



Research paper

Expert assessment of factors influencing claims in construction projects

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Abstract: The objective of this article is to assess the key factors contributing to the emergence of claims in the implementation of construction projects in Poland. The study, which involved the identification and prioritization of the significance of these factors, was conducted using a mixed-method survey addressed to two stakeholder groups in the investment process: clients and contractors (a total of 242 responses were obtained). The findings indicate that the most frequent sources of claims include changes in the scope of works, design errors, and imprecise contractual provisions. The analysis revealed that construction claims most commonly pertain simultaneously to both project costs and delivery time. The results of the study contribute to a deeper understanding of the sources of contractual disputes in construction project implementation. They provide valuable insights that may support the improvement of communication between project stakeholders and serve as a foundation for developing strategies aimed at risk mitigation.

Keywords: claim-generating factors, construction claims, construction projects, credibility of the survey results

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1. Introduction

The increasing complexity of contemporary construction projects and the growing intricacy of their implementation have led to a rise in execution- related risks. These risks encompass a variety of factors which, in addition to those mentioned above, include shortened project timelines, uneven project cash flow, disruptions in financing, the need to apply highly specialized technologies, and intense competition in the construction market [1,2]. Faced with the adverse effects of these risks, contractors submit claims to project clients in relation to the execution of the works. In response, clients often adopt similar defensive strategies, which gives rise to numerous tensions and conflicts in their mutual relations. The consequences of such interactions are not limited to cooperation difficulties but also include a negative impact on the course and efficiency of project implementation [3]. In such contexts, concepts such as the identification of claim-related causes and claim management strategies become particularly significant. The central dimensions around which the issue of claims in construction investment projects is structured are time and cost.

The literature offers numerous definitions of claims as integral elements of the construction process. According to [4], a claim is defined as a demand for compensation for damage incurred by either party to a contract. One of the most comprehensive definitions of a claim has been proposed in [5,6], where a claim is understood as:

- a demand for specific action to be taken in relation to the claiming party,
- an entitlement calculated by the claimant and presented to the counterparty as a request for payment,
- an action related to changes affecting the execution of the contract,
- compensation for damage incurred – according to the claimant's assessment.

Claims may concern either the extension or reduction of the project completion time (claims for time reduction may be submitted by the client, for example, in cases where the scope of works is reduced or the construction technology is changed to one that is less labor- and time-intensive). Claims also frequently involve requests for additional payment or reimbursement of incurred costs. It is not uncommon for claims related to time and cost to occur simultaneously. Either party to the contract – both the client and the contractor – may assert claims against the other.

It is essential for the contracting parties to undertake appropriate actions aimed at preventing or minimizing the adverse effects of claims on the project delivery process. Improper claim management, or a lack thereof, inevitably leads to the transformation of a claim into a dispute. Figure 1 illustrates four distinct levels of claim escalation, reflecting the gradual progression from internal negotiations to formal dispute resolution procedures.

In the context of claim escalation levels, concepts such as the identification of claim-related causes and strategies for claim management become particularly significant. The main areas around which the issue of claims in construction project implementation is concentrated are time and cost.

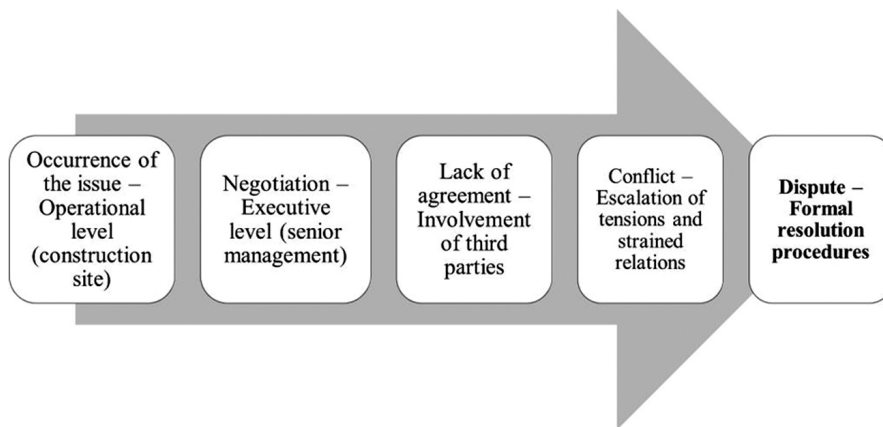


Fig. 1. Levels of claim escalation in construction projects [6]

The occurrence of construction claims has necessitated the development of strategies for their management. In publication [7], the authors present two conceptual approaches to claim management. The first defines claim management as a tool for enforcing or defending against additional demands. The second views claim management as the sum of all measures applied to systematically pursue justified claims and receivables, as well as to reject unjustified demands.

Both definitions revolve around the following aspects:

- a demand for reimbursement by the contractor for additional expenditures incurred to properly execute the contract, which were not originally included in the cost estimate,
- the defense against claims that lack appropriate justification,
- the avoidance of reductions in the initially projected project profit.

In Polish subject literature, numerous analyses have been conducted to date on risk factors in construction, focusing, among others, on issues related to additional works [8], geodetic tasks [9], and delays in the implementation of construction projects [10]. However, the issue of the causes of claim emergence remains relatively underexplored. One of the few studies addressing this topic is publication [6], which focuses on the effective management of claims in construction. The authors identified the main sources of claims as design errors, imprecise contractual provisions, changes in the scope of works, and schedule disruptions. However, these conclusions were not supported by empirical research, which constitutes a knowledge gap that the present study seeks to address.

This article presents the results of a survey-based study on the key factors contributing to the emergence of claims in the implementation of construction projects in Poland. The survey was conducted among participants in the investment process: clients and contractors. The primary objective of the study was to collect information on the typology of claims arising in connection with the execution of construction contracts, as well as their frequency of occurrence.

2. Original research on types of claims and their frequency in the polish construction sector

The original research, aimed at analyzing the types of claims and their frequency in the Polish construction market, was carried out in two stages. In the first stage, based on a review and analysis of subject literature as well as the authors' professional experience, the types of claims occurring in the Polish construction sector were identified and classified. In the second stage, building upon the proposed classification structure, two expert surveys were developed, forming the next phase of the research. These surveys were addressed to representatives of clients and contractors, with a request that they be completed by individuals who, in their daily professional practice, deal with claims arising during the execution of construction contracts.

2.1. Identification of claims and their classification into groups

Based on the analysis of the literature and the authors' practical experience, 28 causes of claims were identified and grouped into six categories corresponding to different phases of construction project implementation. The types of claims and their designations are presented in Table 1.

Table 1. Groups and Factors Contributing to the Emergence of Claims (own study)

Id.	Claim description	Claim designation
1	<i>Claims related to contracts</i>	
1.1	Unclear and inconsistent contract provisions	C1
1.2	Changes in the quantity/scope of works	C2
1.3	Discrepancies between contract documents	C3
2	<i>Claims related to construction execution</i>	
2.1	Changes in the quantity/scope of works	C4
2.2	Delays in site handover	C5
2.3	Payment delays	C6
2.4	Design changes	C7
2.5	Delays in documentation delivery	C8
2.6	Delays in work acceptance (e.g., concealed works)	C9
2.7	Prolonged decision-making process	C10
2.8	Extensive decision-making hierarchy on the client's side	C11

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Id.	Claim description	Claim designation
3	<i>Claims related to design documentation</i>	
3.1	Claims related to design documentation	C12
3.2	Design errors	C13
3.3	Actual site conditions differing from those declared in the documents	C14
3.4	Incomplete documentation	C15
4	<i>Claims raised by contractors</i>	
4.1	Force majeure	C16
4.2	Economic instability, e.g., currency fluctuations	C17
4.3	Increase/fluctuation in the cost of production factors	C18
4.4	Adverse weather conditions	C19
4.5	Unfavorable geological and geotechnical conditions	C20
4.6	Changes in applicable law	C21
4.7	Third-party interference (e.g., local community)	C22
4.8	Adjustment of contractor remuneration	C23
5	<i>Claims related to third parties</i>	
5.1	Loss of health/life	C24
5.2	Damage to property of non-contractual third parties	C25
5.3	Loss of revenue by unrelated firms due to workcarried out in their operational area	C26
5.4	Claims involving attempted fraud	C27
6	<i>Claims – tendering stage</i>	
6.1	Claims related to the tendering stage	C28

2.2. Description of the main assumptions of the survey-based research

The next stage of the research, complementing the literature review on the occurrence of claims in the construction sector, involved a questionnaire survey. An electronic survey form was used for the study. The forms were distributed between February 1 and February 28, 2025, via email to construction contractors and public sector clients. The estimated number of recipients to whom the survey was sent was approximately 1,000 individuals, including both contractors and clients. A total of 118 responses were received from contractors and 127 from clients. The response rates were 11.8% and 12.7%, respectively. Three responses from contractors were excluded from the analysis due to incompleteness.

The questionnaire surveys, addressed to both clients and contractors, consisted of two parts. The first part concerned the respondent's professional background. The second part focused on the research problem and was identical for both respondent groups. The first question

addressed the frequency of claims submitted by contractors against clients, with respect to: time only, cost only, or both time and cost of execution. Responses were assessed using a five-point Likert scale, with the following options: do not occur, occur rarely, occur occasionally, occur frequently, always occur. The remaining questions referred to 28 claim-generating factors, as presented in Table 1. Using the proposed scale, respondents were asked to indicate the frequency with which each of the 28 factors occurred in the construction contracts they executed or participated in. Each question group concluded with an open-ended section, allowing respondents to specify additional causes of claims not listed in the questionnaire or to share personal comments. The survey concluded with an open-ended question regarding claims arising during the tendering stage.

3. Results analysis and discussion

3.1. Identification of areas of respondent activity

In both the contractor and client surveys, the first question referred to the respondent's profession or current position. Among contractors, the largest professional group consisted of legal advisors and claim specialists – 29 respondents (25% of those surveyed). In turn, among clients, the largest group comprised individuals managing investment implementation departments – directors and project managers – 66 respondents (52% of those surveyed). A detailed breakdown of the respondents' professional roles, divided into contractors and clients, is presented in Fig. 2.

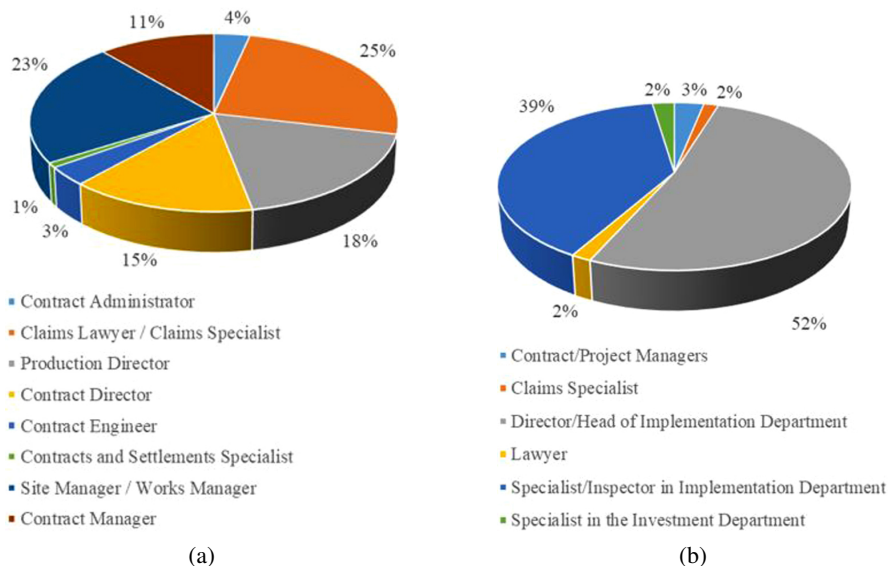


Fig. 2. Professional activity of respondents: a) contractors, b) clients (own study)

The second question in the professional background section asked respondents to indicate their length of professional experience. Based on the responses received, it can be concluded that the issue of claims – on both the client and contractor sides – is addressed by individuals with substantial professional experience. The distribution of responses to the question on work experience is presented in Table 2.

Table 2. Distribution of respondents by length of professional experience (own study)

Work Experience	Clients		Contractors	
	Number of Respondents	%	Number of Respondents	%
up to 5 years	36	28.4	15	13.0
5–10 years	26	20.5	34	29.6
10–20 years	44	34.6	44	38.3
20–30 years	13	10.2	15	13.0
over 30 years	8	6.3	7	6.1

3.2. Frequency of claims during the execution of construction contracts – survey results

The second part of the survey focused on examining the frequency of specific types of claims arising during the execution of construction contracts. The first survey question addressed the frequency of claims related to execution time and cost, presented separately for contractors and clients (Fig. 3).

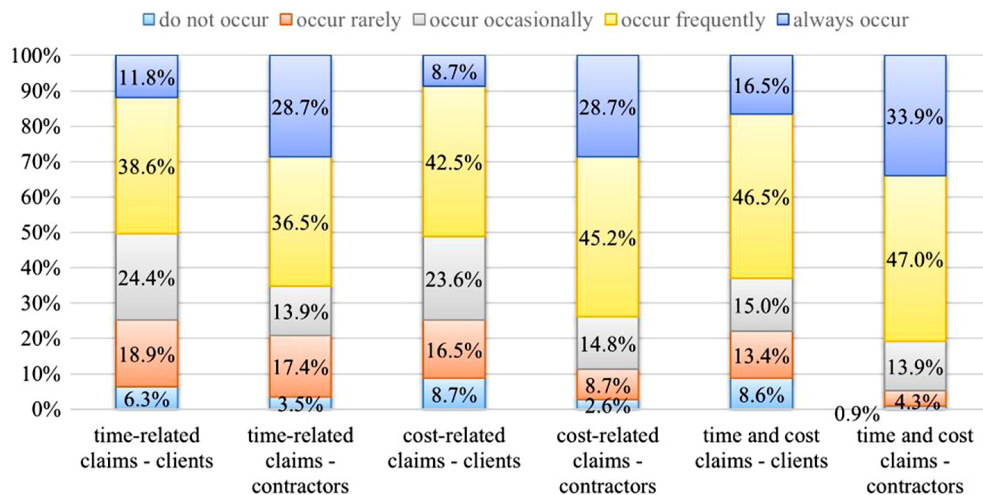


Fig. 3. Frequency of claims related to execution time and costs (own study)

Subsequent questions asked respondents to assess the frequency of occurrence of the 28 identified causes of claims in construction projects. This assessment was conducted using a five-point Likert scale: *do not occur*, *occur rarely*, *occur occasionally*, *occur frequently*, *always occur*.

Based on the obtained results, and after assigning numerical values from 1 to 5 to each level of the scale – where the extreme ratings represented: 1 – *do not occur*, and 5 – *always occur* – the average score was calculated for each claim listed in the survey. The basic characteristics of descriptive statistics, i.e. mean, median, standard deviation, and coefficient of variation, are presented in Table 3.

Table 3. Measures of central tendency and dispersion for survey results (own study)

Group No.	Factor	Mean		Median		Standard deviation		Coefficient of variation	
		CT*	CL*	CT*	CL*	CT*	CL*	CT*	CL*
I	Claims related to contracts								
	C1	3.50	2.32	3.50	2.32	0.96	1.05	27%	45%
	C2	4.22	3.52	4	4	0.77	1.05	18%	30%
	C3	3.95	2.84	4	3	0.95	1.04	24%	37%
II	Claims related to construction execution								
	C4	4.18	3.39	4	4	0.8	1.08	19%	32%
	C5	2.63	1.71	3	1	0.95	0.86	36%	50%
	C6	2.1	1.36	2	1	0.85	0.65	40%	48%
	C7	4.11	3.26	4	3	0.76	1.01	18%	31%
	C8	3.10	2.08	3	2	0.99	1.12	32%	54%
	C9	2.53	1.65	2	1	0.90	0.77	36%	47%
	C10	4.00	2.57	4	3	0.89	1.10	22%	43%
	C11	3.77	2.18	4	2	1.07	1.22	28%	56%
III	Claims related to design documentation								
	C12	3.96	3.17	4	3	0.84	1.00	21%	32%
	C13	3.82	2.96	4	3	0.83	1.04	22%	35%
	C14	3.95	3.10	4	3	0.77	1.03	19%	33%
	C15	3.53	2.50	4	2	0.95	0.98	27%	39%
IV	Claims raised by contractors								
	C16	2.65	2.32	3	2	0.90	1.07	34%	46%
	C17	2.34	1.96	2	2	0.89	1.04	38%	53%
	C18	3.54	2.63	4	3	0.88	1.17	25%	44%
	C19	3.53	3.20	4	3	0.93	1.03	26%	32%
	C20	3.53	2.94	4	3	0.93	1.04	26%	35%
	C21	2.84	2.38	3	2	1.19	1.22	42%	51%
	C22	2.69	2.40	3	2	1.01	1.01	38%	42%
	C23	3.66	3.07	4	3	0.98	1.24	27%	40%

*CT – Contractor; CL – Client

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Group No.	Factor	Mean		Median		Standard deviation		Coefficient of variation	
		CT*	CL*	CT*	CL*	CT*	CL*	CT*	CL*
V	Claims related to third parties								
	C24	1.57	1.29	2	1	0.61	0.52	39%	40%
	C25	2.28	1.90	2	2	0.77	0.83	34%	44%
	C26	1.87	1.68	2	2	0.78	0.73	42%	43%
	C27	2.27	1.86	2	2	0.94	0.89	41%	48%
VI	Claims – tendering stage								
	C28	1.26	1.10	1	1	0.3	0.42	24%	38%

*CT – Contractor; CL – Client

Figure 4 presents the ranking of claim-generating factors in the construction sector, as assessed by contractors and clients.

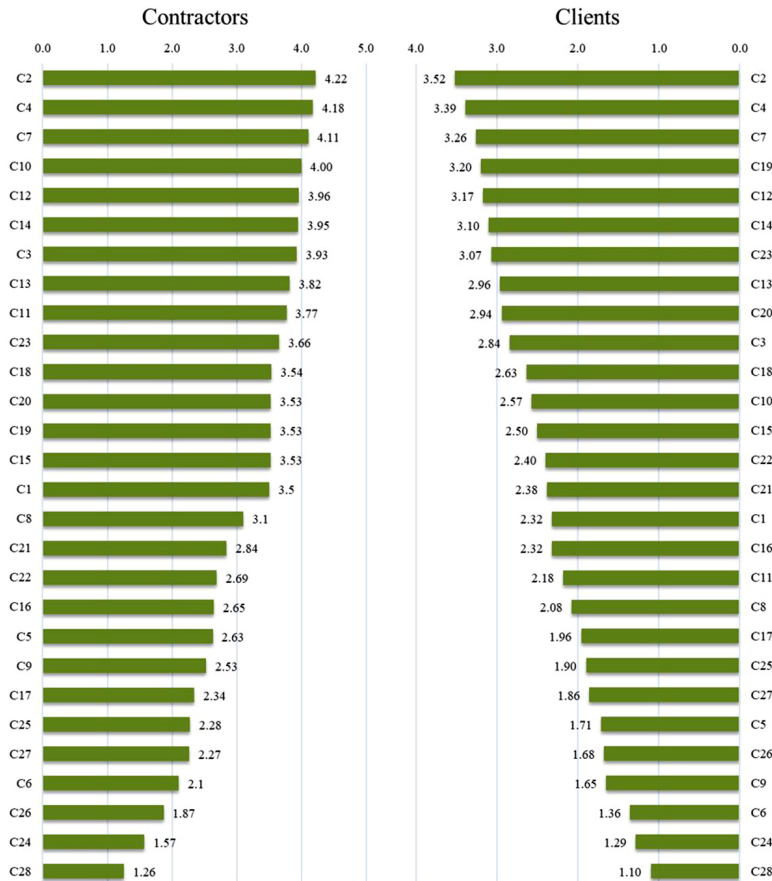


Fig. 4. Claim-generating factors by degree of importance (own study)

Based on the data presented in Table 3 and Fig. 4, it can be concluded that the factors most frequently causing claims, according to contractors, are:

I. C2, C4 – changes in the scope/quantity of works – claims related to contracts and to construction execution,

II. C7 – design changes – claims related to construction execution,

III. C10 – prolonged decision-making process – claims related to construction execution.

The factors listed above received an average score of 4.00 or higher.

Among client respondents, the most frequently indicated claim-generating factors were, similarly to contractors: C2, C4, and C7. The average scores obtained in the survey were 3.52, 3.39, and 3.26, respectively. Although both respondent groups identified the same factors as the most significant, clients assessed their frequency of occurrence as lower compared to contractors. These slight discrepancies in evaluations may stem from the differing perspectives of the contracting parties and their roles in the investment process. The analysis of Fig. 4 confirms the consistency in the hierarchy of the most significant causes of claims. Taking into account the observed differences in evaluations between the two respondent groups is essential when planning measures to mitigate the risk of their occurrence. For the most frequently indicated factor C2 (change in the scope/quantity of works), a detailed distribution of responses is presented in Fig. 5.

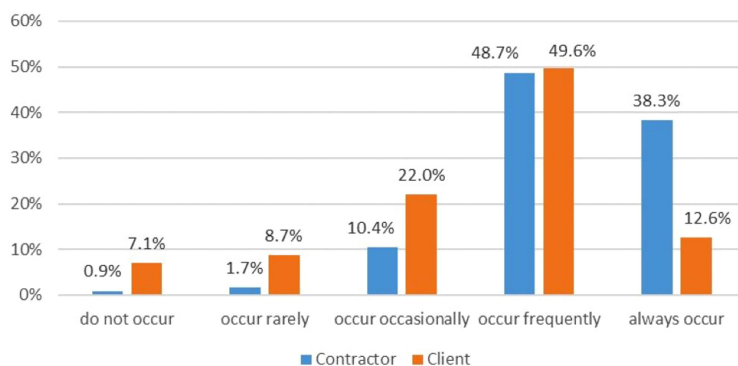


Fig. 5. Percentage distribution of respondents' answers for factor C2 - change in the scope/quantity of works (own study)

Among the factors identified by contractor respondents as marginal, the following were indicated:

V. C24 – loss of health/life – claims related to third parties,

V. C26 – loss of revenue by companies not involved in the project, due to works carried out in their operational area – same claim group as above,

VI. C28 – claims related to the tendering stage.

According to client respondents, the factors that do not occur or occur rarely during the execution of construction contracts are – similarly to the contractors' assessments C24 and C28. In addition, clients identified C6 - payment delays (claims related to construction execution) – as a factor that either does not occur or occurs rarely. In this respondent group, the average scores for the indicated factors were as follows: 1.29, 1.10, and 1.36, respectively.

From a global perspective, the factors most frequently generating claims are those from group i and group ii (claims related to contracts and claims related to construction execution). In contrast, the factors generating the fewest grounds for claims are those from group V and group VI (claims related to third parties and claims arising at the tendering stage).

4. Evaluation of the obtained survey results

The subjectivity of respondents in evaluating the phenomenon under study, as well as the heterogeneity of the obtained data, are inherent characteristics of survey-based research. Based on the conducted analyses and descriptive statistics tools, it was found that the coefficient of variation for the vast majority of factors exceeds 20%, which indicates a significant diversity in the research results. In light of the above, the quality of the collected data was further assessed using the Kendall–Smith concordance coefficient [11].

In the first step, the sum of ranks R_i was calculated for all 28 analyzed claim-generating factors across both respondent groups, in accordance with the following formula (4.1).

$$(4.1) \quad R_i = \sum_{j=1}^m r_{ij}$$

where: R_i – sum of ranks for factor i , r_{ij} – rank assigned by respondent j to factor i , m – number of respondents.

Next, the rank sums were averaged, and the sum of squared deviations of each rank sum from the mean was calculated. To determine the Kendall–Smith concordance coefficient for each of the two respondent groups (contractors and clients), the ranks assigned to the responses were used:

- “do not occur” – rank #1
- “occur rarely” – rank #2
- “occur occasionally” – rank #3
- “occur frequently” – rank #4
- “always occur” – rank #5

The structure of the response options allowed for the possibility of assigning the same rating to more than one factor. The occurrence of tied ranks requires a modification of formula (4.2) and the introduction of an appropriate correction in the denominator of the concordance coefficient. This adjustment necessitates the calculation of the value T_i , in accordance with the following formula (4.3).

$$(4.2) \quad W = \frac{12S}{m^2(n^3 - n)}$$

where: W – Kendall–Smith concordance coefficient m – number of respondents, n – number of factors evaluated by the respondents.

$$(4.3) \quad T_i = \frac{1}{12} \sum_{j=1}^k (t_j^3 - t_j)$$

where: T_i – correction for ties in the rankings assigned by the i -th respondent, k – number of groups with tied ranks in the i -th ranking sequence, t_j – number of tied observations within the j -th group.

In the case where tied ranks occur in all ranking sequences within the survey data, the correction value T must be calculated. The final form of the formula for determining the Kendall–Smith concordance coefficient is expressed as follows formula (4.4):

$$(4.4) \quad W = \frac{S}{\frac{1}{12}m^2(n^3 - n) - mT}$$

The Kendall–Smith concordance coefficient was calculated as $W = 0.54$ for contractors and $W = 0.43$ for clients. Based on the interpretation ranges of the Kendall–Smith concordance coefficient proposed in [12]:

- “satisfactory/sufficient” is achieved for the range from 0.20 to 0.40;
- “good” – for the range from 0.41 to 0.60,
- “plus good/above good” – for the range from 0.61 to 0.80,
- “very good” – for the range from 0.81 to 0.95,
- “ideal” – for the range from 0.96 to 1.00,

it can be concluded that the obtained values indicate a good level of agreement among respondents in their evaluations. This, in turn, provides a reliable basis for formulating conclusions and opinions regarding the subject of the conducted survey research.

5. Conclusions

The article discusses the results of a survey-based study on the impact of 28 identified claim-generating factors in the Polish construction sector, conducted on two groups of respondents: 115 contractors and 127 clients. The authors focused on projects within the public investment sector, aiming to identify and assess the frequency of occurrence of those factors that most often lead to conflicts between contracting parties or result in formal disputes.

The final outcome of the conducted research was the development of a knowledge base containing a structured list of claim-generating factors, including their categorization and prioritization in terms of frequency of occurrence, as assessed by the two main stakeholders in project execution: contractors and clients.

Key cognitive and applicative aspects of the study are as follows:

- identification and systematization of 28 key claim-generating factors in the Polish construction market, along with their classification into groups;
- classification of individual factors based on the assessments of entities involved in project execution – both those commissioning the works (clients) and those performing them (contractors);
- identification of factors from various groups that contribute most significantly to the emergence of claims – namely, those with a mean rating significantly higher than that of the remaining factors.

The study also offers practical value, as it identifies the phases of the investment process that require increased attention during the project preparation stage. The findings may be particularly valuable for the client group, as they are primarily responsible for the initial stages of project implementation, including planning, preparation, and initiation.

The obtained research results provide a foundation for further studies, for example through the development of a fuzzy inference model that would enable the assessment of the level of claim risk and the estimation of the probability of specific claims occurring in the planned project execution process.

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Ekspercka ocena czynników powodujących na roszczenia w przedsiębiorstwach budowlanych

Słowa kluczowe: roszczenia w budownictwie, czynniki roszczeń, przedsiębiorstwa budowlane, wiarygodność badań ankietowych

Streszczenie:

Roszczenia są powszechnym zjawiskiem w sektorze budownictwa i mogą wynikać zarówno z przyczyn formalnych, jak i techniczno- organizacyjnych, wpływając negatywnie na czas, koszt i jakość realizacji inwestycji. Jedną z najbardziej rozbudowanych definicji roszczenia opisuje je jako żądanie określonego zachowania skierowane do drugiej strony kontraktu, należność wyliczoną przez roszczeniodawcę i przedstawioną jako żądanie zapłaty, a także jako reakcję na zmiany wpływające na realizację umowy oraz formę dochodzenia odszkodowania za szkody, które w ocenie strony zgłaszającej roszczenie zostały poniesione. Celem artykułu jest identyfikacja i ocena kluczowych czynników sprzyjających powstawaniu roszczeń w realizacji przedsięwzięć budowlanych w Polsce, z uwzględnieniem odmiennych perspektyw kluczowych uczestników procesu inwestycyjnego: wykonawców i zamawiających. W części teoretycznej artykuł omawia istotę roszczeń, ich klasyfikację oraz kontekst kontraktowy. Przedstawiono podział roszczeń na finansowe i niefinansowe, wynikające z różnych zdarzeń, takich jak zmiany zakresu robót, błędy projektowe, kolizje z infrastrukturą oraz nieprzewidziane warunki gruntowe czy organizacyjne. W celu identyfikacji i oceny czynników powodujących roszczenia przeprowadzono badania ankietowe wśród kluczowych uczestników procesu inwestycyjnego: wykonawców oraz zamawiających publicznych. W badaniu wykorzystano elektroniczny formularz ankiety, który w okresie od 1 do 28 lutego 2025 r. rozesłano drogą mailową do firm wykonawczych oraz zamawiających z sektora publicznego. Szacunkowo ankieta została skierowana do około 1000 osób z obu grup. Ostatecznie uzyskano 118 odpowiedzi od wykonawców i 127 od zamawiających, co daje zwrot na poziomie odpowiednio 11,8% i 12,7%. Trzy ankiety od wykonawców zostały odrzucone z uwagi na brak kompletności. Respondenci oceniali częstość występowania 28 czynników sprzyjających roszczeniom na skali od 1 do 5. Zidentyfikowano czynniki najwyżej oceniane przez obie strony, takie jak: zmiany zakresu robót, zmiany projektowe oraz opóźnienia w podejmowaniu decyzji przez zamawiającego. Wykonawcy generalnie częściej wskazywali na obecność tych czynników niż zamawiający, co może wynikać z ich odmiennych ról w procesie inwestycyjnym. Pomimo różnic, obie strony wskazują na podobną hierarchię przyczyn. W pracy dokonano także oceny stopnia zgodności odpowiedzi obu grup respondentów, wykorzystując współczynnik konkordancji Kendalla-Smitha, który wskazał na zbieżność ocen w stopniu dobrym, co pozwala na konstruowanie wniosków i opinii dotyczących przedmiotu przeprowadzonych badań ankietowych. Zidentyfikowane czynniki mogą stanowić podstawę do budowania systemów wczesnego ostrzegania przed potencjalnymi roszczeniami. Autorzy podkreślają konieczność lepszego przygotowania dokumentacji przetargowej, sprawniejszego procesu decyzyjnego oraz szerszego stosowania praktyk zarządzania ryzykiem w celu ograniczenia liczby roszczeń. Analiza potwierdza, że działania takie jak dopracowana dokumentacja przetargowa czy sprawny proces decyzyjny istotnie zmniejszają liczbę roszczeń i poprawiają efektywność inwestycji. Wyniki artykułu mogą być użyteczne zarówno dla praktyków budownictwa, jak i decydentów publicznych oraz badaczy zajmujących się efektywnością procesów inwestycyjnych.

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