

PARTNERING:

THE WAVE OF THE FUTURE FOR COST EFFECTIVE COMMERCIAL POOL CONSTRUCTION

By Curt Straub, Pool Consultant, Aquatic Consultants, Inc.

Although partnering is still unique to the pool industry, it has been utilized successfully on many projects throughout the United States.

Interestingly and most surprising is the fact that partnering has developed more from the public sector than the private sector. The U.S. Army Corps of Engineers have been using the method for years and it is being promoted and practiced as policy in their construction projects. Charles Scheroer of the Corps, the agency that is generally recognized as the leader in implementing partnering, said it involves, "putting a handshake back into the relationship."

The General Services Administration was compelled to use partnering on a renovation project of a federal office building in San Francisco. According to Bernie Adamec, director of building standards and technology in GSA's Office of Design and Construction, the attitudes of project team members "had deteriorated to the point where it was adversely impacting the job progress." And now he states, "we're convinced of it's validity."

An article appeared in Engineering News-Report on October 19, 1992, written by Lester Edelman, Chief Counsel, and Frank Carr, Chief Trial Attorney, U.S. Corps of Engineers. The following are excerpts from that article:

"Partnering is a relatively new concept in the construction industry that is rapidly being adopted by owners and contractors to improve working relationships, reduce litigation, and achieve the goals of all parties. In a partnering relationship, the parties seek to transform what is traditionally an adversarial relationship between the owner and contractor to a more collaborative and productive relationship."

To become effective, partnering has some requirements. A mindset by all parties involved is necessary. It takes a commitment and dedication to the method by everyone involved in the project. No exceptions. There must be total devotion from conception to completion. An atmosphere and development of mutual respect, understanding, and teamwork are paramount. It requires people to cooperate and communicate at all levels, and be responsible for their participation and performance.

1. The consultant reviews project expectations with the owner and the director, and assists in continual development of the project.
2. The owner, director, and consultant determine and select the design team, facilitator, and financier.
3. The design team prepares the project documents, and assists in selecting the contractor.

4. The contractor determines and selects sub-contractors, material suppliers, and then proceeds with the project as scheduled.
5. The owner, consultant, and contractor determine the mediator, or arbitrator, if needed.
6. The owner determines the lawyer, if needed.

Obviously, this is a very condensed and abbreviated explanation as to partnering procedures and does not define, nor include all that is involved with the construction of commercial pools.

Partnering does not eliminate the inherent problems that develop with construction, and it will not replace a written contract. The purpose is to amicably solve problems as soon as they develop, at the lowest possible level (usually with people in the field). When it is determined that problems exist, these problems should be resolved within 48 hours.

The partnering procedure normally begins before construction, but as with the federal building in San Francisco, it can be implemented after the project has started. Typically, an orientation or conference is conducted with representatives present from all parties involved in the project. The partnering process is introduced, along with teaching the management skills, ways, and dialogue to improve the relationship within the team. The initial meeting is typically run by an outside consultant or facilitator that assists the team in developing the terms or "charter", that all participants sign. This agreement corresponds with the projects scope, outlining the mutual goals and methods required for the success of the project. Other elements usually include a team evaluation process to determine the progress or shortfalls, a process for evaluating areas that need improvement, and a procedure for implementing corrections the most expeditious way.

One common approach is alternative dispute resolution (ADR). With this mechanism, the owner and contractor each designate individuals within their respective organizations to work-out the problem. Starting with the field level, and appointing people to resolve any disputes at all levels, to senior management. Individuals should be of similar position and status.

With partnering, there is only one real objective, and that is a successful completion of the project. Of course, that's the way it should be with everything we do. But in the real world, unfortunately we are all susceptible to error. Errors are not always the problem but when they occur, it is where the unfortunate part comes into being. With proper partnering procedures, problems are more easily resolved. Historically, if a mistake was made, the attitude has been, someone is going to pay. How many times have we heard, "call the lawyer", or, "I'll see you in court!". We have been subjected to the adversarial traditions too often, and a lot of times, when it wasn't necessary. Why does a mistake put us in front of a judge? Probably because of a lack of communication. We as human beings, are going to continue making mistakes. It's how we, and others, handle them that makes the difference in partnering.

The dictionary describes partner as, "one of two or more persons engaged in the same business enterprise and sharing its profits and risks". There are four major factors in partnering:

1. A total commitment to success at all levels;
2. upper-level management support;
3. open communications and trust;
4. having the right people to implement the methods.

Glenna Peterson, a project manager in Houston emphasized group problem-solving and group responsibility. She said, "We learned that if one of us makes a mistake, the group is responsible for solving it". That sure beats going to court.

So, who is in the group? Everyone, at all levels.

The list of those involved should include:

1. OWNER
2. AQUATIC DIRECTOR/ POOL MANAGER/ TECHNICIAN
3. AQUATIC CONSULTANT/ FACILITATOR
4. DESIGNER/ ARCHITECT/ ENGINEER
5. CONTRACTOR/ SUB-CONTRACTORS
6. MATERIALS/ EQUIPMENT SUPPLIERS
7. FINANCIER
8. INSURER
9. MEDIATOR/ ARBITRATOR/ LAWYER

Partnering is teamwork, and it requires team participation. There are various steps and stages in establishing and implementing the process. Various members of the team will be utilized individually, partially, and completely, depending on specific need and requirements.

The procedure entails, but is not limited to:

1. The owner and director determining the use and requirements.
2. The director receiving in-put from the manager and technician

Partnering does not assume trickle-down power and control; it's an effort of equals to accomplish a task. Equals are more likely to respect and accommodate the opinions of peers than are subordinates who are under the control of supervisors.

When a dispute does occur, an immediate attempt to resolve it must be made by the lowest level of individuals associated with it as soon as possible. If they are unable to accomplish it, the dispute moves on up to the next level where the two individuals have a similarly restricted time frame to reach a resolution. The process continues on until the dispute is successfully resolved.

To assist in keeping the disputes to a minimum, periodic meetings are held during the course of construction to evaluate members of the team, gauge their progress, discuss pending and potential problems, and reinforce the goals and principals. Partnering emphasizes avoiding disputes and delays by facilitating cooperation, trust, and communication between the parties.

The traditional adversarial relationship is explicitly rejected. Under the partnering agreement, all parties agree to seek a common solution to the problem rather than a solution that favors only one side. Recognizing that everyone is working toward the same goals on the project facilitates teamwork and further contributes to the cooperative relationship. These goals focus on getting phases of the project built right the first time, on time, and for the agreed upon contract price.

A typical agreement could be as follows:

THE PARTNERING AGREEMENT

The PARTNERING AGREEMENT of the POOL CONSTRUCTION TEAM

I. We, the _____, and the contractor, are committed to a positive utilization of TEAMWORK in the construction and contract administration of this project. We believe and expect that through TEAMWORK we will be able to provide a safe, quality pool completed on time and within budget.

II. We are committed to the concept of prompt, equitable PROBLEM SOLVING, recognizing the individual interests and the common goals, such as __ days cycle time for problem resolution. We firmly believe that by open, sincere, trustful and objective communication, our PROBLEM SOLVING can be done predominately in anticipation and prevention, thereby ensuring the success for all team members. Early identification, open communication, along with principled negotiations, are the tenets of our PROBLEM SOLVING commitment.

III. We believe and expect, that this PARTNERING commitment will enable all team members to improve and expand their job performance. Further, we are committed to SHARING AND TRANSFER RING these partnering characteristics of TEAMWORK AND PROBLEM SOLVING with, and to all people associated with this project, to enhance their participation and to achieve maximum success in all respects.

To further quote Mr. Edelman and Mr. Carr:

“Owners and contractors need to recognize that partnering will not eliminate all disputes on the job site. Even in the best relationships, honest, good faith differences of opinion can arise, and everyone knows that these differences can lead to disputes. However, these disputes do not have to destroy the partnering relationship. A trusting and cooperative partnership can be

sustained even when the parties disagree. The solution is for the parties to plan to use alternative dispute resolution (ADR) methods whenever a dispute arises. Using ADR can provide the parties a framework for quickly and efficiently addressing disputes within a satisfying process.”

Partnering is not a panacea for all problems and cannot be used to bail-out a partner with serious financial and/or management problems. However, coupled with commitment from partners with ability and integrity, it is a tremendous positive force that can revolutionize the pool construction industries.

Whatever the length of time for the project, short term or long term, partnering just makes good business sense.

**By Curt Straub, Pool Consultant, Aquatic Consultants, Inc.
913-362-3332**