



ACA & SCALA TO PARTNER FOR IMPROVEMENT



The New Year has begun with a ground breaking partnership agreement between the Society of Chief Architects of Local Authorities (SCALA) and the Association of Consultant Architects (ACA). This was signed by Andrew Rogers, President of the ACA, and Nigel Badcock, President of SCALA, on 6 December after having received a high level of support from members of both societies.

The move reflects the growing links between the public and private sectors in procuring the 40 to 50% of all construction works commissioned through central and local government and the desire to promote best value and continuous improvement in the wide range of services provided by each of the new partners.

Both partners have agreed joint aims and objectives which include sharing the benefits each organisation can bring to all those participating in the agreement. An illustration of this is this joint issue of the newsletter on a trial 'one off' basis to show the type and quality of information that can be shared between the partner members. Consultations will take place to see if this is how members wish to proceed in the future and to seek new ideas for further improvement.

A list of the aims and objectives follows:

1. *To provide a forum for the discussion of architectural, environmental and allied matters affecting members of both societies, and where appropriate, to promote action thereon.*
2. *To provide an effective voice to represent the interests of our members and those of our clients and stakeholders whether through the press, parliament or in the eyes of the public.*
3. *To encourage collaboration between all those providing construction and architectural services and assist members of the partner organisations to achieve excellence in the development, design, construction and management of the built environment.*

In pursuit of these aims and objectives the members of the ACA and SCALA will benefit from information on the activities of both partners in the form of newsletters, information on specific activities and publications, together with discounts and other benefits available to either partner's members.

Where both partners agree to joint progress on enterprises which further the above aims and objectives then suitable financial and management arrangements will be agreed to facilitate this.

Members of each partner organisation will automatically have access to the services and activities of the other organisation without the need to personally subscribe or pay any additional membership contribution but will have no voting rights within the other organisation. The membership database will be made jointly available for the use of each partner for specific purposes agreed in advance. Individual members of each organisation may opt out of the benefits of partner status in writing.

This agreement is not exclusive to the ACA and SCALA. As and when appropriate, with the agreement of all existing partners, it can be expanded and amended to better serve the aims and objectives outlined above.

As part of the initiative to improve the voice of those involved with public sector work Colin Brock of the ACA and Nigel Badcock are standing as candidates for two of the architect vacancies on the Board of ARB. Their candidate statements follow this article and are an early sign of the potential for the greater empowerment of members that can be provided through this innovative partnership. The new partnership aims to be as successful as others already in existence with SCALA where the benefits of a closer working relationship have already been realised.



Nigel Badcock and Andrew Rogers at the signing ceremony in December

Continued on P3:



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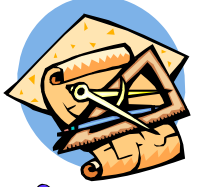
For further contact details please refer to the back pages of this newsletter
Serving Construction and Architecture in Local Authorities

~Your guide to **ACA SCALA** news~



SCALA event

See the back pages for details of the SCALA Study Day in Birmingham on 15 & 16 May 2003 on 'Accelerating Delivery, Achieving Quality'. Early booking discount for SCALA & ACA members



ACA SCALA features

A series of articles on the theme of 'Forms of Contract' from Mike Lunny Rob Tate, Peter Bishop, Paul Ritchings and John Griffiths



SCALA diary

A reference list of dates for future SCALA meetings and events including those for the regions and associated organisations



ACA SCALA forum features

A selection of features on the work of the Design and Practice Forums and ACA initiatives which bring readers up to date on current topics & issues of interest



ACA CIPFA Hays Montrose ACASLA cabe liaison

The 'homepages' for our strategic partners are inside as part of SCALA's strategy of networking with our membership and those with whom we partner



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- P10 Making Places'– British Urban Regeneration Association
- P11/12 ACASLA Account: 'Scottish building contracts'– Mike Lunny
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- P13/14 Hays Montrose homepage– 'Salary survey findings' by Robert Smith
- P14/15 SCALA Design Debate– Chairman's Report, Benchmarks & Classrooms of the Future
- P16/17 SCALA Practice Progress– Chairman's report
- P17/20 Local Government Procurement Forum meeting on 14 November 2002
- P20 SCALAdiary
- P21/22 'Make sure you have the right contract'– Rob Tate
- P23 'Contracts– a necessary evil'– Peter Bishop
- P24/25 CABEpage 'Achieving well designed schools through PFI'– Lee Scott
- P25 'SCALAnet'– a list of useful websites for readers
- P26/27 'Public Sector procurement'– Paul Ritchings
- P27/29 'ACA contract documents'– John Griffiths
- P30 'SCALA publications'
- P31/32 'Accelerating Delivery, Achieving Quality'– SCALA Study Day on 15/16 May

**Closing date
for copy for
the next issue
is Friday
21 March**

Next edition on 'Management Matters'. Articles & letters please–Ed.



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SCALA & ACA : Election statements for ARB Board



Nigel Badcock

Election statement

I am President of SCALA (the Society of Chief Architects of Local Authorities) and the Director of Construction Services and Works for St. Edmundsbury Borough Council in Suffolk.

My reasons for seeking election are clear and straightforward. It is my belief that the body responsible for controlling the conduct and standards of the profession should be truly representative of its membership. It needs to have within its structure elected members with experience of working in all areas of architectural practice so that it has a broad and detailed understanding of all working procedures, practices, requirements and pressures.

The recent modernisation of Local Government has made challenging demands of architectural employees through the adoption of new methods of service provision, commissioning and procurement, which have to be achieved within the existing regulatory and legislative framework. As a salaried architect with 30 years experience of working in all forms of local government and with both large and small private practices, if elected I believe I would be a positive force within the ARB●



Colin Roy Brock

Election statement

Many recent decisions taken by ARB have caused the architectural profession grave concern. While the Board has a duty to regulate the profession and protect the consumer, the raising of the Professional Indemnity Insurance threshold and the removal of validation of courses in certain schools, in my view without proper consultation, has caused distress and uncertainty.

ARB is failing to give protection of title where non-architects threaten it. More of its time should be spent in promoting the reduction of complaints and confrontational situations which afflict client, architect and contractor alike, for instance through the use of partnering contracts. If elected, I would work to ensure that the Board only makes decisions which benefit both architects and consumers and not to impose regulation for its own sake. Decisions by ARB should only be implemented after proper and wide consultation.

Above all it must be fair and seen to be fair.

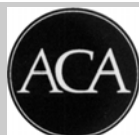
My views have evolved over thirty years of management experience in both large and small practices. My current role as a council member and Honorary Secretary of the Association of Consultant Architects has taught me much about positive achievement as has my involvement with the CIC and the DETR, commenting on draft legislation and technical matters. I have some experience of the workings of ARB through my attendance as an observer at recent Board meetings. I am eager to help and to play my part in protecting the interests of every architect●



ELECTION 2003 to ARB BOARD

On 31 March 2003, there will be seven architect vacancies on ARB's Board. Ballot papers have been sent out on 1 February 2003, and you are entitled to vote if you were on the Register as at 1 November 2002. Ballot papers must be received by the Returning Officer by noon on 1 March 2003 if your vote is to count.

Positions vacant. ARB Election 2003.



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ACAHOMEPAGE: Looking forward through the past



Andrew Rogers

*President
of the ACA*

So here I am on New Year's Day setting out to write again about new directions for the ACA. (You will be reading this rather later on – Douglas Adams once said "I love deadlines: I love the wooshing noise they make as they go by.") I was privileged at the beginning of December to sign the formal partnering agreement between ACA and SCALA, with its aims of encouraging collaboration between those of us providing construction and architectural services and helping our members to achieve excellence in the development, design, construction and management of the built environment.

The ACA was formed in 1959 as a special interest group at a time when it appeared that the RIBA was neglecting private practitioners. I am not sure how the founder members would view a formal liaison with local and central authority architects some 44 years later!

In the pre- and immediate post-war periods there was a statutory requirement for Local Authorities to have a chief engineer but not a chief architect. A few large cities, led by the example of the LCC, appointed independent chief architects on their own initiative, while others appointed architects to engineer's departments. Only in a few cases did the architect have his own programme and unless he was actually a chief officer he had little access to committees and not much influence.

Stirratt Johnson-Marshall broke that mould when he went to the DES in the late '40s and the RIBA wanted to black-list him for it, even talking of expulsion. But he was elected to Council in 1953 and by 1954 when Bill Allen (a founder member of the ACA) was elected, a different mood prevailed.

It was recognised that the lack of a programme for LA architects had resulted mostly in the employment of rubber-stampers, unsuccessful in persuading their masters of the importance of architecture and giving poor patronage and inadequate support to private architectural appointments. This prompted the RIBA to promote the idea that there should be architects as chief officers with building programmes of their own in every LA with a population exceeding 60,000. At a time when public housing and state schools dominated national building investment this lifted the profile of the profession and also raised the proportion of new-build expenditure

that came under architects' control from something below 60% to over 80%. It also ensured that many LAs began to take pride in commissioning private architects with credentials in good design.

This understanding, while often under threat from philistine and lowest-cost ideologies, has stayed with us and is, in my view, fundamental to the work of SCALA. It is vital that public bodies and other important clients must be constantly reminded of the value of the careful selection of good architects and the encouragement of excellence in design. The alternative is the spread of cut-price package deals to the obvious detriment of the built environment.

The formation of the ACA rectified the lack of a corporate body representing the interests of private practice. Although the ACA's views will inevitably differ from those of the RIBA occasionally, it is a mistake to think of us as antagonists. I suspect that SCALA's relationships with the RIBA are also ambivalent – and this is no bad thing. It is essential that we are – and remain – friends with all the various construction industry bodies. When the ACA was formally constituted in 1978 following its establishment during the 60s and early 70s, it was clearly felt – rightly or wrongly – that the RIBA was too little concerned about the health and promotion of private practice. The ACA brought together practitioners (some of whom were also RIBA Councillors) to campaign on behalf of independent practices and to provide corporate specifics to bring relevant issues and concerns into focus.

The ACA had then, and still has, a unique contribution to make in the advocacy of architecture, the promotion and protection of professionalism, and the improvement of client relationships including the encouragement of closer contact with urban development processes. It seems clear to me that the aims and objects of the ACA and SCALA are in principle the same. I look forward to many years of successful collaboration●

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ACAHOMEPAGE: Benefits available to SCALA members



Fiona Griffiths

*Secretary
General
of the ACA*

*Contact details on
previous page*

ACA WEBSITE: www.ACArchitects.co.uk

The ACA website was launched two years ago and has proved extremely useful to those who have queries about either architects or about ACA publications. Publications can be ordered online and there are tasters of most of the contract documents on sale. There is also a Specialist Services Directory on line together with information generally about the ACA and its activities together with membership structure and a list of up to date ACA Council members. In the members only section, there are details of all the membership services with contact details and passwords were necessary together with free downloads for most of the ACA publications (not the PPC documents). The ACA Secretary General posts regular news items to 'e-News' and there is a forum area for members discussion use - it could be invaluable for all those little queries (or even big ones) that can often be cleared up quickly and easily by liaising with a colleague. This hasn't been much use made of this to date, but it is ready and waiting!

To get into the members only section just type in the username and password that you were given (ACA members) - note you cannot make up your own. If you have forgotten these codes then give Fiona a ring at the office or email her on office@acarchitects.co.uk SCALA members please contact Fiona Griffiths at the ACA office for details as they cannot be printed here. You will be circulated with the information in due course.

ACA BUSINESS SUPPORT HELPLINE

Access is by telephone only and between the hours of 9.00am to 5.30pm.

All ACA and SCALA Members are entitled to use this service - to obtain the password and contact number please give Fiona Griffiths of ACA a ring on 020 8325 1402 or email her at office@acarchitects.co.uk. Once you have these details please do not reveal the password and contact number to anyone outside the membership. The Helpline provides free telephone advice, information and guidance in respect of tax, VAT, PAYE, payroll, NIC, employment, health & safety and commercial legal matters (including company law, landlord & tenant legislation, consumer protection, intellectual property issues and debt and debt recovery)

This service gives members immediate access to a team of highly experienced, professional consultants who can provide reliable telephone advice in a practical, easy to follow style using everyday language. From taxation to consumer protection, employment law to debt recovery the consultants can provide help and guidance on a wide range of business issues.

There is **no charge** for the advice given and **no limit** to the amount of use. The advisory service is by telephone only 8.00am - 6.00pm Monday - Friday (Public Holidays excluded).

ACA SEMINARS SPRING 2003

ACA and SCALA members are eligible for discounted rates at all ACA seminars. At the time of going to press final details of the ACA spring seminar series have yet to be established. However, as soon as they are you will find details on the ACA website (www.acarchitects.co.uk) under: What's On / Seminar & Conferences.

In the pipeline is a seminar in London on 18 March on the **Disability Act - BS8300, Part M and Access Statements** with speaker Andrew Walker, ACA's Access representative. A further Seminar on The **Global Alliance for Building Sustainability** is planned for May. The ACA seminars are usually held between 6 pm - 8.45 pm early in the week at central London venues such as the Building Centre, W1 or the October Gallery in Bloomsbury.

A series of workshops are being planned throughout the country on the role of the **Partnering Adviser**. These workshops are being organised by ACA through the Association of Partnering Advisers and Mike Riley of Plymouth University, who is conducting detailed research for the DTI into the role of the Partnering Adviser. Fliers outlining these will be circulated when available to all ACA and SCALA members and details posted to the ACA website.

THE ACA ANNUAL DINNER

To be held on Tuesday 29 April 2003 at 7 pm - 10.45 pm at The Arts Club, 40 Dover Street, London W1. Fliers for this event will be circulated by mid February and SCALA members are very welcome to attend what is a very enjoyable and informal evening in lovely surroundings (this is not a black tie event). Tickets will be around £70 + VAT per person, which includes pre-



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dinner drinks and wine during the meal. There will be discounts for those booking tables of 6 – 10. Open to ACA and SCALA members and their guests only.

**ERIC LYON MEMORIAL FUND (ELMF)
ARCHITECTURAL STUDENT COMPETITION 2003
“INHABITING THE CITY – NEW WAYS TO CREATE
ACCESSIBLE HOUSING”**

Entrants will be existing Part I or Part II architectural students (whether at School or out on work experience) at a School of Architecture in England, Scotland, Wales or Northern Ireland. The ELMF is administered by the Association of Consultant Architects and this year's competition is wholly sponsored by the Wates Group. Entries are due in by the end of January with judging during February and results in March. The prize giving and London exhibition will be held at the Royal Academy of Arts in Piccadilly between 7 – 21 April 2003. Full details appear on the ACA website under What's On/ELMF.

NEW ACA AWARD

ACA are very proud to be able to announce that their guest at the ACA Annual Dinner, to be held on 29 April 2003, will be Sir John Egan who will, during the evening, be the recipient of a new **ACA Award**.

The ACA Award is intended to honour those who have worked with the ACA and its members in the furtherance of high quality design and the promotion of good practice in the construction industry. In nominating Sir John Egan as the first recipient of this Award, ACA Council was particularly mindful of his championship of the ideals of Rethinking Construction and his help in promoting their partnering initiatives.

The Award medal, commissioned by the ACA, takes the form of a small sculpture cast in bronze by Medalic Art designer Nicola Moss. The Award development committee has been led by ACA Council Member Ann Towns, retired of Cowper Poole Rothwell and Towns, who has very generously donated the Award's design and has played the major part in getting the Award produced with the artist.

Press announcements will be issued nearer the date but this year's ACA Annual Dinner and Award presentation ceremony is one not to be missed. Details of the ACA annual dinner appear under ACA membership benefits in this newsletter and fliers for attendance will be circulated in February.

ACA INFORMATION & NEWS: (ACA are members

of the Construction Industry Council (CIC))

CIC Video: Building Visions – Creative Careers in the Construction Professions.

The Last ACA Newsletter included details of the video produced by Construction Industry Council (CIC) to promote the construction industry to young people. It did not make clear that CIC intend every secondary school to have a copy. Rather than sending it “cold” to each school, it is hoped that a (preferably younger) member of the industry will deliver it in person. If you have links with any school, perhaps as a parent or a governor, and can recommend a representative to undertake this task, please let CIC know (details from Fiona Griffiths at the ACA office). Guidance and, if required, help with presentation skills is available. Architectural courses do tend to be over-subscribed, but there is at the moment a critical shortage of engineers, surveyors and other construction industry professionals that this video hopes to address.

SMEs are needed to 'road test' Clients Guide.

Following the success of previous publications in the 'Clients' Guide' series CIC is producing the *Clients' Guide to Sustainable Development*. CIC need some clients, particularly SMEs, to 'road test' the rough draft of the guide. If you're interested, contact Bridget Fidler bfidler@cic.org.uk

OFT LAUNCHES LIABILITY INSURANCE PROBE

The OFT has launched a fact-finding study into the UK liability insurance market. The study will look at public, product, professional and employers' liability insurance. A number of concerns have been raised over whether the market is working effectively – in particular about large increases in premiums, reported reductions in underwriting capacity and increases in excesses required by insurers. The study has been launched following initial work by the OFT including talks about market developments with the Association of British Insurers and Government departments and will examine why premiums have recently increased. This research will also inform the current debate over how the market is working. The aims of the OFT study are to analyse current and past premiums, to understand why premiums have risen and see what lessons can be learnt from international experience. The OFT aims to publish a report in spring 2003. Further work may be commissioned in the light of the findings.

ACA will be keeping a watch and reporting back on this study ●



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David Bentley

*CIPFA
Best Value &
Quality Forum
Lead Adviser on
Construction
& Property
Services*

CIPFA **SCALA** BV&QF homepage

PROCURING WHOLE LIFE SOLUTIONS

Whole Life Costing (WLC) has become one of the buzz phrases for the construction industry in recent years. But what is WLC, who is doing it and what does it mean for your organisation? What are the success stories and what are the pitfalls?

As public sector organisations, we have to think beyond simply the financial aspects of procuring construction projects. There are issues about access, energy use, social and environmental aspects that ought to be influencing the procurement decisions we take.

In conjunction with some current research being undertaken by the Federation of Property Societies (FPS) we aim to open up the subject of whole life procurement at our next series of workshops. What are the issues we need to take into account and what process of option appraisal can we go through? The afternoon session will be devoted to examining these issues and will also feed into the wider research being conducted by the FPS.

To augment this we have lined up some excellent speakers for you, who will relay their experience of Whole Life Costing/Procurement bringing you practical information about the good and the bad (and maybe even the ugly!) and hopefully demystifying the whole subject.

We hope that you will find the day of some real practical help in taking into account whole life issues when appraising construction and refurbishment project options within your organisation.

As usual, our traditional morning update session will provide an essential guide to all the new areas in the world of Local Government and Construction and Property.

The speakers for the morning session after coffee are as follows:

10 March – Preston – Robert Soar who is currently conducting the research for the Federation of Property Societies will provide an update on what he has discovered about the extent to which Whole Life Costing is being currently applied within Local Authorities.

11 March – Durham – Robert Soar as above.

12 March – Burton on Trent – John Fell, Estates Director at University of the West of England will bring you his experience of WLC from involvement in projects for the Higher Education Sector.

17 March – Taunton – Ed Bartlett, Atkins, Faithful & Gould, will de-mystify the subject of whole life costing by bringing you his experiences from both a research and a practitioner perspective. He undertook a great deal of research work on WLC at the BRE and has subsequently applied WLC techniques on construction projects in private practice.

18 March – Builth Wells – Speaker to be confirmed.

21 March – London – Rab Bennetts, Bennetts Associates, will take you through his experience of whole life costing from an Architects perspective. He has worked on projects such as the new Wessex Water Operations Centre near Bath, which has been called “the most sustainable building ever”, and also the new Central Library in Brighton.

I do hope that you will be able to attend. I anticipate that demand for the workshops will be high and would therefore recommend that you book as early as possible to avoid disappointment. If you wish to book, please fax the attached form to Eve Billings on 020 8667 8580. The cost of this workshop is £250.00 plus VAT per delegate. Should you subsequently decide to subscribe to the service, the cost of this workshop will be deducted from your subscription fee. (The subscription application must be received before the next series of workshops for this offer to apply).

If you have any further queries or comments about the workshop programme please contact me on 01543 262 030 or e-mail David.Bentley@ipf.co.uk or Chris.Brain@ipf.co.uk. If you have any booking or venue queries please contact Eve Billings on 020 8667 8581 or e-mail Eve.Billings@ipf.co.uk. We look forward to seeing you at these events which ACA members are welcome to attend ●

To find out more about the CIPFA BV & Quality Forum please contact:

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or
Alan Tyler
Tel: 01438 718954
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or
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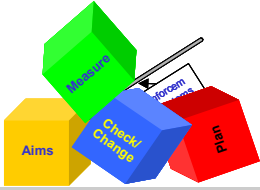
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CIPFA **SCALA** BV&QF 29 series: PERFORMANCE MANAGEMENT

A write-up of the presentation and ensuing debate from the last joint CIPFA SCALA series of workshops on the theme of 'Performance Management'

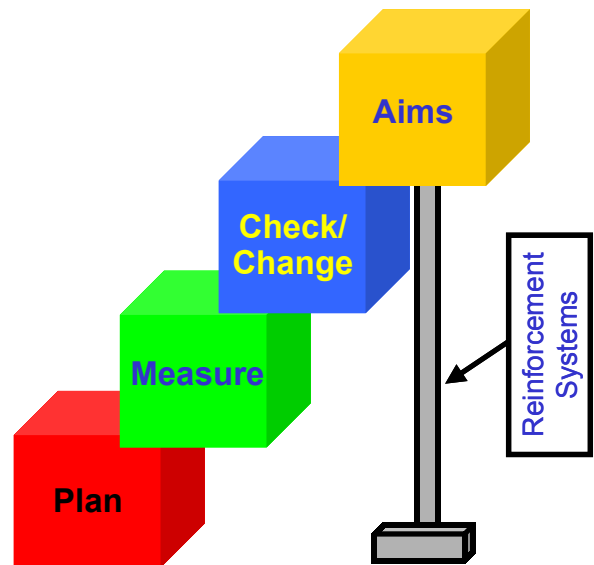
Following the recent draft circular from the ODPM on 'Best Value and Performance Management', together with the developing focus of service reviews and the Comprehensive Performance Assessment (CPA) on the subject, delegates requested that this series be on performance management.

Prior to the presentation delegates were asked to list the main elements which comprise performance management and then in groups to pull these together into an agreed list. The following represents a range of the points highlighted:

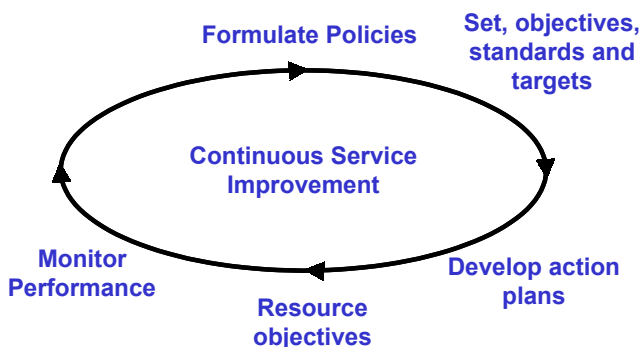
- ◆ High levels of leadership and management skills
- ◆ Define the service objectives at a corporate, customer and service level
- ◆ Set realistic and prioritised targets in consultation with staff and stakeholders
- ◆ Gather relevant performance indicators (PI's) at national, corporate, service and project levels
- ◆ Ensure sufficient resources and a well trained informed staff
- ◆ Implement a process of continuous improvement including quality, price and benchmarking data
- ◆ Regularly gather feedback on satisfaction from customers and clients
- ◆ Empower staff and ensure a culture of improvement
- ◆ Sufficient funding and good cost control

- ◆ Utilise initiatives such as Total Quality Management (TQM) and Investors in People (IIP)
- ◆ Need for member involvement and ownership
- ◆ Good communication and consultation
- ◆ Know where you are going and where you want to be

Delegates agreed that these were a demanding list and if implemented would help to achieve good performance and management and showed the need for the right culture, processes and systems as essential first steps to achieving good performance data. The points raised were then shown relative to a cyclical framework for continuous service improvement as well as the need for reinforcement systems as the illustrations show:



Best Value Performance Management Framework



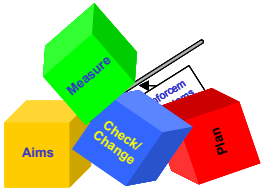
The aims of the organisation were shown as leading down from corporate to customer aims, then service aims with a local vision, mindful of central government and corporate issues. The plan will be based on your business plan prioritised where appropriate to achieve your aims and objectives with your performance measured at the various levels. PI's are resource intensive to collect and process and can be described as the one's you must collect, you should collect, the popular and local ones and those that are actually useful! The Audit Commission describe a good PI as one that separates



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good from bad but they are also essential for measuring improvement and refining indicators and targets over a period of time and changing circumstances. Performance measurement and setting targets was described by Osborne and Gabler in 'Reinventing Government 1992' as follows:

- ◆ What gets measured gets done
- ◆ If you don't measure results, you can't tell success from failure
- ◆ If you can't see success, you can't reward it
- ◆ If you can't reward success, you're probably rewarding failure
- ◆ If you can't see success, you can't learn from it
- ◆ If you can't recognise failure, you can't correct it
- ◆ If you can demonstrate results, you can win public support

Delegates agreed the general thrust of the comments but thought that they needed to be put in context ie: PI's do not give the full picture and are only part of the process. They were then asked what they were measuring at the moment in relation to performance, how these were derived and whether they really measured performance? Most delegates were collecting about 5 to 6 local PI's as well as the national PI's, most of the former contributing to their overall aims and objectives. The need to be honest about PI's was stressed, together with the need to act upon them. A system of check/challenge/change should be set up to monitor performance on a regular basis looking at key measures, as well as long and short term targets, which are reported back both up and down the information chain.

Reinforcement systems were then looked at in more detail. These should cover capacity, training, communication (knowledge transfer) through all sections, IT and other systems as well as involvement, ownership and accountability, and possibly performance related reward. A key element is also:

Management Style

- a. "Staff look to managers to behave and act in a manner consistent with the vision and values"
 - b. Freedom from central bureaucracy within an agreed framework
 - c. Engagement and motivation
- ◆ Need for people management skills

- ◆ Effective appraisal systems (IIP)
- ◆ Ownership of performance measures
- ◆ Contribution of ideas
- ◆ Dealing with poor performance
- ◆ Only a handful of councils! (Audit Commission feedback)
- ◆ Project management skills
- ◆ Analytical skills
- ◆ Ability to change

To implement the above list of management skills more effectively managers also need the ability to stand back and look at the situation as independently as possible and break down any defensive mechanisms to change. Delegates were then presented with reasons as to why it does go wrong:

- ◆ No clear framework
- ◆ No strategic direction
- ◆ No service department direction
- ◆ Staff not engaged (low morale) fights against change
- ◆ Personal objectives not linked to key aims
- ◆ Aims not fully understood/communicated
- ◆ Lack of management skills
- ◆ Lack of capacity
- ◆ Identifying good/bad performance
- ◆ SMART targets not used
- ◆ No measurement of where you are now
- ◆ Measuring the wrong things
- ◆ Lack of systems
- ◆ Denying the evidence!

Delegates were then asked to discuss this in groups and come up with a list of bullet points to answer the following questions- *delegates overall collective response follows in italics* :

1. Key performance management areas within your own councils that are lacking
 - a) At a departmental level and b) corporately (the responses often applied to both)
 - *culture, objectives, planning, PI's, monitoring, review, funding, leadership, communication, understanding, consultation, resources, ownership, unrealistic and wrong targets, lack of data integrity, support systems and prioritisation, member and management team commitment, blame culture to name but a few!*
2. The key barriers to overcoming these areas- *lack of empowerment and funding, failure to prioritise, poor management and leadership, political and cultural constraints, time, re-*



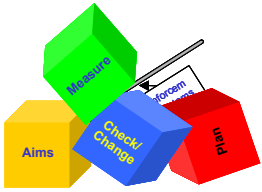
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(Cont.)

sources, lack of respect, failure to absorb message and recruit staff, poor incentives and motivation

3. Suggestions on how these barriers can be overcome– *better training and recruitment, use of processes (eg. EFQM, ISO, IIP), 360° consultation process, empowerment of managers and greater member involvement, clear vision, consolidation and team building, alternative delivery mechanisms, learn from other success stories and attend the BV&QForum workshops!*

In conclusion, a number of comments from CPS inspections were highlighted. All of them refer to issues discussed in the workshops and revolve around the need to develop a performance management system:

- ◆ “clearly communicate the aims of the Service to staff by adopting a performance management framework which should:
 - translate service aims into aims for each individual in the service;

dividual in the service;

–allow clear communication to the individual of the performance expected & how this contributes to the overall work of the Division; “

- ◆ “Establish clear aims for the service together with service standards and service level agreements for all users. This will enable users to see clearly what they should expect from the service and to judge how well it is performing against those standards.”
- ◆ “Prepare a service plan that sets out detailed actions to achieve improvement and performance targets aimed at achieving a level of performance equal to that of the top 25 per cent of councils.”
- ◆ “Adopt team and individual performance targets that link to the service plan.”
- ◆ “Develop IT based performance management systems that provide information for the service and its users on the cost, quality and timeliness of works and support services.”●



MAKING PLACES:

a no nonsense guide to urban design at the local level

british urban regeneration association

Promoting Best Practice in Regeneration, BURA is the leading independent organisation for Urban Regeneration in the UK

Over the last few years, the importance of urban design has risen up national and local agendas and it is now accepted that good urban design is key to good place-making. Most people care about their surroundings and agree that better places make for better lives, but few understand what urban design actually is or how it works. This needs to be addressed if we are to invest now in the quality of the built environment that we are leaving for future generations.

The Making Places series of seminars and workshops will examine and explore the key issues contained in By Design and the Urban Design Compendium, and will be of particular interest to anyone concerned with the design and procurement of buildings and spaces.

Each event consists of an early evening seminar involving a no-nonsense introduction to Urban Design and discussion of the process with reference to a regional case study. Sessions always include lively debate on how the theory relates to specific local issues. Day two is a hands-on, all-

day workshop on Urban Design looking at the case study presented the previous evening in greater depth. It allows anybody, from professional architect to community representative, to undertake some urban design, starting with analysis and working through to some quite detailed solutions.

There is no charge for the evening seminar but the workshop on day two costs £162. Although it is recommended, there is no requirement to attend both days, and delegates with resource or time constraints can opt to only attend one day.

Future Making Place events:

Wigan: 14 & 15 January 2003

Ipswich: 5 & 6 February 2003

Derby: 27 & 28 February 2003

Leeds: 25 & 26 March 2003

Bristol: 16 & 17 April 2003

To find out more or book a place contact Tanya Thorpe at BURA on tel: 0800 0181 260; 020 7539 4030 or tanya@bura.org.uk



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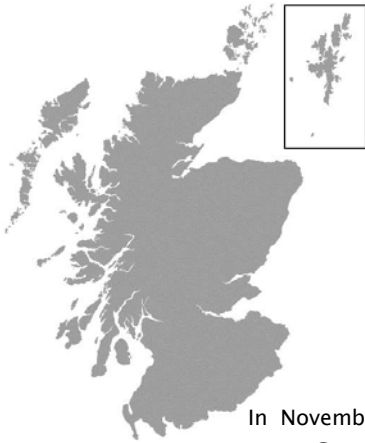
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The homepage for the Association of Chief Architects of Scottish Local Authorities

ACASLA ACCOUNT

SCOTTISH BUILDING CONTRACTS



**Mike
Lunny**

**ACASLA
Hon. Secretary**

**Tel: 01307 473801
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In November 2002, the Scottish Building Contracts Committee held their annual update seminar in Stirling and covered the January 2002 revisions to all the Scottish Supplements to JCT contracts and nomination documents. A presentation was also given on the new form of contract for major clients on major projects (MPF 03) and also covered the merits of the alternatives of traditional, design and build and management procurement contracts. A guide to the selection of an appropriate JCT form of contract in the form of a flow chart helped the client or his consultant navigate from the procurement option at the start of the process to the best form of contract to be used to deliver the project. This chart also illustrated where the balance risk lay between the employer and the contractor.

Jack Hugh, Chairman of the SBCC, reported that the committee had been reflecting on the working relationship between the SBCC and JCT. Should the two bodies move closer or should the SBCC retain its degree of independence and self financing status? There were issues of copyright. It was agreed to pursue a Memorandum of Agreement to formalise a closer working relationship which would include permissions to adapt JCT documents for use in Scotland and publish through an integrated single source arrangement. SBCC publications are available through the RIAS Bookshop service and the catalogue can be viewed on line at www.rias.org.uk. Information about the SBCC is available from www.sbcconline.com

ADJUDICATION

The Scottish Executive has written to various bodies including ACASLA seeking views on proposals to improve the operation of adjudication under Part II of the Housing Grants Construction and Regeneration Act 1996 and Part I of the Scheme for Construction Contracts (Scotland) Regulations 1998. The proposals are contained in a consultation document "Improving Adjudication in the Construction Industry" which also

gives the background to the consultation. The document can be downloaded from the Scottish Executive's website at www.scotland.gov.uk.

The Scottish Executive asked the CIB to review the operation of adjudication in Scotland and the issues discussed in the consultation paper reflect the outcome of that review. The Scottish Executive's view is that with only four and a half years practical experience of adjudication in construction it is premature to consider making major changes to the legislation. Any amendments to the legislation should be kept to a minimum and should aim to make the Act or Scheme as originally intended more effective, and should not reopen the important compromises that underlay its drafting. Essentially, the Executive believes that firstly, the adjudication process can be improved by the publication of guidance for adjudicators, and secondly, amending the legislation where the difficulties that have been encountered cannot be dealt with by better guidance and are not likely to be resolved by the courts, providing that there is a wide measure of agreement from the industry on the proposed amendments, and providing also that they do not risk detracting from the simplicity, speed or relatively low cost of adjudication.

The issues considered for change include:

- ◆ unmanageable documentation
- ◆ natural justice
- ◆ entitlement to submit a response
- ◆ intimidatory tactics
- ◆ correction of errors
- ◆ expenses (not adjudicators' fees)
- ◆ timing of requests for reasons and
- ◆ enforcement of adjudicators' decisions

I am sure many members will have had some experience of adjudication and I would encourage you to consider the issues raised in the consultation document. Your views can be sent to the Executive as an individual or you could also pass your comments to me as I will be submitting an ACASLA response. The deadline is 11th April.

PPC 2000

PPC 2000 is new to Scotland and as far as I know has not been used other than in a court refurbishment project in Aberdeen by the Scottish Court Service. This contract is intended to be used in partnering projects and embraces the recommendations in the Latham report "Constructing the Team". Partnering is becoming more widely used as an alternative to traditional



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Creating successful construction partnerships with PPC 2000

This is an important one day conference taking place at the Hilton Hotel, Edinburgh Airport Hilton on 6 March 2003. Aimed at practitioners and consultants in construction in Scotland and the North of England, this conference has been produced by the ACA and IDEX Media through the Association of Partnering Advisers. It is supported by the Chartered Institute of Building in Scotland, Rethinking Construction, the RIAS and the Association of Planning Supervisors.

The conference will be chaired by John Wright (immediate past president of the ACA), who has been at the centre of the development of the PPC2000 Contract and is Chairman of the Construction Industry Council's partnering task force.

The conference will examine the main features of the contract and its operation in detail, including

the following crucial topics:

- ◆ Creating successful partnerships
- ◆ The road to PPC2000 & recent developments
- ◆ Selecting the Partnering team
- ◆ The role of the facilitator and partnering workshops
- ◆ The Scottish supplement
- ◆ Case studies

The PPC2000 Contract, published by the Association of Consultant Architects is the only standard form of contract for Project Partnering and senior and expert speakers, nearly all of whom have been involved in the creation of the contract will discuss and debate these critical issues, including: Alan Crane, Chair, Rethinking Construction; John Wright (as above); David Mosey, Head of Projects and Construction Group, Trowers & Hamlins Solicitors and author of PPC2000; David Brown, Department of Civil and Environmental Engineering at Southampton University; Mike Riley, Professor of Construction Management, School of Civil and Structural Engineering, University of Plymouth; James Dickson, Partner, Brechin Tindal Oatts and David Pearson, Managing Partner, Elliott Associates.

Delegates are promised a free copy of both the Contract and the Scottish Supplement and sufficient information to be able to operate the Contract following the conference, enabling delivery of successful projects on time and at less cost.

The conference aims to be a practical day packed full of useful information and discussion, and should not be missed by anyone serious about project partnering. The conference venue is within 5 minutes walk of the Edinburgh Airport terminal and there is plenty of parking on site.

All ACA and SCALA members can attend at the discounted price of £250 + VAT per person (single delegate price is otherwise £325 +VAT).

Important: You will need to indicate that you are an ACA or SCALA member when booking in order to qualify for this discount.

Registration Forms and Further details can be obtained from www.idexmedia.com or directly from the organisers:

IDEX Media: Tel/fax:0208 675 4745/9240
or e-mail: info@idexmedia.com
or ring Fiona Griffiths at ACA on Tel: 020 8325 1402●

ACASLA

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contract procurement but none of the current forms of contract are tailored specifically to the concept.

The key features of this form of contract are:

- ◆ team based multi-party approach
- ◆ integrated design/supply/construction process
- ◆ Egan objectives
- ◆ supply chain partnering
- ◆ core group
- ◆ controls
- ◆ incentives
- ◆ risk management
- ◆ non-adversarial problem resolution
- ◆ partnering adviser

IDEX Media Ltd has organised a seminar on this form of contract at which a Scottish Supplement will be launched in Edinburgh on 6th March. Details can be obtained from their website at www.idexmedia.co.uk or see adjacent article.

SCOTTISH SCHOOLS STANDARD PPP CONTRACT

Finally I would remind members of the publication of the Scottish Schools Standard PPP Contract in September last year as I reported in the Christmas edition of the newsletter. This can be downloaded from the Scottish Executive's web site at www.scotland.gov.uk/pfi●



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Hays Montrose &



A partnership to promote best practice in temporary recruitment services



*Robert Smith,
Managing
Director of
Hays Montrose,
reports on the
preliminary
findings from
the recent Hays
Montrose and
SCALA
salary survey*

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PRELIMINARY HAYS MONTROSE/SCALA SALARY SURVEY FINDINGS:

GOING PUBLIC

Working in the public sector may become increasingly attractive with new figures showing the bridge between private and public sector salaries is declining significantly. **Robert Smith**, Managing Director of Hays Montrose reports.

Preliminary findings from a Hays Montrose/SCALA salary survey show that while public sector salaries are still behind salaries offered in the private sector, the difference is not as large as perceived.

For example, the survey reveals the national average for a group practitioner is £37,770, while the national average for a partner in a 2002 private sector survey was £40,250. The national average for an architect in the public sector is £26,750 while in the same private sector survey it was £27,737, and for a public sector CAD Technician the salary is £21,980, while in the private sector it was £23,363.

Commenting on the results, Richard Gelder, Public Sector Director of Hays Montrose, said: 'The results are in opposition to feedback from clients which suggests public sector roles pay significantly less than private sector roles. Yet these preliminary results suggest there is little difference between the two. 'This is important to know since increased public and private sector workloads means there is amplified competition between the public and private sectors for candidates, who assume they would get less working in the public sector.'

According to Richard, one reason for the modest difference in salaries is the levelling-out of private sector salaries. 'In the context of slower economic growth and the knock given to companies' confidence by 11 September, and after more than three years of consistently high salary increases, growth slowed dramatically for private sector roles in 2002 salary surveys.'

According to the 2002 Hays Montrose Consultant salary survey, private sector junior professionals across the board received salary increases that barely matched inflation, with salaries for archi-

tectural assistants with one-year experience falling by 0.1%. Newly qualified private sector architects took the brunt of the fall in designers' salaries with a pay drop on average of 5.5%.

With this salary survey indicating similar salaries are on offer to both public and private sector roles, the question to ask is why are public sector clients saying they can't compete with the private sector for the best people? According to Hays Montrose, one possible reason is the public sector's image.

Lisa Palmer, Manager at Hays Montrose, said: 'there are distinctive differences in perceptions of the public and private sectors. The private sector is seen as having less guidelines, bureaucracy, internal paperwork and red tape making the job easier to get done.

'Yet benefits and hours are seen as better in the public sector. For example, the public sector is still offering final salary pension schemes, which are not offered in the private sector. Hours of work at 37 per week are less than most private sector jobs, and any additional hours accrue. Holidays are also longer.'

Lisa is currently recruiting for a council offering annual salary increases of at least 3%, a final salary pension, 24 days holidays per year, a working week of 37 hours, flexi-time opportunities, low interest loans and a relocation package, which you normally would not get in the private sector.

The survey also found 89% of responders said baseline salary was very important in a new salary package, 100% said company pension scheme was very important and 74% said performance-related pay was important.

Looking at incentives, 68% said salary was very important and 68% said flexible working hours/work life balance was very important.

Over the next year Hays Montrose will continue to monitor salaries. With the current government's promise to raise the standard of public services and its commitment to substantial increases in spending, it will be interesting to see how much of this increased spending will lead to higher salaries.

Continuing the Hays Montrose/SCALA partnership, now in its second year, and following on from a best practice guide, this survey was compiled to



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provide useful information to SCALA members, to contrast private and public sector salaries and to identify a relationship between pay and recruitment.

To view the full results of this and other Hays Montrose salary surveys, visit www.hayspersonnel.com●

NOTES:

- ◆ This salary survey data was collected from chief architects and other senior construction and property professionals through SCALA.
- ◆ The number of responses did not allow for an effective regional breakdown of each role. This will be reviewed when all further survey returns are analysed.
- ◆ Salary survey figures were rounded up to the nearest £10.
- ◆ Hays Montrose is the UK's leading recruitment consultancy to the built environment.

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SCALA SALARY SURVEY 2002 - 2003			
	Typical	Minimum	Maximum
Group Practitioner/Manager	37,770	35,190	39,530
Project Manager	29,000	29,890	33,430
Principle/Senior Architect	30,020	28,600	32,010
Architect	26,750	24,740	27,310
Assistant Architect	23,000	21,000	24,000
Clerk of Works	21,400	18,650	24,700
Planning Supervisor	23,450	22,120	25,590
Architectural Technologist	24,130	22,310	25,970
Technician (CAD)	21,980	19,740	23,340
Landscape Architect	25,600	22,420	25,930
Interior Designer	24,000	20,000	29,000
Graduate/Architectural Assistant	19,220	16,670	20,490

SCALA DESIGN DEBATE



Mukund Patel

SCALA Vice President and Chairman of the Design Forum

Tel/fax: 020 7273 6151/6762 or e-mail: mukund.patel@dfes.gsi.gov.uk

CHAIRMANS SUMMARY OF THE MEETING:

STUDY DAY

The title of 'Accelerating delivery, achieving quality' was agreed and the date as 16 May, probably in Birmingham at the Paragon Hotel. Sponsorship had already been promised from Schal together with support for publicity from the LGTF. The workshops would focus on 'Off-site fabrication' and 'Designing with contractors' with an exciting range of speakers from Schal, Rethinking Construction, the Peabody Trust, CIPFA, the DfES and Manchester City Council. It was agreed to arrange a tour and presentations the previous afternoon and evening. A cost plan to be submitted to the next meeting.

MAINTENANCE REPORT

Draft letter from SB to DfES tabled together with one from LC. The Forum felt that if the information requested could be obtained it could be published annually in conjunction with AMP data.

SCALA YEAR BOOK

CABE have agreed to support and contribute to the Year Book but cannot accept joint ownership. As part of their aim to promote design in local government CABE will be on the selection panel for designs and they are also interested in promoting a design award for submissions.

TECHNICAL STANDARDS

The LHC, through EK, have offered to take a more active role in the Study Day exhibition and also submitted a report on FENSA. MP reported on WellBuilt! workshops being held and offered to make a presentation to the next meeting.

DfES UPDATE

MP reported that BB 93 should be published in February and was asked if any costs for implementing the new requirements were available. Basic school costs researched by NPS were £1025/m² and it was hoped that ministers would agree to a higher benchmark figure. £10m is available to promote the 'Classroom of the Future' while MP reported on the progress of the Estate Management Guide and developing methodologies for post occupancy evaluation. 3 finalists are now producing furniture designs with the Design Council and April/May is the transmission period for AMP information.

SCALAnews

Articles on WellBuilt! and design quality were promised while CF mentioned progress on an Eastern counties website for standard briefing information on engineering requirements.

ANY OTHER BUSINESS

BR outlined progress on his 10 project briefing study, LB the work of the Waltham Forest working group responding to Government initiatives and MP exemplar designs of school buildings.

Next meeting: 7 March at Caxton House.



ENERGY AND WATER BENCHMARKS FOR MAINTAINED SCHOOLS IN ENGLAND: 2000-01

A Government National Statistics Bulletin Issue No 11/02, ISBN 011271143X was published in December 2002.

1. The Statistical Bulletin reports on the energy and water cost and consumption in schools for the years ending 31 March 2000 and 31 March 2001. The data was collected for all schools, on a voluntary basis, from Local Education Authorities in England.
2. The aim of the data collection is to enable benchmarking of energy and water consumption in schools and to assess the carbon dioxide emissions from the school sector. This information informs the Government's national Climate Change programme and interdepartmental initiatives to reduce energy and water consumption in schools and the wider public sector.
3. It provides benchmark indicators for Local Authorities to assess progress towards achievement of targets for reductions in carbon dioxide emissions resulting from energy usage.
4. The data is shared with a number of partner organisations responsible for maintaining benchmarking websites for schools. These are:
 - ◆ Heads, Teachers and Industry and their Think Leadership environmental benchmarking website for head teachers and governors www.thinkleadership.org.uk
 - ◆ The BRE Sustainable Energy Centre (BRESEC) who manage the ActionEnergy programme for the Carbon Trust which provides an online energy benchmarking website for schools www.energybenchmarking.co.uk/schools
 - ◆ The Office of Government Commerce who run the Watermark water benchmarking project for the public sector including schools. www.Watermark.gov.uk

The bulletin compares consumption and cost of schools in the 10 Government Office Regions. Figures for LEAs will be posted on the DfES Statistics website where a range of statistics about Education and Training can be found, see www.dfes.gov.uk/statistics/

The publication of the statistical bulletin followed the publication of the Statistical First Release of the same name SFR 23/2002 in October 2002, see <http://www.dfes.gov.uk/statistics/DB/SFR/s0353/index.html>.

Information about National Statistics can be found on www.statistics.gov.uk●

CLASSROOMS OF THE FUTURE – PROJECT PROFILES

1. DfES has published a book containing profiles of Classrooms of the Future Projects. David Miliband 'Schools Minister' has written the forward and signed it as the DfES Ministerial Design Champion.
2. The initiative started out with the aim of challenging current thinking on school building design. This is at a time when spending on school buildings is increasing substantially. To ensure the Government's investment is put to the best use, DfES needed to test out new ideas and construct a vision of how schools should be designed in the future.
3. Twelve LEAs are sharing nearly £13 million to develop around 30 pilot projects. These focus on the creation of learning environments that are imaginative and stimulating, with the aim of inspiring children to achieve more. They are also designed for wider community use and will have links with other schools and facilities in this country and abroad.
4. The booklet describes the educational and design aims of each of the pilot projects in the initiative, and illustrates how far their designs had developed by the end of 2002. It is being published now, to share these ideas with a wider audience at a relatively early stage. A further publication will follow later on when post occupancy evaluations have been carried out. This will be in the form of guidance that will help shape the design of new schools. The thinking behind the pilots, and lessons learned from them, will also inform the exemplar design solutions we are developing for primary and secondary schools.
5. Most projects have reached the end of design stage and are now being constructed. The two pilots at Milton Keynes were completed last year and many more will be finished and occupied over the next few months. At present all projects are on track to be complete by the end of the year.
6. Further details of the Classroom of the Future initiative can be obtained from Chris Bissell (Tel: 020 72736215) and for more copies of the book please contact Lilian Kaumi (Tel: 020 72736728) ●

For background information on the 'Classroom of the future' project please refer to the article by Chris Bissell in the Summer 2001 edition of SCALAnews- Ed.

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Design Forum interests:

Design excellence Sustainability

Maintenance Survey

Inclusion

BSI

Flexibility

Study Day

Skills database

New construction techniques

External partners etc.



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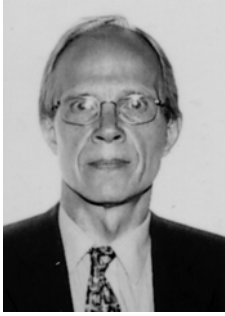
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*Legal &
insurance
matters*

*Best Value
AMP's*

Egan issues

EU issues

Benchmarking

*Contract
documents*

*Human rights
& equal opp's*

*Procurement &
commissioning*

Business mngt.

ICT, CDM etc.

SCALA PRACTICE PROGRESS

CHAIRS REPORT of the latest meeting of the Practice Forum on 6 December at which the following main topics were considered:

FPS/LGA PROCUREMENT PANEL AND CONSTRUCTION FORUM

The Procurement Panel most recently met on the 14th November, where it's new remit, in terms of addressing the wider issues of 'Procurement' as a whole, and advising the LGA as appropriate, became increasingly apparent.

The Panel's relationship with JCT is expected to remain, albeit addressing issues on a n exception basis only.

SCALA has two seats on the Procurement Panel (as well as additional links via colleagues in FPS), but currently only sends one representative. Bearing in mind the increasing importance of Procurement within Local Authorities, and the role we, as members, play in this (Capital Construction programmes still figure towards the top of the list of Council spending commitments), the Practice Forum felt that full representation on the Procurement Panel, with the opportunity to present SCALA's viewpoint, and to feedback to members should be maintained. Consequently, if any member wishes to become more involved in the Procurement debate at the highest levels, the invitation is there! Would anyone wishing to pursue this opportunity contact either Jeff Gibson or Bernard Wyld for further information.

Whilst on the subject of JCT, Rob Tate (our existing representative) reported the growing acceptance within LGA of the need for a new JCT Contract Form, specifically to address Partnering arrangements - experience of existing formats (e.g. PPC2000 and NEC) not proving to be wholly satisfactory. Through Rob, SCALA have, in conjunction with the LGTF, produced a useful Contracts Guide enclosed with this copy of ACASCALAnews which I hope readers will find useful.

ASSOCIATION OF CONSULTANT ARCHITECTS

As featured in the lead article, SCALA has now joined forces with the ACA, coming together to better reflect the changing profile of those who deliver construction and architectural services to the Public Sector.

The Forum acknowledged that the expectations of construction and architecture within the Public

Sector are ever increasing across the whole range of activity, in respect of Procurement expertise, design quality, sustainability, safety, etc. Consequently, the more comprehensive the dissemination of expertise and experience (across the widening range of participants) the better performance and outcomes will be, and the more the profile and contribution of public architecture will be raised.

As with all SCALA activities, the Forum invites and appreciates involvement and contribution from all members, and would welcome participation, at any level, from fellow colleagues from the ACA.

ENGLISH HERITAGE CONSULTATION

Chairman reported that SCALA had been invited to comment on the English Heritage draft document "Making the most of our civic heritage - some guiding principles for decision-makers".

The document represents English Heritage's first step in issuing advice to Local Authorities on the care of historic assets in their ownership, and seeks to explore how historic building portfolios, with their attendant responsibilities of conservation and stewardship, can integrate to best effect with the wider corporate obligations of Asset Management and Best Value.

Chairman confirmed having responded to E.H., noting that E.H.'s required response time effectively prevented wider circulation of the document to Forum members. A full version of SCALA's response will appear in a future edition of SCALAnews.

LGTF

Peter Bishop updated the Forum on the wide range of initiatives the LGTF is currently involved in:

- ◆ The LGTF are working with CIPFA on the preparation of what will become a CIPFA publication "How to develop a Procurement Strategy". Aimed primarily at internal Audit, and written by an auditor, the document nevertheless draws heavily on Egan philosophy. Peter agreed to issue the draft to Forum members for comment.
- ◆ Whilst on the subject of Rethinking Construction, LGTF have commissioned a telephone survey of 120 local authorities (pro-rata across all types - Districts, Mets, Counties),



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Serving Construction and Architecture in Local Authorities

LOCAL GOVERNMENT PROCUREMENT FORUM: notes of a meeting held in London on 14 November 2002



LOCAL GOVERNMENT PROCUREMENT FORUM

NOTES OF MEETING HELD AT JURY'S GREAT RUSSELL STREET HOTEL ON 14.11.02

Speakers: Sir Ian Byatt (Chair of the Local Government Procurement Taskforce), Christopher Leslie MP (ODPM), Cllr. Colin Barrow (LGA), Keith Beaumont (LGA) and Geoff Tierney (ODPM).

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to ascertain the level of understanding and utilisation of Rethinking Construction principles. Provisional results are expected in January, the aim being to establish a benchmark position for Egan take-up.

- ◆ Peter referred to ongoing work with both ODPM (local government focus) and DTI (construction focus), with a view to pulling together the current disparate approaches, to achieve and deliver a single message and agenda in respect of Procurement.
- ◆ LGTF have completed a document "Ten top tips for the Procurement Process". This is set out as a wall chart, and is to be mailed to all Chief Executives, and others involved in procurement, early in the New Year.
- ◆ "Accelerating Change" identifies Sustainability as a major issue, and states that the Public Sector should lead on it. To this end, LGTF has determined that Sustainability will feature as a core theme for future Demonstration Projects. An appropriate definition of Sustainability has been proposed, currently awaiting approval by Strategy Panel.

NOMINATIONS TO ARB

Following President's stated intention to stand for election to ARB (Christmas Edition of SCALANews), the Forum was pleased to support and endorse his nomination, together with that of Colin Brock, Honorary Secretary of the ACA. Having a voice in a forum of such fundamental importance to the professional interests of many of our members presents us with a tremendous opportunity to directly represent the case of local authority architects at the highest level - We await the outcome of the elections with interest!●

Sir Ian Byatt, Chair of the Local Government Procurement Taskforce

Sir Ian started by referring to the recent Queen's speech which spoke of the need for greater borrowing and more training within local government. He also hoped there would be less control on this spending by central government.

The key messages of the Taskforce's report entitled 'Delivering Better Services for Citizens' were:

- ◆ The chance for a new deal
- ◆ Diversity and democratic accountability in local government
- ◆ Link to Best Value
- ◆ Flexibility in working practices (in choosing 'in house' or bought in service providers)
- ◆ Competitive markets
- ◆ Risk management (both within and outside local government)
- ◆ Long term view with steady progress towards achieving the aims and objectives

The business case when selecting a procurement option was to:

- ◆ Identify the desired outcomes
- ◆ Focus on the deliverables (what users want)
- ◆ Examine methods of delivery (including issues such as life time costing and relative effectiveness)
- ◆ Identify the scope for big changes (and how to manage the big risks)
- ◆ Use IT as a tool, not a solution

The following needs to be done:

- ◆ Empower procurement managers (it is not just a function)
- ◆ Involve elected members and senior officials (linked to the CPA)
- ◆ Link to local government finance (reward high achievers)
- ◆ Light touch from centre (direction not control)

The role of the Forum was seen as:

- ◆ Exchanging information on what has been achieved
- ◆ Exchanging information on capacity building (with the assistance of agencies such as IDEA, 4P's etc.)
- ◆ Exploring emerging markets
- ◆ Imposing best practice (including clarification of what is meant by the term)



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Christopher Leslie MP, Local Government Minister at the ODPM

Previously a local councillor in Bradford, Christopher Leslie saw this process as a step forward towards a better procurement agenda. The basic message was the need to ensure better procurement methods for local government with a strong link to Best Value. Recent research by the Audit Commission had shown that 80% of procurement strategies in local government were ineffective, being incomplete or failing to address all the issues.

Both the function and the strategy of procurement needed improvement and it was imperative to choose the right model and deliver the product or service successfully. The right skills, including option appraisal and project management, were essential and the use of such skills led to major savings and greater efficiency in procurement. As a result local authorities must give procurement its proper profile at both officer and member level.

The success of the procurement function will be judged through the CPA's which provide the motivation to achieve the overall goal of an efficient organisation with a Best Value culture. The achievement of quality is reliant on the ability of local authorities to respond to change and make intelligent choices.

Announcements will be made soon on Government proposals to improve corporate capacity building which will take into account the particular needs of smaller councils.

E-government and procurement will be a particular focus as it is seen as a useful tool in avoiding maverick purchasing. As with other elements of the procurement strategy the minister emphasised again that elected members must take a strategic role to ensure that procurement is a key aim and that sufficient training for members and officers should be made available to assist in this.

Diversity in local government is important and in maintaining this it is vital to also encourage enterprise and innovation. A central agency is not the right answer but a national strategy will help to achieve these aims. As part of this strategy all those represented here today are working together to achieve the best solution by accessing quality advice and information through the Forum, which is here to kick start the process and is a key way forward.

Councillor Colin Barrow of the LGA

A councillor at Westminster City Council, Colin Barrow was pleased by the language of network-

ing and encouragement that he had heard, as opposed to control and direction. If the process was right then the market will respond and deliver, although greater consultation with the supply side is required. Top down decision making in the environment of a regulatory regime rarely worked.

The two main components of improvement were listed as leadership and capacity. Procurement needed to rise up the corporate agenda and once again it was reiterated that members should take a strategic role. At Westminster the closer members got to the contract the more successful it was likely to be, especially if incorporating new and innovative methods of improvement.

The role of the 4P's was to look at the big picture on contracts with the IDEA promoting best practice but improvements must be driven by local authorities, supported by the LGA. Major people issues arose as a result of procurement, such as TUPE, and a constructive dialogue was needed to improve the process.

During **questions** to the speakers the need to share experiences and good practice with both large organisations and SME's was emphasised, with Colin Barrow stressing the need to encourage local suppliers by making it easier for SME's to participate. The SOCITM representative referred to different advice received from different Government departments which the minister promised to look into. Ian Byatt spoke of the possible need to widen the remit of the Forum to cover issues such as option appraisal, project management and contract management/monitoring.

Keith Beaumont (LGA) and Geoff Tierney (ODPM)

The resources needed for improvement were described as:

- ◆ Top sliced funding (currently £21m. for initiatives such as those below)
- ◆ IDES/4P's/Employer Organisations(EO's)/LACOPS etc.
- ◆ Performance partnership
- ◆ Co-ordinated business planning

The work programmes to be developed and implemented next year are:

- ◆ A procurement advisory service
- ◆ A competency framework
- ◆ A fitness programme
- ◆ Sustainable procurement

The above to be promoted by the IDEA and available next year

- ◆ Procurement support as part of a 'gateway'

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- review using OGC principles
- ◆ Influencing/knowledge/information systems
- ◆ These to be supported by the 4P's
- ◆ Equality and workforce issues/guidance from the EO

The ODPM was responsible for initiating real improvement on the ground through a national strategy to improve local government performance which comprised:

- ◆ The Byatt report recommendations
- ◆ The Strategic Partnership Taskforce
- ◆ A review of best Value to be published shortly
- ◆ Capacity building proposals in the White Paper (high priority)

Key messages were:

- ◆ Procurement expertise was essential to achieving Best Value
- ◆ Efficient procurement is a hallmark of good and excellent councils
- ◆ Need for a strong corporate procurement function
- ◆ Need for partnership working and co-operation
- ◆ Project management against a competency framework (4P's & IDEA are identifying good procurement processes)

Issues raised by a national strategy are as follows:

- ◆ Role of the Audit Commission in Best Value and CPA's
- ◆ Sustainable procurement
- ◆ EU procurement rules

Action required nationally includes:

- ◆ Capacity building
- ◆ Procurement as a funding priority
- ◆ 'Gateway' reviews (4P's & OGC)
- ◆ Strategic partnering
- ◆ E-procurement

Ways forward were listed as:

- ◆ The Local Government Procurement Forum incorporating expertise, leadership, capacity issues and including elected members who were not in the audience today
- ◆ A National strategy

In conclusion both speakers referred to the need to avoid centralisation and a top down prescriptive approach to procurement. Also the advantages of keeping the initiative locally based with clear objectives and a facilitative enabling approach. The audience then met in five smaller

facilitated groups to move on with the work of the Forum which would meet again following the development of a national strategy. Feedback on the group discussing 'Sharing market intelligence and standard contracts' is reported below. The groups discussed:

1. Capacity issues, training and competency framework
2. Sharing market intelligence and standard contracts
3. Engaging decision makers and raising the profile of procurement in local authorities
4. Procurement and workforce issues
5. EC procurement policy/roles

Sharing market intelligence and standard contracts

Market intelligence was seen as being of particular value in the prequalification process, which is often lengthy and resource intensive. Existing networks, such as that provided by the Society of Procurement Officers, should be utilised and developed. An early dialogue within an agreed framework should take place between the supply and contract sides to ensure efficient procurement. One valuable area would be to share information on contract types and terms, which would avoid reinventing the wheel. A lot of support was given to standard contracts with one delegate referring to the plethora of contracts for nursing and residential care.

Although it seeks to reduce bureaucracy Constructionline was criticised both for this and for not yet fully answering the needs of SME's who bid locally. On local authority contracts generally it was felt that too much information was requested too early when considering bidders for a select list. Members and officers needed to be briefed early and needed to be part of the process to ensure a smooth and efficient process with clear delegation of responsibility.

The group recognised the need for flexibility in the style of operation and contract to be adopted, and the possible requirement to modify standard contracts, but was concerned to hear that 45% of construction and property services contracts are bespoke which could nullify the advantages to be gained from standardising contracts.

Both these topics could result in significant savings in time and cost, particularly as they would encourage greater involvement of SME's in the process with the potential for encouraging competition, reducing time and cost, and raising standards. The theme of national guidance and local diversity was supported, as was the role of



This is a new service for readers of SCALAnews which will allow you to seek advice and guidance on those awkward and time consuming contractual and legal issues which are such a feature of the industry. Rob Tate has kindly offered to share his experience and expertise with you and has also compiled the enclosed Contract Guide and the following article.

Contractual and legal issues have never been more important in construction. The number of disputes, arising from the old adversarial system, which are resolved by formal judicial procedures has increased with the introduction of statutory adjudication. Perhaps more significantly, however, is the increasing range of procurement routes and, in the public sector particularly, the burgeoning approaches to partnership. To assist you to keep up to date with things contractual and legal in construction ACA/SCALAnews has arranged for Rob Tate to pen an article in each edition, covering the latest developments and reminding you of some of the old favourites -- some with a new twist! In addition, Rob Tate and the Editor invite you to submit questions and also make comments or question the topics and views expressed. If you wish to put a confidential point or question to Rob, please email him at rob.tate@ntlworld.com.

Rob Tate is an Architect and Construction Adjudicator. He is a Past President of SCALA, a Fellow of the Chartered Institute of Arbitrators, a member of the President's Panels of Adjudicators of both the RICS and the CI Arb, and a member of the JCT Council.



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the Forum, which is to headline best practice but never force people to follow it.

Conclusion

Ian Byatt concluded by clarifying the purpose of the national strategy, which is to assist in the process rather than to provide conclusions. He saw his report as being very comprehensive on these issues. Further development and discussion must be selective but include those not fully represented, such as elected members and the supply side, and include representation from all types of local authorities. This should be under the direction of a chair or facilitator with the LGA being the obvious source of candidate, or possibly a VIP from the ODPM.

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SCALA
DIARY

FEBRUARY

21 Eastern Region meeting at Ipswich (contact George Roberts Tel: 01603 223447)

MARCH

6 ACA launch of Scottish supplement to PPC 2000 in Edinburgh (contact ACA Tel: 020 8325 1402)
7 SCALA Design Forum meeting at DfES, Conf. Room 1, Caxton House, 6-11 Tothill St., London
SCALA Policy Committee
SCALA Practice Forum
SCALA Council all at IPF Ltd. 27 Queen Anne's Gate, London.
26 S&SE Region meeting at East Hants DC (contact Philip Parker Tel: 01730 234091)

APRIL

2 Y&H Region meeting in Hull (contact Steve George Tel: 01482 612481)
4 SW Region meeting at Taunton Deane DC (contact Tim Parker Tel: 01452 425752)

MAY

9 Eastern Region meeting at Brentwood (contact Phil Blower Tel: 01277 261111)
15/16 SCALA Study Day in Birmingham (see back page and enclosed leaflet for more details)

AMP network regional workshops & LGTF presentation on 'Effective Construction Procurement' on-February 7, 14 & 17 London, 19 Durham, 20 Bury, 21 Nottingham, 25 Exeter, 27 Warwick & 28 Bury St. Edmunds (for further information contact David Bentley on 01543 262 030)

CIPFA/SCALA 30th. Series of BV&QF workshops on Construction & Property Services comes to you on-March 10 Preston, 11 Durham, 12 Burton on Trent, 17 Taunton, 18 Builth Wells, 18 & 19 Scotland, and 21 London.

For information on the CIPFA/SCALA Best Value & Quality Forum workshops for Construction & Property Services please see the CIPFA homepage.



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**Rob
Tate**

Make sure you have the right contract

Quotations are always a good way of making up copy for SCALANews. It's a jolly wheeze!! Like "partnering" (no nasty loss and expense - really?) and adjudication (no lawyers - really?) and being friends (no unsavoury disputes over money - really?). Enough of my cynicism, here are the quotes.

"The purpose of a contract is to enable parties to simultaneously achieve their private ends. This is only the case if the law enforces their promises. A contract which aims to avoid the courts is a contradiction."

"Contracts need to be, to some extent, adversarial and the interpretation of them should not rely too much on good relations continuing throughout the life of a project."

"The notion and exhortation that contract documents should be left in the drawer during the project is inconsistent with running building projects successfully. The promises, expectations and machinery are all in the contract."

"Who the blazes told contractors to stuff the contract in the drawer and forget it? That document contains all you need to know about managing the job."

"The most brilliant design remains just that, a design, unless turned into reality by building operations. Those operations generally, and always in the public sector context, require a formal agreement which sets out who does what for how much, how it should be done and allocates the risk - a contract."

The first three quotes are Tony Bingham (the eminent barrister and arbitrator specialising in construction - see him in "Building") paraphrasing from the RICS Foundation's "Construction Contract Policy: Do We Mean What We Say?" and the forth quote is Mr Bingham himself.

The final quote is from the SCALA guide to standard forms of contract enclosed with this edition of SCALANews. The SCALA guide presents a list of the principal standard forms of building contract, highlighting significant features. It is presented in a "ready reckoner" format, as a primer for the contract selection process. It emphasises the need to choose the form of contract for a particular project carefully, having considered the objectives of the project, the risks involved and the appropriate allocation of those risks. To do so one must consider certain key criteria in

order to arrive at the most suitable contract, as the final stage in determining the most effective and best value procurement route for the project.

"For a successful design to become a successful building requires the selection of a contract which reflects the aspirations of the Parties and meets the demands of the project" - a further quote from the guide.

Having so carefully selected your contract form, then use it! The quotes above present the contract as a handbook for administering the project. It is useful, it guards your authority's interests as a party to a commercial agreement on which much expenditure depends. Furthermore, reference to the contract should prevent you getting into severe trouble! The Housing Grants, Construction and Regeneration Act 1996 implies, by statute, terms into every commercial construction contract that give the right to parties to the contract to take any dispute under the contract to adjudication at any time. It also sets out strict rules for payment and withholding payment - and disputes over that are responsible for more adjudications than anything else. It's in your interest to know them!

So, I don't think you should leave the contract in the drawer - or, at least, you should make sure the drawer is well lubricated! But first, make sure you have the right contract. Make quick reference to the SCALA guide to commence the selection process.

From my experience of both private and public sectors, I believe SCALA members are at the forefront of "partnering" and, as such, many have had to take a radical look at the available contract forms. They have analysed the needs of the project and the risks involved and have not necessarily always then selected the familiar standard form. The degree of risk involved in certain key aspects of the project must be assessed in respect of whether it is more economic for the Employer to take a risk or for him to pay the Contractor to take it for him. This is an essential consideration in selecting a contract form in support of a procurement route which achieves "best value". Radical review of risk allocation is fundamental to partnering, but reviewing criteria and risk on a project by project basis as a matter of routine should not be reserved for that form of procurement.

Construction management, for example, has

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benefits for those prepared to think about risk from first principles. Construction management practitioners will claim savings are achieved for clients in comparison with traditional contract formats. I know of one company which regularly achieves over 20% savings on social housing projects in London in comparison to design and build format. It is not, perhaps, difficult to see why. The construction manager's fee compares favourably with the overheads and profit, preliminaries, and "buying gain" built into the traditional contract sum. Compared to a partnering contract, where "buying gains" are shared, construction management offers advantages to clients, as the benefit of all such gains are passed on to the client. However, these advantages are bought at the cost of the client taking a number of risks normally passed to a general contractor, for example programme delays - which may be acceptable to a social housing landlord but not to a commercial developer. Determining the criteria, analysing the risk and striking the best cost/risk balance for the project and client is, therefore, crucial.

In partnering terms, construction managers should be partners to their clients and they often also have "framework" partnership agreements with works package contractors, achieving continuity of partnering throughout the supply chain. Whilst such an approach is admirably Egan/Latham, we must recognise that not all partnering reaches much deeper than the dry-lining! The adversarial nature of construction is never far away -- which brings me back to my quotes - but is that a bad thing? The members of that supply chain need to know their interests are protected. We must all have experience of clients who "want something in the documents" to demonstrate compliance with the Housing Association's partnering requirements, yet who still use an "adversarial" design and build form, heavily modified in their favour and complete with all the provisions for extension of time etc. The contracting fraternity see no problem with using a traditional "adversarial" general contracting form, eg JCT 98, in a partnership agreement. "Unprompted, the Egan report was recognised by a mere 8% of the industry" - Building, 25th October 2002, reporting on a survey which found only 12% of construction firms have partnering deals.

So, I trust the SCALA member who told me we don't have claims any more in the public sector, "we have partnership", had his tongue firmly in his cheek and forgave my sceptical reaction. As a construction adjudicator, I am aware that the

number of adjudications is now estimated at about six thousand. Of those, just over 120 have gone to court for enforcement - a proportion, I would contend, which suggests adjudication to be an effective method of settling disputes. 5 of those cases involved public sector bodies, one being a particularly important case involving a London Borough. This may not seem much but, if reflected in the majority of adjudication decisions not challenged in court, suggests the public sector is experiencing its share of disputes going to adjudication. If you run your projects well that should not be a problem! Remember those timescales and stick to them, and understand when and how you can withhold money. It boils down to knowing the rules, the contract, and playing by them. But it helps to have selected the best rules for your situation and, to do that, you need to know what's available. Back to the SCALA guide!

Those of you who know me will know that, whilst I may be a sad (an adjudicator!!), daft old cynic, I am a strong supporter of the public sector. That has been strengthened by my experience in the private sector over the last few years as a project manager (running jobs again!), expert witness and adjudicator.

Local authorities are ahead of the game in so many ways, partnering particularly. Keep it that way!

- ◆ **Ensure** you are conversant with procurement techniques and contract forms.
- ◆ **Select** your contracts carefully. Decide what you want from the contract before you select the contract format and the form. Make identifying, analysing and apportioning risk a matter of routine.
- ◆ **Use** the contract as a management tool to metamorphose you design into a real building!
- ◆ **Ensure** you comply with the contract timescales - particularly those in the "Construction Act".

Remember, you cannot remove or agree to waive the statutory right of a party to a construction contract to refer a dispute to adjudication - which means you could end up setting out your understanding of your contract before a sad old cynic like me! Hopefully, with the help of SCALA, your understanding will be sound.

For more info' on adjudication try:--

- ◆ www.tonybingham.co.uk (or read in Building)
- ◆ www.brewerconsulting.co.uk (list of cases)
- ◆ www.adjudication.co.uk
- ◆ or email me: rob.tate@ntlworld.com●



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Contracts: a necessary evil?

**Peter
Bishop**

**Project
Director**

**Local
Government
Task Force**

Offer, acceptance and consideration. The three key components of a contract. Take any one away and what is left may be an agreement, but it is definitely not a contract. And preceding these is a strange beast called an invitation to treat. Putting a sale price on some goods on display in a shop is “an invitation to treat”. The “offer” comes from the purchaser proffering a sum of money, the “acceptance” when the shopkeeper takes your money, and the “consideration” is the sum of money paid.

This paragraph summarises my knowledge of law of contract, but it has served me well in over thirty years of professional life. It has served me well because whenever I have had to consider any form of contractual arrangement I ask “Does it stand the “offer, acceptance and consideration” test?” this simplistic view has helped me unravel many a complex issue.

So what is a contract, and why is it necessary in the world of Partnering, collaboration, and integrated teams?

Well from my perspective it is a record of the intention of the parties at the outset of a project. Moving away from the world of retail to construction related activity, a contract simply defines what people agreed to do when they started, and before any problems arose! It is a reference point for the parties and, in the event of disputes, allows a third party adjudicator or judge to understand what the intention of the parties was. Put simply a construction contract says builder A will deliver a product, generally to a specified standard, and will in return be paid an agreed amount by client B.

Is this necessary in a partnering contract, particularly when the parties have been doing business satisfactorily for many years? Absolutely and most definitely yes!

The hope of course is that things will go well and neither party ever has to have recourse to examine the terms of their contract. But having it available is no bad thing. Nor does it imply any form of adversarial approach at the outset. It simply sets out what people agreed to do at the start. Many jobs go right and no reference is necessary to the contract, but inevitably from time to time things do go wrong. And people change jobs, and other circumstances vary. So a reference point in the form of a contract is actually a useful practical tool.

So why not just a memorandum of agreement or some other non-binding form of words? Well a contract shows the world that you really meant it, committed to it, and agreed to stick to its terms. It wasn't just a passing fancy.

So what form of contract should you use? Well that depends on the complexity of the arrangement, and the soon to be published SCALA/LGTF guide will help in making this decision. The LGTF does not commend any particular form of contract, but does encourage the use of formal contracts. Standard forms must generally be favoured; someone else has done the thinking for you and avoided much wheel reinvention. Simplicity is the next watchword. I recall joyously abandoning the JCT '63 form in favour of JCT'80, because of the latter's great clarity and simplicity. What a shame that it has gone on to try to predict every possible occurrence or failing in a relationship, thereby hiding that original clarity. And if you are entering into a partnering relationship, then do give consideration to some of the newer forms which embody the spirit of partnering at their core. Whilst as yet largely untested in the courts, they do help to return us to the simplicity of “offer, acceptance, and consideration.”

TEN TOP TIPS

The LGTF recently published and distributed widely a helpful guide to successful procurement. If you have not received one, or would like extra copies for you or your colleagues we would be very happy to provide these.

Either phone 020 7837 8286 or e-mail team@lgtf.org.uk



Peter Bishop
Project Director
Local Government Task Force

To obtain dates and information for the 'Improving Construction Procurement' seminars held in conjunction with the Asset Management Network please see SCALAdiary- Ed.



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Lee
Scott

CABE
Partnerships
Programme
Officer

ACHIEVING WELL DESIGNED SCHOOLS THROUGH PFI

The UK now has the largest schools capital investment programme for over thirty years, with central government investing £3.5bn annually. CABE is committed to the belief that good design is fundamental to the delivery of higher quality public buildings and represents true value for money. We have taken a particular interest in the design of schools because we believe that the massive investment currently being witnessed presents an opportunity to leave a legacy of well designed, adaptable and fit for purpose schools of which we can all be proud.

For too long in Britain school buildings and their surroundings have been treated as a backdrop to learning. Schooling is considered to be about people – teachers, pupils, governors, parents and civil servants – not about the environment. But buildings can dramatically affect the way people feel, behave, experience and learn. They communicate important messages to people who use and see them. Research from the UK and abroad shows the link between design quality of schools and enhanced education attainment.

The majority of schools in Britain were built by the Victorians and during the post-war era, and though many are good quality, adaptable buildings, they now lack the facilities required for 21st century education. Over the last three decades these schools have suffered from massive under-investment. There is a dire need to replace or repair dilapidated and outdated heating, plumbing and toilet facilities and expand storage, learning and play areas.

The Private Finance Initiative (PFI) is one of the main mechanisms through which investment in schools will be channelled; enabling much needed new facilities and refurbishment to be secured on an unprecedented scale and within current spending plans.

The number of PFI school project contracts signed to date is 48 with a total capital value of more than £1.3bn. A total of 30 new, rebuilt or refurbished schools have been opened since

1999 under PFI and an additional 500 schools are in the pipeline. In most cases, the consortium involved will have a 25–30 year contract to manage the maintenance of the premises.

There have been some excellent examples of well-designed schools coming out of PFI. Peacehaven Community Schools in East Sussex show that good design can create positive environments for learning. The secondary school, nursery and three primary schools, designed by architecture plb in 2001, have classrooms that are light and airy, with lots of outdoor play areas. Also Hayes School in Bromley, Kent designed by PCKO Architects is an impressive redevelopment of a secondary school. The architects have taken the opportunity to give the school a new image using simple, everyday materials.

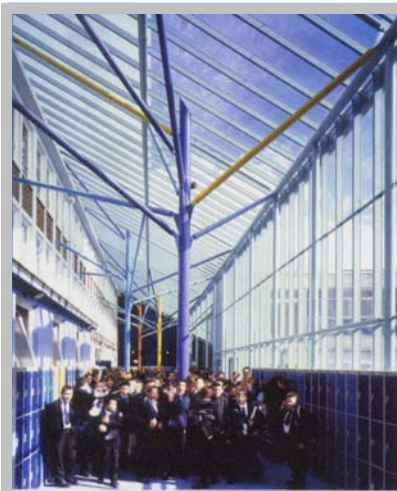
Many of the principles of PFI promote design quality, specifically the emphasis on whole life cost and an integrated team approach to delivering design solutions. In practice however there are problems, and we have seen some disappointing results – new buildings with poor finishes and shoddy detailing, classrooms with few windows, dependent on artificial light.

Most of the problems described as ‘PFI problems’ are nothing of the sort. They are generic issues of public procurement, for example unrealistic budgets, lack of client skills and low design aspirations. Some clients of PFI schools have little experience of overseeing the design and construction of school buildings, yet it is the client who must ensure that they get the design quality that makes a school building a pleasure to work in and be taught in.

CABE launched a Client Guide: *Achieving well-designed schools through PFI*, in September 2002 aimed directly at local education authorities (LEAs), the private sector and school communities. It’s a route map through the PFI process, as well as a push for the importance of good design.

The guide captures CABE’s experience to date, working with individual LEA clients on PFI schools over the past 18 months, with the objective of ensuring that the school buildings deliv-





HAYES SCHOOL, BROMLEY, KENT
 A confusing collection of school buildings has been unified with a new glazed circulation route. The colonnade acts as a promenade and houses lockers, visibility and accessibility making security less problematic. The clusters of lockers also act as informal social gathering spaces as pupils fetch their belongings.

Above details taken from DfES 'Schools for the Future' Building Bulletin 95

Designers: PCKO

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ered are of the highest quality. Much of the information in the document has been gathered from consultation with LEAs, the Department for Education and Skills (DfES), consortia and school communities. The guide focuses on the 'soft' spots of the PFI process where, without effective management, design can either be sidelined or safeguarded.

The guide advises clients to make use of time, before PFI credits are allocated, to discuss and consult with all representatives from the school community and to set objectives and establish benchmarks. This early work will develop into the formal client brief documentation.

One of the key challenges for the LEA client is to issue robust PFI documentation that clearly signals their aspiration for design quality. The CABE guide describes various ways this briefing documentation can be developed in order to elicit inspirational and innovative design proposals from consortia. In PFI, as in other procurement routes, a good brief does

not just include facts and figures, it sets out a clear vision of the underlying values and philosophy of the project so that the consortia design teams can reflect this in their proposals.

To assist in securing better design the guide suggests that LEAs identify and properly resource people to fulfil the roles of *design champion* and *design advisor* to promote and safeguard design issues from the client side throughout the PFI process. To help in this role CABE is in the process of agreeing a service level agreement with the DfES. CABE Enablers will be involved in giving design advice to LEA clients of over 100 PFI schools. Under the contract Education Enablers, of which there are approximately 30, will be assigned to a PFI schools project to give advice and flag up concerns on design issues.

The best outcome will be when each LEA is determined to get the very best schools from this programme of development. The recommendations in the CABE guide will hopefully encourage LEAs to get to grips with the complexities of the process, to be robust in establishing the brief and objectives and to persevere until the best outcome is achieved●

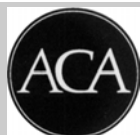
Client Guide: Achieving well-designed schools through PFI is available from www.cabe.org.uk

SCALANET- a list of useful websites for readers



SCALA
 ACA
 CIPFA
 Institute of Public Finance Limited
 ODPM
 Audit Commission
 Best Value Inspection Service
 Audit Scotland
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*Paul
Ritchings*

*Construction
and property
consultant*

Public service procurement: the Public Service Contracts Regulations 1995– a seasonal view

With the depths of winter still with us, it is customary at this time of year to turn our thoughts towards the procurement of the products, goods and service our families and friends eagerly anticipate on Christmas Day. We set out with the objective of meeting, even exceed their expectations, and in doing so achieving reasonable or better value for money.

How often are we successful? Do we follow a defined and proven procurement methodology? Do we take the time to properly understand the needs of those to whom we wish to provide gifts? Do we articulate these needs to the market place? Do we seek the advice of the specialist available to us? Do we shop around, trying new suppliers? Do we take the time to advise the market place when products, goods and services are well received? Are we dealing fairly with the suppliers upon whom, successful procurement depends? No, generally not, and yet year on year we expect to succeed in our task, demand better products, higher quality, better value and increased choice! Suppliers, what do they think? Well, Christmas only comes once a year!

Let us turn our thoughts for a moment away from those of 'good will to all men' and towards public sector procurement, in particular, significant contract procurement. Typically, the aims and objectives are generally consistent, even though that being procured may vary widely.

When participating in the process of securing public service contracts, there is often a lack of any consistent strategic intent, regulatory control, general coordination, planning or even 'best practice' guidance. The approach taken by the various public sector procurement representatives is as diverse and varied as I am sure the presents which were expectantly opened on December 25!

On initial review, the variety, inconsistency and, in some cases, wasteful procurement methodologies encountered seem somewhat at odds with the objectives of the Service Directive which, are stated as *'the co-ordination of the procurement procedures for the award of public service contracts'* implying such laudable intention as *'high quality'*, *'technical excellence'* and *'best value'*.

Involvement in the process leads to the conclusion that, irrespective of EC Directive 92/50/EEC

with its principles, aims, objectives and myriad of associated guidance documents, few procurers are actually achieving compliance, even less true best value! In addition, one is struck by the high cost and associated risks of supply side participation, even to the stage where a tendering opportunity is offered!

Generally, the process commences with an Official Journal of the European Community (OJEC) advertisement. This places the market 'on notice' of a Public Service Contract opportunity. It is clear from the form and monotonous tone of these advertisements that a framework standard, even generic wording exists. This presents the first challenge. The desired service is often vaguely expressed and in some extreme cases misleading, much like those Christmas advertisements to which we have been reluctantly subjected!

Where an expression of interest is required, the specific information needs are again often vaguely expressed. This causes considerable supply side difficulties and is mystifying; particularly when the recipient of the requested information undertakes an assessment and comparison of what must amount to dissimilar information from the tenderers.

Anyone fortunate enough to be placed on a short list of interested parties, (this may be a list as extensive as between twelve and twenty candidates!) is given an opportunity to present a proposal. Business presentations can be a daunting experience for 'seasoned' public speakers, Suppliers seldom fall into this 'seasoned' category and such events strike fear into many supply side organisations, both at corporate and individual levels. This process does little to bring the best from supply side organisations and is less than useful in ensuring that an appropriate appointment is ultimately made. Ask yourself, 'do I want a professional presenter?' or 'do I want appropriate services and products that meet my needs?' Once the ordeal of the business presentation and evaluation is over, the fortunate are given the opportunity to tender. 'The fortunate' can be as extensive a group as eight to ten, usually a group of six. The tender proposal often requires the inclusion and repetition of information already provided as part of the pre-qualification exercise, together with a requirement to add de-



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tailed operating, design or production methodologies as well as the commercial bit.

Bidders remain faced with the vague information needs expressed by procurers and the dilemma of not having a framework within which to respond. This again causes considerable supply side difficulties, particularly as the recipient of the tender, once again, has to undertake an assessment and comparison of what must amount to dissimilar information.

If placed on the shortlist of bidders, normally a group of three, you are then faced with a further business presentation, often even more challenging than the pre-tender presentation! Procurers want to meet the people being nominated to deliver the service who are usually practitioners with little or no public speaking experience. At this point, further pressures develop, as you

are getting closer to appointment and interest from senior staff within the supply organisation is triggered, together with the normal interference! There is little here to genuinely encourage the best from suppliers and positively contribute to appropriate evaluation.

Occasionally, you are successful and following the normal euphoric outbursts, an immediate review of 'what's been missed' commences. For the unsuccessful, they can look forward to a single line of text reassuring them that their efforts in no way preclude them from future opportunities! A message about as well received as a stale mince pie or turkey soup on New Years Day!●

Paul Ritchings is a Construction and Property Consultant and can be reached at:
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Contract documents

*John Griffiths,
Past President of
ACA and ACA
Council member
writes about
the range of
contracts
available to
ACA and SCALA
members at a
discount*

The ACA family of contracts has expanded somewhat over the past couple of years and looks to do so again in the near future. The original ACA Form of Building Agreement was first published in 1982 and is now, together with the companion subcontract form, in its 3rd Edition and will be updated during 2003 to bring them both into line with the most up to date legislation. The upstart of the family is, of course, PPC2000 ACA Standard Form of Contract for Project Partnering which has now been joined by a Scottish Supplement and a Specialist contract form SPC2000; other variations are likely to follow.

So, how well do the new and old cope with construction issues of today?

ACA FORM OF BUILDING AGREEMENT 1982, THIRD EDITION 1998 (2000 REVISION)

The ethos behind the original document in 1982 was that the then current JCT equivalent had become over complex and was suffering from numerous amendments which made it a difficult contract to manage. The same is even truer today and the latest revision of the ACA Form has an even more commanding lead in matters of flexibility, simple drafting and ease of use. Its conciseness means that it can be easily adapted for design and build without the necessity for a

stand alone version. Similarly, there is no need for separate sectional completion supplements nor those for contractor's design - all are dealt with by alternative clauses within the main document.

Where the contract scores above all from the Architects' perspective (although possibly not from that of the contractor), is in the way it deals with the question of the final certificate. No question in relation to the JCT forms has caused so much controversy as that of whether the signing of the Final Certificate effectively removes the building owner's subsequent rights with regard to defective work. Clause 19.54 of the ACA form simply states that no certificate shall relieve the contractor of any liability arising out of or in connection with the Agreement.

In short, the advantages of the ACA form are more apparent now than they ever were. The main Building Agreement is supported by a Sub-Contract and standard forms including Architects Instruction, Interim, Final and Taking-Over Certificates.

PPC2000 AND SPC2000.

As SPC2000 is the Specialist subcontractor version of PPC2000 ACA Standard Form of Contract for Project Partnering, a review of the main document will suffice.



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PPC2000 has already been used on over £2bn worth of contracts ranging from under £1m up to £250m. Some will say that like the ACA Form of Building Agreement, its main disadvantage is that it remains untested in the courts, but reason dictates that this must be a measure of the success of both documents. Where PPC2000 differs from any other form of Contract is that it is a single contract for the entire project team – client, contractor, design team and specialists alike. Traditional two party contracts tend to be adversarial (under the principle that it takes two to make a war). The inclusion in particular of the contractor at the earliest possible stage ensures that his expertise on buildability and sequencing becomes available during the design process. His selection is made on the basis of ‘best value’ rather than his ability to produce a tender figure which often painfully has little to do with the final account figure. By involving the contractor in the design and costing process, any adversarial trends are negated.

As with any contract, an agreed Timetable is essential and helps to clarify the roles of the parties. The real innovation is the identification of key performance indicators by which performance can be monitored. Performance means not only in terms of time but also productivity, cost and profitability amongst others. The contract allows risk to be managed jointly between the parties and re-assessed as the works progress. The acceptance of responsibility for problems in order to allow joint management of the problem by the team is likely to be the most difficult part of the process for those used to conventional contracts. Where this fails, the contract allows for a number of options including a problem solving team with limited periods to resolve issues. As with the NEC and GC Works contracts, there is an early warning procedure to try to resolve issues before they derail the entire process. For those of you who regard partnering as altogether too mystifying, ACA has assisted in the formation of the Association of Partnering Advisers. Under PPC2000, a Partnering Adviser is a person with experience of the process who can assist in the construction of the team and in completing the documentation and advises on the administration of the contract. The Partnering Adviser is a core team member and the only stipulation is that this individual cannot share role of Client Representative. Details of the Association of Partnering Advisers are available from the ACA office.

PPC2000 is a radically different contract from those that have gone before it and needs the

commitment of all parties in order for it to work properly. Unlike other building contracts, all the key players are brought into the process well before construction starts onsite. Such radical thinking will take time to gain universal acceptability but there is every chance that over the next few years, partnering arrangements will be accepted as the norm as evidence is growing that this approach can not only cut costs but also bring the project to completion on time (if not before time).

In March 2003 the ACA will publish a full Guide to PPC2000 written by David Mosey of Trowers & Hamlin (original author of PPC) and around the same time all the PPC family of documents will become available electronically. By the summer of 2003 electronic completion and sharing of the PPC2000 contract within the partnering team will also become available.

PPC2000 – CONTRACT REVIEW GROUP

As part of the continuing development of the PPC2000 contract, a PPC2000 Contract Review Group is in the process of forming and together with ACA has already invited comments as to experience of the contract in use. Working with research partners University of Plymouth, ACA are currently assessing early feedback from contract users for future amendments and developments in the PPC family of contracts. Users of the contract who wish to report on their experience or who are interested in participating in this research in the future, should contact Peter Low – Contract Review Group Facilitator by email to petermlow@lineone.net or phone 020 8789 9662.

PPC INFORMATION SERVICE

ACA are also developing a new Information Service to be available via website and telephone helpline aimed at providing a one-stop service for organisations and individuals unfamiliar with partnering contracts. This service will provide a simple overview of information; organisations and contracts available and further details will be circulated to all ACA and SCALA members as it becomes available in the next few months. In the meantime if you have any queries please contact Peter Low (details under PPC2000 Contract Review Group)●

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Contract documents

	<u>COST £</u>
PPC2000 – ACA STANDARD FORM of CONTRACT FOR PROJECT PARTNERING [First published 14/9/00 no amendments to date] ISBN 1 901171 11 6	20.00*
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SPECIAL COMBINED OFFER: PPC2000 /or PPC(S)2000* /or SPC2000 + CIC A Guide to Project Team Partnering 2nd Edition (includes p&p and VAT) (* includes PPC2000 + supplement PPC(S)2000) (**NB No 25% further discount on this item for ACA/SCALA members)	37.71 per set
ACA FORM OF BUILDING AGREEMENT 1982 Third Edition 1998 (2000 Revision) ISBN 1 901171 17 5	12.50*
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publications

◆ APPOINTMENT OF CONSULTANTS DOCUMENT

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Alan Moore, Principal Solicitor at Worcestershire C.C.

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ACCELERATING DELIVERY ACHIEVING QUALITY

STUDY DAY
BIRMINGHAM
15 & 16 MAY 2003

The Government, through the work of Rethinking Construction and others, are seeking maximum value for clients, end-users and stakeholders and consistent delivery of world class products and services.

Construction and architecture professionals in the public and private sectors must meet these high expectations and implement continuous improvement.

The Study Day will show how this can be done and what will be expected in the future from the viewpoints of the client, contractor and consultant. Workshops in the afternoon will allow delegates to add their own contributions to those of the speakers.

PROGRAMME FOR THE STUDY DAY:

THURSDAY 15 MAY

- 2.00pm Coach trip leaves the Paragon Hotel to view the latest developments in Birmingham
- 4.30pm Design and Practice Forum meetings
- 6.00pm SCALA Council meeting
- 8.00pm Dinner followed by presentations of work

FRIDAY 16 MAY

- 9.00am Registration, tea/coffee & viewing of stands
- 9.40am Welcome and introduction by the Chair
MUKUND PATEL Vice President of SCALA
- 9.45am ALAN CRANE Chair of Rethinking Construction
IMPLEMENTING CHANGE
- 10.10am PETER STANTON-IFES DfES Education Tsar
BALANCING TIME, QUALITY AND COST
- 10.40am BOB KING Manchester City Architect
TURNING THEORY INTO REALITY
- 11.10am Tea/coffee & viewing of exhibitors stands
- 11.30am MIKE HEDGES Director of TPS Consult & Crown
House Engineering representative with KATRINA
JOHNSON Associate Risk & Value Management
ZARA LAMONT Regional Director Carillion Building
INTEGRATED SUPPLY CHAINS—MAKING THE LINKS
- 12.30pm DICKON ROBINSON Director of Development
& Technical Services at the Peabody Trust
PREFABRICATION: ACHIEVING A SOLUTION
- 1.00pm Question & answer session followed by lunch
and viewing of exhibitor stands
- 2.10pm DAVID BENTLEY CIPFA C&PS Lead Advisor
HAVEN'T WE HEARD IT ALL BEFORE !
- 2.40pm WORKSHOPS on OFF SITE FABRICATION
and DESIGNING WITH CONTRACTORS
- 3.30pm Tea/coffee & viewing of exhibitors stands
- 3.50pm WORKSHOP FEEDBACK
- 4.10pm Question & answer session
- 4.25pm Summary by the Chair & conclusion of the event

The day will address:

- ◆ The role of Rethinking Construction and others in implementing change
- ◆ How the Government seeks to ensure a successful building programme prior to the next election
- ◆ How the public and private sectors have succeeded in meeting these aims in both large scale development, the use of pre-fabricated construction and integrating the supply chain
- ◆ The role of quality and cost evaluation
- ◆ If we are up to the challenges and whether we will meet them in the future

Delegates are welcome to attend just for the event or hear at first hand an informed account of developments in Birmingham on the coach trip the previous day. You can then enjoy dinner and drinks with colleagues followed by short presentations of members work in the comfort of the hotel where the event is to take place the following day.

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SCALA STUDY DAY 2003 DELEGATE BOOKING FORM

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Please complete a separate form for each delegate

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Non-members £170

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Retired members £95

other conference booking details

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Double/twin B&B Thursday night (1 or 2 people) £60

Thursday coach trip £12

Please enter any special dietary requirements or comments below:

Please do not include any payment with your booking as you will be invoiced separately. All prices are subject to VAT at the standard rate. Please note that bookings cancelled up to 26 April will be subject to a cancellation charge of £75 and that no refund can be given after that date.



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AT THE PARAGON HOTEL BIRMINGHAM
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