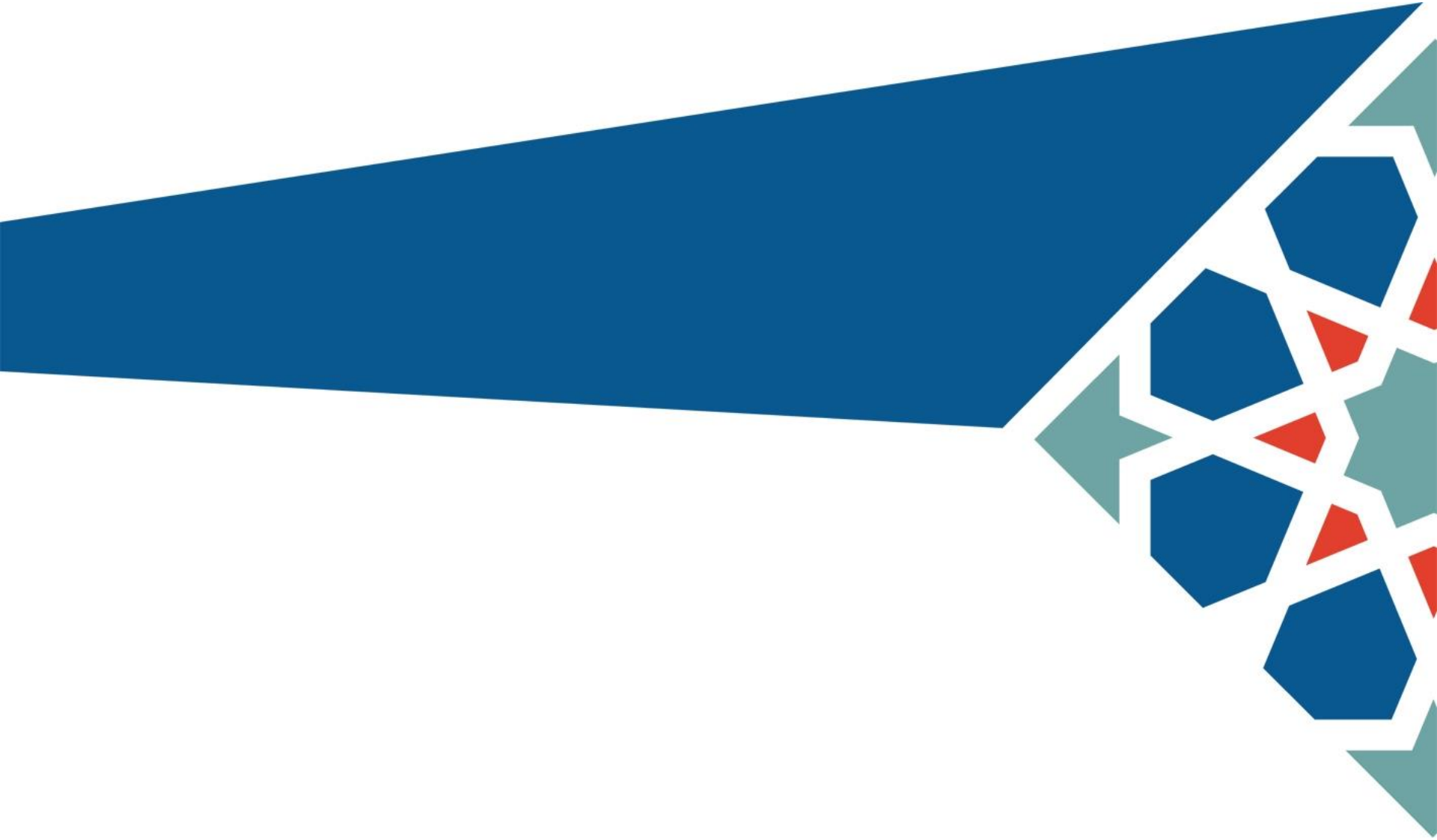
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