US Army Corps of Engineers®

Pamphlet #4

ALTERNATIVE DISPUTE RESOLUTION SERIES

PARTNERING:

A Tool for USACE, Engineering, Construction, and Operations

Issued December 1991
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The Corps Commitment to Conflict Resolution and Public Participation:

This pamphlet is one in a series of pamphlets describing techniques for conflict resolution and public participation processes. The pamphlet is part of a Corps program to encourage its managers to improve water resources decision making by developing and utilizing new ways of resolving disputes. These techniques may be used to prevent disputes, resolve them at earlier stages, or settle them prior to formal litigation. These pamphlets are a means of providing Corps managers with information on various conflict resolution and public participation techniques used in the Corps, as well as a means to stimulate innovation.

The first edition of the Partnering Pamphlet was written in 1991 by Lester Edelman, Chief Counsel, U.S. Army Corps of Engineers; Frank Carr, Chief Trial Attorney, U.S. Army Corps of Engineers; and Charles Lancaster, Charles L. Lancaster and Associate . These pamphlets are produced by the U.S. Army Corps of Engineers Institute for Water Resources, Fort Belvoir, VA.

For further information on the Conflict Resolution and Public Participation Program and Pamphlets please visit: http://www.iwr.usace.army.mil/cpc/refADR.cfm

Partnering

Alternative Dispute Resolution Series

Pamphlet 4

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"Clearly, the best dispute resolution is dispute prevention. Acting to prevent disputes before they occur is key to building new cooperative relationships. By taking the time at the start of a project to identify common goals, common interests, lines of communication, and a commitment to cooperative problem solving, we encourage the will to resolve disputes and achieve project goals."

LTG H. J. Hatch, Commander, U.S. Army Corps of Engineers
Policy Memorandum 11, 7 August 1990

Partnering

This pamphlet describes the concept and application of a highly successful Corps of Engineers program, Partnering, that supports its military and civil works construction and operations objectives. Partnering is a process designed to create a positive and cooperative relationship during contract performance or at any other time when working with others. Partnering facilitates the parties' ability to define common goals, improve communication, and create a collaborative attitude among a group of individuals who must work together throughout contract performance. While Partnering is explored in this pamphlet in the context of construction and operations, this tool is applicable to any contractual relationship.

The central objectives of Partnering are to encourage parties to change from their traditional adversarial relationships to a more cooperative, team-based approach, and to prevent issues from evolving into disputes. The Partnering concept is significant because it offers the most efficient form of dispute resolution: conflict prevention through joint problem resolution of issues as they arise. Indeed, the benefits of partnering go beyond preventing disputes and include improved communication, increased quality and efficiency, on-time performance, improved long-term relationships, and a fair profit and prompt payment for the contractor.

When partnering was first initiated by the Corps of Engineers 20 years ago there were numerous hurdles and barriers that were encountered. These challenges were addressed and overcome and the partnering program has flourished. Today, the Corps of Engineers is not alone in the use of partnering to build better relationships as many other public agencies and private companies use partnering as a best business practice. However, there still remain misconceptions about, and challenges to, the partnering concept. This pamphlet should help to dispel them.

What is Partnering?

As the use of the partnering process spread beyond the Corps of Engineers, numerous definitions and descriptions of partnering have arisen. The earliest Corps of Engineers attempt at defining and describing partnering in 1991 stated that:

"Partnering is the creation of an owner-contractor relationship that promotes achievement of mutually beneficial goals. It involves an agreement in principle to share the risks involved in completing the project, and to establish and promote a nurturing partnership environment. Partnering is not a contractual agreement, however, nor does it create any legally enforceable rights or duties. Rather, Partnering seeks to create a new cooperative attitude in completing government contracts. To create this attitude, each party must seek to understand the goals, objectives, and needs of the other-their "win" situation-and seek ways that these objectives can overlap."

A more recent Corps of Engineers definition and description of partnering, found in Engineering and Construction Bulletin (ECB) No. 2006-14 dated November 1, 2006, states:

"Partnering is a voluntary organized process by which multiple stakeholders having shared interests perform as a team to achieve mutually beneficial goals. It is based on establishing these goals early in the project lifecycle, building trusting relationships, and engaging in collaborative problem solving."

A simple review of these and other definitions and descriptions of partnering reveal certain common essential characteristics: shared interests, mutual goals, commitment, teamwork, trust, problem solving, and a synergistic relationship. These core characteristics are discussed more fully later in this pamphlet.

Why Use Partnering?

The best response to this question lies in an examination of the origins and development of the partnering concept. The construction industry has had 20 years to build a credible response rather than proffer an anecdotal reply.

The seeds of the partnering process began to emerge in the construction industry in the late 1980s. At that time, the "Total Quality Management" (TQM) concept was being embraced as an enlightened business management practice while at the same time the construction and legal communities were facing a rapid rise in the number of contract disputes and cases in litigation.

The TQM concept focused on initiating improvements in process and services, ensuring quality workmanship, and addressing customer satisfaction and needs. It also looked to establish long term business relationships based on trust and loyalty. This was beginning to bring a change in attitudes and business mindsets.

Meanwhile, at the boards of contract appeals and in the courts, pending construction cases had more than doubled and the time to get a decision had stretched out to years. To stem this rising tide of growing unresolved construction claims and its destructive impact on business relationships, the construction and legal communities were experimenting with alternative dispute resolution (ADR) techniques such as mediation, arbitration, dispute review boards, and mini-trials to resolve cases outside of the courthouse.

These two concepts, TQM and ADR, along with the techniques of team-building and collaborative problem solving, eventually forged together as the foundations for a new process that came to be know as "partnering."

Early proponents and leaders in the partnering movement in construction included the Construction Industry Institute (CII) at the Texas A&M University, the U.S. Army Corps of Engineers, and the Associated General Contractors of America (AGC).

In 1987, CII formed a task force consisting of 20 academic, construction-company, and federal government representatives to explore a process to achieve the goals of total quality management and to reverse the trend of litigation that was rapidly rising in construction. The CII task force 1991 report "In Search of Partnering Excellence" referred to partnering as a "long-term commitment between two or more organizations for the purpose of achieving specific business objectives by maximizing the effectiveness of each participant's resources." The report went on further to state that "the relationship is based upon trust, dedication to common goals, and an understanding of each other's individual expectations and values." It described the potential benefits of partnering as "improved efficiency and cost effectiveness, increased opportunity for innovation, and the continuous improvement of quality products and services."

In the summary of the report, CII found that partnering was an improved management process for establishing and maintaining cooperative business relationships. It noted that partnering can replace the traditional adversarial business relationships with a collaborative new team approach that can enhance the competitive advantage of the partnering participants. Further, it reported that several organizations in the construction industry were beginning to get involved with partnering.

The organization with the earliest partnering program was the Corps of Engineers. In the late 1980s, the Corps of Engineers used partnering on two construction projects in two separate engineering districts, Mobile and Portland. These two projects became, for all practical purposes, test case studies for the use of the partnering process.

The first project, Oliver Lock and Dam Replacement, was in 1988 and involved a $110 million replacement lock and dam on the Black Warrior-Tombigbee Waterway at Tuscaloosa, Alabama, to replace an old undersized lock. The second project, Bonneville Dam Navigation Lock, followed shortly thereafter in 1989 and was a $330 million navigation lock replacement. The use of partnering on these two projects was highly acclaimed by the participants, especially the Chiefs of the Construction Divisions, Dan Burns in the Mobile District and Howard Jones in the Portland District. Further, the benefits achieved on these two projects such as savings in time and costs were substantial.

In 1991, as a result of these two pioneering partnering projects, the Corps of Engineers established the first formal partnering program in the construction industry. The program was established at a special 2-day meeting of all senior managers and leaders of the Corps of Engineers in Atlanta, Georgia. At the meeting the participants were informed about the success of the two projects, briefed on the partnering process, and presented with model partnering guidelines. At the conclusion of the meeting,

the participants fully endorsed the partnering concept and made a commitment to use it Corps-wide.

Later in 1991, the Corps of Engineers published the first pamphlet fully describing and encouraging the use of partnering in the construction industry: "Partnering," IWR Pamphlet-91-ADR-P-4. This highly-acclaimed publication was widely disseminated throughout the construction industry and was the basis of many federal, state, and private sector partnering programs.

Also in1991, the Associated General Contractors of America (AGC) Quality in Construction Task force endorsed the Corp of Engineers partnering program. In a further effort to encourage the use of partnering by its membership, in September 1991 AGC published a pamphlet entitled "Partnering a Concept for Success." The introduction stated that AGC "strongly believes that the time has come for all the parties in the construction process to step forward and work together to take control of this costly and intolerable situation" by using partnering.

Another early initiative by AGC to promote partnering among its members was the establishment in 1992 of the Marvin M. Black Excellence in Partnering Awards for the construction projects that best epitomized the principles of partnering. This program continues today and exemplary projects can be viewed on AGC's website.

In the decade that followed the pioneering work of the Corps of Engineers, numerous federal and state agencies and construction companies began to use partnering and to promote its success. These included the U.S. Air Force, the Naval Facilities Engineering Command (NAVFAC), The Army Material Command (AMC), and the General Services Administration (GSA), to list but a few federal agencies. At the state level, the Maryland State Highway Administration (MD SHA), the Arizona Department of Transportation (ADOT), the Ohio Department of Transportation (ODOT), and the California Department of Transportation (Caltrans) were developing their own partnering programs and assuming a leadership role in partnering for themselves on highway construction projects.

How Does Partnering Work?

The partnering concept creates a climate for success by building a cooperative team dedicated to a win-win atmosphere. It depends on the personal commitment of all individuals on the team. This commitment is built through personal relationships that must be formed early and reinforced throughout the project.

Partnering ideally begins after two or more stakeholder organizations reach an agreement or sign a contract to work together on a project. Experienced partnering stakeholders have concluded that the best time to initiate the partnering process is immediately after the contract award is made. The clear benefit to the stakeholders in an early start to partnering is that the process facilitates a means for the stakeholders

to identify a clear set of expectations that foster good communications, teamwork and collaborative problem solving from the start of the relationship to the completion of the project.

The Partnering process can be separated into several distinct phases. For clarity and understanding these three phases as described below are: Starting Early with Senior Management Commitment, Initial Partnering Workshop, and Implementation Planning. Although Partnering is evident during each phase, the core of the Partnering process is developed at the Initial Partnering Workshop. These phases are discussed more fully in a later section of this pamphlet.

Who Wins Here?

The government's project engineer watched with arms folded as the contractor's crew began a complicated concrete pour. He shook his head and said, "They'll never make their schedule with that equipment. The buckets are too small and they'll need another crane; they'll spend all their time filling buckets instead of pouring concrete." He turned and walked back to the management office, mentally preparing to deny the request for time extension that he knew would be coming. Why didn't he let the contractor's project manager know of his concerns? "That's their responsibility. They'll find out soon enough!"

What Are the Essential Characteristics of Partnering?

Shared Interests – Stakeholders agree on a shared vision for the project and shared values for their relationship.

Mutual Goals - Stakeholders agree on a shared set of common objectives to achieve at project completion.

Commitment - Each stakeholder must be willing to make a real effort to participate in the partnership.

Teamwork – Partnering is not a one-way street and success comes from stakeholders working together for their mutual success.

Trust - Stakeholders actions are consistent and predictable and their communications are open and honest.

Problem Solving – Stakeholders confront and resolve issues quickly and at the lowest level.

Synergistic Relationship - The stakeholders' joint efforts are more powerful than any of the stakeholders working alone because it is based on the collective resources of all stakeholders.

> "I believe it is fair to say that quality work is never achieved in an adversarial relationship."
>
> Lester Edelman, Chief Counsel 1979 - 1998
> U.S. Army Corps of Engineers

What Concerns Are There About Partnering?

Frequently Asked Questions:

Although the partnering concept has a proven record of success, some people still express concerns about the process. In fact, there are several frequently asked questions about the partnering concept that commonly arise. These are:

Are the owner and the contractor "too close" during partnering?

There is always a risk that a party may try to abuse or take an unethical advantage of the partnering relationship. However, this is rare. In the vast majority of projects that apply the partnering concept, stakeholders work hard to make everyone successful and achieve their common goals.

Does partnering change the contract between the stakeholders?

No. The contract is a legal document that describes the scope of work and the conditions for performance. Partnering does not change the contract. It is not a waiver of contractual rights and duties. Rather, partnering creates a team with a shared vision and a joint plan for the successful completion of the project in accordance with the contract.

How expensive is partnering?

The costs of partnering are minimal. Normally, these costs are for a facilitator and a meeting room, if needed. When compared with delays and litigation on similar projects these costs are very small.

What do I need to do to start partnering?

Partnering is voluntary. The project manager or project engineer should assist in starting the process.

Isn't partnering all relationships and no substance?

Partnering has a long list of tangible and intangible benefits. These are discussed fully in a following section of this pamphlet. In ECB No. 2006-14 it notes that "Industry studies have shown that the correct application of partnering concepts improves quality, reduces cost and reduces contract performance periods." Improved relationships lead to better outcomes.

Partnering Process

In the Corps of Engineers, partnering is a voluntary process with certain essential steps. In fact, these steps are common in almost every successful partnering program. An understanding of these steps is critical to the structure of the partnering process. They include: 1) starting early with senior management commitment; 2) conducting a partnering workshop; 3) preparing an issue resolution ladder; 4) developing a partnering charter; 5) planning for implementation. These steps are more fully described below.

Starting Early With Senior Management Commitment

Introduce the Concept to Bidders

Starting the partnering process early before problems can arise on the job site or under the contract is essential to establishing the partnering relationship. In a solicitation or request for a proposal an offer to use partnering is a reflection of good planning. Points to be stressed are that partnering is a voluntary relationship designed to improve cooperation and communications during construction in order to achieve mutually beneficial goals.

Secure Senior Management Support and Commitment

The Corps of Engineers has issued numerous policy statements signed by various Chiefs of Engineers in support of partnering. Further, in Engineering and Construction Bulletin No. 2006-14 dated 01 November 2006, the importance of the partnering concept to the military and civil works programs of the Corps of Engineers is clearly stated.

This visible top management support and commitment sends the vital message that partnering is a preferred business practice within the Corps of Engineers. Senior managers can demonstrate their support for partnering by personally attending the partnering workshop even if only to welcome the participants and stress the importance of partnering for project success.

Identify the Stakeholders

An early task during this step is for the major stakeholders, typically the owner and prime contractor, to identify all other stakeholders that can potentially impact the successful completion of the project and invite them to attend the workshop. These other stakeholders may include the design firms, principal subcontractors, suppliers, public utilities, and the end user of the project.

Select the Facilitator

The selection of the facilitator for the partnering workshop is another important decision for the key stakeholders to make during this step. Early selection allows the facilitator to begin working closely with the key stakeholders to plan the timing, content, and agenda for the workshop. In larger projects neutral external facilitators are almost always used while in smaller projects internal (owner employees) facilitators are sometimes used to guide the workshop.

A facilitator is a neutral third party who manages the process of the workshop and who can enable the workshop participants to discover for themselves the benefits of cooperative and collaborative action. External independent facilitators can provide expertise in organizational development, communications, group dynamics, dispute resolution, and team building.

Final Planning for the Workshop

The final planning actions are to pick a date, time and place for the workshop that is acceptable and convenient to the stakeholders. The workshop location is often at a neutral site such as a hotel meeting room or conference center meeting room. The facilitator usually finalizes the agenda after consulting with the stakeholders. Finally the major stakeholders need to agree on the costs of the partnering workshop and how it is apportioned between them. Whatever the decision, however, partnering costs are minimal and usually cover the facilitator's fee and the meeting room rental.

Conducting a Partnering Workshop

The workshop is the basic building block for establishing the partnering relationship and for initiating the partnering process. At the workshop the participants begin to know each other, build trust, establish communications, develop a team spirit, set their common partnering goals for the project, and gain commitment to an implementation plan for sustaining the partnering relationship for the life of the project.

Participants and Duration

There is no set or ideal number of participants at a workshop. The number of participants at the workshop varies depending upon the complexity of the project. The workshop may have as a few as ten participants on a small project to well over a hundred participants on larger projects.

Typically, the kick-off workshop is scheduled to last from 1-2 days. The complexity of the project and the past partnering experience of the stakeholders are used to decide its duration. Today, most projects are for 1-day because of the Corps of Engineers familiarity with partnering.

Informal Atmosphere

At the workshop the participants have the opportunity to meet each other in an informal atmosphere. The workshop informality is established by allowing business casual dress and providing refreshments and food for participants throughout the day. Further, the facilitator assists in establishing the informal atmosphere of the workshop by making the design of the room open and conducive to face-to-face communications among the participants.

Workshop Agenda

The first phase of the workshop is to **welcome** the participants and have them **introduce themselves.** This provides an opportunity for the participants to relax and also to identify the other participants and find out about their roles and responsibilities on the project.

The next phase generally depends on the working history of the stakeholders and the participants partnering experience. When participants are new to the partnering process, the facilitator may conduct a short and simple **team-building** exercise to have them realize the benefits of working together rather than pulling separately. In workshops with more experienced and supportive stakeholders, team building exercises are rarely conducted because the participants want to get to the more substantive activities conducted at the workshop. Also, when there are workshop participants with little or no past partnering experience, the facilitator may take time on the agenda to explain the **partnering concept** and benefits. This is time well-spent.

An important part of any workshop is to have the stakeholders identify their **goals** for the project. This phase may occur early in the workshop or later when the stakeholders are discussing the partnering Charter. When the stakeholders present their goals it is also informative to have them prioritize their goals. Interestingly, the stakeholders may use different words to describe their goals but they are often quite similar in reality.

Another significant phase of the workshop is to have the stakeholders work directly on conflict prevention tools. Typically, this involves two tasks. First, the facilitator asks the participants to identify issues for resolution (**rocks-in-the-road**) that are present or foreseeable. The rocks in the road for construction projects are often: schedule, submittals, safety, communications/coordination, staffing, and environmental. Additionally, the participants also work to develop an "**issue resolution ladder**." This tool is used to get the stakeholders to quickly identify future issues that will need resolution and to move them quickly towards a solution. The issue resolution ladder is discussed in more detail in the next section

A final workshop phase is to create an **implementation plan** for sustaining the partnering relationship after the workshop is concluded. This plan usually includes scheduling periodic partnering meetings to follow-up on the workshop enthusiasm and having the stakeholders evaluate in written form or by oral interview how well the relationship is working. This is more fully discussed in a section that follows.

Closing the Workshop

At the end of the workshop, the stakeholders prepare a written **Charter** as a visual reminder of their mutual commitment to their partnering relationship. It is usually a one-page document signed by all the participants at the end of the workshop. This is also discussed more fully in a following section.

There are sample agendas for a one-day and a two-day workshop in the appendix to this pamphlet.

> "The participants in the workshop need to recognize that honest, good faith differences may arise during construction and that alternative disputes resolution processes will provide a procedurally satisfying way to address these differences without destroying the relationship."
>
> Frank Carr, Chief Trial Attorney U.S. Army Corps of Engineers, 1991

Preparing an Issue Resolution Ladder

An issue resolution ladder is a proactive conflict management tool that brings structure to the collaborative problem solving process for resolving project issues. . The ladder provides a visible structure that assists stakeholders to address issues quickly with appropriate decision makers.

Reasons to Use an Issue Resolution Ladder

The objective of the issue resolution ladder is to prevent issues from evolving into disputes. It also promotes efficiency in decision-making, promotes issues from stagnating, eliminates surprise, and shows a visible commitment to collaborative problem solving. This tool prevents issues from being hidden or ignored.

Design Considerations

The typical issue resolution ladder is created at the workshop and is depicted on a chart. The chart identifies the individuals from the stakeholder organizations that are responsible for resolving issues on the job-site and continues to identify individuals on each rung of the ladder above them that are responsible for issue resolution. The

typical ladder also sets a time limit for each level to consider the issue before it must pass up to the next level.

When designing the issue resolution ladder consider the following:

- Provide easy access
- Begin at the lowest level
- Identify individuals by name and position
- Balance authority at each rung
- Set time limits

A sample issue resolution ladder is displayed in the appendix.

Developing a Partnering Charter

At the conclusion of the Partnering workshop, the parties need to create a blueprint for their new relationship, which can be summed up in a Charter. The Charter is a written document prepared by the stakeholders at the workshop that creates a visual symbolic reminder of their commitment to the partnering concept and their mutual vision for the project.

The Charter is usually a one-page document that is signed by all the participants at the end of the workshop. The content of the Charter will vary from project to project but generally it contains the stakeholders' sense of the project's significant mission or awe-inspiring vision, their set of common goals, and the behavior guidelines or values that the stakeholders will adhere to during the project. The facilitator needs to make sure that the participants understand the importance of the Charter and that the drafting process is not complicated or a waste of their time.

Mission/Vision Statement

Common Goals

The typical partnering Charter includes a list of common goals that will provide measurable milestones for success on the project. These goals are often quantifiable and appear over and over again in partnering Charters. When all the goals are achieved, the contracting parties achieve a win-win result. Common goals that appear in partnering Charters are:

On-Time Delivery
Within Budget
Safety with No Lost Time

Value Engineering Supported
Zero Litigation
Quality Project
Reduce Paperwork

Guiding Principles/Values

The partnering team's guiding principals or values are the intangible standards underlying success. They are the professional behavior standards that the stakeholders want to display on the project. Guiding principles or values often include statements similar to:

Work as a Team
Build Trust
Be Open and Honest in Communications
Treat Others with Respect
Practice Partnering Daily
Solve Problems across Organizational Boundaries
H ave Fun

Planning for Partnering Implementation

Arrange Regular Follow-up Meetings

The importance of following up on the initial partnering workshop cannot be stressed enough. The goals and values of the partnering relationship need continued reinforcing so that the stakeholders do not let them fade away with time or under the stress of the project. Continuous evaluation of partnering goals and values is essential. The best means to accomplish this is to conduct regularly scheduled follow-up sessions. These sessions can be done in conjunction with monthly job progress meetings or periodically at four to six month intervals with all stakeholders present.

Develop a Measurement Tool

To evaluate whether the partnering relationship is working, a jointly developed measurement tool is helpful. A simple measurement tool is to list the goals and values from the Charter on a form and ask the individuals from the workshop to score each item from poor to excellent. The form may also provide space for narrative comments by the individual responding.

The benefit of this measurement tool is that it can serve to identify areas that need improvement and to establish benchmarks for the relationship. A sample measurement form is in the appendix.

Plan Combined Activities

There are other ways to advance the Partnering relationship through combined activities. **Follow-up workshops** could be scheduled to remind individuals of the partnering relationship, introduce new individuals to partnering, and to address new rocks in the road. **Debriefing sessions** at a breakfast or lunch meeting following significant milestones in the project could be the occasion for review of achievement. **Awards ceremonies** jointly conducted with senior management support could recognize and reinforce cooperative effort. **Professional development programs** such as training sessions, workshops, and seminars could be scheduled to improve communication skills, collaborative problem solving techniques, and teambuilding efforts.

Partnering Best Practices

These partnering best practices are based on interviews with partnering participants, agency partnering coordinators, partnering facilitators, and articles published about the partnering process. The best practices represent the lessons learned from years of partnering experience.

Conduct Partnering "Awareness" and/or "Refresher" Training

Although many organizations today have years of partnering experience, there is always a turnover of internal personnel and new stakeholders, such as contractors and sub-contractors that lack a clear understanding of the partnering process. To meet the partnering needs of these individuals, training should be continuous and can be conducted either informally at a conference or within another training course or conducted formally at a refresher training program.

Hold an Early Partnering Workshop

The partnering process should be initiated with a stakeholder workshop as soon as possible after contract award. When the partnering workshop is delayed, too often the stakeholders engage in old adversarial habits that reinforce confrontational practices making the partnering process not only more difficult to undertake but also less likely to have a constructive impact on the participants or the project.

Select a Partnering Facilitator with Construction Experience

Facilitators without some construction experience tend to view the partnering workshop as nothing more than a team building session and structure the workshop as such. The initial partnering workshop is likely to be much more effective and efficient when the facilitator has: 1) a clear grasp of the partnering concept and

process; 2) knowledge of construction and the issues that commonly arise; and, 3) experience in collaborative problem solving and/or conflict intervention.

Identify the Key Internal and External Stakeholders

The partnering process can only work if the right people get to the table for the initial workshop. This applies to participants from both internal branches/divisions and external stakeholder organizations. The partnering facilitator can assist in identifying these internal and external elements and assure that there is a balance among the participant levels represented. This balance assists in building good communications by bringing participants "face-to-face" with their counterparts that they will work with on the project.

Establish Effective Communications at the Initial Workshop

Partnering requires open and honest communications among all the stakeholders to manage conflict and achieve mutual project goals. It begins by bringing the stakeholders together at the initial workshop to identify and address their expectations, issues (existing or perceived), and goals in a collaborative non-confrontational atmosphere. Having effective communication at the initial workshop builds a foundation for building trust among the stakeholders that can be further sustained during the life of the project.

Create an Issue Resolution Ladder

An issue resolution ladder is a proactive conflict management tool that brings structure to collaborative problem solving across organizational boundaries. It prevents issues from stagnating and evolving into disputes. The issue resolution ladder accomplishes this by identifying the names of the responsible individuals at each level within a stakeholder organization who will deal with issues as they arise and the time they have to address it before sending to the next rung on the ladder.

Make the Drafting of the Partnering "Charter" Easy

The drafting of a partnering "Charter' is an essential outcome for each project. However, too often the participants at the initial workshops complain that the time spent to develop the partnering Charter is a waste of time. This typical workshop activity can be expedited and made easier by having a core group of senior stakeholder participants draft a sample vision/mission statement prior to the workshop and by identifying stakeholder goals earlier in the workshop.

Develop Meaningful Partnering Measurements

Precise measurement tools are necessary to obtain meaningful objective and subjective feedback on the effectiveness of partnering during and at the end of the project. This can be accomplished by the use of standardized measurement tools that rate both tangible and intangible elements of partnering. The items may include: communication, cooperation and respect, issue resolution, teamwork, safety, job progress, cooperation, trust, recognition, respect and appreciation of others.

Hold Periodic Partnering Progress Meetings

After the initial workshop it is good practice to hold periodic partnering progress meetings. These meetings are held to implement, monitor and evaluate partnering as well as to continuously address changes to the project. The partnering meetings can be informal as an agenda item on a regularly scheduled job progress meeting or at a specifically dedicated and facilitated partnering semi-annual meeting. When partnering efforts are not fully successful, it is often due to the lack of periodic follow-up partnering meetings.

Provide for Recognition

Partnering is not easy and requires hard work and dedication. Sincere and meaningful recognition for past hard work on a project is always appreciated and also provides motivation for future cooperation. This is also true for partnering efforts. Recognition can take various and diverse forms. It can be as simple as a public "thank you" and a sincere handshake or a formal award ceremony with the presentation of a plaque or other memento.

Partnering Experience

The Corps of Engineers has used Partnering extensively in a number of military and civil works construction projects since partnering became a Corps of Engineers best business practice. This section will describe a recent Corps of Engineers partnering project. Later, the beneficial results of partnering and valuable lessons learned are presented in this section of the pamphlet.

The 1991 Corps' Partnering pamphlet described two construction projects, Oliver Lock and Dam Replacement and the Bonneville Dam Navigation Lock, the first and only projects wherein the Corps had experienced the partnering concept and used the partnering process. The two projects selected below represent more current Corps experience with the partnering concept and, also, two different approaches to the partnering process.

The first case, the Army Reserve Center at Fort Meade, is a more typical application of the partnering process with a 1-day workshop. This project was smaller and the key stakeholders were very familiar with the partnering process. The second project at Wright-Patterson Air Force Base was more complex with more stakeholders and many stakeholders without partnering experience. This project held a 2-day workshop with separate pre-workshop sessions for the government and contractor personnel.

Army Reserve Center
Fort Meade, Maryland

This project concerned the construction of an Army Reserve Center at Fort Meade, Maryland for the 99th Regional Readiness Command (RRC). The Baltimore District and the Louisville District along with Harkins Builders, the key stakeholders, decided to have a one-day partnering workshop to initiate the project in January 2005.

Partnering Preparation

In preparation for the workshop the key stakeholders decided to use an external facilitator and to conduct the workshop near Fort Meade. The facilitator conducted survey interviews of a number of individuals from the stakeholder organizations that were invited to attend the workshop. The stakeholders included the above key stakeholders and representatives from Mason and Hanger, the design firm, the RRC and the Directorate of Public Works (DPW) at Fort Meade. The survey questions focused on the individuals' knowledge of the partnering concept and process, their past experience with partnering, and the project. As a result of these interviews the facilitator drafted an agenda for the 1-day workshop and submitted it to the key stakeholders for their approval. It was accepted.

Initial Partnering Workshop

There were 21 participants at the workshop representing the stakeholders. After the welcome and participant introductions, the participants discussed their expectations for the workshop: meet the people from the stakeholder organizations, establish good relationships from the start, know individual roles and responsibilities, understand the user (RRC and DPW) needs and interests, and learn the stakeholders' goals.

During the next phase of the workshop there was an overview of the project, a description of user needs, and the schedule. This was followed by the stakeholders describing their organizational structures with individual roles and responsibilities outlined. Next, the stakeholders identified their goals for the project. This took the participants up to lunch.

In the afternoon, the stakeholders started by agreeing to a vision statement: "We, the Project Delivery Team, will work cooperatively and professionally to construct a quality Army Reserve Center at Fort Meade for our soldiers, within cost and time, that exceeds the expectations of all stakeholders." After this task the stakeholders worked on identifying "rocks in the road" or issues for discussion at the workshop, and drafting action plans to address them. The subjects were: Phase II Award, RFI/Submittals, and Value Engineering. This was followed by drafting an issues resolution ladder for the project and writing the Charter.

The Charter goals were:

1. On Time and Within Budget
2. Complete and Useable Facility
3. Quality Construction and Safe Working Environment
4. Customer Satisfaction
5. Outstanding CCASS and ACASS Ratings

The Charter guiding principles were:

- Be Trustworthy
- Be Honest
- Be Respectful
- Follow "The Golden Rule"
- Be Proactive
- Have Fun
- Effectively Communicate
- Be a Team Player
- Have a Positive Attitude

The workshop concluded at the end of the day by having the participants come forward and sign the Charter.

Follow-Up Partnering

The stakeholders were committed to and continued to work on their partnering relationship after the workshop was finished. Informal partnering sessions conducted by senior stakeholder representatives were held to identify, discuss, and resolve partnering and project issues. At the completion of the project in September 2006, the partnering goals were met or exceeded. Of significant note, the Army Reserve Center was completed several months ahead of schedule and under budget. The Corps project engineer said that the partnering relationship was very successful.

Human Performance Wing Facility
Wright-Patterson Air Force Base

In April 2008, the Louisville District awarded a $194.5 million contract to the joint venture (JV) of Archer Western and Butt Construction Company for the design and construction of the Human Performance Wing (HPW) complex at Wright-Patterson Air Force Base in Dayton, Ohio. This Base Realignment and Closure (BRAC) project consolidates numerous Air Force and Navy medical units throughout the United States that are focused on aerospace medicine research, consultation, and education The HPW project covers approximately 1 million square feet and is scheduled for completion in 2011. This was the largest military construction contract ever awarded by the Louisville District.

Partnering Preparation

The preparation for partnering began immediately after the contract was awarded. One of the first actions was to decide on the stakeholders and the selection of the facilitators. The stakeholders included the Corps, the joint venture, design firms, subcontractors, the military commands relocating to WPAFB, BRAC officials, and WPAFB civil engineering personnel. There was a decision to use two independent experienced facilitators because of the number of anticipated participants at the workshop. The Corps selected one facilitator and the joint venture selected the other facilitator.

The stakeholders selected the location for the meeting at a site near WPAFB and arranged for a large meeting room with several break-out rooms and refreshments. Government personnel paid for their refreshments and lunch.

Meanwhile, the facilitators interviewed key stakeholder participants in order to learn about the project and to assist in developing a workshop agenda. The facilitators focused on three areas: partnering, people, and the project. The facilitator interviews

revealed that there was a lack of partnering experience and knowledge among a significant number of anticipated workshop participants, there were individuals that needed to be invited to the workshop that were not previously on the workshop participant list, and there were several project issues that needed to be discussed at the workshop, including the mandatory BRAC scheduled project completion date. This information obtained during the interviews was critical in assisting the facilitators in developing the workshop agenda.

In addition to drafting a workshop agenda, the facilitators recommended two pre-workshop sessions, one for government personnel and one for contractor employees, to introduce partnering concepts to the participants and to have them get to know each other better (especially the government). The key stakeholders agreed and the facilitators designed a half-day session for the two stakeholder groups for the day before the workshop.

Pre-Workshop Sessions

Approximately 35 individual attended each of the two pre-workshop sessions. The sessions had the same agendas with similar objectives: identifying individual perceptions of partnering, clarifying the partnering concept and process, recognizing the characteristics of a model project, developing their stakeholder goals for the project, and identifying "rocks in the road" or issues for discussion at the workshop. The model project characteristics, stakeholder goals, and "rocks in the road" from each session were recorded and presented at the workshop on the following day.

Initial Partnering Workshop

The initial partnering workshop for the entire partnering team was scheduled for two days in May 2008. There were over 100 participants at both days of the workshop. The program was kicked off by welcoming remarks from the key stakeholders' senior executives. Their statements set a positive tone in support of partnering. This was followed by an informative overview of the project and the BRAC scheduling challenges.

During the first day, the participants heard feedback from the pre-workshop sessions, participated in a team-building activity, described their organizations to the other stakeholders, and identified "rocks in the road." Later that same day, the participants selected four rocks in the road to address and formed teams to develop action plans. The teams considered: Untimely Response, Change Management, Schedule, and Equipment. Teams developed action plans for dealing with the rocks on the first day and presented these plans to the entire stakeholder team for comments and approval the next day.

On the second day, the workshop opened with an icebreaker. Then, the participants received feedback on the action plans from the break-out teams, developed an issue

resolution ladder, and agreed to a partnering Charter with a common vision, mutual goals, and team values.

The Charter's vision highlighted the stakeholders' commitment to building an "award-winning, international showplace for Aerospace Medicine Research, Consultation, and Education to enhance the performance of our nation's war fighters." This vision statement clearly expressed the strategic target of the team and was also compelling and inspiring.

The mutual goals that the team aspired to achieve together by the end of the project were realistic and for some of them, such as on-time and within budget, measurable performance objectives. The mutual team goals were:

Safe Project for all Stakeholders
Quality, World-Class Facility
On Time Completion
Maintain Mission
Within budget

The team values in the Charter described what was needed to maintain the stakeholders' positive relationship. The values were:

Professional, Open Communications
Right People, Right Seats, Right Bus,
Willingness to take a risk
Trust and Mutual Respect
Take Responsibility
Have Fun

After the Charter was printed with each stakeholder logo affixed, all participants signed the Charter (see Appendix F of this pamphlet). Finally, the workshop participants agreed to an informal implementation plan with periodic meetings and a draft measurement survey.

At the conclusion of the partnering workshop, the participants were asked what was most beneficial for them. Responses included:

"Meeting the other people that will work on the project."
"Putting a face to a name."
"Learning about partnering."
"Understanding the project better."
"Identifying rocks in the road."
"Hearing about the other stakeholders' goals."
"Getting agreement on a process to resolve problems."
"Being invited to the partnering session."

William T. Butt, Jr., President of Butt construction, said that "True partners accept that the success or failure in completing a project safely, on time with high quality is a reflection of the efforts of all stakeholders."

Follow-Up Partnering

The primary means used to sustain the partnering concept on this project was to have partnering as an agenda item on the monthly project management meetings and on the quarterly Senior Advisory Group (SAG) meetings. This has allowed partnering to remain in front of the stakeholders.

Additionally, after the workshop a partnering survey was developed as a measurement tool to evaluate the partnering relationship. The surveys were conducted in October 2008 and January 2009. The results and an analysis by one of the facilitators were provided to the SAG. Others surveys are planned for the future.

The survey looked at the following areas: safety, quality, schedule, staffing, trust, fun, communication, issues, cost/budget, modifications, base impact, and stakeholder attitudes. The good news was that the stakeholders were meeting expectations and making excellent progress in most of the areas. However, there were a few issues that the stakeholders needed to address. The survey helped by identifying these areas and opening them up for discussion.

Partnering: An Expanding Concept

Initially partnering was viewed as a process unique to the construction industry in the United States. Today partnering is practiced internationally from the east in Australia, New Zealand, and Hong Kong to the west in Canada, England and the European Union. Further, in universities and institutions of higher learning worldwide, partnering is being taught as part of engineering, business, and legal academic programs.

Additionally, partnering is no longer just a best business practice for the construction industry. The use of partnering has been successfully applied to environmental restoration and clean-up projects, intellectual property ventures, service contracts, agency/association partnerships, and numerous other fields wherein good relationships are necessary to achieve mutual business goals.

Partnering Benefits

Another frequently asked question about partnering is what can be achieved or gained by the use of partnering. As time has provided a number of partnering projects for

review, the answer is now quite clear. Stakeholders, such as the Corps, NAVFAC, MD SHA, AGC, and others who have participated in partnering report that there are significant tangible and intangible benefits. The following benefits are the most often noted by the stakeholders.

Tangible Benefits linked to contract elements (e.g. time, costs, quality, conflict resolution and safety):

- Completes projects on-time and within budget
- Improves quality performance
- Enhances efficiency and cost effectiveness
- Produces substantial value engineering savings
- Reduces paper work
- Expedites early resolution of issues at the project level
- Lowers the number of formal claims and litigation
- Improves job-site personnel safety with no lost-time accidents
- Provides safety to the public and community surrounding the project
- Increases customer satisfaction

Intangible Benefits linked to human elements (e.g. trust, communication, respect, recognition and integrity):

- Improves stakeholder relationships on the job site
- Facilitates cooperation & teamwork
- Creates an atmosphere for open and honest communication
- Builds trust among all stakeholders
- Eliminates surprise
- Encourages empowerment to anticipate, address, and resolve problems
- Sets a higher degree of appreciation, recognition and respect among project participants
- Establishes a better and fun working environment
- Provides more innovative and creative solutions to problems
- Enhances business reputations.

Interestingly, the intangible benefits that improve working relationships are regarded by many individuals as the results that have revolutionized the construction industry. When disputes do inevitably arise on the job-site, partnering offers a system of communication, identification of the problem, teamwork, and respect, instead of the former traditional pattern of diminished communications, confrontation, finger-pointing, distrust, and escalating hostility. Partnering creates an environment for win-win results as described in the benefits abo

"I personally believe in and want to see the Corps lawyers practice preventive law. This requires putting our efforts into avoiding disputes, and not wasting precious resources in litigation. Partnering offers a ray of hope in avoiding disputes and building cooperative relationships."

Lester Edelman, Chief Counsel, U.S. Army Corps of Engineers, 1991

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Appendices

Appendix A

Engineering and Construction Bulletin

No. ECB 2006-14 **Issuing Office: CECW-CE** **Issued: 01 Nov 2006**

Subject: Importance of the Application of Partnering Concepts to MILCON and Civil Works Missions

Applicability: Guidance

1. References:

a. UFGS 01 30 00 (01310) Administrative Requirements (07-2006)
b. MILCON Transformation Model RFP
c. ECB No. 2003-9 (30 May 2003)

2. The purpose of this ECB is to emphasize the importance of the application of partnering concepts to our military and civil works construction and operations missions to enhance USACE –Industry communication, teamwork and conflict management in support of an unprecedented workload and USACE transformation.

3. USACE is facing numerous challenges to successfully execute its MILCON and Civil Works Programs. These challenges are the result of Army Transformation, Integrated Global Positioning and Basing Strategy (IGPBS), the Global War on Terrorism (GWOT), Base Realignment and Closure (BRAC), the devastation caused by Hurricanes Katrina, Rita and Wilma, world demand on basic commodities and associated inflationary pressures, and saturated labor markets. These challenges continue to stress the demands on USACE and industry resources and pose significant risks to successful mission execution.

4. In the past, we have received input from the construction industry that we do not uniformly practice construction partnering. Most recently we received similar input from the dredging industry. Now more than ever, we must embrace the concepts of partnering and recognize that USACE and industry are dependent on each other for mutual success. Gone are the days when design and construction inefficiencies could be ignored and buried in project costs. Our customers demand ever-increasing value from the limited dollars that are available. USACE and industry must respond to this challenge and continue to develop innovative ways to work together that create added value through increased productivity. Partnering concepts, when properly applied, creates added value. Industry studies have shown that the correct application of partnering concepts improves quality, reduces cost and reduces contract performance periods.

5. Partnering is a voluntary organized process by which multiple stakeholders having shared interests perform as a team to achieve mutually beneficial goals. It is based on establishing those goals early in the project lifecycle, building trusting relationships, and engaging in collaborative problem solving. It requires empowering team members to solve problems at the lowest organizational level possible. A successful partnering

arrangement: removes organizational impediments to communication among stakeholders; achieves decisions through consensus when possible; results in joint responsibility for maintaining, improving and nurturing the partnering process; and demonstrates a personal commitment by every member of the team. It typically requires some or all of the following elements to be successful: a trained facilitator or team coach, a team charter articulating its mission and goals, a team assessment tool, an issue resolution process, and regular team building sessions throughout the life of the project.

6. Partnering is not a social process that simply promotes courtesy and politeness - but rather is a good faith effort at joint problem resolution. It is not mandatory, but rather voluntary - it does not attempt to mandate behaviors but seeks to influence them. It is not a panacea and will not result in mutually acceptable resolution to all problems - the stakeholders will feel better about the outcomes and are willing to continue with the process. It is not a one-way street and will not work if some parties adhere to an "us versus them" mindset - it will succeed with a win-win mindset. It is not successful without total senior management commitment - it is successful if the team has the right skill-sets, is empowered by senior management and receives the requisite resources to get the job done. It is not a waiver of contractual rights and responsibilities - it is a recognition and respect of those rights and responsibilities and a willingness to work together to help all stakeholders fulfill them. It is not contrary to the Government's best interests – it is consistent with the Government's implicit duty to cooperate with its contractors.

7. Various resource materials are available to get help and learn more about partnering. They include:
a. http://www.construction-institute.org
b. http://www.adr.org
c. http://www.agc.org

8. USACE leadership is committed to fostering cooperative relationships with its industry partners. The partnering concepts discussed here, when properly applied, will achieve that end one project at a time and will help us achieve our goals in these unprecedented times.

9. This ECB has been coordinated with the Office of the Chief Counsel and the Principal Assistant Responsible for Contracting (PARC)

10. The point of contact for this ECB is Paul Parsoneault, 202-761-5533.

//S//
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//S//
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Directorate of Civil Works

Appendix B

Sample 1-Day Initial Partnering Workshop Agenda

A 1-day partnering workshop is used when the stakeholders and participants are familiar with the partnering process and there are a small number of participants.

Morning	**Afternoon**
Welcome	**Lunch**
Introductions	Project Goals
Workshop Expectations	Rocks in the Road
Agenda Review	Rocks in the Road Feedback
Ground Rules	Issue Resolution Ladder
Break	**Break**
Partnering Description	Guiding Principles/Values
Project Overview	Charter Development
Mission/Vision Discussion	Implementation Strategy
Organization Structure	Group Photo
	Charter Signing/Closure

Appendix C

Sample 2-Day Initial Partnering Workshop Agenda

A 2-day partnering workshop is often used when there are a large number of stakeholders and participants attending the workshop or when the other non-Corps stakeholders are new to partnering.

Day 1

Morning	**Afternoon**
Welcome	**Lunch**
Introductions	Organization Structure
Workshop Expectations	Project Overview
Break	**Break**
Team Building/Communications Exercise	Model Project
Agenda Review	Project Goals
Ground Rules	Mission/Vision Discussion
Partnering Description	Identifying Rocks in the Road

Day 2

Morning	**Afternoon**
Icebreaker Exercise	**Lunch**
Working on Rocks in the Road	Guiding Principles/Values
Break	Charter Development
Rocks in the Road Group Feedback	**Break**
Issue Resolution Ladder	Implementation Strategy
	Group Photo
	Charter Signing/Closure

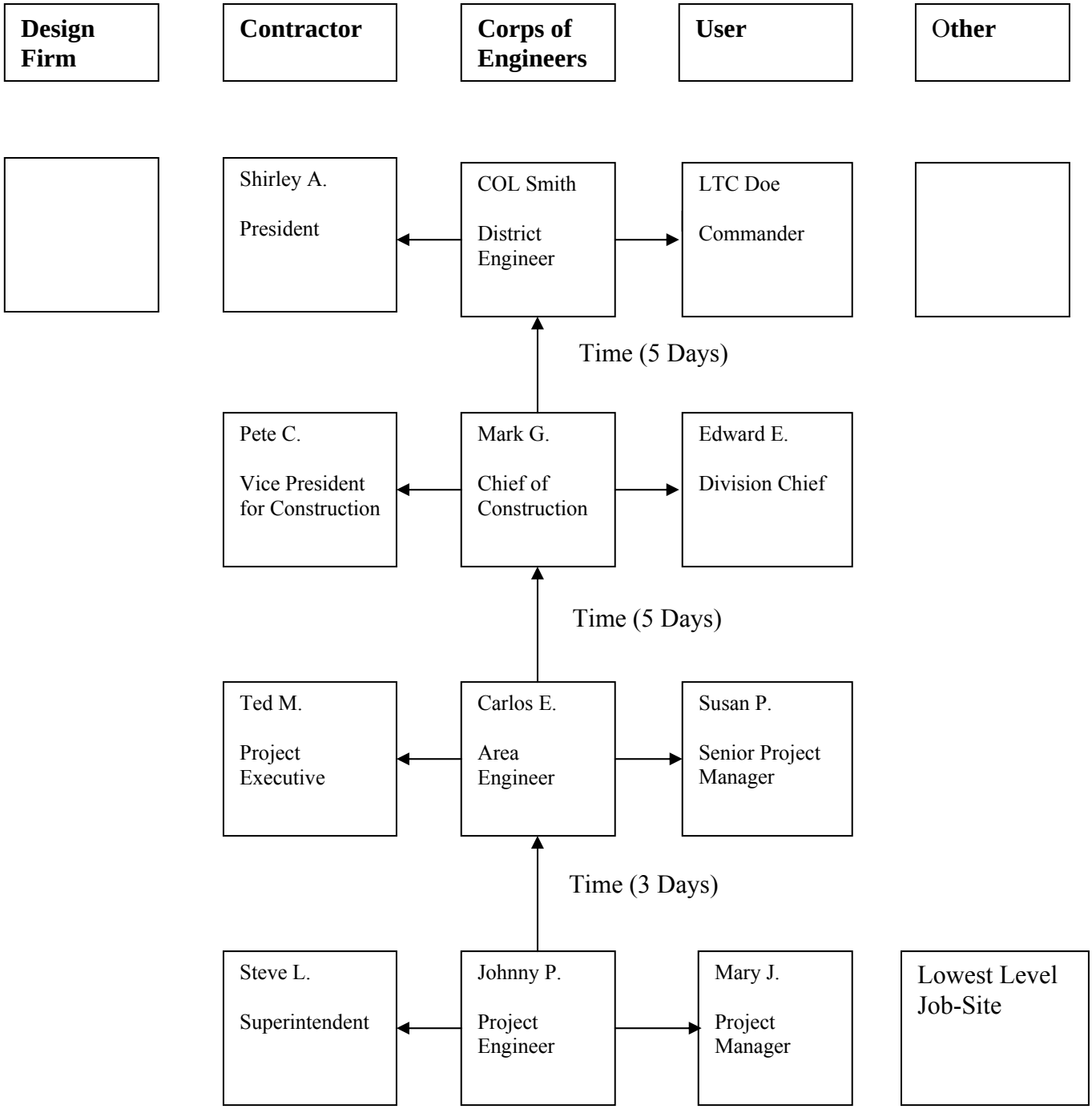
Appendix D

Sample Ground Rules

- ✓ Support full participation of all participants
- ✓ Stay focused on partnering
- ✓ Listen to others
- ✓ Offer solutions not barriers
- ✓ Respect one person speaking at a time
- ✓ Return from breaks promptly
- ✓ Use time wisely
- ✓ Avoid personal attacks
- ✓ Put cell phones on 'vibrate'
- ✓ Act as adults – if you need a break, take it without disturbing others

Appendix E

Sample Issue Resolution Ladder



Appendix F

HPW Partnering Charter

BURGESS & NIPLE

CANNONDESIGN

Human Performance Wing Construction Project

Vision

Safely build an innovative, award-winning, international showplace for Aerospace Medicine Research, Consultation, and Education to enhance the performance of our nation's war fighters.

Through partnering, open communications, and shared commitment, we will effectively schedule and execute the design and construction to ensure mission success.

Goals

- **Safe Project for all Stakeholders**
- **Quality, World-Class Facility**
- **On Time Completion**
- **Maintain Mission**
- **Within Budget**

Butt Construction Company

THP

Values

- **Professional, Open Communications**
- **Right People, Right Seats, Right Bus**
- **Willingness to take a risk**
- **Trust and Mutual Respect**
- **Take Responsibility**
- **Have Fun**

Appendix G

Sample Partnering Measurement Tool

Partnering Evaluation - Goals						
	Poor 1	Marginal 2	Satisfactory 3	Good 4	Excellent 5	Points
A. Goal						
B.						
C.						
D.						
E.						

Partnering Evaluation - Values						
	Poor 1	Marginal 2	Satisfactory 3	Good 4	Excellent 5	Points
A. Value						
B.						
C.						
D.						
E.						

COMMENTS: _____

_____

_____

Evaluation Submitted by Team Member from:

1. Corps _____
2. Contractor _____
3. Architect _____
4. Other _____ Specify: _____