

AVOIDING PROBLEMS ON CONSTRUCTION PROJECTS WHERE PARTNERING IS IN PLACE

Over time, there has been an increasing emphasis on using partnering to reduce litigated claims on construction projects. More and more owners and contractors are agreeing to go through the partnering process in an attempt to avoid the dysfunctional conflict that can result when differences arise over methods of construction and other issues. In most cases partnering can result in a successful project for all parties to the contract. However, in some situations, problems persist in spite of the partnering effort. Your project management team can avoid these problems if you follow a few simple guidelines.

Remember that Partnering is a Process, Not an Event

To some construction professionals, partnering is considered to be the charter workshop activity. But it's really an ongoing process and commitment by everyone to communicate effectively and rigorously throughout the project to avoid misunderstandings and solve problems effectively in a way that allows everyone to achieve their goals. It takes time and effort to pull it off effectively. Anything worthwhile typically takes some time and effort and the same is true with partnering.

Keep Your Own House in Order

Often we see problems arise due to internal conflicts within organizations on construction projects. Maybe the project executive and the project manager for the contractor are having disagreements. Perhaps the higher level engineering staff is in conflict with their project engineers within the owner agency's organization. For example, a new managing engineer came on board at a state agency. His style was radically different from the style of his predecessor, and it grated on his direct reports, leading to infighting within the agency. The contractor and subcontractors had to deal with surly attitudes and lack of responsiveness to their requests for clarification of specifications when the engineers were having a tiff. When this happens, the internal conflict spills over to the project team, creating unnecessary ambiguity, conflict, communication breakdowns and inefficiency.

Similarly, the lower level staff may be given what appears to be authority to make certain decisions on the project. However, their boss or managers make a habit of second-guessing or overriding their decisions. We saw this recently when the owner's project-level people agreed with the contractor on a method for dealing with traffic control in a high profile section of a job. The team had met for a half-day meeting to plan out the traffic control process for this location. A week later, the owner's people had to come back to the team and totally redo the traffic control plan for this part of the project because their manager put the kibosh on their original plans after the fact. This incident caused the staff to have to change their position, and the resulting change caused rework at the project team level leading to lack of trust, communication

problems and more job inefficiencies. The other parties to the contract then suffered as a result of the constantly changing decisions. Partnering requires effective management and delegation of authority for decision making. Unless the decision will result in safety issues or significant economic changes, managers should not override their people's decision.

The Tone is Set at the Top

If top management of the contracting parties really believes in partnering and really wants to have a successful project, they have an obligation to see that their people conduct themselves accordingly. All too often, however, top management's commitment is lacking. They provide lip service to the concept without any real commitment. Occasionally, an issue can't be resolved without some outside assistance, no matter how hard everyone tries to use the issue escalation process they embraced. A recent case involved a project where the contractor and owner agreed to nonbinding arbitration on a disputed change order. At the arbitration hearing, the contractor was awarded the full amount of the claim. The owner then offered to settle for only half of that amount. In my book, that doesn't appear to exemplify the spirit of cooperation.

In other cases, top management simply ignores inappropriate behaviors among their people. Management says it's important to have a partnered project and that it's important that everyone lives up to the commitments made at the charter session, but there is no real follow through. For example, an owner's young inspector with no outside construction industry experience, but with an abrasive style about him, managed to continually cause disruptions on the job with the contractor's foremen and superintendent. But his manager seemingly looked the other way. The other, more experienced and mature inspectors on the job did not have this effect on the contractors and on the teamwork at the project. Yet he was not held accountable for his actions. This caused problems throughout the project while his manager ignored it.

If you really want success on your partnered projects, perhaps your people need to reexamine their positions, their attitudes and their actions. Partnering will work, but it requires everyone to be on board and committed to it. It's really pretty simple: agree on what "the right thing" is and do it. Make a commitment and stick with it. Build successful projects and relationships that will help with future projects. You can do it if you really want to.

Start Now

Don't wait until it's too late to begin your partnering process on your construction project. Often we are called in for some partnering assistance only after the project management team has realized a high level of dysfunction, conflict and anxiety. And that's a shame, because the proper use of partnering tools and process would have obviated the need for a special intervention later. We've been called in for conflict

resolution work on projects that had actually resulted in a physical altercation among senior team members. Frustrations can run high, and without the proper framework in place, members may not use an acceptable outlet for their frustrations.

Partnering is a concept that has gained acceptance gradually over the last several years. On partnered projects the emphasis is placed on finding ways to solve problems collaboratively so all parties to the contract realize success on the project. Done correctly, it can reduce dysfunctional conflict that would otherwise result in litigated claims. This results in win/win situations for all parties to the contract. But make no mistake about it. Partnering is an ongoing process—not a one-time event. Get your partnering started before the problems occur.

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