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# A construction nightmare or happy ever after

For most people, building a house is one of the most important decisions they are ever likely to make. Fired with enthusiasm to build their dream home, many underestimate how complex and fraught with difficulty the construction process can be. All too often, short-cuts at an early stage and failure to seek expert advice result in disappointment and additional costs. If you are embarking on a self-build project, the first step is to choose the right professionals to guide you. Selecting your team, discussing and agreeing and documenting how the work will proceed are key to avoiding common pitfalls, not to mention sleepless nights. Recording your arrangements in writing protects all parties and provides a good foundation for your relationship. Ideally the team to turn your dreams into a reality will comprise:

**Architect:** The architect you choose will be taking your ideas and turning them into solid plans for your future home. You are likely to spend a considerable amount of time at the outset with him/her discussing your ideas. It is important to get someone who you like, trust and who understands you as a client.

**Construction lawyer:** Although you may be encouraged to sign standard consultancy terms and building contract, a lawyer may be able to negotiate modifications to suit the particular circumstances of the build and ensure that the terms clearly identify the engineer's duties, the contractor's responsibilities,

payment terms, insurance, damages for delays, grounds for termination of the contract, milestone completion certificates in keeping with the agreed construction programme, and all-important provisions dealing with changes to the agreed terms or scope of works.

**Engineering consultant:** An engineer will ensure that the design plans are technically sound and advise on the appointment of other specialists if, for example, soil and site investigations are needed. He should be able to obtain, on your behalf, all the official consents, permits and approvals required for the build. Unless you opt to project manage your build yourself, the engineering consultant will be responsible for inspecting the works regularly, inspecting the contractor's work and ensuring that materials used are according to specification. He will place the contractor on notice in case of any breach of the contract terms.

**Contractor:** The engineering consultant and the construction lawyer will develop your tender documents and draft construction contract for engagement of the contractor. Typically, the consultant will identify and advise on the suitability of experienced and reputable contractors for your new build.

If problems arise during the course of construction or even after the house is complete, your lawyer can advise you on your rights and remedies, both under the contract and applicable Omani law. Under the Engineering Consultancy Offices Law, a contractor and supervising engineer may be liable for any defects arising out of poor construction for a period of ten years post completion. The contractor and the engineer may also be jointly liable under Oman's Civil Code for ten years for certain damage and defects. If you are dissatisfied with the services provided by either the contractor or consultant, you may also have a remedy under the Consumer Protection Law, although the scope of this new law is as yet untested. ■