BIM implementation in the UAE on the rise

Following a mandate by the Dubai Municipality in 2013, BIM is increasingly being used on large scale projects in the UAE. However, unlike in other jurisdictions, such as the UK, few standards have been developed for the use of BIM in the UAE. In addition, the BIM approach is often not reflected in the contracts. This means that the obligations and responsibilities in respect of BIM may be unclear, so it is important that the applicable standards and the contractual position on any BIM project are considered carefully.

In 2013 the Dubai Municipality issued circular (196), which mandated the use of BIM (Building Information Modelling) for architectural and MEP work on certain projects. This was subsequently widened by circular (207) in 2015 to include architectural and mechanical works for:

+ buildings that are above 20 floors;
+ buildings, facilities and compounds with areas larger than 200 thousand square foot;
+ buildings and special facilities like hospitals and universities;
+ governmental projects; and
+ projects by foreign offices.

The use of BIM in the UAE has been on the rise even before this mandate. For example, BIM has been used in a number of high profile projects, including the Opera House at Downtown Dubai, the Midfield Terminal Complex Development at Abu Dhabi Airport and the Louvre Museum in Abu Dhabi. In addition, the Dubai Road and Transports Authority recently became the first government entity in the world to be awarded a BIM certification by the British Standards Institution.

BIM involves the production of a digital representation of the complete physical and functional characteristics of a built asset - containing information on construction, logistics, design, budgets, operations, maintenance and schedules. This depth of information contained within a BIM model and the increased exchange of information associated with BIM allows a much richer
analysis than traditional processes and has the potential to integrate data across several disciplines throughout the project’s lifecycle.

The construction sector in the UAE has been rapidly expanding following Dubai being selected to host Expo 2020. Despite this remarkable rate of development, the UAE construction industry has encountered some “growing pains” including, in particular, delay and costs overruns on a number of projects. This is exacerbated by the fact that projects in the UAE generally involve high levels of risk and unique technical and engineering hurdles. The construction industry in the UAE is also highly fragmented and competitive. The focus of the construction industry has therefore diverted towards eliminating waste and inefficiency to improve quality and profitability.

The construction industry has embraced the use of BIM and the efficiencies it offers. For example, in the USA, BIM adoption increased by 54% between 2007 and 2012, and in the UK BIM adoption between 2010 and 2012 increased from 13% to 39%. A survey conducted in Herriot-Watt University in 2015 of over 500 AEC professionals working on UAE construction projects, revealed that 87% had used BIM in their organisations and 62% had used BIM for more than one project. 52% believed that BIM is going to be used commonly in the UAE in less than 5 years.

This progress has not, however, been accompanied with a standardization of the BIM process across the UAE construction industry. We understand that projects in the UAE often use a combination of UK and US standards, which do not necessarily work together and may not always be appropriate given the unique nature of the UAE construction market. In addition, the use of BIM is rarely reflected contractually and rarely aligned with the approach being taken by the Project Team. As a result there is uncertainty in relation to a number of key issues, such as the Employer’s right to use or access BIM information, ownership of that information and the obligations and liability of the project team.

The importance of clearly setting out the contractual approach to BIM was underlined by a recent case in the UK. In Trant Engineering v Mott MacDonald (2017), a sub-consultant prevented a contractor from accessing its BIM information by revoking the contractor’s passwords to a project extranet. This highlights the importance of agreeing at the outset of any BIM project how information will be shared and accessed, and who has control of that information. This should then be reflected in the project teams’ contracts, perhaps in a BIM protocol.

Beale & Company has significant experience of advising on the legal implications of BIM and reflecting this contractually (including drafting the CIC Protocol - the standard document used to reflect BIM contractually) in the UK and in the UAE.

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