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The Promise of Partnering

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In an earlier *High-Profile* article, we discussed how to settle construction disputes through Arbitration or, preferably, Mediation. This month, let's look at one of the most successful ways to prevent or minimize construction disputes, namely, Partnering.

I will begin by drawing an analogy between any construction project and the formation of a sports franchise. Place yourself in the position of a new owner. How would you go about developing an organization — coaches, players, and game-day plays? Ask yourself: what have been the most successful franchises during the past few decades? Now compare your sports franchise approach to a major construction project, whether building or civil construction, whether public or private, whether new or renovation. Just as in sports with its unforeseen events (weather, injuries, penalties, egos, contracts, and strikes) so too construction of any kind is fraught with uncertainties: job conditions, conflicting or incomplete designs, and of course, “people issues.”

In our practice at BostonSolv, we find that these people issues emerge as the most crucial factor in a construction project. Certainly there are technical and site problems, but it is the way we humans address these problems that really determines how we resolve issues or how we decide (deliberately or inadvertently) to fight about them. This is where Partnering comes into play. In our opinion, ample research and experience illustrates that the more intensely and consistently a project is Partnered, the more likely its success. There is also evidence which shows that poorly partnered jobs may or may not be successful. Of course, the latter is true of construction projects on which

Partnering as a dispute prevention method is not employed. The key word here is “success.” How is it defined?

So often we in the construction community — owners, designers, contractors, consultants, quality control specialists, inspectors — have defined “success” as: “on time, within budget, and as designed.” Only in recent years has safety become an added criteria for a successful project. Just as the Vince Lombardi's famous sporting statement “winning isn't everything; it's the only thing” is subject to question or expansion, so too with the above description of a successful construction project. Partnering is a methodology whose purpose, when, directed by a skilled facilitator, is to expand the concept of successful project to include such “riches” as good communications among the ENTIRE construction team, understanding of profit motives, relief of fears, workability of design, coordination of designs and trades, good cash flow, prompt/fair dispute resolution at the lowest possible level, proud workmanship, and respect for a team atmosphere among ALL project participants.

To accomplish this definition of project success, Partnering starts with a team building session very early in the project with the owner, user(s), designer(s), CM, or GC; and is usually repeated as more project participants are brought on board. In each partnering session, the previous attendees are included so that consistent teamwork concepts are developed among all project participants. Beginning with the first partnering session and expanded with each subsequent session is a written project charter signed by ALL partnering attendees. This charter includes a mission statement and common goals for this particular project. This document and its subsequent revisions are widely displayed throughout the project.

At BostonSolv we believe there are two other important documents which must typify a “Partnered project.” These are, first, a graphical presentation of how disputes will be resolved, and, second, a report card for measuring and reporting how well the project charter goals are being met. These two documents establish the continuity and credibility of the Partnering approach.

So, if Partnering is so good, why do some resist it or why is not used even more frequently in construction? Skeptics doubt its effectiveness, its cost, and fear a loss of project control. Let me comment. Partnering is not a substitute for well-drawn contracts, nor will it fully compensate for an ill-chosen owner/designer/construction group of project participants. And like marriage, the “vows” must be repeated regularly for a good relationship to continue and flourish. Expense in terms of dollars and time is small

compared to the overall project cost construction and schedule. And to me loss of control is a synonym for failure to manage timely appropriate documentation and communications from top to bottom on a project.

It seems we all live by acronyms and Partnering is no different. For Partnering, we use the three C’s: Commitment, Continuity, and Conflict Resolution. Project participants who do not adhere to these principles are taking their chances. But isn’t construction risky enough without trying a better approach? Would you put your franchise on the field or ice by simply hiring a staff, employing a coach, selecting players, and then just hand them a ball or puck? Think about it!

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