LEGAL CHALLENGES OF CONSTRUCTION PROJECTS IN IRAN

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ABSTRACT
A large part of the budget is allocated to the management and strategy development projects whose economic, social, cultural and political consequences is very broad. To achieve the desired quality, therefore, each project must be specified in a certain time and cost; however, the current projects are concluded at several times more than the initial period. This leads to increased costs and decreased quality of the project. Delay construction projects is researched from different perspectives, for example the problems in the system the employer, problems consulting companies, financial difficulties and problems contracting companies. In this study, given the importance of contracting companies as a practical implementer of the Convention, we tried to examine the problems leading to increased contracting company for the project implementation. Global and local studies and experiences show that setting up a proper contract is one of the critical factors influencing the successful projects, where is about duties, powers and responsibilities of the parties as well as clearly definition of the project scope of work. Iranian state projects have to use of the contracts that have been developed by the government.

Keywords: municipal construction projects, legal challenges.

1. INTRODUCTION
One characteristic of economic development of any country is its development projects that are examined as a measure of the economic boom. Therefore, progress, prosperity and progress of a nation depend on the success of development projects and success in implementing development projects may require mechanisms and factors to cycle it over with minimum cost and maximum benefit in a well-regulated manner.

What is the most objective in assessing the success of development projects is their technical engineering while that may the other factors have a prominent role that are considering are invisible. For example, project management is perhaps one of the most important factors which success will be objective during the project. Each side of development projects may make the evaluation and grading these factors from one dimension. Anyway, although giving priority to some functions deemed important but what is important and extraordinary is consistency and harmonious of all the factors involved in project success. Engineering and design from a legal perspective is one of the factors the foundation of credit plan is based on. The framework of the projects needs to be a detailed engineering plan so that during its implementation, the contractor and the quitter sides do not compromise its articles and minimize the possible conflict between them. For the assignment and execution of civil engineering designer, legal framework, which has been designed by the highest authority of the country, is a document called the Treaty.

Projects are complex tasks. These projects inevitably has a unique set of drawings and technical specifications and are followed by the main contractor and the subcontractor, many of which have not previously worked together. Unique aspects of each project and forming a unique collection team is one of the usual disagreements that occur. Because each project is unique, not all their aspects can be expected to be predictable. Consequently, errors and contradictions arise in contract documents. It is even possible that interpretation of those mentioned in the contract documents was not the same by...
various parties involved in the process of building. Whatever the source of disagreement, however, conflict is common in the construction industry. Many professional workers in construction projects feel that the frequency difference in these projects have been increased along with the high costs associated with them.

2. CONTRACT BETWEEN THE EMPLOYER (THE MUNICIPALITY) AND CONTRACTOR
An agreement concluded between the contractor and the employer with a non-separable set of conditions and additional documents is called Treaty.

In other words, the contractor is committed to an agreement in return for certain things during the interval under the terms of the contract sums of money or its equivalent received from the employer. According to the above definition, anything that causes disturbances in the obligations stipulated in the contract may be subject to a claim by the contractor. In the other words, because the contractor has forecast a profit at a certain time, anything that will affect the profits in this interim period brings claim for contractors. On the other hand, given the time value of money, financial claims of contractor may be due to devaluations that he expected to be achieved during the contract period. This will be especially useful to point out the following statistics:

According to the budget plan, 90% of development projects experience cost – time increasing. % 60 of all unfinished projects needs more 15 to be completed. According to the World Bank study, 30 to 40 percent of projects in all countries are faced with rising costs.

The same statistics show that such increasing certainly brings some claims for contract because by the nature of the contract, the main objective of a contractor is profit, no loss and return on capital expenditure.

The point that provides outstanding sensitivity is that treaty is generally concluded between legal entity (employer (the municipality)) and a real character (contractor) and this legal argument adds complexity to the differences reviews.

The above facts and statistics therefore refers exactly to the important thing in the life of a project and then it is the financial claims of the contractor.

The emergence of prayer and differences can be imagined as follows:
The demands raised by each party to the other side (allegation) and the demands (claims) are a reflection of expectations based on the requirements of nature. If the other did not agree to the demands party the controversy forms in two factors:

A) Lack of agreement on the principle demands.
B) Accepting the demands by the other party,

The difference is that the amount of compensation demands are not agreed on this point.

In the event of misunderstandings and misconceptions generally, discussions takes place between the parties that can be in different forms such as letter writing, oral talks and so on. If there is a positive view on both sides during the demand talks, the spirit of unity and cooperation and participation will prevail; otherwise negative attitudes and practices, differences can lead to misunderstandings and if they continue to apply this view, differences lead to disputes and finally disputes lead to litigation.

Carefully on this topic, the imagine layer can make the appropriate divisions, in other words, the emergence of disputes takes place layer by layer and in each layer, the cost of the examination and its resolution is lower divisions and fewer people are involved in this matter. Whatever the deeper
differences and to reach the next main layers the people involved in this matter and their involvement increases that in addition to the time and cost more, it increases the complexity of problems. With a view to the creation of the problem, the need for proper management layer to fill the claims will be felt. In other views, according to the Treaty, the contractor undertakes to carry out the issue with data quality during the time period specified

Based on a certain price. Therefore, it can be inferred if any of the main factors in Treaty be the subject of controversy, it can lead to contractor's claim. In other words, changes in time, change in Terms of Subject of the contract and change in the price agreed in the Treaty all of these claims would be claim's propellant.

The important thing in this case is that the claim may be correct or incorrect, provoked or unprovoked. The main cause of the current claims can be summarized in two factors. These two factors are interdependent and also have an important impact. These factors include: changes, delays. These two factors will lead to the end of time and cost and an increase in financial expenses due to the claim.

1. The importance of the timing of construction projects

Due to the nature of the implementation of the Convention in which time factor has a significant influences; usually the completion of the project is an important aspect of the project contract. Generally, Client specific need to project and it is possible to arrange special agreements to use the facilities would be completed on a certain date.

The important thing is that the contractor may have not financial claims on time but it is important for extend time for the contractor. Because, financially it is in his favor, as it prevents of the need to speed up the work or they may need to refer to elimination of any liability (damages for failure to perform timely commitment). Even if it seems that the project could be completed in time foreseen, it is wise to seek legal means extended time. These renewals, even if not necessary, provide a valuable opportunity contractor can use them in the event of any next unjustified delays.

2. The delay in the project

In all contracts subjected to carry out the work within the specified period, the delay in work certainly creates damage to other parties. From this perspective, playing time of commitment is of great importance in this type of contract.

Treaty is of such contracts that implementation of its subject in a certain time is of great importance, however the part of the difference is due to delays at least in part to the employer's fault. If the forecast is not paying for the delay in contract, the contractor may receive compensation for delays are attributable to the employer. Estimating the amount of monetary compensation that can be taken from delays attributable to the employer is difficult, because contractors may does not accept additional costs resulting from the delay. These costs may be working on items unchanged or items that are not directly related to the communication delay. These costs are the result of wave phenomena which refers to the principle that cost impact or a change or delay is not limited to that, but affect different parts of a project.

For example, if the essential activity in a project faces with such a delay that the duration of the project is two months longer, the employer may readily accept the extension of two months of the project. However, how much is the financial compensation in proportion this extension? The contractor will be reminded that the Supervisor Salaries and other overhead costs structure will continue two months later; if the extension is long enough that the project will take the winter or rainy season, the project performance degradation can be substantial. This situation can cause applicant added that some workers work for timely completion of the project. If more workers are hired, due to the lack of familiarity with the structure of the new workers, and also due to working density, it can be traced compromising performance. If workers agree to end or to reach a new wage period, the
contractor must pay more than what was initially anticipated to pay. Working sequences can also be changed. Machines may remain idle during this delay period which in turn leads to increased contractor costs. Material prices may rise during this time period delay. The crash caused long delays and replacing them is necessary. After delays in periodic payments or delay in the release of guarantee funds, the contractor may be forced to seek new financing sources. Many of these costs for the contractor are to document the problem. The Best Performance Management is to help body to receive or pay compensation for wave taking phenomena is to maintain accurate records for the detailed and itemizing them.

4. DELAYS IN CONSTRUCTION PROJECTS

In order to achieve the objectives of the project, the project manager in each organization is responsible for identifying and controlling project risks appropriately. This is particularly important in the delayed recognition. All the delays and their causes during the life of the project can be divided into three groups:

1. Delays resulting from the contractor or the contractor brokers
2. Delays resulting from the actions of the employer or the employer brokers
3. Delays resulting from military action or out-of-control parties to the Treaty Cairo

1. Changes in construction projects

Complexity, uniqueness and specialization of activities and the different people involved in the project are characterized by development projects. The specific characteristics of non-realization of the ideal objectives, all together, lead to changes. It should be noted that any changes would needs extra work but, carefully, we have to make different between additional work and overtime. Additional work is something totally independent and out of contract and basically, they are required to meet the targets enshrined in the original. However, overtime, something is required to meet the targets stipulated in the contract, and without realizing it, the work called for in the original contract cannot be completed.

2. Claims and disputes and construction project management

Considering the negative claims and disputes and negative actions in dealing with them like lack of interest can be harmful for the project. Therefore, dealing with differences needs elegance and have scientific and experimental aspects of the art at the same time. By definition, the management means making decisions and choosing from among the options, the management is both science and art, we will deal with certain management disputes. Disputes and Claims Management have a pre-emptive role in the field of very wide. Strategies developed and implemented by the project in this regard, with regard to the establishment of generally pyramidal in project, management will have a pervasive influence on the life of the project.

Claims and disputes management can be analyzed from different perspectives. In terms of the personality, the characteristics of authoritarian and anti-authoritarian spirit of cooperation and

The entire body of each system questioned will be effective. Then, individual personality of the manager is of particular importance. Technical knowledge and expertise has undeniable role in management. If forecast and prevention remain out of your keen eyes, the entire structure of the project may conflict with pesticide illness. In summary, due to the extended part of the spirit the director of each party to the other components of the organization, lack of spirit of cooperation seeking will intensify the conflict and the performance.

3. The major claims of contractor companies

After examining the causes of all claims and emphasizing the role of project management in this regard, it is necessary to have an overview of the topics in the form of claims by the contractor at the
beginning, during and at the end of the proposed treaty. Based on questionnaires and interviews with various elements of the project, the population of this issue become well known. Informing the Project Managers due to the extended property management's body of opinion will impact performance on prevention as well as dealing with claims and disputes. Also reflecting the cases referred in this regard will clear agents of change and delay.

Obviously, depending on the type of contract, public or private the project, great or small the project, usage of the projects – industrial, residential, commercial, etc. ... – can be impressive during the following factors:

1. Existing oppositions on the ground delivered to the contractor, for example, the natural or legal person claim to all or part of the project place or seize the location; in this case, the contractor shall apply for losses.
2. Lack of development credits for physical development in accordance with the approved schedule. When the contractor claims on non-monetary allocation for the continuation of the project could be worth to review and acceptance that he provides an approved but not unpaid statement. The accuracy of the operation and enforcement of creditor is confirmed by documents in accountability of the unpaid Client Devices. In this way, demands for increasing the contract time and long-term losses would be included in the contract.
3. Inaccurate or incomplete preliminary estimates and as a result, the physical work mismatch with contract items.
4. Executive wrong map, if the contractor has reached them during review and report narrated by him and request to meet defect. It is when the above cases are not corrected and doing plan in any way provide any form of malfunction or damage.

4. Raise the limits on contract development projects

This increase, so that the basic amount of the Treaty exceed 25%, can do denial of continued operation with the previous price that in any way would be to the detriment of projects except in special cases the parties have agreed to start the nobility of the subject.

1. Lack of timely communication workshop agenda in order to solve technical problems or calling out from time to correspondence and written questions contractor.
2. Adverse weather conditions; these conditions can be put out to increase the time limit.
3. Natural damaging agents such as an earthquake
4. Apparently not, and lack of full understanding contractor; in conjunction with the technical details, the executive and materials required in the project.
5. There are shortcomings in terms of the provisions of the Treaty and the private.
6. Lack of foresight bureaucracy in the way of project including getting the necessary permits to deliver workshops to contractor and obtaining the necessary permits from various organizations including water - electricity - sewage - gas - road....
7. The lack of a detailed study of existing obstacles in the way of project and lack of it in terms of estimating work. For example, the contract is not specified the availability of water, electricity and access road to the site is the responsibility of the employer or contractor.
8. It does not specify the exact type, gender and color of materials.
9. Client delay in signing and notification of contract, and timely delivery of the location to the contractor. Not-visiting the contractor of the project before the contract and reviewing the possibilities and potential obstacles and not seeing the obstacles on the volumes and estimated amounts, lack of meetings and agendas and recording the events in the workshop – this led to many claims in the work.

The absence of timely project supervisor on the shop floor and providing the necessary agenda causes unregulated performance and degradation after the implemented. Failure or delay the issuance of money orders or direct delivery of material obligations of the employer and governmental exclusive materials.
Request the contractor to use the same materials listed in list price and their subsequent claim of overpayment for items out of contract or pricing list.

Claims due to lack of provisions on map and lack of coordination between structures - architecture - installations

10. Operational performance, outside the contract between, overtime and agendas in excess of the contract

Accidents resulting from non-compliance with safety and closure of the workshop and claiming for prolongation schedule.

Change the overall map on the job such as upgrading the level and height of the project.

The use of materials and instruments from materials and tools stipulated in the contract.

At critical junctures of the employer's failure to provide the right solution.

Failure to provide timely notification and corrective plans.

Any changes in the map even with the implementation of change is equivalent to the original.

Non-routine changes to the state administrative system by overcoming the natural conditions of environmental factors.

Natural destruction caused by natural factors after performing the initial operation and approved monitoring and rebuilding the intermediaries.

Contractor financial losses due to fire, theft and similar events

If the workshop is to keep these issues on an organization other than the contractor is responsible.

Overtime done on visits monitoring organization

Failure to provide timely project financing obligations of the employer, due to contract, such loans

Lack of coordination in the pre-sale and liabilities related to the same project, which are the obligations of the employer.

Claim the right to increase sizes due to changes in practice.

The overall change in the system of contracts during execution such as change of subcontracted partnership agreement or similar management agreement

Contractors' new claim about the percentage of physical progress of the work

Claim for overtime performed, semi-finished work and work redone.

There are acute problems of inherent executive at the beginning of sighting like land – flooded – slip and ... and lack of foresight on the map.

Stop the project for various reasons: financial difficulties of the project, stop by the office and foreign legal entities and contract...

Problems of cross – workshop project such as legal problems with neighbors and owners

Claims about the values and interests of the enterprises
Applying coefficients such difficulty, height and ... in addition to the coefficients applied to the statement by the employer.

Introducing items unrelated to pricing list with sophistry and using non-verbal items if needed

Larger index instead of the main indicators in the statements if you order two or more of the items in different interpretations

Relations and conflicts behind the scenes with the contractor monitoring organization

Claims after termination of the contract including idle time of machines; launch activities, costs of researching the project and participate in the tender; overhead costs attributable to the termination of the project; accounting and legal expenses related to the preparation of claims; the cost of contractors that payment has not been made about them; the actual cost of the labor force remains unemployed if you stop working before the date of termination; and any costs or other damages the contractor thinks they should be made for the repayment of compensation; issues such as strikes and riots and the suspension of the contract or project.

In the above points, there is one important thing that should be considered by managers:

Any consecutive writing about problem and asking them to answer repeatedly, all can be useful alerts for an Engineering Manager to detect the willing of contracting parties to the claim.

5. THE CONTRACTING OF PROJECTS IN DIFFERENT COMPANIES

Studies show that around 40 per cent of the activities of 500 prestigious companies, such as Motorola, Oracle, Microsoft and others like them, are entrust to the contractor. If the companies use an appropriate pattern of escrowing projects to contractors, then 50 to 70 percent of the costs are reduced (www.outsourcing.com)

The contracting projects in main process of industries and new services, increase the speed of process, decrease the costs and serve to multiply the effect. The majority of innovations, innovative contractors come in contact with customers. In many industries, share proper attention to those who are mediating role in the project contract is of particular importance. This is beneficial relations, both in the construction process and the process of improvement.

Benefiting from external sources in project development is of the priorities of the country that is increasingly visible. In the early days of projects and programs in metropolitan when large municipalities were unable to meet the needs of its community outreach, no one could model. For the welfare of civil society, municipalities have taken advantage of external sources.

IBM in the early 1980s when decided to leave the production operating system and processor chips to external contractors was in the best condition and held 70% market share. The section would provide 95% of the company's profitability and was dominant on the market. In the meantime, Intel and Microsoft raided to IBM raided (Christensen Clayton M., 2001).

Company strategy fits well with time. At the time, many companies have abandoned their sub-processes and all activities, except its core activities, to contractors and external contractors that they did more with less cost and expertise and at that time, many analysts consider this action as IBM's turning point.

6. MODELS FOR CONTRACTING PROJECTS

In the literature review, there was a general agreement on the importance of the decision on contracting projects and enjoying it. A particular issue that is common in all studies would be reviews of warnings about problems and the project contractor and a decision on it. For example, researchers like Hilmar and Queen taken into consideration issues such as cost, contracting project activities,
supplier relationship, and decide on contracting projects. Venchatsin has investigated an approach that has been adopted in America manufacturing company and then, Velsch and Nayak took Venchatsin's activity a step closer and provide a model to help companies in assessing the deciding contracting projects (Ronan. T., 2000).

6.1. SOP model in contracting projects

This model consists of four phases which are performed in parallel and in a row. The model is given below and its phase is marked separately.

Phase 1: Identification and Assessment

This phase shows the organization's efforts to use contracting projects in cases where necessary should be done outside the organization. In this phase, contractors are identified based on the potential of the work ordered. Logistics, customer focus, quality matters, financial information, cited equipment, will lead factors affecting sorting contractors. After this point, all the candidates come in a list and are checked surreptitiously.

Phase 2: Review and Acceptance

This phase also involves the contractor and business. In this level and after some specific reviewing, 4 basic criteria are checked for contractors: technical capabilities, quality programs and certificates, budget, cost structure. Contractors who have successfully completed this phase are imported in other confidential list.

Phase 3: Implementation of the project

All trade and engineering issues and all transition matters to contractors occur in this phase. Suggestions and inquiries, deliverable projects, business conditions, special agreements, risks and obstacles contractors, project monitoring and all meets, accomplished in this phase.

Phase 4: Performance Management

This phase includes all activities related to confidence, and project contracting relationships.

In this phase, performance evaluation phases will be studied and identify opportunities and the results and findings will be formed and registered which covers the quality documents, quality of execution, collaboration, innovation and improvement opportunities (Momme Jesper 2002).

6.2. Queen – Hilmer Contracting Projects Model

In this model, many parameters which are considered both advantage and disadvantage, are linked together and two dimensions are defined for classifying different activities with that a company associated, one is the strategic vulnerability and the other is potential of competitive advantage. Activities that needs to communicate with contractors are classified in three groups which include domestic production, the risk of secret agreements, the need to control and purchase specific products. In this model, a high degree of vulnerability and potential competitive activity must be done within the organization. Activities that are average strategic vulnerabilities and moderate competitive advantage demand strategies such as short-term contracts, municipal contracts with consulting and joint development with the contractor demand. Finally, short-term contracts with the contractor are considered for activities with low potential vulnerabilities and less competitive. This model is characterized by only three possibilities of the available space has been filled (Barragan S, 2003).

6.3. Contracting Projects 18 C model
It provides a sustainable management through a comprehensive analysis in process of contracting projects. In this model, 18 success factors are defined to ensure the municipality contract projects that are divided into three categories related to the employer (the municipality), the provider, and their interactions. Each of these factors is important in certain stages. Service provider must be evaluated before contracting projects and then interactions are studied and implemented. Then, factors should be implemented after contracting projects from the employer (the municipality) and suppliers and also interactions between them to ensure successful project contracting, as mentioned in the figure. Each of the above factors has some criteria (Ishizaka Alessio 2012)

1. Criteria

Obligations of the employer (municipal): when the process of contracting projects get was fully operational, the employer (the municipality) began to receive monthly news from performance and changes. They also several times a year meet the services groups personally with managers. Obligations of the employer (the municipality) is one of the most important factors for the project contractor. Client Support (municipalities) will provide the motivation. Without the guidance of the employer (the municipality) the contractors does not differentiate for the project. Anti-creative trends increases.

- Clear goals and objectives: Employer organizations (municipalities) shall organize their intentions quite clear. Employers (municipalities) should clarify their needs and do not leave them unknown.
- Trust: trust in the expertise, knowledge and capabilities in contractors makes the company employers (municipalities) to provision of the value of their projects and increase the performance. However, the creation of this trust is hard work while destroying it is very simple.
- Comparative measures: Teamwork and friendly team atmosphere is one of the important factors to continuing the project contractor. Combining contractors with employees, the client companies (municipality) have to create a friendly atmosphere. Cooperation between the staff of the employer (the municipality) and service providers will have higher returns.
- Ability to lead and control: Management contracting projects should be systematically planned; this requires a coherent and internal structure. Overview of the model is shown in Figure 3.

2. Services Standards

- Company size: Using a contractor who will benefit the interests of a major project, it is therefore important to choose the right contractor.
- Stability: Stability contractor is important in contracting projects and helping ensure the employer (the municipality) is essential.
- Defined rules: Duties, responsibilities and rules for contracting projects in the contractor should be done at the best to employers (municipalities) and contractors save confusion and legal challenges.
- Continuous improvement: Continuous progress makes client expectations (municipalities) to be met in the best way and better than before. To achieve continuous improvement contractors must train their personnel.
- Continuous planning: Unforeseen challenges in a design project contracting may occur. Most cases are the result of overcoming these challenges with planning and not technology; if your plan well not placed may undermine organization.
- The employer (municipal) orientation: Provider shall endeavor to gain client satisfaction (municipality) in the project contract. If steady progress is achieved, they can achieve a more healthy and consequently relationship.
- Knowledge and understanding of employers (municipalities): For the employer (municipal) orientation to be performed excellently, providing services to the needs of employers (municipalities) have to be fully understood. This requires knowledge of the employer (the municipality) as well as his values and beliefs.
- Competition: efficiency of suppliers and their performance should be evaluated on a competitive basis. Therefore, the best option is selected.

3. Factors related to the interactions

- Communication: Relations have to be done well to ensure the success of the project contract. This requires communication with people at appropriate levels. If the communication were best placed then sudden lack of control leads to jeopardizing the health of contracting projects.
- Communication with higher authorities: Employer contributions (municipality) are seen as a critical factor in contracting projects. However, this applies not only to the employer (the municipality), but also to support employers (municipalities) of the service provider concerned.
- Flexibility Contracts: In the long term, agreement for contracting projects may be reduced if you have not considered the flexibility and growth potential.
- The amount and volume of the contract: what is important in discussing contracts is the amount and size of the conventions. A great deal can be promoted. However, it is important that the dimensions are correct.
- Cultural adaptation: Cultural adaptation must be true. Nevertheless, that does not mean it should be similar but also it should be according to their values (Ishizaka Alessio 2012)

7. EVALUATION OF PLANNING AND POLICY DEVELOPMENT OF PROJECTS IN IRAN
Planning and policy development projects in Iran is conducted by different organizations that each in some way are to remedy the problems and issues of the industry. As a result, certain organs cannot be identified as administrator of the project's contractor (Rofougar Astaneh. H; Dehkhodayi. R, 2010). The current situation in Iran's planning are considered in four parts of demand, capital, labor and technology.

1. Request: A series of measures to improve demand for development projects carried out by government. However, the current situation is not regulated for Iran's policy projects.

2. Manpower: It plays an important role in every staffing industry. In recent decades, human resources have been known as a strategic resource. The importance of this source will be multiplied in large construction projects and the weighting factors, to its rightful place. But what actually exists is the focus and attention to this important factor in supporting the country's manpower. Due to poor management of human resources, many experts in the field are heading to companies that are willing to pay adequate wages (Rofougar Astaneh. H; Dehkhodayi. R, 2010).

3. Environmental factors

One of the significant issues in the current era is Talk of sanctions is Iran in various spheres that causes problems in international relations. Therefore, it is very effective to examine the problems and challenges in a specific area of internal and external factors (Rofougar Astaneh. H; Dehkhodayi. R, 2010).

4. The crude contracts

Most contracts for construction projects are in the public and semi-public organizations. Contracts for construction projects are very crude. The enforcement agents of such projects, despite awareness of its weakness, are often forced to accept it due to economic reasons. Insufficient experience of the project team is perhaps one of the most important factors to the success of the project named. Unfortunately, in our country the shortage of skilled workers is one of the major challenges. In our country, we mainly can introduce the lack of availability and access to technology and the fact that labor and old technology are linked to inadequate training programs linked, as one of the weaknesses of the contractor team.

5. Terms and conditions

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A very important and large areas that play a role in furthering the objectives of this industry is the scope of laws and regulations. In examining this area, there are two separate discussion that are more important than others. One issue is the lack of the necessary and sufficient attention by the legislature, another issue is the lack of a sense of responsibility and executives and also dedicate themselves to native environments.

6. Lack of a single standard

One of the weaknesses of the contracting company is that they do not meet necessary standards. Unfortunately, in our country, contractors were generally unaware of the global standard indicators and more without the state and industry standards. In Iran, these companies are often in the category of small companies, which have a few technical force and then, run the projects for the public to participate in tenders. This is often done without a needs assessment on the market, the product does not meet necessary standards.

7. Policy and macroeconomic management

Doubtless, STATE-makers in each country have an effective role in the process of designing and promoting policies, strategies and plans. Over the years, the arrival of these laws to the country's macro management area of the country is out of favor. Change policies and lack of sustainability in this category is the most important thing. Poor project management in government projects, lack of modern patterns and specific projects, lack of support from the private sector affect the contracting companies in the country.

8. The problem of international tenders

- Impossibility of issuing different warranty for easy exchange, such as tender, pre-paid and good performance for contractors are problems with contracting companies to participate in tenders and the company.
- Cheep Projects and lack of consideration factors such as health human resources and the environment; cheap tenders in Iran, although have high costs and fail to comply with human rights, bring problems and reluctance to provider contractors. Perhaps, it is because the terms of the importance of human resources and the environment are not yet known, and individuals have influenced it. If we want to rule this perspective to industry, we have to take steps in a strategic manner.

8. CONCLUSION

More differences in construction projects are started from small items. They, at this stage and before entering the upper layers of different parties in conflict, can be well solved. If the two sides will discuss the issue with flexibility and listen carefully as each other's comments, they will have an opportunity to fix the problem satisfactorily. Both sides should also consider a common purpose and this fact that they are all members of a "team". It is important that as soon as the need to "disappear", or transferred to the opposite side. This situation is related to time when the sides of the issue have not yet strong positions and more likely, try it in terms of "competences” resolve itself. One side, it is even possible, to notice that the other one is right and accept him. Parties may know that they have any legitimacy resulting in reaching a mutually beneficial agreement. Meetings with different degrees of importance will help each side on the possibility of clarifying the ambiguity and write accurate pulse professional.

9. SUGGESTED STRATEGIES TO IMPROVE DEVELOPMENT PROJECTS

1. There are ways to resolve the current crisis in this area that most of them focus more on the areas of human resources, activists empowerment specialist, review environmental rules, structural and financial support and determine and clarify various administrative tasks in
support contractors devices, inflation in the country, develop and oversee the construction project, to name a few.

2. Complex construction projects, are unmatched and unique. The fact of the building is not ideal. Contradictions and problems inevitably arise during construction projects. Failure to comply professional attitude factors involved in the project, increase the potential for claims and the occurrence of differences in construction projects.

3. The origin of the dispute over construction projects and changes are possible delays in projects and the design of control systems should be the strategic objectives of macro - and micro-level projects.

4. Each action performed by any of the parties in the implementation of the project has legal effects. The engineers and project managers are not generally lawyer and so cannot play the role of lawyers; but due to their involvement with development projects, they have a comprehensive understanding of the practical and legal principles underlying the relations development projects and also with attempting to use it to efficiently provide timely and effective legal counsel.

5. By definition, management is art and science of decisions and selection among options in order to facilitate the achievement of the objectives of the project. If the project manager dominates the causes of superstructure and infrastructure, will have wider operating range and more effective decision-making and countermeasures in strategic projects.

6. Switching culture project from loser - winner to winner – winner plays an integral role in reducing differences and management of the infrastructure and extend visibility is effective due to the generally pyramid.

7. During the claims and claim settlement, despite differences, it is in favor of the contracting parties to continue and complete other parts of the project, even without reconciliation and should not allow to the other relevant factors to impede progress.

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