

Collaboration, Early Warning and Dispute

Richard Bayfield and Edward Moore, 20 April 2015



Collaboration, Early Warning and Dispute

Demonstrating how collaborative working results in better risk management, fewer disputes and more effective project management

INTRODUCTIONS



Richard Bayfield



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HOUSE RULES FOR WORKSHOP



- **No criticism** of ideas or any personal remarks!
- Wild, unconventional or impractical ideas to be encouraged
- **Quantity** is better than quality (initially)
- Build on others' ideas
- Someone deputed to record ideas for evaluation later
- **Confidential**

INTRODUCTORY QUESTION – 2 MINUTES



The British system of democratically elected government is an exemplar (just like the NEC)

Yes/No

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The group were appointed as the delivery team for the Ground breaking new scheme to utilise the derelict Royal Mail tunnels under London.



Project Crossride

London's new all weather cycle lanes

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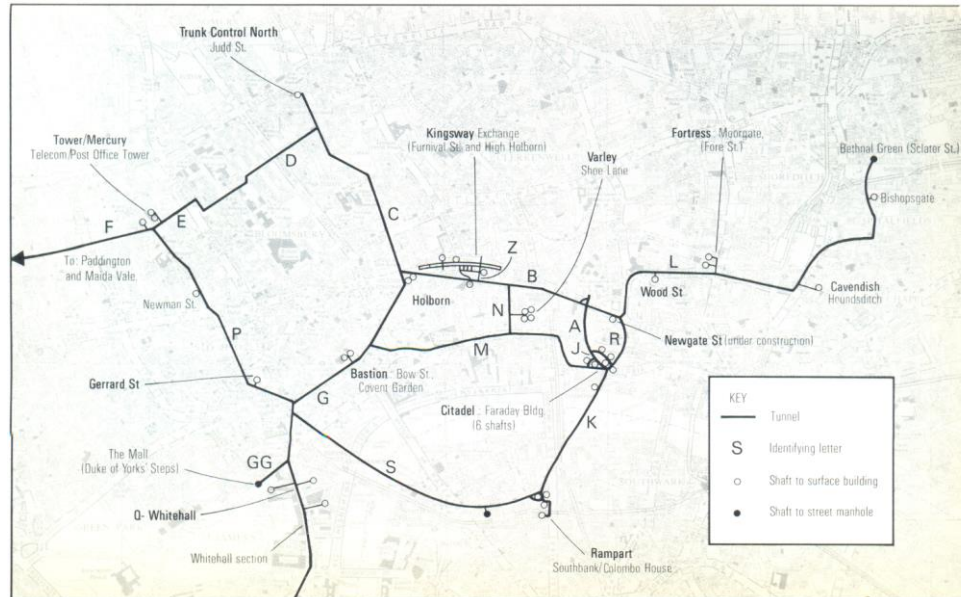
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To utilise the abandoned Royal Mail tunnels under London to provide a safe, all weather environment for cyclists.



- **Ambition**
- Renovate 28 miles of existing but derelict Royal Mail tunnels under London for use by cyclists.
- Create ground level access points for the Crossride network
- Phase 1 - Integrate TFL (Boris) Bikes system to avoid bike lifts
- Phase 2 – Consider long term feasibility of opportunity created by existing underground railway system to further expand “Crossride”

PROJECT PRE-MORTEM



- Purpose of this workshop is collaboration and dispute avoidance
- We need to identify potential issues, risks and concerns to effectively manage them as a team

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GROUP WORK



Each group was tasked with identifying the top issues that pose a risk to the successful delivery of Crossride.



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- How many of you have been involved in Projects which end up in dispute and in front of an Adjudicator?
- Collaborative contract (even the NEC) is not sufficient on its own to prevent disputes. So what can be learnt and shared?

WHAT CAN GO WRONG – FEEDBACK 20 OUT OF 60 DELEGATES HAD BEEN INVOLVED IN ADJUDICATION UNDER NEC ISSUES INCLUDED:



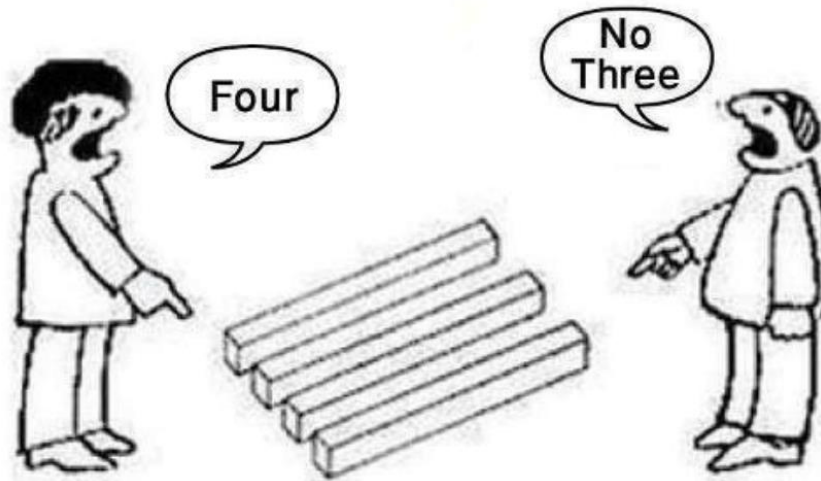
- Failure to accept Programme
- Failure to submit a reasonable programme
- Delay / Extension of time (revised programme under NEC)
- Programme / Resources Information (Absent)
- Contract Data (Missing / Incomplete)
- Works Information (Missing / Incomplete)
- Non-compliance with Compensation event procedures – no early warning by Contractor or by Project Manager

WHAT CAN GO WRONG – FEEDBACK 20 OUT OF 60 DELEGATES HAD BEEN INVOLVED IN ADJUDICATION UNDER NEC ISSUES INCLUDED:



- Valuation of Compensation Event
- Multiple Compensation Events (implies design incomplete at contract inception)
- PM absents him/her self (i.e. does not get involved, avoids issues / problems – e.g. does not approve or reject a programme)
- Non adherence to “time limits” for reply within contract – 7/14 days

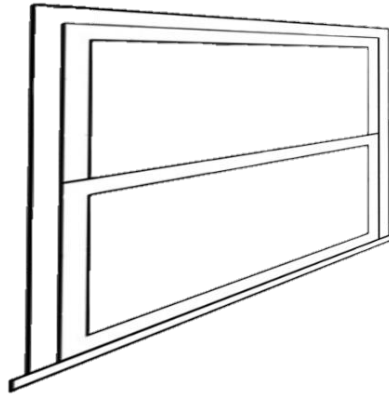
It is really confusing!!!



PERSONAL BEHAVIOUR



Personal filters
Surrounding environment
Project information
Personal circumstances



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REVIEW INITIAL ISSUES LIST



- Delegate experience of disputed matters same as Adjudicator
- Groups were invited to re-assess their top list of potential issues considering human dynamics as part of the list

RESULTS OF REVIEW



- Each group identified new specific potential issues on the project
- The key underlying issue identified was communication – accuracy, timeliness, understanding
- Early warning - big problems always start as small problems
- Improving the project communication will improve the early warnings
- Knowing what the signs are How can you identify issues early so they become early warning?

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- Knowing what the signs are
- How can you identify issues early so they become early warning?

COLLABORATION – HONDA CASE STUDY



- Client majors on efficient and effective communications
- Short quick meeting notes & “If” or “why” preferred to “No”
- Major on early warning / pre-empting
- Major on conflict resolution (accept conflict will happen)
- Flush out detail pre contract (final account pre-mortem)
- Agreed contract before work starts
- Emphasis on people supported by strong processes including contracts (nothing woolly – everyone knows where they stand)
- Recognise “claims represent inefficiency” – irrespective of position in supply chain (contrast with UK public sector)
- Transparency with client shortcomings (e.g. lack of client information)
- CLIENT LEADERSHIP! (“WHY NOT” – NOT “NO”)

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MORE INFORMATION



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