

The Newbury Bypass: an MPA seminar held at the Royal Academy of Engineering, London, in March 2000

MPA events are confidential. They provide a forum where someone involved in a major project can tell it the way it was. This summary is available to both members and non-members, and care has been taken to ensure that its contents do not breach confidentiality. This account cannot, therefore, do full justice to the event, so members please read the full proceedings when you receive them. Best of all, members, come to the events. Non-members, think about joining!

Participants

Over 40 participants attended the seminar and the following organizations were represented:
BAA Plc, Balfour Beatty Major Projects, Brays Detective Agency, Brown & Root Consulting, CA Blackwell (Contracts) Ltd, Costain Civil Engineering, Costain Ltd, English Nature, Freshfields, High-Point Rendel, Laing Ltd, Mott MacDonald Ltd, National Grid Company, PricewaterhouseCoopers, Royal County of Berkshire/Undersheriff's Office, Scott Wilson Kirkpatrick & Co Ltd, Thames Water Utilities Ltd, Thames Valley Police, The Robert Stebbings Consultancy Ltd, The Highways Agency, Treasury Solicitors, WS Atkins Consultants Ltd, WS Atkins Transportation, WSP Group Plc.

The Newbury bypass was from the outset a high-profile project. Protesters had selected the project as the focus for general environmental protest against national road schemes. Protest was prolonged, ingenious and sometimes sinister. Its aim was to delay the project for as long as possible, cause costs to escalate and show up both client and contractors in a bad light.

In this battleground, the project participants—client, contractor, civil engineers and major subcontractors—worked together in an informal, non-contractual partnering arrangement to complete the project within budget and schedule.

Lessons Learnt

The Newbury bypass offered useful lessons to all parties.

Pre-contract

- To partner successfully, you need a committed client, with a determination to partner.
- Seek out an appropriate form of contract. With some forms of contract it is important to divorce the operations and the contractual aspects.
- Clients need to recognize the importance of personal selection in setting up partnering arrangements, and that is true for all parties including contractors, subcontractors, agencies, the police and security staff.

Once contract signed

- Get the contractors on board early. This is harder than it sounds, as there are many dynamics involved in the various relationships.
- Remember that responsibilities do not change in a partnering deal. The best solution is a common-sense approach.
- Close working relations with open communication are essential. There must be mechanisms that allow for an early warning of problems and dispute resolution. Parties must have respect for each other and be adaptable. Trust is crucial.
- Respect the rule of law both for environmental matters and when dealing with protesters. English Nature's ultimate sanction is prosecution. You must keep to the moral high ground and not sink to the level of the protesters. Remember too that protesters have their own legal advisers. Legal action has to involve the use of a combination of civil and criminal remedies.

Newbury Bypass Facts and Figures

Main contract

The contract	ICE 5th Edition
Contract period	112 weeks
Start of works	September 1996
Main contractor	Costain Civil Engineering
Tender value	£73.7 million
Length of dual carriageway	13.5km
Major structures	28

Security

Security guards	£19.5m
Security fence	£3.3m
Security lighting	£0.9m
Total	£23.7m

Savings through value engineering

• Direct saving	£5.1m
• Overall saving	£20–25m
• Programme savings	3–6 months

- Plan, plan and plan. The client needs to plan, the lawyers need to plan, the constructors need to plan. Be prepared to move your plans on a daily basis. Include any specialists in the early days of planning.
- Communicate with everyone involved and keep in contact. First, communicate externally. Having a full-time media officer on site was valuable. Secondly, communicate internally and educate your staff. We heard how the security staff stood firm in the face of intimidation. Education works. Full-time coordinators can spare overworked directors and resident engineers.
- Get expert advice on the legal and wildlife aspects. Gather your evidence and do so early on. If you get sound advice, your credibility will increase.
- Monitor work after the project is complete, to back up your environmental claims and prove that your methods worked.
- Select the right people as partnering is not for everyone: a rotten apple can have a contaminating effect. People with enthusiasm will contribute hugely to the project. Positive working relationships are important.
- Value engineering works. It provides real savings in time and money.
- Do work you feel proud of.

Without partnering, you might find yourself at war with the other parties. This in turn might lead to poor value engineering, poor community relations and a potentially poor product.