



Field Guide to Partnering on Caltrans Construction Projects

**California Department of Transportation
Division of Construction
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Field Guide to Partnering on Caltrans Construction Projects

This guide is written for both Caltrans and contractor personnel
working at the project level
to convey Caltrans and industry commitment to partnering,
to define responsibilities for partnering, and
to provide tools for successful partnering.

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ACRONYMS USED IN THIS GUIDE

ADR.....	Alternative Dispute Resolution
CCPSC.....	Caltrans Construction Partnering Steering Committee
CRIP.....	Cost Reduction Incentive Proposal
DRA.....	Dispute Resolution Advisor
DRB.....	Dispute Review Board
DRL.....	Dispute Resolution Ladder
EA.....	Expenditure Authorization
FDR.....	Facilitated Dispute Resolution
PM.....	Contractor Project Manager
RE.....	Caltrans Resident Engineer
VECP.....	Value Engineering Change Proposal

PREFACE

LESSONS LEARNED AFTER TWENTY YEARS OF PARTNERING

Trust the people – that is the crucial lesson of history
Ronald Reagan, 40th President of the United States

Caltrans Construction Partnering Steering Committee

The Caltrans Construction Partnering Steering Committee (CCPSC) was re-established in 2006 to help Caltrans make construction partnering more effective. Sponsored by the Chief Engineer and chaired by the Division Chief of Construction, the CCPSC is comprised of the deputy district director of construction from each Caltrans district/region and representatives from the Associated General Contractors of California (AGC), United Contractors (UCON), and the Southern California Contractors Association (SCCA).

Six Key Lessons Learned

Caltrans has been partnering on its construction projects since before 1992. Over these past twenty years, there have been several “lessons learned.” The CCPSC identified the following key lessons learned upon which the updated Caltrans Partnering Program is based.

- #1 Follow-up and measure progress
- #2 Train and empower the field staff
- #3 Get stakeholders’ participation and buy-in
- #4 Partner at the strategic/program level
- #5 Ensure decision making and risk management occurs
- #6 Recognize and award effort

These lessons learned have been integrated into this *2012 Field Guide to Partnering on Caltrans Construction Projects* and into the policies, practices and training that supports the Caltrans Partnering Program.

CHAPTER 1 PARTNERING, OUR WAY OF DOING BUSINESS

Strength lies in differences, not in similarities
Stephen Covey

We are Committed

The purpose of this field guide is to promote the formation and success of partnering relationships on Caltrans construction projects. This guide is for all team members; however, it is addressed to the Caltrans resident engineer (RE) and the contractor project manager (PM) as the project team leaders and, thus, the champions of partnering. We, Caltrans and the construction industry, are committed to making partnering the way we do business. The world has changed. There are more people, from more diverse backgrounds, with less experience working on today's projects—projects that are more complex than ever before. We can no longer accept that unresolved issues and claims are the norm. We will no longer accept that we are adversaries in a war of wills—the cost in dollars, resources and lost productivity is too great. We are here to tell you, our field crews, and their supervisors, that partnering is the way we do business—anything short of a full commitment to partnering is not acceptable.

Who wins here?

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

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

We also want to give you the tools for successful partnering. In this field guide you will find a description of many partnering concepts and processes. If you are ever in doubt as to what to do, please ask. Your manager can help; you can seek out books on the topic; or you can talk to peers who have a reputation for successfully partnering their projects. But remember, you cannot partner if you do not know and understand what partnering is—so find help if you need it, because it is up to you to make *partnering the way we do business*.

Good Faith and Fair Dealing

Good faith ... means to proceed diligently, avoid hindering, stay within the law and delegated authority, and cooperate. ... Webster defines *fairness* as "marked impartiality and honesty: free from self interest, prejudice or favoritism... conforming with the established rules." This last part is the most important since the construction contract is the set of established rules by which your fairness should be measured.

- ADOT General Provisions

Seeking Fairness

It is your job to be fair and to act in good faith while seeking resolution to project issues and problems. If you keep this objective in mind you will never be too far from finding a solution. Even if all the parties cannot agree on what is fair, by using fairness as your benchmark

you will know where you are heading, keep a dialogue open, and dramatically improve your chances for resolving the problem.

Furthermore, if both sides work to do what is in the best interest of the project, both sides' interests will usually be satisfied, and everyone will walk away with a sense of accomplishment. These concepts, fairness, and doing what is best for the project, are basic guidelines for partnering success. Basic, simple, and sometimes very difficult, it takes discipline and perseverance to keep these two principles in mind in the heat of conflict, but it will pay off.

What is Partnering?

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

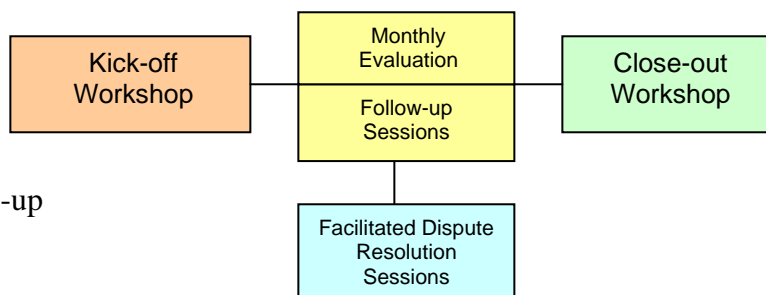
In a partnering relationship:

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

Partnering Lifecycle

As is shown in the adjacent figure, partnering is not a one-time event. It must last for the duration of the project. Partnering has a “lifecycle” that starts with the kick-off partnering workshop and continues with quarterly follow-up partnering sessions. If a conflict or dispute arises, a facilitated dispute resolution (FDR) process

Lifecycle of Project Partnering



may be held in lieu of a follow-up partnering session. Partnering and project progress is evaluated monthly through the partnering evaluation survey. The survey allows team members to be accountable to one another and see where issues are emerging. As the project winds down, a close-out partnering workshop will be held to ensure the project ends well and to capture all of the lessons learned during the project. Besides the partnering workshops, sessions, and monthly evaluations, it is important that partnering be incorporated into weekly and daily activities. Some teams are now calling their weekly meetings “partnering meetings” and using this time not only to coordinate and plan the project but to continue the partnering process with partnering tips, discussion of project goals and partnering commitments, or emerging issues. Use your creativity—the goal is to keep team members working together cooperatively for the duration of the project.

Win-Win Negotiations

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

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

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

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

The key is to look ahead together, before the work is done and the money is spent, to brainstorm available options. Delaying the negotiations or discussion of a dispute until after the work is complete frequently results in a strict debate over financial responsibility.

Partnering Objectives

Owners of construction projects across the country pay tens of billions of dollars each year in interest and legal costs for claims or potential claims that go unresolved for long periods of time. This is money that could be used to fund additional projects. Caltrans is no exception. For contractors, unresolved claims mean fewer funds to reinvest in other enterprises, and, in extreme cases, may even threaten their companies’ existence. Affecting both owners and contractors, beyond money and often even more damaging, are the negative attitudes and damaged working relationships that result when issues and claims remain unresolved, leading to poor communications and lost productivity. This is the classic lose-lose situation. Partnering is used to prevent this from happening or to help turn the situation around if it does occur.

Without partnering, both Caltrans and the contractor are gambling that they will be able to convince a third party, board of review, or arbitrator of their position months or years later. This in itself is a huge risk.

The use of partnering in the public sector has grown significantly in recent years. In 1998 the CCPSC Statewide Partnering Charter outlined the following benefits of partnering. They remain our objectives today:

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

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

Partnering Values

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

- Fairness
- Cooperation
- Trust
- Open and honest communication
- Teamwork
- Joint problem solving
- Working for mutual gain
- Rapid dispute resolution at the field level

Partnering values are very important to instill in your team. It is from our *values* that our attitudes emerge and from our attitudes come our behavior. These are integral to creating the right atmosphere in which partnering can succeed.



Partnering Support

The deputy district directors of construction, as well as representatives from AGC, UCON, and SCCA, have been active members of the CCPSC and are committed to making partnering work. They can be a great resource and support to construction field staff. The Caltrans district partnering coordinators are also available to assist when help is needed. A list of the district partnering coordinators is available on the Caltrans Partnering website, www.CaltransPartnering.com. In addition, feel free to contact the headquarters Division of Construction partnering program manager at Partnering_Program@dot.ca.gov if you have further questions or concerns.

CHAPTER 2

OVERVIEW OF PARTNERING YOUR CALTRANS PROJECT

Each of us has a piece of the puzzle.
Lillian Smith

Partnering Specification Requirements

Professionally facilitated project partnering is mandatory on all projects with a total bid greater than \$10 million and 100 or more working days. Although optional, it is encouraged on all projects with a total bid greater than \$1 million and up to \$10 million. The RE is required to extend a formal invitation to the contractor to partner on all projects with a total bid greater than \$1 million.

Application of partnering concepts on projects with a total bid of \$1 million or less is also encouraged.

Project team training in partnering skills development is mandatory on all projects with a total bid of \$10 million or greater and 100 or more working days. Teams planning to hold a team training session in partnering skills development may choose from a list of 21 partnering competencies (see Chapter 6). Your team may choose from one to four of these topics for your one-day team training session. This must be a separate and distinct session held prior to the kick-off partnering workshop.

See Appendix A for the partnering standard specification.

Mutual Selection of Partnering Facilitator

No partnered-related meetings are allowed until a professional facilitator is selected and an agreement is reached. However the RE, PM, and facilitator may agree to execute the agreement at the first meeting.

Kick-off Partnering Workshop

The kick-off partnering workshop is the initial project partnering workshop that sets up your project and partnering commitments and begins the building of a cohesive project team. This is where the team will create its partnering charter, identify key project issues and risk management strategies, and set up its monthly partnering evaluation survey process and structure. At the conclusion of the kick-off partnering workshop, the team will evaluate the partnering facilitator.

Partnering Charter

The partnering charter is the guiding focus for the project team. It documents the team's vision and commitment to work openly and cooperatively together toward mutual success during the life of the project. The charter helps to maintain accountability and clarity of agreements made and allows for broader communication of the team's distinct goals and partnering process.

The partnering charter includes the following elements:

- Mutual goals
- Partnering maintenance and close-out plan
- Dispute resolution plan
- Team commitment statement and signatures

Mutual Goals

When everyone on the team is committed to specific goals, the team tends to accomplish these goals. The partnering charter outlines the team's goals for success. At a minimum, the partnering charter is required to include the core project goals, which apply to all projects and are listed below.

Required Core Project Goals:

- Safe
- On Time
- Fundamentals of Partnering training*
- On Budget
- Quality Met

*Fundamentals of Partnering training means that the core team, field supervisory personnel, have completed the Fundamentals of Partnering training within the last three years.

Project specific goals and mutually agreed upon individual goals may be added to your core project goals. Some recommended project-specific goals are listed below for consideration. The RE and PM should discuss with each other what types of goals are important to ensure that the project is not just good, but great!

Recommended Project Specific Goals:

- Environmental commitments met
- Disputes resolved
- Teamwork/communication
- Partnering maintenance
- Public image
- Third party coordination
- Public relations
- Minimize public impact
- Having fun
- Job satisfaction
- Consider and evaluate VECP's

All mutual goals should be specifically defined to ensure the project's success. As an example, for "On Time," your goal might be defined "To complete the project by December 31, 2008." The more specific your goals are, the better you can focus your efforts to meet them.

Identify Key Project Risks

Every project faces risk to success. The partnering process is the ideal place to identify the key risks that the team faces, and to make commitments to manage the risk or solve the problem(s).

Examples of Key/High-Risk Issues:

- Construction staging
- Utility conflicts

Partnering Maintenance and Close-out Plan

Partnering requires maintenance during the life of your project. It does not just happen by itself. The goal of partnering maintenance is dispute prevention and team cooperation. You will also want to get a commitment from the team to participate in a close-out partnering workshop that will be held toward the end of the project. The purpose of this workshop is to ensure that the project ends well and team members have the opportunity to learn from one another.

In the kick-off partnering workshop, the team will create a partnering maintenance and close-out plan as part of the partnering charter that includes the team's agreements on:

1. Follow-up partnering sessions, which are highly recommended and a best practice. This may state specific dates, milestones, or frequency as well as designated locations for those events. At this time, you may also want to determine what types of sessions these will be (i.e. Executive, Team, etc.).
2. Administration, review, and use of your monthly partnering evaluation survey and ways to ensure team participation in regularly completing the survey.
3. Weekly meetings, such as specifically where and when they will be held and perhaps how partnering will be incorporated. At this time, you may want to designate roles for planning and running the meetings.
4. Team building activities you plan to do and when. You may want to link them to follow-up partnering sessions or to key project achievements.
5. Tools you plan to use to ensure your partnership continues (see Chapter 5).
6. The close-out partnering workshop. This will set the date, location, and team expectation to attend this required event.

Dispute Resolution Plan

As another element of the partnering charter, the team will develop a dispute resolution plan. The dispute resolution plan establishes a process for elevating disagreements through to executive management. This will include a dispute resolution ladder (DRL) for the specific project team. You may also add FDR to the last rung of the ladder before referring a dispute to the DRB or DRA (see Chapter 8 for more details).

Weekly Partnering Meetings

Partnering should be a part of each of your weekly project meetings. This is the time to evaluate how you are doing toward achieving your goals, evaluate your progress (with the use of the monthly survey), resolve outstanding issues, and watch for emerging issues. These meetings are the cornerstone for ensuring that your partnership grows throughout the life of your project. You will find more ideas for making your weekly meetings a success in Chapter 5.

Monthly Partnering Evaluation Surveys

We measure many things on our projects. We have tools to measure our budget, schedule, and production. What we are not good at measuring is “how well the team is working together.” Your monthly partnering evaluation survey is a means for you and your team to measure your partnering and project commitments and to be accountable to one another. Your facilitator will be responsible for developing and distributing a monthly partnering evaluation survey, compiling the results, and issuing the survey report. The RE and PM are responsible for ensuring the team

completes the survey and for ensuring that the survey results are reviewed and discussed so that action is taken where needed. This of course includes celebrating your successes!

Follow-Up Partnering Sessions

One of the lessons learned over the past twenty years from partnering on Caltrans' projects is that we must have partnering workshops at regular intervals throughout the duration of the project. The optimal interval is three months. The RE and PM are to ensure that these follow-up workshops are scheduled and that the appropriate people attend to address any outstanding or emerging issues.

You may use these follow-up partnering sessions in several ways. You may have an executive team session, owner's session, design team session, project team session, stakeholder session, dispute resolution session, team building session, team celebration, or any combination. You may arrange the day to be fully utilized to ensure your project partnering is a success. Your facilitator can help you identify what might be the best use of this day.

Close-out Partnering Workshop

We are problem solvers. That is why we enjoy construction. We solve problems every day, one day after another, until the end of our project. Then, we are on to the next project. We almost never step back and think about what we learned from our project. The close-out partnering workshop is for the team to collect key lessons learned. These are then shared with Caltrans headquarters, which will compile all of the lessons learned so that they may be used to improve future projects.

The close-out partnering workshop is also focused on ensuring that your project ends well and that the close-out process goes smoothly. There should be no lingering unresolved issues. At the conclusion of this workshop, the team will evaluate the partnering facilitator.

Final Project Partnering Survey

The final project partnering survey results are not only to be shared with the project team; they also need to be shared with the Caltrans Partnering Program. Your facilitator will submit the team's final survey results on the core project goals to the Caltrans Partnering Program. These results will be pooled with those of all other partnered projects to assist the Partnering Program in assessing partnering effectiveness statewide.

Project Close-out Survey

Shortly following construction contract acceptance, a project close-out survey invitation with a survey web link is emailed by the close-out survey coordinator in the district construction office to the RE and the one representative of the prime contractor shortly following contract acceptance on all projects (not just partnered projects). The prime contractor is asked to forward the email survey invitation to one representative of each key subcontractor. This survey is designed to provide feedback to Caltrans on project delivery quality and the extent certain aspects impact construction. Results are summarized at a program level and used to help Caltrans identify potential project delivery improvement efforts.

You may choose to incorporate the project close-out survey questions into your close-out partnering workshop discussion. Note that this will not be considered as officially taking the survey; results will not be captured in the statewide project close-out survey database. However, such an exercise can surely make the actual completion of the survey very easy to accomplish. In addition, hearing feedback from the team in the close-out partnering workshop may be insightful for the representatives taking the survey later. You or your facilitator may contact the Caltrans Partnering Program to get a copy of the survey questions for this purpose.

Role of the RE and PM

The RE and the PM are responsible for leading the partnering effort. As the project leaders, you both are accountable for the day-to-day operations of the project, and as such are in the perfect place to promote partnering. You are key to partnering success (or failure).

The RE and PM, working together, must decide how to lead the partnering effort on each project. You should have clear objectives in mind as to what you want to accomplish through partnering. At the project kick-off partnering workshop, the RE and PM act as hosts. Be prepared to present an overview of the project and to assist the team in identifying key project issues. As the hosts, be sure to invite, welcome, and thank all those who attend. The role of the RE and PM may be expanded to the extent you feel comfortable. You are the project leaders, and you need to take the lead in the partnering workshop. The partnering facilitator is there to help.

It is the RE's responsibility to ensure that the partnering facilitator is evaluated by the team following the kick-off partnering workshop and the close-out partnering workshop. To maintain the integrity of these evaluations, the RE will distribute evaluation forms to team members, collect and compile the data, and submit it to the Caltrans Partnering Program. Partnering evaluation Forms CEM-5501 and CEM-5502 as well as a template evaluation summary spreadsheet are available for download on the Caltrans partnering website.

Partnering performance is measured by the number of team members participating in the monthly partnering evaluation survey versus the number of people invited to take the survey. Although it is the partnering facilitator's responsibility to submit this data to the Caltrans Partnering Program, it is the RE and PM's responsibility to ensure that the facilitator has the most current team contact list to maintain accuracy of this measure and to ensure that their team completes the survey.

The close-out lessons learned must be documented and submitted to the Caltrans Partnering Program. The partnering facilitator may conduct the workshop, document the lessons learned, share results with the project team and executives, and submit them to the Caltrans Partnering Program. However, if the facilitator does not conduct the close-out partnering workshop, then the RE is responsible for submitting the lessons learned to the Caltrans Partnering Program.

Role of the Caltrans Structure Representative

The RE is critical to the leadership of partnering on the project. On many projects, the structure representative plays a vital role as well. On these projects, it is essential that the structure representative supports the RE in the partnering effort.

Role of the Facilitator

The role of the partnering facilitator is to assist the RE and PM in developing and maintaining an effective partnering program for the project, including facilitating partnering workshop(s). The facilitator is not the leader of the partnering effort. The RE and PM are encouraged, with the guidance of the facilitator to take an active role in leading, and perhaps facilitating, the partnering workshops and follow-up partnering sessions. The professional facilitator is selected, as required in the “Beginning of Work” specification to help the team start the partnering process and ensure that the best practices are followed.

When there is conflict between the parties it is recommended that the facilitator take a more active role until the conflict is resolved, after which the RE and PM should once again take an active leadership role.

The facilitator’s responsibilities are detailed in the Caltrans *Partnering Facilitator Standards and Expectations*, which may be found on the Caltrans Partnering Program website. The following provides a summary of the overall partnering facilitator responsibilities:

- Register with the Caltrans Partnering Program
 - The Caltrans Partnering Program will maintain a current list of facilitators and associated information to help districts/regions in finding and selecting a facilitator.
- Follow the Caltrans *Partnering Facilitator Standards and Expectations*
- Assist in the development of the project team charter
- Provide a monthly evaluation survey
- Submit the following required project partnering information to the Caltrans Partnering Program at Partnering_Program@dot.ca.gov:
 - Project team charter
 - Monthly survey participation
 - Final project partnering evaluation survey results
 - Lessons learned summary (if facilitating close-out partnering workshop)

Leadership Counts

All of these Partnering Program elements have been developed based on best management practices and lessons learned about how to make partnering succeed. Of course, you and your project team are the most important elements. Success really is up to you and your leadership.

A check list for your use in managing the project partnering process can be found in Appendix B.

CHAPTER 3

STARTING THE PROCESS

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

Caltrans Partnering Standard Specification

The first step is for the RE and PM to become familiar with the partnering specification for the project. In Appendix A, you may review the partnering specification which became a standard specification with the 2010 version.

Selection of Facilitator

To ensure that the team receives the benefit of the partnering best practices from the start of the project, the facilitator should be selected prior to the start of work. The facilitator will then guide you in the development of a plan for partnering on your project. The RE is required to share the name of the selected facilitator with the district partnering coordinator.

Your Preconstruction Meeting

The preconstruction meeting is an important step in creating your partnering relationship. Both the RE and the PM should be prepared to discuss the project at this meeting. *Construction Manual* Section 5-003, “Preconstruction Conferences with the Contractor,” provides a list of possible agenda topics. This meeting should include more than just listing the contract requirements. This is the opportunity to have an open discussion and exchange of information regarding the project.

When Partnering is Not Specified

It was recognized that some projects do not go through a facilitated partnering process (although it is always encouraged to do so). The reason for not having facilitated partnering is usually due to the size of the project; however, even without a facilitated partnering meeting, the partnering practices and values can still be applied. The preconstruction meeting is the logical place to introduce and initiate these useful tools and techniques with all parties involved in the project. It is recommended that the following items be added to the preconstruction meeting agenda when you are using the preconstruction meeting to initiate your partnering effort:

- Exchange of organizational charts
- Commitment to resolve claims at the lowest level possible
- Method of escalating unresolved issues for resolution
- Regular scheduled meetings to promote communications
- One and three-week working schedules to encourage discussion of upcoming construction activities
- Formation of teams to resolve identified contract issues
- Evaluate potential VECP's

Making the Offer to Partner

It is required that the RE invites the contractor to partner on all Caltrans projects over \$1 million. It is required that the contractor and Caltrans follow through with partnering on all projects over

\$10 million and 100 or more working days. The invitation to partner should be in the form of a letter from the RE to the PM. The following is a sample letter of invitation:

Dear Project Manager:

Congratulations on the approval of contract [*District-EA*]. Caltrans is committed to promoting the formation of successful partnering relationships with all our contractors on every project. Please accept this letter as my sincere invitation to work together as partners on this project. I look forward to working with you over the next XX months.

Please respond with your acceptance of this invitation and your request for the initial and follow-up partnering workshops. Prior to the start of work we will need to select a facilitator to help us with our partnering effort.

I will be calling you within a few days to discuss the selection of a facilitator and setting up our partnering process.

I am enclosing a copy of the *Field Guide to Partnering on Caltrans Construction Projects* for your reference.

Sincerely,

Resident Engineer

Selecting Your Partnering Facilitator

Selecting your professional partnering facilitator is an important step. The RE and PM agree on who they want to use as their partnering facilitator. You will want to select someone who has substantial experience in partnering Caltrans' projects. The Caltrans Partnering Program has posted a list of registered facilitators on its website, www.CaltransPartnering.com.

Setting Up Your Team Training in Partnering Skills Development

Learning specific skills that may be used over the course of your project and that support your ability to partner is available to the team. There are 21 different topics (see Chapter 5) that are available for the team from which to choose to develop partnering skills. You may choose between one and four topics for this joint training.

You will want to seek an appropriate trainer for this effort. This is someone who can tailor the training to be relevant to the project team, preferably with construction background and experience. This may be your partnering facilitator, or it may be someone else who specializes in training. If you require assistance locating a trainer, contact the Caltrans Partnering Program at Partnering_Program@dot.ca.gov.

Your partnering facilitator should:

- Provide a monthly partnering evaluation survey. (A separate fee for this service is acceptable.)
- Agree to comply with the Caltrans Partnering Facilitator Standards and Expectations.
- Provide FDR Services (either themselves or by an associate).
- Register with the Caltrans Partnering Program before starting work.

Please make sure that your facilitator registers with the Caltrans Partnering Program and receives a copy of the Caltrans *Partnering Facilitator Standards and Expectations*, which is also available on the Caltrans partnering website at www.CaltransPartnering.com. Also, ensure that your facilitator shares with the Caltrans Partnering Program your (1) project charter, (2) monthly survey participation levels (ratios), and (3) lessons learned summary at the end of your project. It is important that the RE provides the project District-EA to your facilitator upon selection, as all Caltrans Partnering Program submittals must include this number.

Caltrans is creating a system to track partnering facilitators on Caltrans projects and measure their performance based upon the Caltrans *Partnering Facilitator Standards and Expectations*. Your job is to ensure your facilitator knows about the Caltrans Partnering Program, and to evaluate your facilitator after the kick-off partnering and close-out partnering workshops. Your participation with the use of forms CEM-5501 and CEM-5502 will be beneficial in this tracking effort.

Holding Your Kick-off Partnering Workshop

Once the partnering facilitator selection has been made, the PM calls the facilitator to find out potential dates for the kick-off partnering workshop. Potential dates are then looked at to find the one where all of the key participants can attend. The date is then set.

Next, the PM secures an appropriate facility to hold the workshop. It is best if this workshop is conducted in a neutral site. Now that you have the date and facility, it is time to begin inviting stakeholders to your workshop. (See Chapter 4 for a sample letter).

Your facilitator will probably want to contact key project team members to conduct a prepartnering interview. Please help your facilitator by sending them a list of the key project stakeholders and associated phone numbers and email addresses. Based upon the interview information, your facilitator will design your partnering workshop to meet the specific needs of your project.

Your kick-off partnering workshop should be held within thirty days of the notice to proceed. This gives everyone a chance to get to know each other up-front and to work to identify project challenges, along with co-creating ways to overcome these challenges, thus, setting the partnering relationship in motion.

Another reason for holding the kick-off partnering workshop early in the project is because research shows that if changes can be identified before 33% project completion then there will still be a high probability of completing the project on time. After the project reaches 33% completion, making changes decreases the odds of on-schedule completion exponentially. Therefore, the best opportunity to develop and implement collaborative, innovative improvements on your project is during the first third of your project schedule.

It is also important to allow enough time for the project team to be in place and to have become familiar with the project before holding the kick-off workshop. Holding the workshop after the team has had some initial familiarity with the job and time to carefully re-review the contract documents makes for a more effective session.

CHAPTER 4

SETTING UP YOUR PARTNERING WORKSHOPS

It is better to be prepared for an opportunity and not have one than to have an opportunity and not be prepared.

Whitney Young, Jr.

Your Kick-off Partnering Workshop

Your kick-off partnering workshop will be your first project partnering session. At this session, you will develop the partnering charter, establishing your (1) project goals, (2) key issues, (3) partnering maintenance and close-out plan, and (4) dispute resolution plan (see Chapter 8). The team will commit to the agreements documented and sign the charter. At the conclusion of the workshop, the team will evaluate the facilitator.

Determining the Length of the Workshop

The length of your partnering workshop should be commensurate with the size and complexity of the project and familiarity of the parties. Some projects just do not warrant a whole-day off-site partnering workshop while others require not only a two-day kick-off partnering workshop, but a series of follow-up partnering sessions among many stakeholder groups throughout the project's duration. Work with your Partnering facilitator to determine the length of the kick-off workshop. The number of participants, stakeholder groups, value and complexity of the project, prior relationships and partnering experience should all be considered when determining the length of the workshop. Your good judgment and common sense should always prevail.

The frequency of your follow-up project partnering sessions is also determined by the complexity and working relationships on your project. However, the best practice is to hold follow-up partnering sessions quarterly. This will allow you to update your partnering evaluation survey, so that it remains relevant. Prescheduled partnering sessions may be used as FDR Sessions if needed, or as the intended Follow-up Partnering Session.

Sample Kick-off Partnering Workshop Agenda

Your facilitator is responsible for designing your partnering workshop agenda. The agenda should be developed to meet the specific needs of your project. Here are sample half-day and one-day agendas.

<i>Sample Half-Day Kick-off Partnering Workshop Agenda</i>	
8:00 am	Welcome (RE and PM) Introductions Partnering overview Projects goals Dispute resolution plan Partnering maintenance and close-out plan
Break	Potential project issues Key issues/risks to our success Problem solving/commitments for key issues Signing of the partnering charter Closing remarks
Noon	Workshop ends Facilitator evaluation

Sample One-Day Partnering Kick-off Workshop Agenda

8:00 am	Welcome (RE and PM) Introductions Your commitment to partner this project Projects goals Dispute resolution plan Partnering maintenance and close-out plan
10:30 am	Partnering overview Project organizations Project overview (RE and PM)
Lunch Break	Potential project issues Key issues/risks to our success Problem solving/commitments for key issues Signing of the partnering charter Closing remarks (RE and PM)
4:00 pm	Workshop ends Facilitator evaluation

Deciding Who Needs to Attend

One of the most important contributors to the success of your partnering workshop is the invitation and attendance of all the stakeholders who can impact your project. The following list is provided as a guideline. It is important to include subcontractors who are on your critical path or who are doing a significant portion of the work.

<u>Caltrans</u>		<u>Contractor</u>	
Resident Engineer	Project Engineer	Project Manager	Key suppliers
Construction Engineer	Area Maintenance Sup	Jobsite Supervisor	Lab (QC/QA jobs)
Construction Manager	Chief of Construction	Project Engineer	Local management
Structures Rep.	Senior Structures Rep.	Subcontractors	
Project Manager	Surveys	Senior Management (e.g. Area Manager,	
Lab (QC/QA rep)	Traffic Manager	Operations Manager, VP, President, Owner)	

Critical third parties: stakeholders, other agencies, utilities, etc., or anyone who could potentially stop or delay the project

The RE and PM should sit down together and develop a list of who needs to attend the partnering workshop given the challenges they are facing and the nature of the project. A “notice of meeting” or invitation should be sent out two-to-four weeks in advance of the partnering session. The invitation should come from both the RE and PM, and request that each invitee confirm their attendance. Here is a sample letter of invitation:

Date
To: XXX XXX
From: Resident Engineer Project Manager
Subject: Partnering Workshop for XYZ Project
As partners, Caltrans and the construction industry work together on projects to openly and cooperatively address issues, prevent disputes and work toward mutual goals. This is called partnering, and it is our way of doing business.
You are cordially invited to attend our partnering workshop for the XYZ Project. Caltrans and Contractor are committed to working together and your involvement is extremely valuable to the success of this project. We are looking forward to leading the partnering effort and want to start it off with a XX-day partnering workshop. The workshop has been scheduled as follows:
Date:
Time:
Location:
Please confirm, by email, phone or fax, that you will be attending our workshop. We can be reached at:
RE [mobile number] PM [mobile number]
RE [office phone number] PM [office phone number]
RE [fax number] PM [fax number]
RE e-mail address PM e-mail address
Sincerely,
RE
PM

Preparing for Your Kick-off Partnering Workshop

Guided by your facilitator, the RE and PM should meet to discuss and prepare for the partnering workshop. This may require more than one meeting before the initial partnering workshop. The first meeting will probably involve selecting the facilitator and potential dates and locations for the session. Once the facilitator is selected, with his/her assistance, a list of attendees will be developed, making sure that the session date(s) work for the key participants—at which time the date is finalized and invitations are issued to all attendees.

The RE and PM should discuss their objectives for partnering the project – what does each hope to gain/accomplish? This information should be given to the facilitator for use in designing the session to meet the objectives.

The second meeting between the RE and PM will be used to prepare presentations. The RE and PM will be taking a leadership role during the partnering workshop. They will welcome everyone to their workshop, be prepared to present an overview of the project, have a list of potential/actual project issues, and may have even developed a mission statement for the project. If they so choose, they can take the lead on any of the exercises. All of this should be discussed with the facilitator, so she/he can assist.

Experience has shown that preparation is key to feeling comfortable with a leadership role. The RE and PM should bring along charts, graphs, photos, graphics, and anything else that they feel will help them explain their project.

Products of Your Kick-off Partnering Workshop

The kick-off partnering workshop initiates team building among the partners. The main outcome of the workshop is to commit to a partnering relationship. In establishing the team relationship and setting mutual expectations, the partnering charter is developed. The partnering facilitator is key to the success of this workshop, and the team will evaluate the facilitator's performance. Consequently, the two team-generated products of the kick-off partnering workshop are the partnering charter and the partnering facilitator evaluation.

Your Partnering Charter

At the end of the kick-off partnering workshop, the participants sign a partnering charter (agreement). This agreement includes all of the commitments made during the partnering workshop. This is not a legal document, rather, it is a personal commitment of those attending the workshop that they will assist the RE and PM in ensuring the project is a success. A sample partnering charter is provided in Appendix C. This is only a sample and your partnering facilitator may have a different style. Your partnering charter can be displayed at the jobsite for the crews to see. It should be a symbol and reminder of the commitment you have made that this project will be a true partnership.

Project partnering charter elements:

- Core project goals (required)
- Project-specific goals (recommended)
- Mutually supported individual goals (optional)
- Key issues/risks (recommended)
- Partnering maintenance and close-out plan (required)
- Partnering dispute resolution plan (required)
- Commitment statement and signatures (required)

Partnering Facilitator Evaluation

It is the RE's responsibility to ensure that the partnering facilitator is evaluated by the team at the end of the kick-off partnering workshop. The RE will distribute evaluation forms to team members, collect and submit to the Caltrans Partnering Program. Partnering evaluation Form CEM-5501, "Partnering Facilitator Evaluation—Kick-off," is available for download on the Caltrans partnering website. The evaluation form is displayed in Appendix D. This form and all other Partnering Program submittals are to be sent electronically to Partnering_Program@dot.ca.gov with the project District-EA in the subject line.

Subsequent Partnering Sessions and Workshops

As mentioned earlier, one lesson learned is that partnering cannot just be a one-time event. Your partnering maintenance and close-out plan identifies specifically what you agree to do to ensure

your partnership is maintained over the life of your project and summarize the project team's lessons learned. This includes the commitment to participate in subsequent sessions and a close-out workshop.

Your Follow-Up Partnering Sessions

This day is a day of partnering. The RE and PM should decide how best to use this day for the betterment of the project. At your kick-off partnering workshop, you will decide at what interval you will hold follow-up partnering sessions (quarterly is recommended). These sessions will be focused on whether or not you have followed through on the commitments made, how you are doing toward meeting your goals, and looking ahead to identify new key issues/risks. The purpose of follow-up partnering sessions is to promote dispute prevention and team cooperation, but they may also be used to get things back on track and resolve disputes.

For instance, an alternate issue resolution partnering session may be substituted as your follow-up partnering session if you have an issue(s) that has progressed through your DRL and now need to have an issue resolution partnering session or a FDR. Please refer to Chapter 9 for more details on these processes.

You may choose to arrange the day into several different types of sessions.

Example Day of Partnering to Meet Your Project's Needs

8:00 am	Facilitated Dispute Resolution on Outstanding Issues
11:30 am	Brown Bag Teambuilding Lunch
1:30 pm	Team Follow-up Partnering Session
4:00 pm	Day Ends

Your Close-out Partnering Workshop

Toward the completion of your project, you will hold a close-out partnering workshop. The purpose of this workshop is for your team to ensure that the project ends well and to gather your lessons learned. It is an opportunity to really learn from one another. These lessons learned must be submitted to the Caltrans Partnering Program. You may choose whether or not to have a facilitator. If not, then the RE is responsible for collecting, compiling and sending the lessons learned to the Caltrans Partnering Program.

It is the RE's responsibility to ensure that the partnering facilitator is evaluated by the team at the end of the close-out partnering workshop. The RE will distribute evaluation forms to team members, collect and submit to the Caltrans Partnering Program. Partnering evaluation Form CEM-5502, "Partnering Facilitator Evaluation—Close-out," is available for download on the Caltrans partnering website. The evaluation form is displayed in Appendix D. This form and all other Partnering Program submittals are to be sent electronically to Partnering_Program@dot.ca.gov with the project District-EA in the subject line.

CHAPTER 5 TOOLS TO ASSIST IN MAKING YOUR PARTNERSHIP A SUCCESS

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

Joint Training for the Project Team

When partnering fails, many times it is because the project team leaders and team members do not know how to make it succeed. To remedy this, a new partnering training specification has been created to help the project team develop needed skills together.

From the 2010 partnering standard specification:

5-1.09C Training in Partnering Skills Development

For a contract with a total bid over \$10 million and 100 or more working days, training in partnering skills development is required.

You and the Engineer cooperatively schedule the training session and select a professional trainer, training site, and 1 to 4 topics (1 or 2 recommended) from the following list to be covered in the training:

- | | |
|----------------------------------|-------------------------------------|
| 1. Active Listening | 12. Facilitation Skills |
| 2. Building Teams | 13. Leadership |
| 3. Change Management | 14. Partnering Process and Concepts |
| 4. Communication | 15. Project Management |
| 5. Conflict Resolution | 16. Project Organization |
| 6. Cultural Diversity | 17. Problem Solving |
| 7. Dealing with Difficult People | 18. Running Effective Meetings |
| 8. Decision Making | 19. Time Management |
| 9. Emotional Intelligence | 20. Win-Win Negotiation |
| 10. Empathy | 21. Effective Escalation Ladders |
| 11. Ethics | |

Before the initial partnering workshop, the trainer conducts a 1-day training session in partnering skills development for the Contractor's and the Engineer's representatives. This training session must be a separate session from the initial partnering workshop and must be conducted locally. The training session must be consistent with the partnering principles under the Department's "Field Guide to Partnering on Caltrans Projects."

Send field supervisory personnel to the training session. One of these must be your assigned representative as specified in Section 5-1.16, of the Standard Specifications.

The CCPSC determined there was a need to assist team members in gaining the skills required to truly partner their projects. Researchers at the Program on Negotiation at Harvard Law School found that joint training was one of the most powerful tools they had to develop strong teams. The topics identified are those congruent with the ability to foster high-trust relationships, good communication, problem solving, and overall project success.

Weekly Meetings

A weekly project meeting can be one of your best partnering tools. Good communication and planning are critical to a successful project. A well designed and well run weekly meeting provides the team an opportunity to manage project risks by bringing up issues, concerns, and ideas on a regular basis. A weekly meeting can help the field team to understand the schedule, coordinate work, and to identify and resolve issues. It brings core personnel together in one place

at the same time to discuss the status of the project and to plan the week ahead. Other stakeholders, such as designers, traffic engineers, local agency representatives, and subcontractors, should be invited as needed to provide insight, background to the field team, and participate in joint decision making. A good meeting has these attributes:

It starts on time—A meeting should always start on time; this will train everyone to be on time. If the meeting is set for 9:00 am, then that is when it should start. If you get in the habit of starting ten or fifteen minutes late, everyone will arrive ten or fifteen minutes late because those who come on time are penalized.

It ends on time—There should be a set amount of time allotted for the meeting. If the meeting is set for 45 minutes, then it ends in 45 minutes. Any issues not discussed or resolved are held over to the next meeting or worked on outside of the meeting.

There is an agenda—The RE and the PM should put together the agenda. The agenda should include the issues from the subcontractors and suppliers. The agenda, while fixed, should have enough flexibility to discuss new issues as they occur. Plus, the agenda must not "lose" old issues that are still open. A good agenda covers the following:

- Look-ahead schedule - What work is planned? How is the team going to accomplish it over the next week?
- Pending submittals
- Requests for information
- Outstanding contract change orders/ potential claims
- Risk management/risk response plan update
- Unresolved or outstanding issues - Can we resolve them now? Have any become a dispute (disagreement)? Should we elevate any up the dispute resolution ladder?
- New issues
- Partnering maintenance assessment - How is partnering going? Are any course corrections needed? This may be a time used to review monthly partnering evaluation survey results.

If you have a particularly complex issue, you may need to set up a separate meeting for its resolution.

A record is made of agreements and outstanding issues (minutes)—Meeting minutes are required, so that everyone knows what was agreed to and what is still unresolved (the minutes will be very helpful two years down the road when questions arise). Minute taking is best done as a shared effort (responsibility alternating between Caltrans and contractor). You do not need to do formal minutes, just be sure to record agreements, action items, and outstanding issues. The minutes do need to be distributed to the entire project team - this is your best form of communication project wide.

The people needed for discussion and to make decisions are there—In order to have an effective meeting, the people affected by the meeting must be present. It is frustrating to everyone if the people involved in an issue under discussion are not there; this wastes the time of those present. It is the RE's and PM's job to ensure the appropriate people are invited to the meeting and that they show up.

Attention is on the meeting, not elsewhere—Interruptions from pagers and cell phones distract everyone, making the meeting drag on and preventing attendees from hearing everything (discussions and agreements). When you are at the weekly project meeting, keep your attention there. If everyone stays focused on the meeting, it can start on time and end on time, and you will all be out more quickly than if everyone keeps being interrupted or distracted.

Communication

Good communication means that there are no surprises on your project. It means that you will not open a letter one day to find that someone is upset about something that you have never heard of before. The project team should commit to not writing letters without talking to each other first. Talking first gives everyone an opportunity to make sure they understand the issue(s) and to try to work things out before positions are put in writing. If you do end up putting your position in writing, the recipient should know that the letter is coming and what it says.

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

Technology is offering field teams new and diverse ways of communicating (email, websites, etc.). If possible, try adapting your projects to take advantage of these new technologies.

Experts tell us that 75-80% of good communication is listening, so if you want to improve your project's communication—listen, listen, listen.

Personality conflicts can get in the way of communication and can disrupt your project. Each person on the project brings a unique personality and some accommodation should be made for these differences. Egos and personalities are present on every project; however, project issues should remain project issues and not become personal issues.

Quarterly Follow-up Partnering Sessions

Your quarterly follow-up partnering sessions will allow you to steer your project toward success, are a best partnering practice, and highly encouraged. You might consider holding additional partnering sessions when there is a significant change of personnel on the project, issues remain unresolved, or the project enters a new phase of work. Holding your quarterly follow-up partnering sessions will help to keep your partnership strong and your project on track, or even turn around a project that is not going well. You will update your key issues/risks for your monthly survey as part of this session.

Your Facilitator

Your partnering facilitator is a project resource – be sure to make use of her/him. Whenever you have questions about what to do, or if you need a sounding board, just give your facilitator a call. Facilitators work on dozens of projects each year and can likely offer you some sound suggestions on your partnership or partnering issue.

Team Building Activities

Construction projects, like any other work, usually do not go well when the people working on them dislike coming to work. People cannot find solutions to problems when they are stressed and fearful. It is important to the success of your project that project personnel have a sense of enjoyment. Such a sense can be achieved by holding regular joint team events. Here are some examples of team building events done by project teams:

- Barbecue
- Team Softball Game
- Friday Night Fly Fishing
- Soccer Tournament
- Bocce Ball Game
- Family Picnics (following quarterly partnering sessions)
- Team Volunteering for Habitat for Humanity
- Monthly Brown Bag Lunch with Guest Speaker

Partners shall adhere to their ethics policies.

Tips for Separating People from the Problem

Often, when conflict erupts on our project, we begin to look for who is to blame. It is easy to get caught up in the “fight,” and in “winning,” and not in getting the issue resolved while ensuring that your relationships remain undamaged. Do not forget, everyone will still have to work together to complete the project. Because we become engaged in the fight over winning (and especially in not losing), we often do not take the time to really understand the problem—we make assumptions. Frequently, the assumptions turn out to be only partially correct. Then we find we cannot come up with a good solution (or even a good “blaming”) because we are working with false assumptions. Here are some steps that can be taken to avoid being trapped in this vicious cycle.

Tip #1 Seek to Understand the Problem

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

Tip #2 Don't Make It Personal

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

Tip #3 Don't Seek to Blame

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

Tip #4 Agree on the Problem

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

If we follow these four tips, we will go a long way to having productive problem solving on our projects.

CHAPTER 6

MEASURING PROGRESS

What gets measured gets done.
W. Edward Deming

Getting Feedback

In construction, we measure things such as production, schedules, and budgets. What we do not do a good job at is measuring how well a team is working together. We have no means for being accountable to one another. We need a way to measure that we are indeed doing what we said we would do. The monthly partnering evaluation survey is a tool to help you identify trends (both positive and negative) so you can take corrective action quickly or offer congratulations to the project team.

Your Monthly Partnering Evaluation Survey

At your kick-off partnering workshop, you developed your mutual goals (core project goals, project specific goals, mutually supported individual goals, and key issues) along with your dispute resolution plan and partnering maintenance and close-out plan as part of the partnering charter. The partnering evaluation survey allows you to check how well you are doing and to see if you are doing what you committed to do. Using the commitments you made at your partnering workshop, a monthly partnering evaluation survey will be developed and sent to the project team members each month. Your partnering facilitator will provide this service. That way, the responses come to a neutral party who will tabulate the results and send a partnering survey report back to team members and managers.

Your partnering evaluation survey may include:

Core Project Goals

(Required)

- Safe
- On time
- On budget
- Quality met
- Core Team Trained in Fundamentals of Partnering

Project Specific Goals

(Recommended)

- Environmental commitments
- Disputes resolved
- Teamwork/Communication/Trust
- Partnering maintenance
- Public image
- Third party coordination
- Public relations
- Minimize public impact
- Having fun
- Job satisfaction
- Consider and Evaluate VECP's

Mutually Supported Individual Goals

(Optional)

- Contractor makes a profit
- Caltrans stays within approved contract contingency

Key/High-Risk Issues

(Recommended)

- Construction staging
- Utility conflicts

Partnering Maintenance Plan Commitments

(Recommended - See Chapter 5)

Dispute Resolution Plan Commitments

(Recommended - See Chapter 8)

Your partnering facilitator is required to submit to the Caltrans Partnering Program the survey participation level each month. This submittal consists of two numbers: 1) the number of team members invited to take the partnering evaluation survey and 2) the number that actually completed the survey. These two numbers are used as a “partnering follow-through indicator” to identify project teams that are staying engaged in the partnering process throughout the life of the project. Therefore, it is important that the RE and PM ensure that the facilitator has the most current team contact list to maintain accuracy. You are to encourage your team to participate in the surveys and demonstrate partnering follow-through performance on your job.

Monthly Partnering Evaluation Survey Requirements

1. Each member of the partnering team will complete the partnering evaluation monthly for the duration of the project. The partnering facilitator is to provide a monthly survey and monitor results, offering guidance, advice, and intervention(s) as needed. An internet-based survey is preferred.
2. The survey will use a five-point scale (with 1 being the worst/lowest and 5 being the best/highest).
3. The survey will measure progress toward commitments on:
 - a. Core project goals (required)
 - b. Project specific goals (optional and recommended)
 - c. Mutually supported individual goals (optional)
 - d. Key issues (updated quarterly, optional and recommended)
4. The partnering facilitator will send monthly partnering evaluation survey results to the project team, managers, and executives.
5. The partnering facilitator will submit the monthly survey participation level numbers to the Caltrans Partnering Program.
6. The partnering facilitator will submit the final monthly partnering evaluation survey results of the core project goals to the Caltrans Partnering Program.

Discussing Results and Making Course Corrections

Your partnering facilitator will likely offer comments and recommendations based on your survey results. It is important that the RE and PM review the partnering evaluation survey results to see where things are going well, where things are not going well, and to identify any emerging issues or frustration. This can be done as a separate monthly partnering meeting, or at a designated part of your weekly meeting. Without a monthly review of results, your partnering evaluation survey is much less effective.

Quarterly Updates

Your survey will need to stay current with the work as it progresses and the issues as they change throughout the life of your project. At your quarterly follow-up partnering sessions, you will update your commitments and identify the key issues for the next three months of your project. By making sure that your survey stays relevant, you also make sure that the team stays accountable to one another for the most important aspects of your project.

See Appendix E for a sample partnering survey and report.

CHAPTER 7

RESOLVING DISPUTES

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

What is a Dispute Anyway?

Many times no one on the project really understands that they are engaged in a dispute. Most project team members work daily to resolve problems, so often they fail to see that what was a project problem has now become a project dispute. Here is a simple definition of what constitutes a dispute: A dispute is a disagreement between two or more people. It is that simple. When a dispute continues for some period of time without any movement toward solution, you are at an impasse. When at an impasse, people are usually entrenched in their positions and want to win, or at least prove that they are right and that the other person is wrong.

Your DRL is designed to keep you from reaching an impasse. Any party involved in the issue can tell the other party or parties that they feel the issue has become a disagreement (dispute) that it is not being resolved and thus move it into the dispute resolution process. Let the process work for you—it will preserve relationships and resolve disputes in a timely manner.

Your Dispute Resolution Plan

One of the lessons learned for making partnering work is to have a clearly developed dispute resolution plan. Your dispute resolution plan helps to establish a common understanding of the processes you will use to efficiently and effectively resolve issues. This must include a DRL with names, titles, and target time limits for each rung. The team may also choose to incorporate the use of a facilitated partnering session or a FDR session to solve disputes. If quarterly partnering sessions are already planned as part of the partnering maintenance plan, those sessions or a portion thereof may be used for FDR (see Appendix F).

Partnering has been incorporated into the Caltrans dispute resolution process. On jobs with a dispute review board (DRB) provision, the team is encouraged to have disputes elevated through all rungs of the DRL before holding an FDR and to hold an FDR session prior to going to the DRB. Caltrans has established an option for additional referral time of up to 20 days beyond the specified time between the engineer's written response to a supplemental notice of potential claim and the contractor's referral to the DRB in order to hold a facilitated partnering session or FDR (see Appendix G). This allows some extra time to schedule, prepare, and hold the session. This additional referral time is only allowed if agreed upon by the team and documented in the dispute resolution plan of the partnering charter. If a facilitated partnering session or FDR is not held, then the original referral time applies. Refer to the project specifications for specific Partnering and DRB contract requirements.

Elevation of a Dispute

One of the cornerstones of partnering is the DRL. This process is also called elevation of a dispute. The DRL is created during your kick-off partnering workshop. At the top of the ladder are the two primary parties to the contract, Caltrans and the contractor. Lining up behind these two primary parties are all of the other project stakeholders. For example, behind the contractor

are the subcontractors and suppliers. Behind Caltrans might be local agencies, design, surveys, or the materials laboratory. If any of these project stakeholders have a dispute, the dispute resolution process may be used by going through the appropriate primary parties.

Each party to a dispute needs to understand the other person’s position – understand it well enough that they can explain it to the other’s satisfaction.

The process starts at the lowest level possible for each organization and proceeds up through both organizations’ hierarchy, then on to the neutral alternative dispute resolution (ADR) processes until the dispute is resolved, preferably, or an impasse is reached. A dispute is elevated to the next higher level when 1) an agreement cannot be reached at the current level within the agreed upon time, or 2) if more than the agreed upon time has passed without a solution, or 3) by request of one of the parties at the current level, after first informing the other party) and with concurrence of those in the next higher level.

ADR	Level	Design/Surveys/Lab	Subs/Suppliers	Time to Elevate
		Caltrans	Contractor	
DRL	I	Inspector	Foreman/Superintendent	1 day
	II	Resident Engineer	Project Manager	1 week
	III	Construction Engineer	Area Manager	1 week
	IV	Construction Manager	Operations Manager	2 weeks
	V	Deputy District Dir., Const.	Owner; President	2 weeks
Neutral process	VI	Facilitated Dispute Resolution		
	VII	Dispute Resolution Board (or Dispute Resolution Advisor)		

Elevation to the next level in the DRL should be done in writing if possible. This can simply be a “speedy memo” addressed to the next level of both parties explaining the dispute and identifying the points of disagreement. It is best if it is written by both parties. See Appendix H for an example.

Once the dispute is elevated, it is incumbent on the next level to meet as soon as possible to try to reach a resolution. It is important that a separate meeting be held to address the dispute. Do not try to do it, for example, in the middle of the weekly project meeting. Also, do not assume that the next level truly understands the points of disagreement or that there will be automatic concurrence with your position, even if you have discussed the dispute previously.

If the dispute is elevated to the top of the ladder without resolution, one of the ADR processes described in Chapter 8 may be used. Smaller projects can use the DRL very effectively; however, their time frames will need to reflect the need of their project.

The process works if you use it. Many times when asked if a dispute has been elevated, the project team says, “No, it hasn’t.” No process will work if it is not used. Given the complexities of our projects, it is natural and expected that there will be disputes. What is unacceptable is to ignore a dispute. Here are two suggestions for overcoming barriers to using the DRL.

I Can't Give Up Now

One barrier to using the DRL is that people at project levels may feel that they have failed (and/or that they may be chastised) if they elevate a dispute, or it may be that they want to maintain control at their level. Some disputes stay at Level I for four to five months when the agreed upon time to elevate is one day. War is the result—no cooperation, no communication, loss of production, not to mention lots of stress. It is the responsibility of upper management to ensure that it is safe for the field team to honestly work to solve problems, and to encourage them to elevate the dispute to the next level if they cannot get it resolved themselves. Elevation of a dispute is not a sign of failure.

Disputes Deserve Their Own Meeting

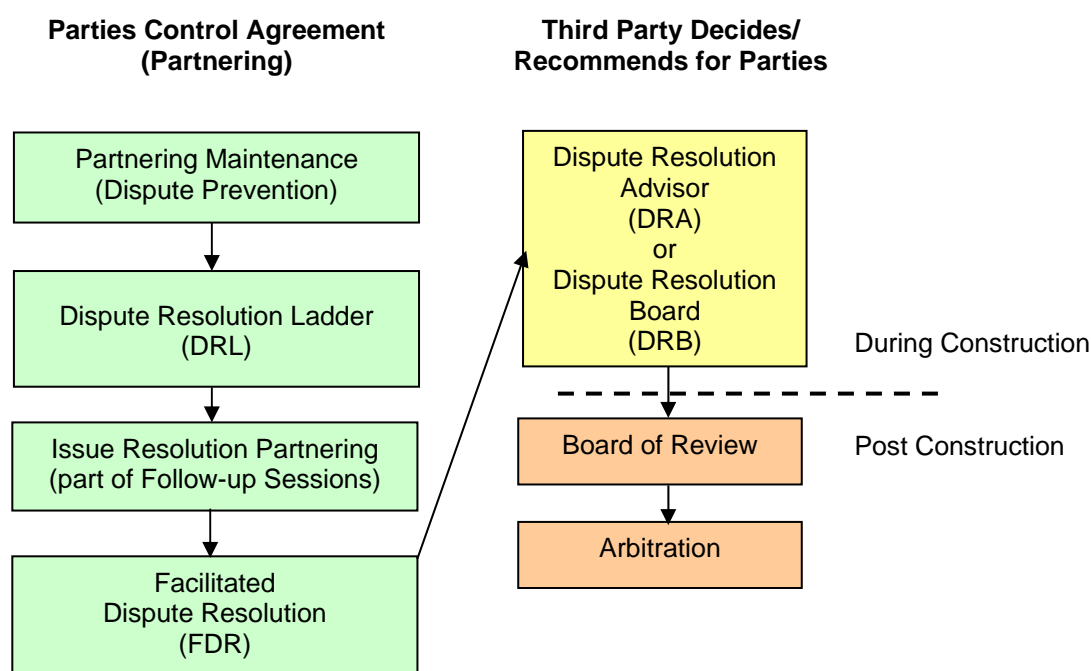
As stated before, when a dispute is elevated it is important that a special meeting be held to discuss the dispute at hand. Many times people will say, “Well, I talked to him at our weekly meeting.” This does not elevate the dispute. You need to call and schedule a separate meeting, at which you will discuss, seek to understand, brainstorm ideas about, and seek resolution of only the disputed issue. A special meeting should be held each time a dispute is elevated to the next higher level.

CHAPTER 8 WHEN THINGS AREN'T GOING AS WELL AS DESIRED

Never, never, never give up.
Winston Churchill

Alternative Dispute Resolution

ADR is a growing wave within the construction industry. Frustrated with litigation, owners and contractors are looking for new ways to prevent and resolve project disputes. When looking at ADR there is a hierarchy. Starting with less formal processes such as partnering, the dispute moves to more formal ADR processes such as arbitration until it is resolved. This multi-tiered approach has proven very successful for many owners and contractors.



ADR Processes

Partnering Dispute Resolution Ladder (DRL)	In your partnering session, you developed a dispute resolution ladder as part of your dispute resolution plan as stated in Chapter 7. It is a very important tool for resolving project disputes.
Follow-up Partnering	A follow-up partnering session is used for dispute prevention and team cooperation, but it also may be an excellent forum for issue resolution partnering. This “course correction” can be instrumental in turning around a project that is not going well. The process also reinforces the concepts of partnering and asks the project team to recommit to the process. After all, even after the dispute is resolved you all still have to work together.
Facilitated Dispute Resolution (FDR) See appendix F	The FDR is an extension of the partnering process, bringing together all stakeholders with a trained, neutral facilitator. The session is held in an informal setting with each side presenting their “story,” facts, and supporting information. With the help of the facilitator, disputes are broken down into parts, and each part is resolved on its merits. The process itself creates a deadline for resolution.

Dispute Resolution Advisor (DRA)	The DRA has proven useful in the resolution of minor disputes. Here one expert advisor hears both sides and gives a written opinion (non-binding).
Dispute Resolution Board (DRB)	The DRB has been established as an advisory body that makes recommendations in order to resolve disputes between the state and contractor. The DRB consists of three neutral members. One member is selected by the contractor, one by Caltrans, and the third by the first two board members. The members are usually individuals who have been in the industry for many years and can offer sound technical advice and reasoned findings.

Issue Resolution Partnering

One goal of the Caltrans Partnering Program is to have the project teams resolve their own issues. Really, who better than the team can resolve the project issues? Many times as the project progresses you run into issues that are hard to resolve. For these issues, you may use your quarterly partnering session for issue resolution partnering. This may take part of or the entire “day of partnering” depending on the complexity of the dispute.

For issue resolution sessions, your facilitator will need to understand the nature of the issue and dispute so that he/she can design an appropriate session. Both the contractor and Caltrans should come prepared to share their story. It is important to bring adequate background information for each issue, so it can be used to help everyone understand the situation and find a resolution.

If this process is not successful, you can continue to elevate the dispute up the resolution ladder.

Facilitated Dispute Resolution

At your kick-off partnering workshop, you will decide if you wish to use the FDR process on your project. If so, you will also need to decide if you would like the use of additional days (up to 20) to plan and hold the session prior to referring the dispute to the DRB. In order to implement the option of additional referral days, its intended use must be agreed upon by the team and documented in the dispute resolution plan of the partnering charter.

While more formal than an issue resolution partnering, FDR is an extension of the partnering process, bringing together involved project stakeholders to work toward agreement on outstanding disputes. This process has proven to be highly effective in helping the team resolve complex issues. The FDR session is a forum for the decision makers to find out the facts surrounding the issues and to resolve the disputes for each issue based on its merits. It is not appropriate for DRB or DRA members to be present at these types of sessions.

Session Preparation

Thorough preparation is critical for a productive session. You will be asked to email or fax the facilitator a list of the outstanding issues and where you are in the dispute(s) that you (and the other party) would like to resolve. The facilitator will then prioritize the issues (with the concurrence of both parties) and develop an agenda for the FDR session. This allows both sides to know for which issues to prepare. It cannot be emphasized strongly enough how important your presentation of each issue is to the decision makers’ being able to reach resolution.

Preparation should include:

- Identification of the problem (read the potential claim; state where the disagreement lies)
- Chronology of events (contractor’s and Caltrans’ versions)
- Relevant specifications, plans, and documentation (letters, journal entries)
- Discussion of the problem (Caltrans’ and contractor’s versions)
- Discussion of how the project was built (in regard to the issue)

Your presentation should be prepared and complete. It should present your version of the facts, each supported by documentation and relevant exhibits. Presentation boards, pictures, highlighted copies of documents, etc. will help you make your case. Remember, each side must be able to “justify” any agreement that is reached. For example, Caltrans must agree to the reasoning behind the amount being requested; the contractor cannot just throw out numbers. The logic behind the numbers and how they were arrived at must be presented. This allows the decision makers for Caltrans and the contractor to substantiate the agreements reached on the issues and then to gain final approval. It is the RE’s and PM’s job to present the facts as they see them. It is the decision makers’ job to look at the facts and to find a justifiable resolution.

For more information on facilitated dispute resolution, see Appendix F.

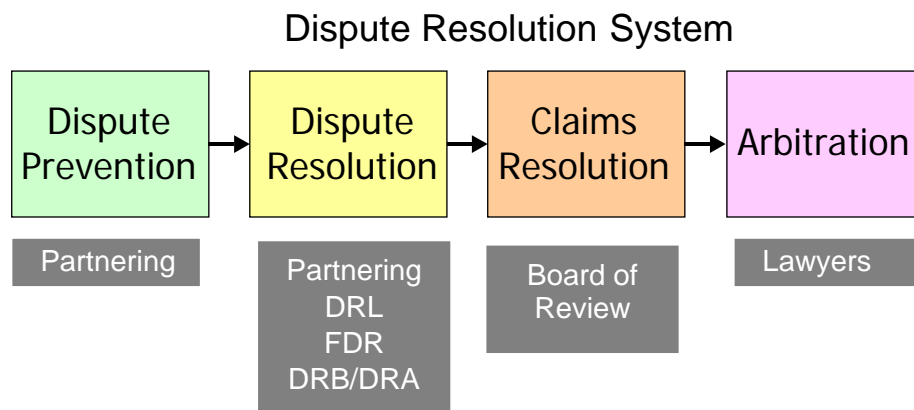
Red Flags/Triggers for When to Implement ADR

There are certain “red flags” that should be monitored. When one occurs, it is a signal for the use of your ADR processes. Here are a few flags to look for:

- Positioning letters being written without prior discussion
- Key stakeholders not attending weekly meetings
- A pattern of conflict or miscommunication
- Excessive notices of potential claim
- A downward trend on the partnering evaluation survey

The Caltrans Dispute Resolution System

All of these ADR processes are a part of the Caltrans dispute resolution system (see graphic below). Your partnering sessions work to prevent disputes. Partnering also sets up your dispute resolution plan, which includes a DRL, FDR, and DRB or DRA.



CHAPTER 9

PARTNERING IS YOUR RESPONSIBILITY

*People who say it can't be done
should not interrupt those who are doing it.*
John Canfield and Mark Victor Hansen

Do What It Takes

One definition of insanity is to continue doing the same thing, in the same way, and expect different results. For partnering to truly become the “way we do business,” everyone must do some things differently.

It Takes Commitment

Partnering will not happen just because you have read this field guide or because your boss told you it was a good idea. You must be committed to the concept and the process. This means working continuously to improve your abilities to partner. There are partnering skills that can be learned and honed. You can help teach others how to make partnering work.

It Takes Support

Although the primary responsibility for leading the partnering effort falls on the RE and PM, it takes everyone's support at all levels in all organizations to make it really work. Give your project team leaders the support they need to make every project a partnered project.

It Takes Open Mindedness

It takes open mindedness to learn new ways of doing old things. Being open to learning new skills through training or listening to your counterparts even when you adamantly disagree, takes self-control and an open mind. This field guide has described many different tools that you can use—it is your challenge to use them and to keep an open mind when you do.

Caltrans Partnering Awards

The Caltrans partnering awards are presented to Caltrans projects that best exemplify the principles of partnering. Applications are rated by a panel of judges and given an overall score. There are three levels of recognition: gold, silver, and bronze.

Factors used in selecting award recipients are:

- Adherence to the principles of partnering
- Teambuilding
- Improved communications
- Innovation and joint problem solving
- Conflict/dispute resolution
- Delivery of a quality project
- Utilization of the Partnering Evaluation Survey

Caltrans partnering award applications are all due in the winter. For guidelines, criteria, and an application to nominate your project, please visit the Caltrans partnering website at www.CaltransPartnering.com

Caltrans Excellence in Partnering Award

The Caltrans Excellence in Partnering Award is presented annually to teams that best exemplify the principles of partnering on completed Caltrans projects. The stated purpose of the Excellence in Partnering Award is to identify excellence in partnering on Caltrans projects, celebrate successes, share lessons learned on best practices, and honor contract stakeholders.

Caltrans Partnering Success in Motion Award

The Caltrans Partnering Success in Motion Award was established to include an annual recognition of ongoing projects in each district. Like the Excellence in Partnering Awards, the main purpose is to celebrate success, share lessons learned of best practices, honor all contract stakeholders, but this award also encourages ongoing project teams to maintain partnering momentum. Projects that are eligible are ongoing partnered contracts. A project may be submitted for an annual Partnering Success in Motion Award each calendar year prior to contract completion. These awards are typically presented at the annual RE meetings.

APPENDICES

APPENDIX A CALTRANS PARTNERING STANDARD SPECIFICATIONS

2010 STANDARD SPECIFICATIONS

(Crossed out and underlined text reflect revisions based on addendum RSS A10-19-12)

SECTION 5: CONTROL OF WORK

5-1.09 PARTNERING

5-1.09A General

The Department strives to work cooperatively with all contractors; partnering is our way of doing business. The Department encourages project partnering among the project team made up of significant contributors from the Department and the Contractor and their invited stakeholders.

For a contract with a total bid over \$1 million, professionally facilitated project partnering is encouraged.

For a contract with a total bid over \$10 million and 100 or more working days, professionally facilitated project partnering is required.

In implementing project partnering, you and the Engineer manage the Contract by:

1. Using early and regular communication with involved parties
2. Establishing and maintaining a relationship of shared trust, equity, and commitment
3. Identifying, quantifying, and supporting attainment of mutual goals
4. Developing strategies for using risk management concepts
5. Implementing timely communication and decision making
6. Resolving potential problems at the lowest possible level to avoid negative impacts
7. Holding periodic partnering meetings and workshops as appropriate to maintain partnering relationships and benefits throughout the life of the project
8. Establishing periodic joint evaluations of the partnering process and attainment of mutual goals
9. Considering discussing with and involving all stakeholders in evaluating potential VECsPs

Partnering does not void any Contract part.

The Department's *Field Guide to Partnering on Caltrans Construction Projects* is available to the project team as reference. This guide provides structure, context, and clarity to the partnering process requirements. For the guide, go to the Department's Division of Construction Web site.

In implementing project partnering, the project team must:

1. Create a partnering charter that includes:
 - 1.1. Mutual goals, including core project goals and may also include project-specific goals and mutually supported individual goals, including VECsPs.
 - 1.2. Partnering maintenance and close-out plan
 - 1.3. Dispute resolution plan that includes a dispute resolution ladder and may also include use of facilitated dispute resolution sessions
 - 1.4. Team commitment statement and signatures
2. Participate in monthly partnering evaluation surveys to measure progress on mutual goals and may also measure short-term key issues as they arise
3. Evaluate the partnering facilitator on the *Partnering Facilitator Evaluation* forms. The Engineer provides the evaluation forms to the project team and collects the results. The Department makes evaluation results available upon your request. Facilitator evaluations must be completed: at the end of:
 - 3.1. Initial partnering workshop
 - 3.2. Project close-out partnering workshop
4. Conduct a project close-out partnering workshop
5. Document lessons learned before Contract acceptance

5-1.09B Partnering Facilitator, Workshops, and Monthly Evaluation Surveys

The Engineer sends you a written invitation to enter into a partnering relationship after Contract approval. Respond within 15 days to accept the invitation and request the initial and additional partnering workshops. After the Engineer receives the request, you and the Engineer cooperatively:

1. Select a partnering facilitator that offers the service of a monthly partnering evaluation survey with a 5-point rating and agrees to follow the Department's *Partnering Facilitator Standards and Expectations* available at the Department's Division of Construction Web site
2. Schedule initial partnering workshop
3. Determine initial workshop site and duration
4. Agree to other workshop administrative details

Additional partnering workshops and sessions are encouraged throughout the life of the project as determined necessary by you and the Engineer, recommended quarterly.

5-1.09C Training in Partnering Skills Development

~~For a contract with a total bid of \$25 million or greater, training in partnering skills development is required. For a contract with a total bid over \$10 million and 100 or more working days, training in partnering skills development is required.~~

~~For a contract with a total bid between \$10 million and \$25 million, training in partnering skills is optional.~~

You and the Engineer cooperatively schedule the training session and select a professional trainer, training site, and 1 to 4 topics from the following list to be covered in the training:

- | | |
|----------------------------------|-------------------------------------|
| 1. Active listening | 12. Ethics |
| 2. Building teams | 13. Facilitation Skills |
| 3. Change management | 14. Leadership |
| 4. Communication | 15. Partnering Process and Concepts |
| 5. Conflict resolution | 16. Project Management |
| 6. Cultural diversity | 17. Project Organization |
| 7. Dealing with difficult people | 18. Problem Solving |
| 8. Decision making | 19. Running Effective Meetings |
| 9. Effective escalation ladders | 20. Time Management |
| 10. Emotional intelligence | 21. Win-Win Negotiation |
| 11. Empathy | |

Before the initial partnering workshop, the trainer conducts a 1-day training session in partnering skills development for the Contractor's and the Engineer's representatives. This training session must be a separate session from the initial partnering workshop and must be conducted locally. The training session must be consistent with the partnering principles under the Department's *Field Guide to Partnering on Caltrans Construction Projects*.

~~Send at least 2 representatives~~ field supervisory personnel to the training session. One of these must be your assigned representative specified in section 5-1.16.

5-1.09D Payment

The Department pays you for:

1. 1/2 of partnering workshops and sessions based on facilitator and workshop site cost
2. 1/2 of monthly partnering evaluation survey service cost
3. Partnering skills development trainer and training site cost

The Engineer determines the costs based on invoice prices minus any available or offered discounts. The Department does not pay markups on these costs.

The Department does not pay for wages, travel expenses, or other costs associated with the partnering workshops and sessions, monthly partnering evaluation surveys, and training in partnering skills development.

APPENDIX B PROJECT PARTNERING CHECKLIST

Prepare for Partnering	Commit to partnering as our way of doing business.	
	Understand the elements of the Caltrans Partnering Program.	
	Understand partnering values and the role of the RE and PM.	
	RE make offer to partner. PM accept invitation to partner.	
	Obtain partnering facilitator's services. Have the facilitator register with Caltrans Partnering Program.	
	Prepare for the pre-construction meeting.	
	Hold the pre-construction meeting.	
Hold the Kick-off Session	Hire a trainer (when specified). This may be the partnering facilitator or someone else.	
	Project team attends joint training session on partnering concepts (where specified).	
	Schedule and reserve facility for kick-off partnering workshop.	
	Determine length of partnering workshop, agenda, and attendees list.	
	RE and PM meet prior to partnering workshop to discuss and prepare.	
	Hold the kick-off partnering workshop. Create partnering charter. Evaluate facilitator.	
	Commit to not write letters without talking to each other first.	
	Have project personnel view Caltrans partnering video	
During the Project	Uphold your commitment to not write letters without talking to each other first.	
	Schedule and hold weekly project meetings.	
	Complete the monthly partnering evaluation survey for the duration of your project.	
	Post and distribute the results from the monthly partnering evaluation survey.	
	Meet to review and discuss survey results – make adjustments as needed. This may take place in weekly project meetings and follow-up partnering sessions.	
	Hold follow-up partnering sessions (quarterly recommended).	
	Schedule and hold team building activities.	
	Nominate your project for the Caltrans <i>Partnering Success In Motion</i> Award, which recognizes on-going projects in each district.	
	Use the dispute resolution ladder developed in the kick-off partnering workshop.	
Dispute Resolution	Understand the ADR processes available and the “red flags” or “triggers” to implement their use.	
	Hold close-out partnering session. Identify lessons learned and submit them to the Caltrans Partnering Program.	
Close-out	Respond to close-out survey sent from HQ	
	Nominate your project for the Caltrans <i>Excellence in Partnering</i> Award, which recognizes completed projects statewide.	

APPENDIX C

SAMPLE PARTNERING CHARTER

Your partnering charter incorporates all of the items that you commit to during your kick-off partnering workshop. This includes: core project goals, any recommended project goals, key risks and issues, a dispute resolution plan, a partnering maintenance plan, a commitment statement, and signatures.

A sample partnering charter is below:

Highway To Success Project EA 00-00000
<p>CORE GOALS</p> <ol style="list-style-type: none"> 1. Safe 2. On time 3. On budget 4. Quality met 5. Core team trained in Fundamentals of Partnering <p>PROJECT GOALS</p> <ol style="list-style-type: none"> 1. No lost time accidents 2. Complete by December 31, 2014 3. Earn the maximum for QA/QC 4. Meet environmental requirements 5. No unresolved disputes 6. No Surprises. Talk before writing a letter in frustration. 7. Hold follow-up sessions quarterly and have a monthly partnering evaluation survey 8. Be a good neighbor 9. Have fun 10. Consider all innovative and value enhancing opportunities (VECP's) <p>KEY RISKS/ISSUES</p> <p>Key Risk/Issue #1 Soils Conditions Commitments</p> <ol style="list-style-type: none"> 1.1 Review the geotech report Who: Bob (RE) and Samantha (PM) 1.2 Agree on the least expensive remedy that solves the engineering issue (e.g. lime treatment, over excavation, etc) <p>Key Risk/Issue #2 Utility Conflicts Commitments</p> <ol style="list-style-type: none"> 2.1 Hold a workshop with key utility personnel and get their commitment to our time frame. Who: Bob and Samantha will contact PG&E, AT&T and the Water District together and invite When: by end of next week 04/25/08 Where: Project Trailer 2.2 Proactively identify potential conflicts with potholing, boring and layout. Who: Shawn (utilities expert) When: by 04/30/08 2.3 We will discuss any issues that come up at our weekly meetings and identify specific actions that need to be taken. Who: Bob and Samantha <p>Key Risk/Issue #3 Project Phasing Commitments</p> <ol style="list-style-type: none"> 3.1 We will approve the project baseline by April 2. Who: Samantha to give to Bob 3.2 We will meet as a team to determine the actual delay by April 18.

DISPUTE RESOLUTION PLAN

		Design/Surveys/Lab	Subs/Suppliers		
ADR	DRL	Level	Caltrans	Great Construction, Inc.	Time to Elevate
		I	Barry Allen - Inspector	Oliver Queen - Super	1 day
		II	Bob Danvers - RE	Samantha Reed - PM	1 week
		III	Viren Bhatnagar - CE	Robert B. Banner - AM	1 week
		IV	Steve Rogers - CM	Al Simmons – Ops Mgr	2 weeks
	V	Sue Rodriguez – DDDC	Jefferson Pierce - Pres	2 weeks	
	Neutral process	VI	Facilitated Partnering Session or Facilitated Dispute Resolution (FDR)		21 days + 15 add'l referral days
		VII	Dispute Resolution Board (DRB)		

We agree to use 15 additional days to refer a dispute to the DRB as noted in our dispute resolution plan in order to hold a facilitated partnering session or FDR.

PARTNERING MAINTENANCE AND CLOSE-OUT PLAN

Follow-up Sessions

We will hold quarterly follow-up partnering sessions on the following dates:
July 18, October 17, January, 10, April 15, July 16

Monthly Survey

We will have a monthly survey and review the results at the second weekly meeting each month.
The executive team will attend these meetings.

Weekly Meetings

We will use our weekly meeting to manage the risks inherent in our project and as an integral part of our partnering effort.
We will meet on Thursdays at 2 pm in the field trailer on site. The RE and PM will alternate agenda development and note taking responsibilities.

Team Building

We will hold joint training as allowed for in the contract special provisions and share what is learned with those who could not attend.
We will celebrate the achievement of our three key milestones.

Close-out Partnering Workshop

We will hold a close-out workshop to identify and document lessons learned on August 17.

COMMITMENT STATEMENT AND SIGNATURES

The Highway to Success Project Team is committed to achieving our goals, managing our risks/issues and following our Dispute Resolution and Partnering Maintenance plans.

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

APPENDIX D PARTNERING FACILITATOR EVALUATION FORMS

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
Partnering Facilitator Evaluation - KICKOFF
 Following the kickoff partnering workshop
 CEM-5501 (REV. 1/2013)

District Number - Project EA:	Date:
Resident Engineer's Name:	Partnering Facilitator's Name:
Your Organization:	Your Project Position or Name:

As a project team member, please indicate your reaction to each of the following:

	Strongly Agree	Agree	Neutral No Comment	Disagree	Strongly Disagree
1) The partnering facilitator appeared neutral to all parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) The partnering facilitator was effective in helping us build our team.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) The partnering facilitator was knowledgeable about partnering on Caltrans projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) The partnering facilitator was knowledgeable about the construction process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) The partnering facilitator encouraged participation of key stakeholders, such as subcontractors, other Caltrans project delivery staff, and local agencies, in the project partnering process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) The partnering facilitator helped the team set up the initial monthly partnering evaluation survey and established the process and objective criteria for success of mutual goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) The partnering facilitator was effective in assisting the project team in developing a charter with the following elements: a) mutual goals defined for the specific job, b) partnering maintenance & close-out plan, c) dispute resolution plan including a dispute resolution ladder, and d) commitment statement and signatures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) Partnering Facilitator worked with team members before the kick off to better understand the dynamics of the team and the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) Overall, I was satisfied with the performance of the partnering facilitator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any additional comments:

Team Members: Please fill out and return this evaluation to the Caltrans resident engineer.

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
Partnering Facilitator Evaluation – CLOSE-OUT

Following the close-out partnering workshop
 CEM-6502 (REV 12/2012)

District Number - Project EA:	Date:
Resident Engineer's Name:	Partnering Facilitator's Name:
Your Organization:	Your Project Position or Role:

As a project team member, please indicate your reaction to each of the following:

	Strongly Agree	Agree	Neutral No Comment	Disagree	Strongly Disagree
1) The partnering facilitator appeared neutral to all parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) The partnering facilitator was effective in helping us build our team.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) The partnering facilitator was knowledgeable about partnering on Caltrans projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) The partnering facilitator was knowledgeable about the construction process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) The partnering facilitator encouraged participation of key stakeholders, such as subcontractors, other Caltrans project delivery staff, and local agencies, in the project partnering process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) The partnering facilitator offered an effective monthly partnering evaluation survey service and encouraged team members to participate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) The partnering facilitator stayed connected to the team and the project throughout the life of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) The partnering facilitator added value to the partnering process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) The partnering facilitator was effective in assisting the team with issue or dispute resolution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) If applicable: The partnering facilitator encouraged the team to exhaust partnering efforts, such as the dispute resolution ladder and facilitated dispute resolution, prior to going to the DRB or DRA. (Leave blank if no provision for DRB or DRA.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11) If applicable: The partnering facilitator was effective in conducting facilitated dispute resolution session(s). (Leave blank if no FDR session held.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12) Overall, I was satisfied with the performance of the partnering facilitator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any additional comments:

Team Members: Please fill out and return this evaluation to the Caltrans resident engineer.

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

APPENDIX E

FACILITATED DISPUTE RESOLUTION

Facilitated dispute resolution (FDR) is an extension of the partnering process intended to bring together involved project stakeholders to work toward agreement on outstanding disputes. In Chapter 8, we discussed an overview of the process and how to prepare. Below is more information about the process.

Understanding the Different Roles of the Participants

The session is initiated for the benefit of the contractor and Caltrans decision makers. The process, with the aid of the facilitator, assists the decision makers to resolve the dispute. As part of this process, the attendees have specific roles. These roles are defined below.

Facilitator This is a trained, experienced, neutral professional. The facilitator must not be the project DRA or a member of your DRB. The facilitator conducts the session and records all agreements made. The facilitator develops the session agenda based on the list of issues provided by the parties. The facilitator also assists in breaking down large, complex issues into smaller, more manageable issues that can be addressed one at a time. The facilitator determines the order in which the items will be addressed with the concurrence of the parties.

This is a different skill set from partnering facilitation and a trained dispute resolution facilitator may be needed. You can ask your facilitator if they have someone on their team, if they themselves are not qualified.

Presenters The presenters, typically the RE and the PM, are responsible for all preparation and presentation of the facts for each issue, as they are the ones who know the issues best. Present the facts as they see them—tell their “story” and to be available to answer questions from the decision makers. Presenters are not decision makers. They are members of the project field team, both from Caltrans and the contractor, and subcontractor if appropriate.

Experts These include consultants and designers who have been hired to evaluate or analyze some aspect of the issue(s). They are there to have their expertise drawn upon as needed.

Decision Influencers Decision influencers are not involved in the day-to-day activities of the project, but are responsible for its oversight. They are a critical part to the understanding of issues, but are not a part of the decision making (unless requested by the decision makers). These include key oversight managers such as the contractor’s area manager, project estimator or operations manager. It also includes Caltrans’ construction managers and construction engineers.

Decision Makers A decision maker is a senior level person or higher from the Caltrans team, who has been given the authority to decide on the issues before the group, and the contractor’s owner/principal. These are the people with the authority and

responsibility to make a decision or to support any decisions made. It is for their benefit that the FDR session is held, so they can discover the facts of the issues, identify where the disagreements lie, and then work to resolve each issue on its merits.

What to Expect

For complex issues, it may take an entire day (or perhaps more) in order to reach resolution. It is not unusual for the participants initially not to understand where the real problems/disagreements lie. Many times the initial discussion ends up being devoted to discovering what the issues really are. Therefore, a follow-up partnering session may be required. As the session progresses, additional facts and analyses are presented, allowing the decision makers to reach a more appropriate resolution. The decision makers will work toward resolution. If a resolution is not reached, an impasse is declared. If impasse is reached, the decision makers will determine the next step, which may include referring the dispute to the DRB/DRA, if allowed under the contract.

The following presents a simplified description of the general flow of a typical full-day session. A session will vary given the specific issues and circumstances. The facilitator will develop a unique agenda for each dispute resolution session.

- The agenda and ground rules are set by the facilitator. Introductions of participants are made, along with identification of their role in the project. An overview of the project is presented.
- Presentation of the first specific issue. The contractor usually starts with an overview of the issue/dispute, including such things as how the item/project was bid, what changed, supporting documentation, timelines, etc. Caltrans then makes a similar presentation, explaining how they see things, including how the contractor was paid, the relevant specifications, plans, documentation, timelines, etc.
- Each side has an opportunity to respond to the other side's supporting documentation.
- Questions by the decision makers and influencers to the presenters and field team members.
- A resolution is proposed or the need for additional information in order to make a decision is identified. The presenters will be assigned tasks to research this additional information.
- Final resolution is reached or next steps identified. If at impasse, it will be stated what the impasse entails.
- As the end of the session approaches and there are still issues requiring resolution, the facilitator asks the decision makers if they wish to continue the process. If so, a date is set for the next session, agenda items are selected, and the first item on the agenda is the report of the findings from the assigned tasks.
- Signing of the FDR agreements/commitments document—all participants sign indicating their personal commitment at the end of each session to the agreements made.

If at impasse, the decision makers meet once more to try to break the impasse. If unsuccessful, the decision makers may refer the dispute to the DRB/DRA, if allowed under the contract.

APPENDIX F CALTRANS PARTNERING STANDARD SPECIAL PROVISION

TO ACCOMPANY PROJECTS WITH DRB SPECIFICATION:

USE WITH 2010 STANDARDS.

Use in projects with a bid amount over \$10million and with 100 or more working days

5-1.09A PARTNERING DISPUTE RESOLUTION

The Department encourages the project team to exhaust the use of partnering in dispute resolution before engagement of an objective third party.

For certain disputes, a facilitated partnering session or facilitated dispute resolution session may be appropriate and effective in clarifying issues and resolving all or part of a dispute.

To afford the project team enough time to plan and hold the session, a maximum of 20 days may be added to the DRB referral time following the Engineer's response to a *Supplemental Potential Claim Record*.

To allow this additional referral time, the project team must document its agreement and intention in the dispute resolution plan of the partnering charter. The team may further document agreement of any associated criteria to be met for use of the additional referral time. If the session is not held, the DRB referral time remains in effect as specified in section 5-1.43.

APPENDIX G EXAMPLE ELEVATION OF A DISPUTE MEMORANDUM

RESIDENT ENGINEER LEVEL

Project Name: _____ Project Number: _____
Caltrans Dist/Org: _____ Prime Contractor: _____

This dispute is: A policy issue An administrative issue A technical/specification issue

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

Name/Position/Organization: _____

Agreed upon problem: brief description of dispute needing further assistance for resolution: _____

Sub issues and dollars/days associated with each:

- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| 2. _____ | 5. _____ | 8. _____ |
| 3. _____ | 6. _____ | 9. _____ |

Where we agree:

Where we disagree:

Additional comments or recommendations: _____

Dispute resolved No Forward to next level on _____ (date) at _____ (time)
at this level? Yes Describe resolution below:

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

Caltrans Resident Engineer

Contractor Representative

Caltrans Construction Partnering Steering Committee

This field guide is a result of the efforts of the Caltrans Construction Partnering Steering Committee (CCPSC). Without their efforts over the last 6 years, this updated field guide would not have been possible.

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District 11 Construction
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Greg Dineen

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John Harrington

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Atkinson Construction

Dave Swartz

President
Teichert Construction

Mark Leja (Chairman)

Division Chief
Division of Construction
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Rebecca Llewellyn

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Payco Specialties

Sue Dyer (CCPSC Facilitator)

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