



**Washington State
Department of Transportation**

PARTNERING FIELD GUIDE

FOR WSDOT PROJECTS

Our way of doing business

March 2009

PARTNERING

A Field Guide to Partnering WSDOT Projects

This field guide is written for both WSDOT and the Contractor's personnel to convey WSDOT's and the construction industry's commitment to partnering. It does so by providing guidelines and tools for successful partnering.

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CHAPTER 1

PARTNERING, OUR WAY OF DOING BUSINESS

We are Committed

This field guide is intended to promote the formation and success of partnering relationships on WSDOT construction projects. WSDOT and the Construction Industry are committed to making partnering the way we do business. We want to give you the tools for successful partnering.

In this field guide you will find a description of many partnering concepts and processes. If you are ever in doubt as to what to do, please ask. Your manager can help you can seek out books on the topic, or talk to peers who have a reputation for successfully partnering their projects. But remember, you can't partner if you don't know and understand what partnering is. Find help if you need it because it's up to you to make partnering the way we do business.

Seeking Fairness

Fair does not mean waiving contract requirements or bending the rules. Fair means timely decision making, open communication and mitigating each others problems. It is your job to be fair and to act in good faith while seeking resolution to project issues and problems. If you keep this objective in mind you will never be too far from finding a solution.

Who wins here?

The resident 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 bucket is 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 a time extension that he knew would be coming. Why didn't he let the contractor's project manager know of his concern? "That's their responsibility. They'll find out soon enough!"

U.S. Army Corps of Engineers – Pamphlet-91-ADR-P-4

These concepts, fairness and doing what is best for the project, are basic guidelines for partnering success. It takes discipline and perseverance to keep these two principles in mind in the heat of conflict, but it will pay off.

What is Partnering?

Partnering is a way of conducting business in which two or more organizations make long-term commitments to achieve mutual goals. This requires team-based relationships utilizing open communication among the participants based on trust, understanding, and teamwork.

Partnering is a relationship in which:

- Trust and open communications are encouraged and expected from all participants.
- All parties address and resolve issues and problems promptly and at the lowest possible level. They strive to develop solutions that are agreeable and meet the needs of everyone involved (win-win approach).
- All parties have identified common goals for the partnership and at the same time are aware of and respect each other's goals and values.
- Partners seek input from each other in an effort to find better solutions to the problems and issues at hand. This creates synergy in the relationship that fosters cooperation and improves the productivity of the partnership.

Win-Win Negotiations

Too often people think of a win-win solution as "splitting the difference" so both parties share the pain. In fact, a win-win solution is where both parties get all or most of what they need and their true interests in the outcome have been satisfied.

For example, the contractor demands additional compensation when he discovers the 15-foot wide work area shown on the plans is actually only 5 feet. The Resident Engineer (PE) states that although the plans may be wrong, the available work area was obvious to all bidders visiting the site.

In a lose-lose scenario, the contractor does the work as planned and files a claim that is settled in the future by sharing the cost since at that time both sides see the vulnerability of their positions.

In a win-win agreement, the contractor may state that he really only needs 10 of the 15 feet and both the PE and contractor, looking at traffic windows, staging, and environmental permits, find a way to obtain the additional 5 feet.

The key is to do this before the work is done and the money is spent and to brainstorm many different options. Delaying the negotiations or discussion of a dispute until after the work is complete frequently results in a strict debate over financial responsibility.

Partnering Objectives

Owners of construction projects across the country pay tens of millions of dollars each year in interest and legal costs for claims that remain unresolved for long periods of time. This is money that could be used to fund additional projects. WSDOT is no exception. For contractors, unresolved claims mean fewer funds to reinvest in other enterprises, and, in extreme cases, may even threaten their companies' existence. Affecting both owners and contractors, beyond money and often even more damaging, are the negative attitudes and damaged working relationships that result when issues and claims remain unresolved.

The result is poor communications and lost productivity. This is the classic lose-lose situation. The objective of partnering is to turn this situation around. Without partnering, both WSDOT and the Contractor are gambling that they will be able to convince a third party, dispute review board, or arbitrator of their position months or years later. This in itself is a huge risk and a loss of control of the outcome.

The use of partnering in the public sector has grown significantly in recent years. In 1998 a National Partnering Charter outlined the following objectives for partnering:

- Claims mitigated and resolved promptly
- Safer projects
- Increased job satisfaction
- Reduced delays
- Higher quality
- Reduced total project costs

Your job is to keep these objectives in mind as you manage the projects. They are the targets for which you are aiming.

Partnering Values

What we value we do. Each project has its own culture, its norms or "way of doing business". The following is a partial list of partnering values and attributes of the way we want to do business as partners. As project leaders, your job is to instill these values into the projects and to identify and overcome any barriers that interfere with their achievement.

- | | |
|---|-------------------------|
| Fairness | Teamwork |
| Cooperation | Joint Problem Solving |
| Trust | Working for Mutual Gain |
| Open and Honest Communication | |
| Rapid Dispute Resolution at the Field Level | |

Role of the PE and Contractor's PM

The Project Engineer (PE) and the Contractor's Project Manager (PM) are responsible for leading the partnering effort. As the project leaders, they are accountable for the day-to-day operations of the project, and are in the perfect place to promote partnering. They are critical to partnering success (or failure). The act of planning and executing the partnering session builds a relationship between the PM and the PE and presents a united effort to the team.

The PE and Contractor's PM, working together, must decide how to lead the partnering effort on each project. They should have clear objectives in mind as to what they want to accomplish through partnering. At the project partnering workshop, the PE and Contractor's PM will act as hosts. They should be prepared to present an overview of the project and to identify key project issues. As the hosts, they will invite, welcome, and thank all those who attend. The role of the PE and Contractor's PM can be expanded to the extent they feel comfortable. They are the project leaders and they need to take the lead in the partnering workshop. The professional partnering facilitator (if used) is there to help.

It is the responsibility of the Contractor's PM to oversee and manage the construction of the work and the Contractor's operations. The PM ensures the Contractor fully satisfies his/her obligations, including those related to quality, as set forth in the contract. It is the responsibility of the PE to administer the contract on behalf of the State and the Contractor. The behavior of the Contractor's PM and PE should model the partnering values described above and each should demonstrate to all project stakeholders their commitment to the implied warranty of good faith and fair dealing in the contract.

As the administrator of the contract, the PE is responsible to protect the Contractor's rights relating to the contract, as well as those of the State. To ensure that the Contractor is paid for everything he/she is owed.

Entitlement and Trust

The timely acknowledgment of entitlement is integral to the trust relationship between WSDOT and the Contractor. Usually when an event occurs on a project which impacts the project's cost or schedule, the question of responsibility can be determined before the associated cost can be quantified and agreed to. In a partnered relationship, entitlement or acknowledgment of responsibility by either WSDOT or the Contractor is never used as a bargaining chip. Because successful partnered projects rely on forthright communication, we will acknowledge entitlement, whether partial or in full, immediately upon determination of responsibility.

Ron Howard authored a contractor's creed and an owner's creed printed them out on laminated cards and handed them out at partnering training. The cards are available from the State Construction Office. The creeds read as follows:

THE CONTRACTOR'S CREED

"I believe that the State is entitled to receive the work in the contract, performed with the best craftsmanship that I can muster. I understand that, in at least some of the issues, I will not be entitled to extra compensation. When this occurs, I want to complete the work as soon as possible, minimizing the cost, but still providing my best workmanship. I do not consider an outcome where I am able to extract payment, even though I am not entitled to it, to be a success.

The plans and provisions that are included in the contract will govern unless a change is approved. Unless there is a plan error that must be addressed, the owner is completely justified in requiring that the plans be carried out as written. I will accept the Project Engineer's decision to reject any voluntary change proposal that I might submit."

THE OWNER'S/PROJECT ENGINEER'S CREED

"I believe that the Contractor is entitled to earn a fair profit for efforts on the project. I understand that, in at least some of the issues, the Contractor will be entitled to extra compensation. When this occurs, I want to recognize that entitlement as soon as possible and see to it that appropriate compensation is paid. I do not consider an outcome where an entitled contractor is not paid or is paid less than appropriate to be a success.

I acknowledge that there are often alternative approaches to achieving the desired product. I will be flexible when the Contractor proposes alternatives to the plan and will give these fair hearings. If all other things are equal, I will try to accept the Contractor's proposals."

CHAPTER 2

STARTING THE PROCESS

There is no such thing as a self-made man. You reach your goals only with the help of others.

George Shin

The Pre-Construction Meeting

The pre-construction meeting is an important step in creating the partnering relationship.

A model pre-construction letter is included in appendix A. This letter can be sent out at time of award. The letter includes a questionnaire for the contractor and subcontractors which will assist the PE & Contractor's PM in preparing for the pre-construction meeting and enable the PE to respond to the contractor's questions.

If you are Partnering Internally

Most projects are internally partnered, meaning that a professional facilitator is not used. Facilitation is done by both the PE and Contractor's PM. The reasons to internally partner may be due to the small size or lack of complexity of the project. Add some or all the following items as appropriate to the pre-construction meeting agenda when you are using the preconstruction meeting to initiate the partnering effort:

- Exchange of organizational charts
- Commitment to resolve claims at the lowest level possible
- Method of escalating unresolved issues for resolution
- Regular scheduled meetings to promote communications
- Commitment to complete partnering surveys within specified timelines
- One and three-week working schedules to encourage discussion of upcoming construction activities
- Formation of teams to resolve identified contract issues
- Identify potential Value Engineering Proposals

Making the Offer to Partner

All WSDOT owned projects may be professionally partnered. This offer will be in the form of a letter of invitation from the PE to the Contractor's PM. A sample letter of invitation is as follows;

Dear Project Manager:

Congratulations on being awarded the project XYZ. We at WSDOT are committed to promoting the formation and success of partnering relationships with all our contractors on every project. Please accept this letter as my sincere invitation to work together as partners on this project. I look forward to working with you over the next XX months. I will be calling you within the next few days to discuss setting up our professional or internal partnering process.

I am enclosing a copy of the WSDOT Partnering Field Guide for your reference.

Sincerely,
Project Engineer

WSDOT Specification Partnering Language;

PARTNERING

- A. Partnering does not change the legal relationship of the parties to the Contract, and does not relieve either party from any of the terms of the Contract.
- B. The Department encourages the formation of a strong partnership among the Department, the Contractor, and the Contractor's principal subcontractors. This partnership draws on the strengths of each organization to identify and achieve mutual goals.

- C. Implement partnering concepts on all projects. Determine jointly between the Contractor and Department's Engineer to either bring in a professional facilitator or to initiate internal partnering by jointly sharing in facilitation responsibilities.
- D. Contact the Department's Engineer within 30 days of Notice of Award and before the Preconstruction Conference to implement a professionally facilitated partnering initiative. Determine jointly between the Contractor and Department's Engineer a facilitator for the meeting and determine attendees, agenda, duration, and location of a partnering workshop.
- E. Both the Department and the Contractor agree to, and share equally any costs to accomplish partnering.
- F. Persons who should be considered to attend the workshop:
 - 1. Contractor's corporate level manager.
 - 2. Contractor and key project supervisory personnel.
 - 3. Principal subcontractors.
 - 4. Department's Assistant State Construction Engineer.
 - 5. Department's Region Construction Engineer.
 - 6. Department's Project Engineer and key project personnel.
 - 7. Project Design Engineer.
 - 8. Local government personnel.
 - 9. Major utilities.
- G. Follow-up workshops may be held periodically as agreed by the Contractor and the Department.

When You Should Hold the Kick-off Partnering Workshop

Hold the kickoff-partnering workshop within thirty days of the notice to proceed. This gives everyone a chance up-front to get to know each other and to work to identify project challenges and create ways to overcome these challenges, thus setting the partnering relationship in motion.

Hold the kick-off partnering workshop early in the project. Research shows changes identified before 33% completion hold a high probability of completing the project on time. After the project reaches 33% completion, making changes decreases the odds of on-schedule completion exponentially.

It is also important to allow enough time for the project team to be in place and to have become familiar with the project before holding the kick-off workshop. Holding the workshop before the contractor has decided how to build the project or has had time to carefully review the contract documents makes for an ineffective session. On the other hand, the workshop should not be held any later than ten days after work has started on the project.

Hold frequent partnering sessions for large complex projects. Hold partnering sessions as needed or as agreed upon by the project team.

Role of the Professional Facilitator

The professional facilitator assists the PE and Contractor's PM in developing an effective partnering process and partnering workshop(s) for the project. The professional facilitator is not the leader of the partnering effort. The goal is for the PE and Contractor's PM to act as the project leaders. This includes leading the partnering effort. The PE and Contractor's PM are encouraged, with the guidance of the facilitator, to take an active role in leading and facilitating, the partnering session. Keep in mind that the facilitator works for the owner/contractor team and we should make good use of their expertise.

CHAPTER 3

SETTING UP THE PARTNERING WORKSHOP

It is better to be prepared for an opportunity and not have one than to have an opportunity and not be prepared.
Whitney Young, Jr.

Determining the Length of the Workshop

The length of the partnering workshop should be commensurate with the size and complexity of the project and familiarity of the parties. Some projects don't warrant a two-day off-site partnering session while others require not only a two-day kick-off session but also multiple follow-up sessions throughout the project's duration. Some determining factors to consider when deciding the length and frequency of workshops are as follows;

(Rate the following factors on a scale of one to three)

- ✓ Number of attendees
- ✓ Number of key organizations
- ✓ Size of project
- ✓ Complexity of project
- ✓ Difficulty of project

Low scores (average) (1s) indicate that an expanded pre-construction meeting is appropriate, including the expanded agenda discussed in the following section. Middle scores (2s) suggest that a separate ½ to one-day session is appropriate. High scores (3s) indicate that a one to two-day workshop and a series of workshops over the duration of the project is recommended. Use this assessment as an indicator – your good judgment and common sense should always prevail.

Sample Workshop Agenda

The PE and Contractor's PM are responsible for designing the partnering workshop agenda. If a professional facilitator is used, they should assist the PE and Contractor's PM in developing the agenda to meet the specific needs of the project and helping to keep the workshop on track. (See appendix C for Weekly Partnering Meeting – Model Agenda). Here is a sample 1/2-day and one-day agenda.

Sample ½ Day Partnering Workshop Agenda

8:00 a.m. Welcome (PE and Contractor's PM) Introductions and Project Organizations Partnering Overview Project Overviews (PE and Contractor's PM) Vision/Mission Statement Potential Project Issues Key Issues for Success

10:00 a.m. Break

10:30 a.m. Creative Problem Solving/Commitments for Key Issues Development of a Dispute Resolution / Evaluation Process Signing of the Partnering Agreement (Charter)

Noon End of Session

Sample One-Day Partnering Workshop Agenda

8:00 a.m.	Potential Project Issues
Welcome (PE and Contractor's PM)	Key Issues (3-5)
Introductions and Project Organizations	Creative Problem Solving for Key Issues
Expectations/Rules	Problem Finding
Partnering Overview	Fact Finding
Team Building Activity (if appropriate)	Solution Finding
	Goal Setting and Action Planning
Break	Break
Team Building (continued)	Development of a Dispute Resolution Process
Partnering Lessons Learned/Paradigms	Signing of the Partnering Agreement
Vision/Mission	Closing Remarks and Thanks (PE & Contractor's PM)
Noon Break	
1:00 p.m.	4:00 p.m. Session Ends
Experience Project Overview	

Deciding Who Needs to Attend

One of the most important contributors to the success of the partnering workshop is the invitation and attendance of all the stakeholders who can impact the project. The PE and Contractor's PM develop a list of who needs to attend the partnering workshop given the challenges they are facing and the nature of the project. A "notice of meeting" or invitation should be sent out in advance of the partnering session. The PE and Contractor's PM signs the invitation and requests that each invitee confirm their attendance. A sample letter of invitation follows on the next page.

Date: XX/XX/XX

To: XXX

XXX

From: Project Engineer

Project Superintendent

Subject: Partnering Workshop for XYZ Project

You are cordially invited to attend our partnering workshop for the XYZ Project. WSDOT and Contractor are committed to working together on this project and your involvement is extremely valuable to the success of the project. We would like to start the partnering effort off with a XX-day partnering workshop. The workshop will take place as follows:

Date:

Time:

Location:

Please confirm, by phone, e-mail or fax, that you will be attending our workshop. We look forward to making this a great project. We can be reached at:

PE [phone number] Contractor's PM [phone number]

PE [fax number] Contractor's PM [fax number]

Sincerely,

PE

Contractor's PM

Preparing for the Workshop

The PE and Contractor's PM should meet to discuss and prepare for the partnering workshop. This will probably require more than one meeting. The first meeting will involve selecting potential dates and locations for the session and a professional facilitator (if desired). Once these are selected, a list of attendees will be developed, making sure that the session date(s) work for the key participants. The PE and Contractor's PM should also discuss their objectives for partnering the project – what does each hope to accomplish? What issues were identified on the preconstruction questionnaire? This information should be used for designing the session to meet the objectives.

The second meeting between the PE and Contractor's PM will be to prepare presentations. The PE and Contractor's PM will be taking the lead during the partnering session. They will present an overview of the project, have a list of potential/actual project issues and may develop a mission statement for the project. If a professional facilitator is used include them in a review of this information. Experience has shown that preparation is critical to feeling comfortable with a leadership role. The PE and Contractor's PM should bring along charts, graphs, photos, graphics, and anything else that they feel will help them explain the project.

Partnering Charter/Agreement

At the end of the partnering workshop the participants sign a partnering charter (agreement). This agreement includes all of the principles and commitments made during the partnering session. This is not a legal document, but a personal commitment of those attending the session that they will assist the PE and Contractor's PM in ensuring the project is a success. (See Appendix B for a sample partnering charter/agreement)

The partnering charter can be displayed at the jobsite for the crews to see. It should be a symbol and reminder of the commitment you have made that this project will be a true partnership.

CHAPTER 4

TOOLS TO ASSIST IN MAKING THE PARTNERSHIP A SUCCESS

Don't wish it were easier, wish you were better.
Jim Rohn

Weekly Meetings

A weekly project meeting can be one of the best partnering tools. Good communications and planning are critical to a successful project. A well-planned and run weekly progress meeting provides the team an opportunity to bring up issues, concerns, and ideas on a regular basis. A weekly project meeting can help everyone working on the job understand the schedule, coordinate work, identify and resolve issues, discuss the status of the project, and plan the week ahead. A good meeting has these attributes:

Starts on time - A project meeting should always start on time; this will train everyone to be on time.

Ends on time - There should be a set amount of time allotted for the meeting.

Have an agenda - The Contractor puts together the agenda. Include the issues from the subs and suppliers. The agenda, while fixed, should be flexible enough to discuss new issues as they occur. The agenda must not "lose" old issues that are still open. A good agenda covers

- Partnering review – discussion about what is going good and where improvements can be made in the partnering effort
- The schedule (what work is planned) and how the team is going to accomplish it over the next week
- Unresolved or outstanding issues - so that you can either resolve them or elevate them up the dispute resolution ladder
- New issues which need resolution
- Action items and deadlines, so that each person knows what tasks have been assigned and when they are to be completed

A record is made of agreements and outstanding issues (minutes) -

Meeting minutes are required so that everyone knows what was agreed to and what is still unresolved (the minutes will be very helpful two years down the road when questions arise). The contractor will be responsible for taking the minutes. Minutes will be approved and distributed to WSDOT for approval then submitted to appropriate individuals.

The people needed for discussion and to make decisions are there –

Make sure the appropriate individuals attend the meeting.

Attention is on the meeting, not elsewhere – Interruptions from pagers and cell phones distract everyone, making the meeting drag on, and preventing everyone from hearing everything (discussions and agreements). If everyone stays focused on the meeting it can start on time and end on time, and you'll all be out more quickly than if everyone keeps being interrupted.

Pre meeting - Another good idea to facilitate communication is for the project superintendent and inspector to meet before the start of each shift to discuss the work planned for the day. They'll be able to agree on an approach and to discuss potential problems.

Communication

Good communication means that there are no surprises on the project. The project team should commit to not writing letters without talking to each other first. Talking first gives everyone an opportunity to make sure they

understand the issue(s) and to try to work things out before positions are put in writing. If you do end up putting your position in writing, the recipient should know that the letter is coming and what it says.

Experts tell us that 75-80% of good communication is listening – so if you want to improve the project's communication listen, listen, listen. Personality conflicts can get in the way of communications and can disrupt the project. Each person on the project brings a unique personality and some accommodation should be made for these differences. Egos and personalities are present on every project. Project issues should remain project issues and not become personal issues.

Separating People from the Problem

Often, when conflict erupts on our project, we begin to look for who is to blame. It is easy to get caught up in the "fight", and in "winning", and not in getting the issue resolved while ensuring that the relationships remain undamaged. Don't forget, everyone will still have to work together to complete the project. Because we become engaged in not losing, we often don't take the time to really understand the problem and we may make assumptions. Frequently the assumptions turn out to be only partially correct. Then we find we can't come up with a good solution because we are working with false assumptions. Here are some steps that can be taken to avoid being trapped in this viscous cycle:

Step #1 Seek to Understand the Problem

Ask probing questions to try to flush out all aspects of the problem - no matter how angry or hostile the other parties seem to be. Don't become defensive; you are trying to understand the problem and the assumptions each of the other stakeholders have. This will give you a clearer picture of what the real issues are.

Step #2 Don't Make It Personal

Take an objective point of view - don't become engaged in the battle. Take the role of negotiator or fact finder. The more people get wrapped up in the battle and in trying to win, the more likely they are to start feeling that the issue is a personal matter. But remember, it's a project issue, and the success will depend on your ability to not take things personally.

Step #3 Don't Seek to Blame

Don't seek to blame - instead, seek solutions and understanding. People generally act logically; your job is to find the logic behind their actions. It's always there and often has nothing to do with the stated problem. Pointing fingers makes everyone defensive, stopping communication. No project problem was ever solved by blaming someone. We are all in this project together - we will succeed or fail together.

Step #4 Agree on the Problem

Work to gain agreement on what the problem is before you attempt to find solutions. If we don't agree on what the problem is, how can we ever agree on the solution?

Follow-up Partnering Session(s)

Partnering requires an on-going commitment. To reaffirm the commitment it may be necessary to hold a partnering session midway into the project. You might consider holding a follow-up partnering session when there is a significant change of personnel on the project, issues remain unresolved, or the project enters a new phase of work.

The Professional Facilitator

The professional partnering facilitator (if used) is a project resource. Professional facilitators work on dozens of projects each year and can probably offer you some sound suggestions on improving the partnership.

Team Building Activities

It is important to the success of the project that project personnel have a sense of enjoyment. Such a sense can be achieved by holding regular joint team activities commonly tied to project accomplishments.

CHAPTER 5

MEASURING PROGRESS

What gets measured gets done.

W. Edwards Deming

Getting Feedback

A feedback system has been designed to tell how well the partnership is doing. The system includes a project survey (report card) to help identify trends (both positive and negative) and take corrective action quickly or congratulate the project team.

Rate the project team on a scale of 1-5 in each of four areas, with 5 indicating the highest level of satisfaction. The areas being measured are: 1) mutual respect, honesty, trust, and fairness; 2) regular communication at all levels (communication between organizations at the same level and communications up and down each organization's chain of command); 3) effectiveness and efficiency of dispute resolution; 4) problem solving at the lowest level. The survey form includes a comment area to praise good efforts or list ideas for improvement in each of the four areas. Comments should be specific enough that a limited amount of effort is needed to research the issue. The survey concludes with the following questions:

- What caused a change in your score for this month?
- How many disputes were resolved at the job site level this month?
- How many project improvements were made this month (quality, value, engineering, schedule)?
- Do you have any comments on the partnering process?

Completing the Survey

The Partnering survey may be used as appropriate. Each member of the partnering team will complete the survey on a regular schedule for the duration of the project. The survey may be suspended during times of low or no activity on the project. Remember that you are rating the project teams' performance and not a particular individual. The Project Engineer or Project Superintendent will collect the completed forms.

Survey results are summarized comparing the Contractor and WSDOT ratings from the previous meeting and throughout the length of the project. The results will be presented in a graphical format so trends can be easily identified.

Negative responses in a survey or a negative trend should be identified quickly. This will allow you to investigate the underlying causes and take corrective action. Ideally, over time, the scores reported by contractors will be the same as those reported by WSDOT personnel and there will be an upward trend toward higher satisfaction in each area.

Posting and Distributing Results

The PE and Contractor's PM are responsible for collecting the data. The summary reports are discussed at the next weekly meeting and posted each week in the job site trailer or office so all of the partners on the project can see how the team is doing. You may choose to distribute the reports to each of the team members. If the report identifies areas in need of improvement the project team leaders should meet and discuss a course of action. Likewise, if the report identifies areas going well and/or improving, the team leaders should be sure to offer their congratulations to the project team.

CHAPTER 6

THE ESCALATION LADDER

Three-fourths of the miseries and misunderstandings in the world will disappear if we step into the shoes of our adversaries and understand their point of view.
Gandhi

What is a Dispute?

Project team members work daily to resolve problems, so they may fail to see that what was a project problem has now become a project dispute. Here is a simple definition of what constitutes a dispute: A dispute is a disagreement between two or more people.

It's that simple. It most likely includes contract interpretation, site conditions, money and possibly time. It commonly includes a discussion of ownership of risk.

The dispute resolution ladder is designed to provide timely decision making and avoid reaching an impasse.

I Can't Give Up Now

Another barrier is that people may feel that they have failed (and/or that they may be chastised) if they elevate an issue, or it may be that they want to maintain control at their level. Some disputes stay at level 1 for four to five months when the agreed upon time to elevate was one day. It is the responsibility of upper management to ensure that it is safe for a field team to honestly work to solve problems, and to encourage them to elevate the issue to the next level if they can't get it resolved themselves. Elevation of an issue is not a sign of failure.

Elevation of an Issue

The dispute resolution ladder should be created during the partnering workshop. Notification, response and dispute resolution procedures are specified in the contract and to preserve everyone's rights under the contract they must be observed. Therefore we should pay special attention to make sure the dispute resolution process developed must comply with the contract. At the top of the ladder are the two primary parties to the contract, WSDOT and the Contractor. Other involved parties may be behind these two primary parties. For example, behind the Contractor are the subcontractors and suppliers. Behind WSDOT might be design, right of way or the material laboratory.

Each party to a dispute needs to fully understand the other person's position. The process starts at the lowest level possible for each organization and proceeds up through both organizations' hierarchy until the issue is resolved. An issue is elevated to the next higher level when;

- 1) An agreement cannot be reached at the current level within the agreed upon time, or
- 2) If more than the agreed upon time has passed without a solution, or
- 3) By request of one of the parties at the current level

What is unacceptable is to ignore a dispute. Properly escalating an issue provides timely resolution and is not a bad thing. Here are a few suggestions for overcoming barriers to using the dispute resolution ladder.

Disputes Deserve Their Own Meeting

When an issue is elevated it is important that a special meeting be held to discuss the dispute at hand. Many times people will say "well, I talked to him at our weekly meeting" this does not elevate the issue. You need to call and schedule a separate meeting, at which you will discuss, seek to understand, brainstorm ideas about, and seek resolution of only the disputed issue. Minutes should be taken and routed to all parties to encourage understanding of each other's position. A meeting should be held each time an issue is elevated to the next higher level.

Elevation to the next level in the dispute resolution ladder should be done as a face-to-face meeting. Individuals involved in the dispute should sit down with the individuals at the next level of the escalation ladder and discuss the issue. You may want a joint white paper from the parties escalating the issue. For example, the Inspector and the Foreman sit down with the Project Engineer and the Superintendent and discuss the issue in dispute and the information that has led to this issue.

Once the issue is elevated, the next level should meet as soon as possible to try and negotiate a resolution. It is important that any resolutions made are communicated down to the originating level. If the issue is elevated to the top of the ladder without resolution you need to involve the State construction office to decide the next steps.

Appendices are intended as tools for your modification and use at your discretion.

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APPENDIX A PRE-CONSTRUCTION LETTER AND QUESTIONNAIRE

(Date)

(Contractor)

PE: Pre-Construction Meeting and Request for Questions and/or Clarification

Subject: Contract No. _____ and notice of Project Engineer

Your company has been awarded the above contract on ____ (date) _____. I will be the Project Engineer on this project.

(Include any standard requests for contract documents or submittals required by the contract.)

To assist the WSDOT Project Team in its preparation for the upcoming Pre-Construction and/or Partnering Workshop, please complete the attached questionnaire (Attachment #1) and return it to me along with any other questions, concerns or requests for clarification within five working days of the receipt of this request.

Early knowledge of this information will allow our Project Team time to do the appropriate research either within WSDOT or with the appropriate external sources to properly respond at the Pre-Construction and/or Partnering Workshop.

(Project Engineer Use A or B)

A. At this time, the State is not aware of any major changes to the contract documents or any issue that would affect the contractor's schedule on this project.

B. At this time, the following is a list of issues that have been discovered during the bid process for this project and will be discussed at the Pre-Construction meeting.

I will contact you regarding our Pre-Construction and/or Partnering Workshop meeting so that we may prepare our staff and invite all subcontractors and stakeholders for the project.

If you have any questions or need additional information, please contact me at your earliest convenience.

Sincerely,

PROJECT ENGINEER

ATTACHMENT #1

Project Name and Contract No.:

In preparation for the Pre-Construction Conference/Partnering Workshop, please respond to the following questions. Use additional sheets as needed.

1. List utility companies, irrigation districts, railroads, municipalities and any other agencies that you feel it is important to coordinate with. Also, indicate which of these companies should have a representative attend:

2. Scheduling concerns: _____

3. Construction phasing and/or construction staging concerns: _____

4. Conflicts between design plans, special provisions, standard specifications and/or standard plans: _____

5. Construction methodologies and/or construction procedures that you intend to use that you feel warrant up-front discussion and/or consideration: _____

6. Traffic control concerns: _____

7. Errors in bid quantities: _____

8. QA/QC questions: _____

9. Other issues: _____

Contractors Signature; _____

Date; _____

APPENDIX B PARTNERING AGREEMENT

PARTNERING AGREEMENT

Project: _____

Contract Number: _____

We, the Partners associated with the _____ project understand that this partnering agreement obligates all parties to work together in Good Faith and Fairness.

The Partners, with a positive commitment to honesty and integrity, agree to the following mutual duties:

- A. Each will perform the requirements applicable to their duties and responsibilities.
- B. Each will assist in the other's performance.
- C. Each will avoid hindering the other's performance.
- D. Each will proceed to fulfill its obligations diligently.
- E. Each will cooperate in the common endeavor of the contract.

The Contractor's Project Superintendent, _____ (name), will oversee the construction of the work and the Contractor's operations to ensure that the Contractor satisfies its' obligations, including those related to quality, as set forth in the contract.

The Project Engineer, _____ (name), will administer the contract on behalf of both the State and the Contractor. As the administrator of the contract, the Project Engineer will protect the Contractor's rights relating to the contract, as well as those of the State.

To ensure that the objectives for this agreement are met, the Partners agree to work together, both collectively and individually, in a spirit of trust and cooperation to achieve the specific goals and objectives as follows:

- Safety
- Quality
- Schedule
- Utilities
- Cost Control
- Identifying Value Engineering Opportunities
- Traffic Control
- Community Relations
- Timely Progress and Final Payments
- Environmental Protection
- Partnering Relationships
 - Communications
 - Meetings
 - Teamwork
 - Problem Solving
 - Issue Evaluation

Date: _____

Signatures

Signatures

Appendix C

Partnering Meeting Agenda

Project Number:		Date: ___/___/___	
Project Engineer:		From: ___ am/pm To ___ am/pm	
Contractor:		Location: _____	
Stakeholders Present		Stakeholders Present	
1	Name: Company:	1	Name: Company:
2	Name: Company:	2	Name: Company:
3	Name: Company:	3	Name: Company:
4	Name: Company:	4	Name: Company:
5	Name: Company:	5	Name: Company:
UNRESOLVED ISSUES			
Description:		Assigned To:	Resolution:
NEW AGENDA ITEMS			
1	Approval of previous meeting minutes	Project Superintendent	
2	Review/Discussion of Partnering Evaluation Scores	Group	
3	Review of Outstanding Items	Group	
4			
5			
6			
7			
8			
9			
10			
11			
12			
ACTION ITEMS			
Item #	Description:	Assigned To;	
		Completion Date: ___/___/___	
	Description:	Assigned To;	
		Completion Date: ___/___/___	
	Description:	Assigned To;	
		Completion Date: ___/___/___	
	Description:	Assigned To;	
		Completion Date: ___/___/___	
	Description:	Assigned To;	
		Completion Date: ___/___/___	

Weekly Partnering Meetings – Model Agenda Instructions

Preparation for meeting:

- Transfer any previous meetings unresolved action items to the “Unresolved Issues” section of new agenda
- Include any new issues that developed since last meeting in the “New Agenda Items” section of Agenda form. Identify the person to talk about the subject.
- Invite all necessary stakeholders to the meeting
- Request all stakeholders to identify any new agenda items and add them to the agenda.
- Compile data from new partnering effort surveys

During the Meeting:

- Identify all stakeholders present and the company they represent
- Contractor to take meeting minutes and distribute Partnering effort surveys
- All attendee’s to fill out Partnering survey and return to Contractor
- Review Partnering survey data and discuss trends.
- **Unresolved Issues:**
 - Description of issue
 - Who the issue was assigned to
 - What resolutions have been accomplished?
 - Status of issue (completed, in-work)

If status is marked as “in-work”, action steps should be identified and completion date should be assigned in the Action Items portion of the form.

Completed items are to be communicated to the originating party with an explanation as to what decision was made and why. Completed items will be left off future agendas.

- **New Agenda Items:**
 - Review minutes from previous meeting. Make any necessary changes
 - Review overall project partnering progress and discuss good and bad trends.
 - Describe all new agenda items in detail to all in attendance
 - Discuss what has been done so far on each item
 - Discuss possible remedies to the issue
 - Identify responsible person for follow up (if needed)
 - Determine action items and completion date for each issue
 - Identify time of escalation if not completed
- **Action Items:**
 - Review action items, completion dates and responsible person for each issue discussed.
 - Make sure the person responsible for the item understands it in enough detail to follow thorough.

After the Meeting:

- Contractor to submit meeting minutes to WSDOT for approval.
- WSDOT to distribute meeting minutes to all appropriate individuals.
- Partnering Evaluation forms to be input to the WSDOT web site.
- Transfer all “Action Items” to next meetings agenda form for review.
- Individual(s) having action items are responsible for contacting appropriate person(s) to complete the assignment.

APPENDIX D

GUIDELINES FOR COMPLETING AND MANAGING THE SURVEY

The survey was designed to be simple with only four questions that have a 1-10 satisfaction level, making for a maximum score of 40. Each of these four questions has a comment line to suggest an improvement. Included in each survey are additional questions to help measure partnering effectiveness.

1. **Purpose:** The project survey is designed to measure and provide timely feedback on the relationships between all partnering team members. The feedback can be utilized to recognize relationships improvement opportunities. This survey will be used on all projects.
2. **Instruction:** Each member of the partnering team will complete the survey at the regular partnering meeting for the duration of the project. Please complete all portions of the survey.

The Project Engineer and/or Project Superintendent will collect the completed forms.

3. **Feedback:** The survey responses will be collected and feedback will be available within two business days of completing each survey.

APPENDIX E PARTNERING SURVEY

Project Partnering Evaluation Meeting Date: ___/___/___

You are: (circle one): WSDOT / Contractor / Subcontractor / Other _____

You are: (circle one): Inspector / Forman / PE / Superintendent / RCE / Area Mgr./ Other.

Name: _____

Contract/Project #: _____ Contractor: _____

Project Engineer: _____ Project Super: _____

Date ___/___/___ Contract working day/total contract working days ____/____

Your input is very important to evaluate this project
Please indicate your level of satisfaction on this project

		Satisfaction Level
1	Mutual respect, honesty, trust and fairness: How do we improve? _____ _____	1-Never 2-Sometimes 3-Half the Time 4-Almost Always 5-Always
2	Regular communication at all levels How do we improve? _____ _____	1-Never 2-Sometimes 3-Half the Time 4-Almost Always 5-Always
3	Disputes resolved efficiently and effectively How do we improve? _____ _____	1-Never 2-Sometimes 3-Half the Time 4-Almost Always 5-Always
4	Problem solving at the lowest level How do we improve? _____ _____	1-Never 2-Sometimes 3-Half the Time 4-Almost Always 5-Always
Total satisfaction level (sum 1- 4): _____		
What, if anything, caused a change positive or negative change in your rating for this month: _____		
Please feel free to comment on the partnering process: _____		

APPENDIX F

ISSUE ELEVATION MEMORANDUM

PROJECT ENGINEER / SUPERINTENDANT LEVEL

Project Name: _____ Project Number: _____
WSDOT Region/Dist: _____ Prime Contractor: _____

This issue is: a policy issue
 an administrative issue
 a technical/specification issue

List individuals and organizations affected by this issue and its resolution, i.e. Design, Materials, Maintenance, Local Government, Utilities, Other Governmental Agencies, School Districts, the traveling public: _____

Name/Position/Organization: _____

Brief description of issue needing further assistance for resolution: _____

Brief description of resolutions attempted: _____

Names of persons assisting with resolution at this level: _____

Additional comments or recommendations: _____

Issue resolved? No Yes

If no, Forward to next level on _____ (date) at _____ (time) at this level? If Yes, Describe resolution below: _____

If resolved, written feedback of the resolution was transmitted to Team Members and persons affected by this issue on _____ (date) at _____ (time)

WSDOT Project Engineer

Contractor Representative

APPENDIX G

PARTNERING FIELD GUIDE CHECKLIST

Prepare for Partnering	Commit to partnering as our way of doing business	
	Understand win-win negotiating	
	Understand partnering values and the role of the PE and Contractor's PM	
	Issue pre-construction letter	
	Review response to pre-construction letter and prepare for pre-construction meeting (add additional items to pre-construction meeting agenda if no professional partnering is specified)	
	Hold pre-construction meeting	
Hold the Partnering Session	Make offer to partner (or receive request from Contractor)	
	Schedule and reserve facility for kick-off partnering workshop	
	Obtain professional partnering facilitator's services	
	Determine length of partnering workshop, agenda, and attendees list	
	PE and Contractor's PM meet prior to partnering workshop to discuss and prepare	
	Hold the partnering workshop	
During the Project	Schedule and hold weekly project meetings	
	Commit and uphold the commitment to not writing letters without talking to each other.	
	Determine if a follow-up partnering session(s) should be held	
	Schedule and hold team building activities	
	Complete the monthly partnering evaluation survey	
	Post and distribute the results from the monthly partnering evaluation survey	
	Meet to review and discuss survey results – make adjustments as needed	
Issue Resolution	Use the dispute resolution ladder developed Issue during the partnering workshop	
	Understand the DRB processes available and the "red flag" indicating their use	

If you have questions or comments regarding this Partnering Field Guide, please direct them to the WSDOT Construction Office. (360) 705-7822