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Enhancing Dispute Board Effectiveness: Factors Shaping Member Activity in Brazil

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Abstract: This paper examines the variables that affect the work of Dispute Board members in Brazil through the lenses of Social Exchange Theory and Stakeholder Theory. The research, undertaken through a qualitative multiple-methods approach, collected the opinions of a number of key actors in the area of alternative dispute resolution (ADR) and identified nine variables that affect the way DB members carry out their work such as Conflict Containment, DB Soft Skills, DB Hard Skills, Autonomy and Regulatory Framework, Stakeholder Management, Anticipation of Problems, Emotional Intelligence, Trust and Digital Technology. This research applies, for the first time and across multiple cases, the principles of stakeholder theory to the relations among stakeholders in complex infrastructure projects and, conversely, uses social exchange theory to complement the existing discussion of trust and reciprocity in dispute settlement procedures. It also aims to identify the skills and competencies of DB members that enable DBs to participate effectively and proactively in infrastructure projects, thereby enhancing the efficiency of project implementation and the fulfillment of contractual commitments in public and private contracts.

Keywords: Dispute Board, Soft Skills, Project Management, Conflict Management

I.   INTRODUCTION

Reflections Disputes and conflicts are part of human nature and have always existed, since prehistory (Dias et al., 2023b). Disputes and conflicts also frequently occur during the execution of infrastructure or industrial construction projects (EL-Sayegh et al., 2020), it has been also identified as epidemics, interfering with project success, leading to prolonged time, poor performance, increased costs, scope failure, or even project failure (Kumar Viswanathan Et Al., 2020; Agdas, 2013). Disputes are also frequently resolved in the courthouse through lawsuits. Nonetheless, there is a handful of strategies to minimize or prevent conflicts, such as Adequate Dispute Resolution (ADR) methods, available in Brazil since the introduction of the Concession Laws (Brazil Law 8,987/1995), followed by the Arbitration Law (Brazil Law 9,307/1996), which paved the way for using all ADR methods. Public-Private Partnerships (Brazl Law 11,079/2004), Federal Decree (Brazil Fd 8,465/2015), which regulated arbitration in the port sector, and Mediation (BraziL Law 13,140/2015) shaded lighter on ADR, increasing its possibility of use, and recently it was improved by the new Bidding Law (Brazil Law 14,133/2021), providing legal certainty for the use of ADR (Dos Santos, 2024; Resende, 2023).

Despite all the initiatives mentioned earlier, there is little knowledge of the Dispute Board (DB), which is one of the most recent methods of the ADR, having progress initially with the International Federation of Consulting Engineers (FIDIC, originally Fédération Internationale des Ingénieurs Conseils (FIDIC, 2022) in 1913, Chartered Institute of Arbitrators (CIArb) on 1915, International Chamber of Commerce (ICC) on 1919 and DRBF in 1996, a shortcoming this study addresses.

Dispute Board is the most suitable ADR method for Public Administration, as its main objective is to guarantee the delivery of the project for use by the taxpayer, preventing work from being interrupted due to uncertainties between the parties or unresolved conflicts. DB ensures that the project is completed in the shortest time, and its effectiveness is based on the proactivity of its members. Even when the DB is asked to resolve a dispute with a recommendation or decision, it is the fastest and cheapest solution than official courts to resolve construction disputes, in the concept of rough justice - as perfection is not sought, but rather speed (Agdas, 2013). The DB is a permanent dispute resolution method developed to prevent and resolve disputes during the contract period, focusing on completing projects without stopping work. This approach differs from other ADR methods, which act after disputes arise and eventually stop work. Delays or work stops can have social costs for public administration (Pereira et al., 2022).

Contempt numerous studies on dispute prevention and resolution, parts cooperation improvement, cost quantification, project cost, and schedule impact (Agdas, 2013), and different types of Dispute Resolution types (FIGUEROA, 2017), effectiveness in engineering contracts (Resende, 2023; Fernandes, 2019), use and regulation by public administration (De Deus & Zottarelli, 2024; Domingues, 2022; Pereira Et Al., 2022; Silva Neto & Salla, 2021; De Campos Melo Filho, 2021), there is a need for further research on the competencies and factors expected for DB members to improve their activity in infrastructure and construction projects, particularly in Brazil.

The importance of this study for DB in Brazil is even more critical for public administration because even today, in Brazil, the public sector is the main contractor for infrastructure works. The public works budget with federal resources supervised by the Audit Court for 2023 amounts to R$113.7 billion (around US$22.5 billion). However, 41% of the work is suspended (TCU, 2023). This scenario is the same across the country when it comes to public resources, whether federal, state, or municipal.

This article examines the factors influencing the selection and development of Dispute Board (DB) members in Brazil, highlighting their growing importance as an Adequate Dispute Resolution Method (ADR) in the country. The thesis supports parties involved in DB member selection and development, highlighting the need for standardization to ensure peace of mind for public administrators, as they can only act under legal provisions in Brazil (Domingues, 2022; De Campos Melo Filho, 2021).

II.   CONTEXT: BRAZILIAN ADR'S LEGISLATION

As Thus, the amendment of the Arbitration Law by Law nº 13.129/2015 allowed arbitration in the public administration, providing legal certainty to its use. It is worth noting that in Brazil, the principal investments in infrastructure come from public power, requiring a prior law that defines how the dispute can be dealt with. After the development of federal ADR laws, such as the Arbitration Act and the federal, state, and local laws, such as the State Law nº 19.477/2011, the Arbitration Law of the State of Minas Gerais; and State Decree nº 46,245/2018, which held arbitration to resolve disputes involving the state of Rio de Janeiro (Domingues et al., 2022). The use of ADRs in Brazil was improved by the new Bidding Law nº 14,133/2021, and the National Land Transport Agency (ANTT) approved resolution no 6,040, of April 4, 2024, which provides for rules and procedures for self-composition and arbitration, including the provision of the Disputes Board, which can now be applied, for example, to road and railway concession contracts (DOU, 2024; De Deus & Zottarelli, 2024).

As mentioned, public authorities are responsible for the main infrastructure projects in Brazil, and due to poor management, loss of focus, engineering problems, environmental issues, and other impediments, a significant part is halted. Since 2018, the TCU has sought to analyze the reason for these stoppages, consolidating data on suspended work contracts that were financed with federal resources through the General Ordinance of the Union, indicating that around 41 percent of work that is paralyzed without completion (Domingues et al., 2022), updated by 05/2023.

⚠	8,603	Works halted - expected investment of R$32.23 billion (US$6.5 billion) - already invested R$8.28 billion (US$1.64 billion)

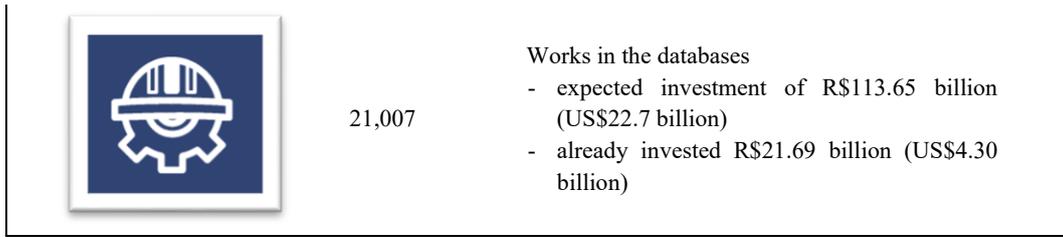|	21,007	Works in the databases - expected investment of R$113.65 billion (US$22.7 billion) - already invested R$21.69 billion (US$4.30 billion)

Figure 1 Halted Works financed by Union.

Source: adapted from TCU (2023).

The percentage of approximately 41 percent of work stopped is very high. For the public administration, it means that the social objective is not being met, that funds are wasted that could be allocated to other areas – already spent 26 percent of the investment as shown in Figure 2, all this generating significant losses for the taxpayer (Domingues et al., 2022).
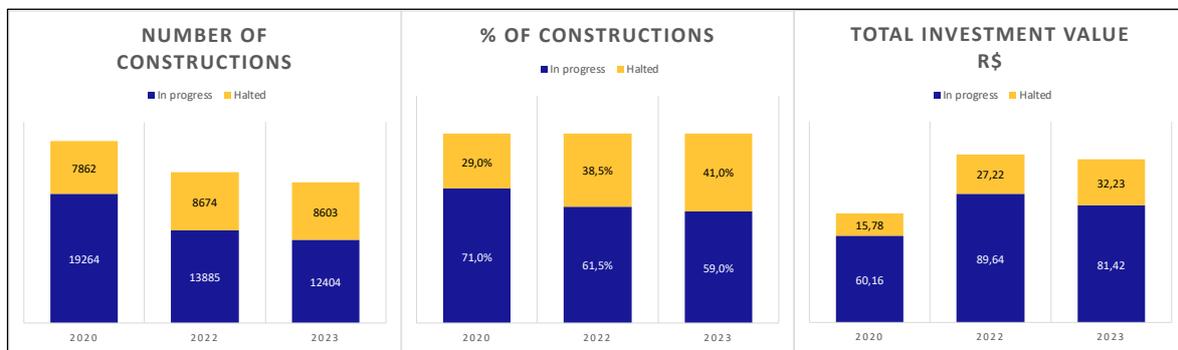

Figure 2 Detailed of Halted Works financed by Union

Source: adapted from TCU (2023)

In addition to the high volume of public works being halted, if the resolution of these interruptions requires legal support, such as a dispute over economic-financial rebalancing, the project will be even more aggravated. According to CNJ reports (CNJ, 2024), in 2023 there were more than 31.5 million new cases, figures from October 2023 report 84 million cases being processed in the country's courts. ADRs have the advantage of speed, as reported by the Brazilian Arbitration Committee (CBAR, 2024), the average time has been 19 months to resolve cases with Arbitration, and 42 months through public justice (without considering higher courts).

III. DISPUTE BOARD BACKGROUND

Molecular Adequate Dispute Resolution (ADR) methods started with the basic model of arbitration (El-Sayegh Et Al., 2020; Dias, M., 2016; Harmon, 2003) and mediation (Harmon, 2003; Edwards, 1986) and have been a timely and inexpensive solution to legal disputes, aiming to produce fair and equitable outcomes that are more satisfying to participants than ordinary courts (Harmon, 2003). These proposed ADR templates are recommended for experienced technical professionals to assist in resolving disputes between parties, with the most excellent flexibility in developing ADR procedures best suited to the needs of the projects and conflicts involved, and with the possible indirect benefit of retaining control over the outcome and maintain a good working business relationship (Jannadia, 2000). The cost of construction litigation was studied (Gebken & Gibson, 2006; Harmon, 2003) and included legal expenses and the actual impact on the project due to the total period demanded by the litigation process. With the development of ADR, the construction industry has shown that it prefers this mechanism over Litigation for five main reasons (Steen, 1994): Faster, cheaper, specialized in construction issues, privacy for parties, and practicality.

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Figure 3 Binding and Voluntary Adequate Dispute Resolution Methods

The Dispute Board (DB) is one of the most recent methods of the ADR, such as arbitration, conciliation, and mediation, as one option for litigation. Different from other ADRs, the DB constitution occurred early, with a preventive nature. The DB is typically composed of one or three members, undertaking regular site visits following the project execution – acting in "real-time," (Silva Neto & Salla, 2021) and dealing with disputes as and when they occur (Resende, 2023; Silva Neto, 2019). This is the main contribution of DBs and the reason for their success, as the other ADRs wait until the end of a project to resolve differences. The dispute is inevitable, time-consuming, and intense to resolve. However, the sooner disputes are resolved, the easier it is to fix them and the greater the likelihood that litigation will be avoided (Jannadia, 2000). The Dispute Resolution Board Foundation (DRBF) reports that approximately 98% of disputes that arise in contracts monitored by dispute boards are resolved internally, avoiding the need for arbitration or legal litigation (Dos Santos, 2024; Resende, 2023).

The Dispute Board (DB) was first developed in 1913 by the International Federation of Consulting Engineers (FIDIC), followed by the Chartered Institute of Arbitrators (CIArb), International Chamber of Commerce (ICC), and DRBF in 1996. A permanent DB is normally formed at the beginning of a contract and remains in operation throughout its term to assist the parties in resolving differences and disputes, and an ad hoc DB is formed when disputes arise. DBs can issue non-binding or binding opinions, depending on the form of contractual arrangements, as defined by ICC (ICC, 2022) if the DB will be one Dispute Review Board (DRB), issuing non-binding opinions; or Dispute Adjudication Boards (DAB) issuing binding decisions; or else Combined Dispute Board (CDB), able to issue non-binding opinions and binding decisions. The UK Adjudicators (UKA, 2024), like other arbitration chambers or adjudication societies, does a selection of the rules, for example, UKA defines the Dispute Adjudication Boards (DAB) and Dispute Avoidance & Adjudication Board (DAAB) under the FIDIC rules, and the Dispute Avoidance Boards (DAB) under NEC 4 (Broome, 1999).

If one party is not satisfied with a DB decision, they can refer the matter to arbitration or litigation. Academic literature also presents these different types of DB, such as Dispute Adjudication Boards (DAB) and Dispute Avoidance and Adjudication Boards (DAAB) typically issue non-binding opinions and act to prevent disputes before they escalate into major disagreements, the Dispute Resolution or Dispute Review Boards typically issue non-binding opinions, and the Dispute Adjudication Boards issue binding decisions subject to a court appeal (World Bank, 2007; Menassa & Mora, 2010; Fawzy & El-Adaway, 2012; Gebken & Gibson, 2006; Agdas, 2013; Delmore, 2005; Menkel-Meadow, 2004; Muigua, 2018; Lumbwe, 2019).

V.   METHODOLOGY

The research design and methodology were based on studies developed by Saunders et al. (2009 and 2015) and Rugg and Petre (2006). The use of the qualitative research technique aimed to explore different elements and points of view derived from professional experiences in professional life, including academic ones, when available. Interpretivism as a research methodology, frequently used in professional studies, given its emphasis on examining the competencies expected of members of a dispute board, employing an inductive approach to this study through in-depth semi-structured interviews with a sample of 31 experts in BD (Saunders et al., 2009).

It was performed n=30 Interview sessions, with 31 experts, which took place from 19 November 2022 to 14 October 2023, totaling 84,454 words, and 50 invitations were sent via phone call, text, mail, and LinkedIn messages. The snowball sampling strategy (Naderifar et al., 2017) was used to prepare and review the invitation list. With an effective 62 percent response rate, following Miles et al. (2014) and Saunders et al. (2009), employing an inductive, interpretive strategy for this study. Some interviews had to be rescheduled due to conflicts on the agenda. Once initiated, however, no interview was interrupted, even after the interview disclaimer was read. Were selected Brazilian experts with a minimum of (a) experience in the Brazilian construction market; (b) Lawyers and Engineers in the Construction sector (even with a double degree); (c) DRBF Members, Construction Specialists, PMO leaders and professionals, and ADR Professionals; (d) a minimum of 15 years of professional experience and experience on a Dispute Board in Brazil; and (e) from different states of Brazil (see Appendix I). To avoid elite bias (Myers & Newman, 2007), we interviewed individuals from different backgrounds (see Appendix I). To ensure the utmost integrity of the research, interviews were conducted outside the workplace, in calm places, in a pleasant, hospitality-oriented setting, with participants provided with a disclaimer outlining the data collection's use for educational purposes, the research's non-commercial use, voluntary participation, the anonymity of participant identities and company names, participants' autonomy to withdraw from the interview at any time, and permission for direct quotes and use of images.

VI.   FINDINGS

Interviewees were first given a disclaimer which included the following information: (a) the data collected would be used strictly for educational purposes; (b) the research would not be used for commercial purposes; (c) voluntary participation was always emphasized; (d) anonymity of participant identities and company names was guaranteed for ethical and compliance reasons; (e) participants had the autonomy to withdraw from the interview at any time; and (f) participants were allowed to grant permission for direct quotes and use of images. All data were collected in Brazilian Portuguese and translated into English for further analysis. Their data was analyzed after eliminating irrelevant statements, phrases, field notes, questions, and Observer Comments (OC) from Brazilian Portuguese respondents. After being transcribed, the raw data was translated into English. The interviews were done in quiet environments with no background noise to minimize distractions. The NVivo® 12-student version program produced charts, such as a frequency distribution in Figure 3 and a word cloud in Figure 4, to help visualize the data.
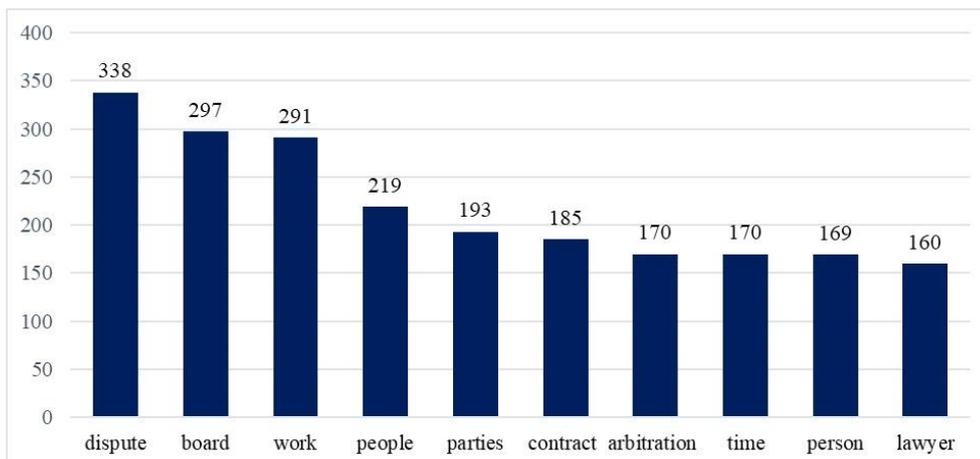
Figure 1 In-depth Interviews Frequency Distribution. Source: NVivo 12 and dataset

Figure 3 displays "dispute," "board," "work," "people," parties," "contract," "arbitration," "time," "person," and "lawyer" as the most cited words found in the interviews. "Dispute" was mentioned 338 times, while "board" was cited 297 times, separately (see Figure 3). However, the text analysis revealed that "dispute" and "board" appeared together

246 times, which meets our expectations once the main subject comprises the two words together. The findings corroborated the field observations. Noteworthy, the content analysis revealed the context in which the words "dispute" and "board" are referred to as "dispute board." Next, Figure 4 illustrates the Word Cloud:

Figure 2 In-depth Interviews Word Cloud chart. Source: NVivo 12 and dataset

When comparing Figures 3 and 4, it is evident that Figure 4 displays the most often stated terms, while Figure 3 displays the frequency distribution of the words in the in-depth interviews. Throughout the interview sessions, the terms "dispute," "board," "parties," "work," and "people" are most often referenced. Nevertheless, there is no interaction or context for these words. It included a text network analysis using the InfraNodus Application (www.infranodus.com) to provide a new perspective on the word interconnectivity. As a result, Figure 5 outlines the Text Word Analysis findings for the raw data from the interview session, presenting the interrelationships between the most frequent words (more prominent bullet points) and the least frequent words (more minor bullet points), as follows:

Figure 3 Interviews Text Network. Source: InfraNodus Text Word Analysis

VII.   DISCUSSION

Firstly, the Thematic Analysis revealed nine factors. The first one, Conflict containment was perceived as crucial for conflict resolution and problem-solving in organizations for virtually all n=31 interviewees. It involves using facilitative negotiation techniques to seek consensual solutions and contain escalation of conflicts. Creativity and impartiality are essential skills for conflict resolution. In the Dispute Board activity, it is crucial to have a capacity for adaptation and concession to reach a possible outcome. The yield-yield rule is essential in practice. Organizational conflicts often result from procedures, processes, and management failures. Management failures include poorly designed contracts, omissions of clauses, excessive informality, project changes without formalization, and changes in the course of contracts. (as mentioned by interviewee I#11) These issues lead to conflict resolutions, as they are more likely to result from management failures than technical issues, execution failures, or design errors. The greater incidence of conflicts stems from management failures, such as poorly designed contracts, omissions of clauses, excessive informality, and project changes without formalization. (I#21)

The second factor, Dispute Board Soft Skills, are vital - particularly for lawyers, as they involve the ability to argue, communicate, integrate people, and impose oneself. Listening is another important soft skill, as it is not a standard characteristic among professionals. Engineers should also develop their soft skills, as their hard skills are often overlooked in the courtroom. The great gold of Dispute Board Soft Skills lies in the day-to-day ability to perceive divergence and invite parties to treat without placing oneself as superior. Combining hard and soft skills is essential, as the Stakeholder Theory supports this. The combination of hard and soft skills is essential for achieving organizational goals, as it allows individuals or groups to affect the achievement of organizational goals. (I#14, I# 25, I#27). The third factor, Dispute Board Hard Skills, is highly relevant for lawyers. Technical knowledge is essential for the process, but complementary skills are fundamental as they complement and support it. I#12 Communication Lawyers have hard skills and they prioritize other soft skills and even than technical knowledge. They explain the contractual clauses, the procedures and make sure of enough and correct procedures. As mentioned before according to Stakeholder Theory both hard and soft skills are required by the lawyers to achieve the organizational goals because they have to explain the contracts (I#25) regulate the procedures and even ensure public order (I#27). In this process, lawyers have to use and understand the nonviolent communication (I#10).

For 23 out of the 31 (74 %) participants DB Process Autonomy and Regulation is highly relevant in the middle for most backgrounds. This factor covers efforts related to introducing new products, banning taboo products and taking the

agenda and dealing with the regulation of the Chamber in relation to the progress of the activities and dates provided, and with respect to the processes and data needed in this respect. This factor should also be considered when dealing with the level of autonomy of the individual representatives in the premises of the contractor. The hard skills of the Dispute Board, according to the Stakeholder Theory, refers to the individuals or groups able to exercise an influence on the objectives of the organization. It is also important in a dispute settlement to find a balance between the level of autonomy given to the Chamber and that of the responsible representative of the contractor in its premises. For 21 out of the 31 participants (68 %) Stakeholder management is highly relevant in the middle of the scale for most backgrounds. This factor emphasizes the importance of mapping stakeholders and understanding their strategies to work effectively with them. Legal entities may have a single vision, while stakeholders, management, and council may have a different vision. It is crucial to pass on these strategies to the board for determination. The stakeholder theory supports stakeholder management when individuals or groups can affect organizational goals, establishing new relationships with the theory (FREEMAN, 1984). The sixth factor, problem anticipation, was considered highly relevant to the middle for most backgrounds, as it was found evidence that is often overlooked in dispute resolution (I#6). Prevention is more effective, as parties often fear a Dispute Board (DB) that neither prevents nor decides (I#18). Planning skills are essential for predicting and creating actions in a dispute. Soft skills, such as planning and organizing, are more fruitful for the preventive aspect of a dispute board. The personal characteristics of DB members are more important in meetings and visits (I#4). The Social Exchange Theory supports problem anticipation when individuals or groups evaluate their relationships before engagement. The seventh factor, Emotional Intelligence, was considered highly relevant to the middle for most. The core competence of a person is their emotional intelligence, which is crucial in dealing with adverse environments and pressure situations (I#2). It involves conducting constructive conversations in diverse environments and fostering relationship intelligence (I#7). Emotional intelligence's relevance is evident in how discussions are conducted, which involves problem-solving, creating a standard solution, and fostering empathy among all involved. This factor helps avoid creating a story where one side seems to be on the other, as seen in a contract signing. Therefore, emotional intelligence is essential for effective communication and problem-solving (I#9). The eighth factor, Trust, was considered moderately relevant for most backgrounds. The core competence of professionals is to receive feedback, which can negatively impact their team's progress and trust in the service provider.(I#12) Trust is crucial in managing people, allowing them to feel valued and see their creative side. It is essential to motivate and allow them to manifest themselves, as well as trust them to seek their creative side. Trust is paramount for negotiation and society, especially for the DB. (I#14). The ninth factor Adaptation to Digital Technology is highly relevant to most engineers. The core competence of dispute board members is understanding and mastering digital technology, which is now essential in many projects. This factor is due to the shift from traditional engineering subjects to digital engineering, where professionals with years of experience in practice but minimal experience with technology are often required. (I#11) This factor can lead to difficulties in discussing issues, as everything used in reality is now stored in digital envelopes (I#12). This factor can make professionals obsolete in disputes or courts. Adaptation to digital technology is crucial, as the pandemic has increased the need for digital knowledge in all areas, especially communication technology (I#14). The Social Exchange Theory supports this adaptation, as individuals or groups attribute new forms of relationship evaluation through effective communication before engagement.

VIII.   IMPLICATIONS

This research has implications in other fields and subfields of Human Resources research once all the nine factors revealed by the sector experts may be used to recruit DB members and establish standards for hiring and training workers. Factors mentioned earlier may set the boundaries of the Stakeholder and Social Exchange theories, implicating acting as moderators or revealing new nuances between independent and dependent variables, implicating acting as mediator variables for future studies. This study also has applications for Project Management. These factors may help establish PM standards for creating internal Dispute Boards associated with or independent of a Project Management Office (PMO). Such a practice could help to prevent conflicts in virtually all management areas; an implication pointed out by the findings of this research. The creation of independent Dispute Boards in all types of contracts is an unfolding of this research because the factors may be used to set the boundaries, normative, and further internal regulations for the DB. This research also has implications for the future of DB activity in Brazil and other countries once the factors may serve as legislation boundaries, destined to regulate the activity in the Country by setting new standards uncovered in this investigation. In addition to the cross-disciplinary contribution, once the findings are generalized to other fields of study, one of the most critical implications is the performance improvement of the Dispute Board member. The findings help DB members meet scope, budget, and schedule objectives and conclude the project (Markus, 2004; Peppard Et Al., 2007; Markus & Benjamin, 1996); Moreover, it helps the accomplishment of business value (Sauer & Reich, 2009; Baratta, 2009; Melville Et Al., 2004; Kohli & Grover, 2008), implicating in the improvement of project performance, according to

Crawford (2005), exploring the performance-based competency standards in management development and perceived workplace performance. The nine factors present the following implications:

(a) Conflict containment implicates facilitative negotiating strategies to resolve disputes and mitigate escalation. The presence of impartiality within a team is essential for open and inclusive discussions while also considering the organization's interests. Organizational disputes often arise due to procedural, process, and managerial deficiencies. (b) Dispute Boards Soft skills, and (c) Dispute Boards Hard skills in dispute resolution are essential for legal professionals, implying the improvement of other subfields of research, such as argumentation, communication, and collaboration. Active Listening is a crucial soft talent that is only sometimes inherent across professionals. Integrating hard and soft skills is crucial in the legal profession, as it facilitates efficient decision-making. (d) DB Process Autonomy and Regulation. The concepts of DB Process Autonomy and Regulation are significant across various disciplines, emphasizing the importance of introducing new individuals, eliminating entrenched practices, determining priorities, evaluating regulatory frameworks, and granting more authority to the chamber and court. (e) Stakeholder management is a critical aspect involving identifying and analyzing stakeholders and understanding their respective tactics, which is implicated in establishing the optimal framework for the organization through comprehensive comprehension and collaboration with relevant stakeholders. (f) Problems Anticipation implies anticipation and planning abilities often hinder predictive measures and decision-making processes. Soft skills, such as planning and organization, are more effective for prevention in the context of a Dispute Board (DB). The individual attributes of decision-making body members are important during meetings and visits, contributing to the effective resolution of issues and attaining favorable results. Experience in the subject of the contract is also linked to anticipating the problem, as the professional has already experienced it and can "smell it" in the air and make a fast decision. (g) Emotional intelligence is crucial in navigating challenging situations and managing varied viewpoints. Trust is deemed significant across many contexts, particularly among professionals who encounter challenges in accepting and incorporating criticism, implying that managers should encourage and empower workers to facilitate the expression of their creative abilities, fostering (h) Trust, implying also fostering impartiality, confidentiality, transparency, value creation, and ultimately the significance of the DB member contribution to their activity improvement. Finally, (i) Adaptation to Digital Technology has implications for the dispute board members' ability to comprehend and proficiently master digital technology, especially in disciplines like engineering. However, many individuals with limited technology backgrounds may struggle with digital evidence discussions, potentially rendering specialists obsolete in conflict resolution or legal processes.

IX. RESEARCH LIMITATIONS

This research focuses on interpersonal conflicts in Brazil's industrial and infrastructure construction projects, focusing on data-driven decision-making (DB) activity. The study adheres to Miles, Huberman, And Saldaña (2014), Myers & Newman (2007) methodologies and purposive sample. The research is limited to the Brazilian Infrastructure Construction business scenario and existing norms, laws, and regulations, and is considered under development due to the absence of laws and experience, as well as the opinions of the interviewees and the amount of data gathered.

X. CONCLUSION

This study aimed to identify the factors influencing the participation of members of Dispute Boards (DBs) in Brazil, drawing on the Social Exchange Theory and Stakeholder Theory. This qualitative and descriptive research is based on an exploratory study on DBs, and the themes were analyzed by thematic analysis. From the interviews, nine factors were highlighted: Conflict Containment, DB Soft Skills, DB Hard Skills, Autonomy and Regulatory Framework, Stakeholder Management, Anticipation of Problems, Emotional Intelligence, Trust, and Adaptation to Digital Technology. Thus, the contributions of this research include identifying the competences that DB members must have to act preventively and efficiently in infrastructure construction projects. This paper is a theoretical study. It aims to contribute to the theory by presenting new stakeholder perspectives on the dynamics of partnership models and by validating the relevance of reciprocity and trust in social exchange theory. It also serves as practical research on the need to standardize the selection and training processes for DB members in Brazil. Brazil is one of the countries with the largest number of infrastructure projects managed by the public administration, and as of 2023, almost half of the federal government's investments have been suspended by the TCU. DBs may be a solution to avoid the stoppage of works in progress, reduce conflicts, and prevent the loss of investment value. By reflecting on the experience carried out in Brazil, we can identify several factors that influence the effectiveness of a Database (DB) in addition to technical skills such as attention to detail, analytical capacity and skills in work tools such as MS Word, Excel and Access, as well as social and communication skills appropriate to a constantly evolving digital market and new ways of working. For a project to be completed on time and on budget, it must protect public assets and earn the trust of all stakeholders.

XI. FUTURE RESEARCH

Researchers are advised to conduct scaled statistical studies to assess candidates and describe job positions. They are also advised to improve Brazilian discourse on Dispute Board members' roles and duties. Comparative studies of Dispute Boards are conducted in various countries, including the Americas, Europe, and Asia. This information can benefit researchers, lawmakers, decision-makers, HR managers, and industry experts.

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APPENDIX I - INTERVIEWEES' ETHNOGRAPHIC SUMMARY

Interviewee	Job position	Local	Professional Experience (Years)	Gender (M/F)	Educational Level	Undergraduated Area of Study
I#1	General Counsel, Executive	Rio de Janeiro	20	M	Master	Lawyer
I#2	Mediator, Executive Director, Office Owner, Professor	Rio de Janeiro	16	F	Doctorate	Lawyer
I#3	Executive Manager	São Paulo	11	M	MBA	Engineer
I#4	Office Partner	São Paulo	15	M	MBA	Engineer
I#5	Arbitrator, DRB, Office Owner	Pará	21	F	MBA	Lawyer
I#6	Arbitrator, DRB, Office Owner, Board Director	Rio de Janeiro	25	M	Master	Lawyer
I#7	Executive Manager	Minas Gerais	13	F	Master	Lawyer
I#8	Executive Director	Minas Gerais	16	M	MBA	Engineer
I#9	Expert, Office Owner, Professor	Minas Gerais	31	M	Master	Engineer
I#10	Office Owner	Minas Gerais	21	F	Undergraduated	Lawyer
I#11	Executive Manager	Minas Gerais	18	F	MBA	Lawyer
I#12	Latam Executive Director	Minas Gerais	34	M	Undergraduated	Engineer
I#13	Arbitrator, DRB, Office Owner, President	São Paulo	22	M	Undergraduated	Lawyer
I#14	Professor	Rio de Janeiro	32	M	Doctorate	Engineer
I#15	Arbitrator, Office Owner, Professor	Rio de Janeiro	23	F	Doctorate	Lawyer
I#16	Arbitrator, Office Partner	São Paulo	20	M	Master	Lawyer
I#17	Arbitrator, DRB, Office Owner, President	Minas Gerais	40	M	Undergraduated	Lawyer & Engineer
I#18	State Attorney	Pará	14	F	Master	Lawyer
I#19	Arbitrator, DRB, Executive Director	Minas Gerais	37	M	MBA	Lawyer & Engineer
I#20	Arbitrator, DRB, Office Owner	Minas Gerais	39	M	Undergraduated	Lawyer & Engineer
I#21	DRB, Office Owner, President	Rio de Janeiro	32	F	MBA	Arquitech
I#22	Arbitrator, DRB, Expert, Office Owner	São Paulo	42	M	MBA	Engineer
I#23	Arbitrator, DRB, Expert, Office Owner	São Paulo	52	M	MBA	Engineer
I#24	Arbitrator, DRB, Expert, Office Owner	Minas Gerais	27	M	Undergraduated	Lawyer & Engineer
I#25	State Attorney, Office Partner	Espirito Santo	12	M	Master	Lawyer
I#26	Arbitrator, DRB, Office Owner	Minas Gerais	12	F	Master	Lawyer
I#27	Arbitrator, DRB, Office Partner, Professor	São Paulo	22	M	Doctorate	Lawyer
I#28	Arbitrator, Mediator, DRB, Expert, Office Owner	São Paulo	45	F	MBA	Engineer
I#29	Arbitrator, DRB, Office Owner, Board Director	São Paulo	45	M	Undergraduated	Lawyer
I#30	Arbitrator, DRB, Office Partner, President	São Paulo	32	M	Doctorate	Lawyer
	Average		**26,3**			