

OUR TAKE ON...

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Independent Certifiers: Quiet Operators, Active Risk Managers

It has been interesting watching NZS 3910:2023 bed in. On paper, the most visible change is the splitting of the old Engineer to the Contract role into a Contract Administrator and an Independent Certifier. In practice, the real shift is in how Principals choose to use that Independent Certifier role – and whether the scope and level of involvement they ask for is set up to get the most value from it. While NZS 3910:2023 does allow the same person to act as both Contract Administrator and Independent Certifier, this article assumes the roles are held separately, which is how they will often be structured on larger or more complex projects.

In the cost conversation, the Independent Certifier is often painted as an extra escalation layer. Yet if you read NZS 3910:2023 closely, the IC's role is actually quite contained – tightly focused on decisions: valuing work, certifying payments, deciding extensions of time where agreement cannot be reached between the CA and the Contractor, issuing completion certificates, and determining the parties' rights and obligations under the contract. The Contract Administrator remains responsible for the relationship, day to day instructions, and managing the project on the Principal's behalf. On that basis, an IC who “sticks to their knitting” should not be generating a mountain of fees – although in practice many clients are now looking for a wider range of support from the role.

Where cost can creep in is duplication. Under the standard form, there are key reports and communications – particularly around payment, Contractor Reports, records and Contractor prepared information – that must go to both the Contract Administrator and the Independent Certifier, and the IC is responsible for issuing all Payment Schedules and completion certificates. In practice, many projects extend this by copying the IC into a much wider range of day to day correspondence. If the IC treats that simply as being passively “cc'd in” on everything, you end up paying for someone to read a lot of emails but add little value. A good IC is more disciplined and intentional than that.

From what I am seeing across current projects, the picture is mixed. There are ICs who are adding real value by being clear with expectations early on and proactively involved in the project to de escalate issues, while still staying within their core decision making mandate and the level of involvement agreed with the parties. At the other end of the spectrum, there are projects where the IC is technically appointed but barely engaged until something has already gone wrong.

So what does a good Independent Certifier do?

01

They focus on decisions, not running the job.

The IC's mandate is to act fairly, impartially, and independently when deciding variations, time, payments, and completion. They do not try to be a second Contract Administrator, re litigating every instruction or getting drawn into day to day management. When the CA and Contractor can reach agreement, the IC should stay out of the way; their real value is in resolving the residual matters that cannot be agreed.

02

They stay close enough to see problems early, but not so close they become another project manager.

A good IC keeps across PCG reporting, key risk items and programme movements at a summary level, so that when a claim or dispute surfaces the context is already understood, or they have already stepped in to deflate it by engaging with both parties and having open, measured discussions so that it does not turn nasty. They know what is happening on the project without needing to attend every meeting or read every email. That balance – informed but not embedded – is what keeps costs proportionate.

03

They use early warning to prevent cost and disputes, not just record them.

NZS 3910:2023 includes an explicit early warning mechanism that requires parties to notify likely material impacts on time, cost or statutory compliance, and allows either party to call a meeting to explore mitigation options. A good IC leans into this – encouraging timely notification, framing issues objectively, and helping the parties focus on practical mitigation rather than positional debate. The aim is to prevent issues from hardening into formal disputes wherever possible.

04

They give clear, reasoned, timely decisions.

The standard requires the IC to issue decisions in writing, with reasons, and to do so within specified timeframes. That discipline matters. Clear reasoning reduces the need for re work, follow up questions and challenges, and ultimately the step into formal dispute resolution. Recent survey data suggests that most disputes in our sector are still resolved informally, with only a minority progressing to adjudication, mediation or litigation; the Russell McVeagh 2026 Construction Survey Report notes that around 85% of respondents settle at least three quarters of their disputes without formal processes. A well functioning IC role can support and strengthen that trend.

05

They respect the commercial relationship while remaining independent.

Independence does not mean operating in a vacuum. A good IC understands the project drivers, the parties' risk appetites, and the broader market context – including the current preference for fixed price lump sum contracts and the pressure that puts on margins – while still making decisions grounded in the contract and the facts. They recognise that every decision lands in a commercial relationship that has to survive beyond a single claim.

Done well, the Independent Certifier should not be another cost line; they should be a modest investment in discipline and clarity that reduces project friction, shortens dispute tails, and supports better outcomes for both Principals and Contractors. NZS 3910:2023 gives us a well defined role on paper. The real differentiator now is how the people filling that role choose to operate – quietly, but actively, managing risk.



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