

# Concept of quality in construction, practical and legal aspects

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## INTRODUCTION

The regulatory enactments regulating construction do not explicitly include the concept of quality. Accordingly, terms defining the quality of works are abstract and widely interpreted from various aspects, the precise meaning of these terms is complex. Quality is always characterised by dynamic, responsive character. Although the definition of quality is attempted to be determined for each project and the construction industry as a whole, the quality understanding remains very uncertain.

The purpose of the article is to provide some direction to more comprehensive quality - related considerations in the definitions of quality standards.

The article will give insight on to what means "quality" in construction. In accordance with the law, compliance with criteria that are not and cannot be related to the specific procurement item cannot be evaluated in the procurement procedure. The article will look for to answer is it right approach, that there should be only criteria directly related to construction works execution.

As well the article will give an insight of the importance of the interdisciplinary cooperation, that is critically important to determine all quality dimensions that should be assessed and evaluated during the entire life cycle of the contract, because in principle, to determine its needs, firstly, society itself must be involved, and secondly, to define the needs and considerations that determine the practical implementation of the proposed quality dimensions, methodology and also development forecasts should be based on science and validated.

## RESULTS

Both historically and today, the problem of the construction industry is that, in any project, the definition of quality may be unstable. "Normal and customary" means a term normally incorporated into the contract, in respect of the expected performance of the performer. This means that the quality of the performance will vary according to many factors.

Since the terms defining the quality of works are abstract and widely interpreted from different viewpoints, the exact meaning of these terms is complex. After completion of the works, when the commissioning party can actually assess and measure the quality of the structure, it may become an even greater challenge. Quality is always characterised by dynamic, responsive character.

Whether the product or service is valued, the quality must be assessed from all aspects of the environment in which the object is located. In essence, quality can be measured in different dimensions, where each has its own target group, or satisfaction of the needs of the final beneficiary.

The definition of quality within the meaning of the construction law is linked to the creation of a quality living environment, an effective and safe construction process, ensuring observance of the socio - economic interests of society.

Although the definition of quality is established for each project, the construction industry as a whole and comparing projects among themselves, the quality understanding is very fluid.

Law, being subjective, does not continuously respond to the demands of the changing world, because the terminology is not changed accordingly. Thus, the quality standard of each construction project is different, taking into account the customer's expectations.

The main cause of dissatisfaction with quality is the difference between the understanding of what the client expects and what the contractor delivers with his work, believing that this is what is expected of him.

Collaboration is a prerequisite for moving away from traditional linear public procurement.

## METHODOLOGY

**Transcendental approach** to formulating the substantive framework of the concept of quality in the field of public procurement is not suitable.

### "Product-based approach"

Taking into account that the purpose of public procurement is the efficient use of the public resources and the client, as a public person, in principle acts in the public interest, using only a "product-based" approach in formulating the content framework of quality in public procurement would be insufficient.

Public interest derives most directly from a **"user-based" approach**. User-based definitions start from the opposite premise that quality is "in the eye of the user". It assumes that individual consumers have different needs, and the products that best satisfy their preferences are those that they perceive to be of the best quality.

### "Production-based approach"

Analyzing the "production-based approach", it can be found that the mentioned approach can be different when evaluating the production process or the production result.

When evaluating the suitability of the mentioned approach for creating a substantive framework for the concept of quality in public procurement, it should be concluded that the mentioned approach focuses more on the technological process and result of production, but in principle does not take into account aspects related to the sustainability of the environment and social aspects.

**"Value-based approach"** in defining quality requirements in public procurement is essentially unusable, because establishing the qualitative characteristics of the offer, taking into account its price on the market, is not justified.

## CONCLUSION, CONTRIBUTION AND NOVELTY

Quality always has a dynamic, reactive nature.

Whether we are discussing a product or a service, quality should be considered a several-dimensional concept in the territory in which it exists:

- critical time component associated with quality
- quality is a local phenomenon
- quality is related to the content of the project
- quality expectations of future "people"
- quality is adaptable to changing environment

### "Approach based on social responsibility"

How exactly the criterion of social responsibility should be related to the specific subject of procurement?

According Public procurement Directive, only those aspects that are directly related to the performance of the specific procurement subject should be evaluated



this approach covers the "needs of society" too narrowly

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