THE 4CS OF COLLABORATIVE CONTRACT SUCCESS

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ABSTRACT

The world is changing perhaps even faster than any of us could have imagined. Research in the UK has identified that by 2020 most business models would embrace collaboration, partnering, or alliances.

Managers of the future will work in an environment where cultural understanding and relationship skills will be as important as ICT and technical skills are today. Collaboration, whilst not a solution in itself, offers integrated delivery of services, optimised by focusing on the boundaries between organisations, based on what each does best in a complementary process. Collaboration does not mean disregarding traditional values or skills, but it does require looking at today's challenges from a more holistic viewpoint to capture additional benefits.

Collaboration has been enacted as a core strategy by both the government and non-government sectors to address many of the intractable issues confronting business relationships. The cult of collaboration has become so pervasive that it is now an elastic term referring generally to any form of 'working together'.

The lack of specificity about collaboration and its practice means that it risks being reduced to mere rhetoric without sustained practice or action.

The collective experience of ITN, Aqua Projects and ICM is that many Australian clients express a desire to work in collaborative business relationships, and regard collaboration as the successful business path for the future.

Our experience is that despite these good intentions, and the long experience of Australian organisations in Alliances and Partnerships, the reality often falls well short of expectations.

This paper explores why this happens and charts a path that can lead to successful collaborative contracting.

INTRODUCTION

Contracts are mechanisms to allocate risk and opportunity between parties in the delivery of a service or project. The contracting strategy should consider what risks need to be managed from the business perspective, and how those risks may be cost-effectively mitigated, what are the opportunities (value drivers) and how those might be realised.

The UK's Office of Government Commerce, in its OGC Best Practice notes on Common Causes of Project Failure, lists **FIRST** the "Lack of clear links between the project and the organisation's key strategic priorities, including agreed measures of success".

In considering a collaborative contracting strategy, the client should therefore **clarify**:

- What does the client believe collaboration means?
- Will the organisation's strategic priorities and business objectives be supported or enhanced through the adoption of a collaborative contracting approach?
- Does the client have a policy for entering into collaborative business relationships? Has that policy defined the boundaries and applicability of collaborative business relationships?
- Is the organisation capable of working in a collaborative environment?
- What risks and opportunities (value drivers) does the client anticipate through adopting collaborative approaches in the procurement of services or projects?
- How will the organisation assess the success of any collaborative business relationship?
- Has someone at the executive level been assigned as 'champion' of collaborative business relationships – to make sure they are appropriately **supported and managed from the top**?

Too often clients adopt a 'collaborative' contracting strategy without really clarifying the above, and end up with the rhetoric, but without achieving sustained collaborative relationships and enhanced outcomes.

DEFINING THE COLLABORATION SCALE

The three most common relationship categories presented across a broad array of literature are cooperation, coordination and collaboration, e.g. (Brown & Keast, 2003)[i]. To these we add the 4th C, "Command/ Control" that reflects traditional contracting relationships, yet often appears as a surrogate for a 'Collaborative Contract'.

Command/ control, cooperation, coordination and collaboration are located at different points on a continuum of integrative mechanisms, depending on their level of intensity of the linkages and their degree of formality or informality that governs the integration of activities and relationships

Table 1 provides details of the horizontal continuum for each category of relationship.

LINKS TO COLLABORATIVE CONTRACTS

'Cooperation' is closely aligned to what we see with 'Partnering', and 'Coordination' is what we often see with 'Project Alliancing'.

In a review of an outsourcing project we undertook for one of Australia's largest water utilities, it was apparent that the current collaborative contract performance and culture lay somewhere between 'Cooperation' and 'Coordination' and fell short of what was needed to be genuinely collaborative. It failed to gain the benefits possible (the 'collaborative advantage') under a collaborative regime.

In another Collaborative contract, it was apparent that the contract was performing very close to Command & Control – largely driven by the behaviour of the Project Manager.

Command and Control	Cooperation	Coordination	Collaboration
• No connections, zero trust	• Loose connections, low trust	• Medium connections, work-based trust	• Dense interdependent connections, high trust
• Information provided on a 'need-to-know' basis	• Tacit information sharing	• Structured communication flows, formalised project-based information sharing	• Frequent communication
• Reporting as required by contract	• Ad hoc communication flows, some agreed shared information.	• Joint policies, programs and aligned resources	• Tactical information sharing
• Independent goals (not shared)	• Independent goals – acknowledged	• Semi-interdependent goals	• Negotiated shared goals
• Owner seeks to dominate power.	• Adapting to each other, or compromising on some others' actions and goals	• Joint contribution to agreed outcomes	• Systemic approach, with collective commitment to achievement of joint outcomes
• Client wants the power, be decisive, discourage dissent, direction/ purpose set by client's management.	• Power remains with organisations	• Power remains with parent organisations	• Power is shared between organisations. Focus is on achieving the strategic synergies leading to innovative solutions.
• Client provides minimum resources, sufficient to control the contractor	• Resources remain with organisations	• Collective resources, joint planning, decision making and funding initiatives	• Partners cannot meet their interests working alone, problems are common – resources are interdependent
• Commitment and accountability to own goals and results.	• Commitment and accountability to own organisation	• Commitment and accountability to parent organisation and project	• Commitment and accountability to network first then community and parent organisation
• Relational timeframe – set by project	• Relational timeframe - short	• Relational timeframe - medium based on prior projects	• Relational timeframe - long term (3 years +)
• Abhors failure, seeks to tightly allocate	• Low risk/low reward	• Increased risk / reward sharing	• High risk/high reward. Participants must be willing to develop new ways of behaving, change existing systems of service delivery, and form new types of relationships.

Table 1 - 4Cs of Relationships

SELECTING THE MOST APPROPRIATE FORM OF RELATIONSHIP

ITN's strategy for selecting the most appropriate form of contracting relationship is to use an Objectives-based Procurement Assessment ['OBPA'] processes. OBPA selects the procurement model through comparison to prioritised service or project objectives, or alternatively the critical success factors (CSFs). This is based on the theory that the contract model which most closely aligns with an owner's CSFs is most likely to deliver a successful outcome, particularly in the context of maximising the delivery of value.

Under OBPA, the basic approach taken is to evaluate what the owner objectives are:

- to be achieved by the contract in the delivery of the services/ project, and
- as its final outcomes

OBPA assesses, in a holistic fashion, how likely each alternative contract model might be to ensure those objectives are achieved.

The approach is essentially one of comparison; it is a method that identifies what is really desired by the organisation in the real sense of 'value', then compares all the available alternatives to assess which one provides the most efficient response to that 'value' definition – hence identifying the delivery strategy that inherently targets best value-for-money (VfM).

CONTRACT FORM AND COMPLEXITY

In seeking to link contract form and complexity, it is important to understand the complexity scale (Cynefin Cognitive Edge)[ii] (Fig 1).
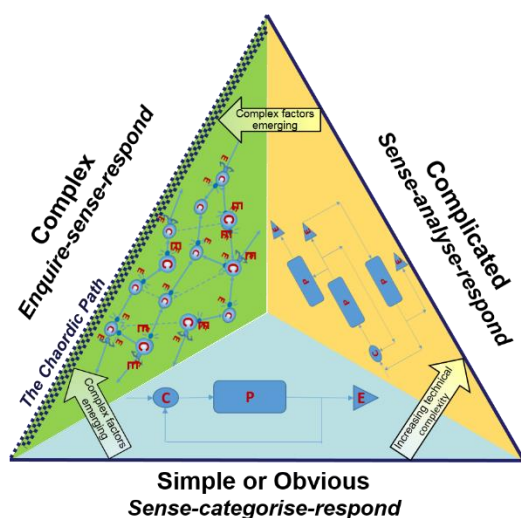

Fig 1. Complexity Scale

Simple systems have simple rules and procedures. Cause and effect are apparent and simple. Decision making is rapid. This is the domain of legitimate bureaucracy.

In complicated systems, analysis is required and processes are more interconnected. Cause and effect are not readily discernible. This is the domain of the expert. The system is ordered, but not obvious to everyone. They require analytical and logical thinking, supported by requisite skills and knowledge.

This is the province of asset management systems, design activities, etc. Most contract arrangements try to operate in this space.

In complex systems, cause and effect shift, disappear and emerge in real time. These systems are not static and not analysable. Enquiry is often through narrative. Complex systems have propensities and dispositions but no linear material cause.

Cause and effect are very intertwined. This is typical of human relationships and nature.

Why is this important? – because contracts inevitably involve human relationships – the nature of the relationship shifts from Command/ Control to Collaborative. If the human relationships are managed poorly, the relationship can easily slip over the chaordic path into chaos – where behaviour is so unpredictable as to appear random, owing to great sensitivity to small changes in conditions.

While chaotic systems may show some regularity, it is impossible to predict their future behaviour with a high degree of certainty.

We have to understand how to work in the highly creative complex zone and avoid tipping across the chaordic path (at some indeterminate place) - into chaos and unpredictable outcomes we do not want. The new stabilities are unlikely to be productive (Fig 2).
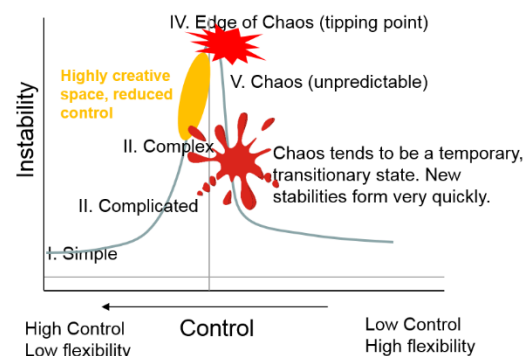

Fig 2. Control v Instability of Complex Systems

Command/ control contracts try to minimise risk by nailing everything down, and ensuring a power imbalance in favour of the client. Unfortunately, human behaviours reflecting ego, abuse of power (Keltner)[iii], inappropriate heuristics, one-way communication, fears, and cognitive biases rapidly draw the relationship

back into the space of complexity, and the lack of sophisticated relationship management makes it easy for the contract to slip into chaos - disputes, adversarial relationships, court battles, and spiralling costs result.

As Perrow[iv] stated, complex systems (and in particular, human systems) are likely both to fail and do so in complex, and unexpected, ways. After failure, this complexity may make the aftermath hard to predict. Recent experiences with North Korea, Brexit, the US elections, etc attest to this.

The transition from command/ control through cooperation and coordination, to collaboration involves a fundamental shift in relationship management, from command/ control trying to write out or ignore relationships as part of the contract (and introducing unmanaged relationships in lieu), through to collaborative contracts where relationships are acknowledged, understood and actively managed over the life of the contract. By working intelligently in this space, we can tap into highly creative and innovative behaviours that can drive the value sought through collaborative relationships.

The success of collaborative contracts depends on good governance, fair financial arrangements, appropriate legal arrangements, and good relationships/ behaviours between client and contractor. The latter is true when considering the opportunities and risks of consciously operating in the complex zone, particularly for the leadership group, whether it be an Alliance Leadership Team or the collaborative actions of the client's and contractor's collaborative leadership team.

When a collaborative contract actually ends up as a coordination, cooperation or command/ control, this is NOT an indication of bad people but rather inadequate systems, processes and structures to ensure the sustainability of the collaborative relationships, and to ensure the right people are in the right roles.

Contractors invest heavily in training their people to be (or at least appear) collaborative during the procurement process, but experience shows many individuals rapidly fall back on old 'position protecting', hard-nosed behaviours, particularly at times of stress. Lack of collaboration at the leadership level reflects throughout organisations and suboptimal performance inevitably results.

INCUBATION PERIOD FOR COLLABORATIVE CONTRACT ISSUES

Many organisations appear to take the view that collaboration should be easy, and do 'something' without realising the complexity that is inherent in working in the space of human relationships. This is despite the common evidence of lack of internal collaboration – evidenced through silos, hubris by managers, poor internal communication, bullying, lack of engagement, blocking, process failures across white spaces, etc.

Fitzsimmons and Atkins[v] discuss incubation times from root cause to the emergence of failure and crisis. Their research, together with that of Turner[vi] indicates considerably longer incubation periods than generally thought (Fig 3).

Fig 3. Incubation period of crises

This is important because when time separates cause from effects, feedback is likely to be poor and distorted by bias. The organisation is unlikely to learn from the problems in the collaborative experience, and will simply repeat the same mistakes.

Long incubation periods can also lead to complacency as organisations and their leaders feel successful, and even talented, for long periods. **The truth is that deep seated systemic and relationship issues have not yet materialised.**

CREATING AND MANAGING SUCCESSFUL COLLABORATIVE CONTRACTS

Clearly, setting up and managing a successful collaborative contract is not a simple self-evident process. The smart strategy is to learn from those who have been successful in this space.

Fortunately, the International Organisation for Standards has recently released ISO_44001_ 2016: Collaborative business relationship management systems. This standard is drawn from BS 11000-1:2010 Collaborative business relationships which has had very successful (Chakkol & Johnson)[vi] application in UK over the last 7 years.

ISO 44001 is not a one size fits all approach and organisations are able to tailor the standard to suit their specific needs and varied situations. ISO seeks to build a systemic approach to collaboration to ensure sustainable relationships with the right cultures and behaviours.

ISO 44001 has incorporated ISO's high-level structure which provides a standardised 10-clause structure for all ISO Management System Standards including a standardised set of core definitions. This this common basic structure and terminology allows for more efficient addressing of multiple management system requirements, and integration of ISO management systems (Fig 4).
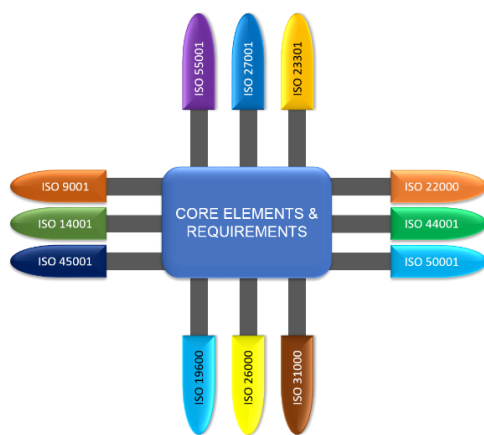

Fig 4. High Level Structure

The standards lifecycle model incorporated within the ISO high level structure (Fig 5) is structured in three phases (Strategic, Engagement and Management) with the objective of creating a robust platform to maximise the benefits of collaborative contracts by supporting the culture and behaviours necessary to optimise integration.

Fig 5. Life Cycle Framework

One of the key aspects of ISO 44001 is establishing a systematic approach to the consideration of risk. These are risks in systems, processes, functions, relationships and behaviours. They can be positive (opportunities) or negative. Risk-based thinking ensures that these risks are identified, considered and integrated throughout the quality management system.

The principles underlying ISO 44001 are as follows:

Customer focus
- The primary focus of quality management is to meet customer requirements and to strive to exceed customer expectations

Leadership
- Leaders at all levels establish unity of purpose and direction and create conditions in which people are engaged in achieving the organisation's quality objectives.

Engagement of people
- Competent, empowered and engaged people at all levels throughout the organisation are essential to enhance the organisation's capability to create and deliver value

Relationship management
- For sustained success, organisations must manage their relationships, recognising that relationship management is part of complex human systems, and carry both risk and great opportunity

Process approach
- Consistent and predictable results are achieved more effectively and efficiently when activities are understood and managed as interrelated processes that function as a coherent system

Evidence-based decision making
- Decisions based on the analysis and evaluation of data and information are more likely to produce desired results.

Improvement
- Successful organisations have an ongoing focus on improvement.

The methodology proposed in ISO 44001 aligns closely with the approach developed by ITN and Aqua Projects over numerous Alliances and Collaborative Contracts across Australia - for infrastructure and service delivery.

MANAGING LEADERSHIP RISKS

There are three aspects to leadership performance and capability we have found critical to successful collaborative contracts, Figure 6.

Procurement processes have traditionally focussed on skills & knowledge (assessed through CVs, interviews, reference checks, scenarios, etc.), and mental capability (assessed through interactions and exercises).

Figure 6: Leadership capability

Behaviours have been the most difficult to assess or even talk about accurately, and carries many hidden risks. Virtually every major management catastrophe in the last fifteen years has behavioural pitfalls at its root.

Traditional consideration of behavioural risks (Shefrin)[viii] ,Meyer & Kunreuther[ix] focuses on cognitive biases. These are important, but the elephant in the room is the risks created by the normal behavioural preferences of the leadership team.

Requirements for Behavioural Risk Assessment

Assessing behavioural risk of a leadership team requires that we have a behavioural framework and language that:

1. provides a comprehensive description of behaviours, differentiating between positive, negative and other behaviours;
2. is naturally intuitive, and makes sense of what is going on;
3. addresses the behaviours of leadership teams and individuals under the range of conditions they will experience, e.g. at times of stress;
4. describes the behaviours of the team (as a dynamic entity), not as a simple mix of the individual behaviours;
5. provides a sensible explanation of the natural tensions that exist between leadership team members and between different teams, and how these tensions are exacerbated by stress;
6. facilitates risk assessment using international risk standards, such as ISO 31000.

Differentiating between behaviours (point 1 above) is fundamental to making sense of what goes right and wrong in leadership teams. Just like the old advertisement 'Oils ain't oils', behaviours aren't behaviours. We understand behaviours can be fundamentally different (e.g. organising, planning and creating certainty v. socialising, connecting, and caring), and that the same type of behaviour can be expressed in positive ways (producing energising effective outcomes), negative ways (undermining intended outcomes), over-the-top ways (exaggerated) or simply blindness to the type of behaviour (not on the radar). Table 2 at the end of the paper provides more details.

Positive and negative behaviours are not the province of any work group – they are simply what people do. The impact on the organisation will **clearly** be greater if you are the CEO than if you are one of the staff.

There can be few organisations that would not endorse the idea that positive behaviours by leaders and managers is a good thing. In the execution of collaborative contracts, this approach can enhance performance and efficiency. Whilst most individuals would articulate the benefits of positive behaviours, and the benefits to morale, engagement and performance within contracts, negative behaviour(s) by managers or leadership teams can still occur and results in damage to the collaborative contract that the leadership group is entrusted to lead.

A study by Ertel, Weiss and Visioni[x] showed that the foremost cause of partnership failure was damaged relationships (Figure 7.)
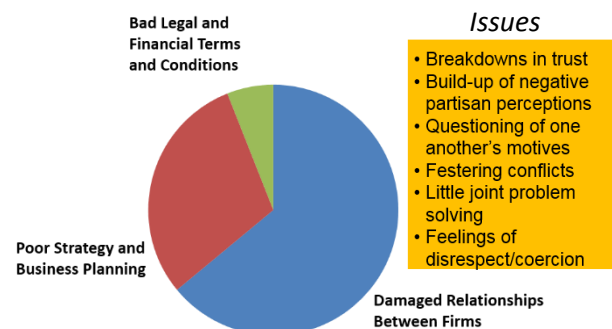

Fig 7: Causes of partnership failure

Benefits of understanding leadership/ management behaviours

- It enables identification of how behavioural preference predisposes leadership teams to make systematic mistakes in the leadership of the collaborative contract
- It shows the complex ways in which behavioural preferences impact on risk tolerance and risk taking.
- The behavioural framework maps out the landscape of leadership interactions and identifies points of potential difficulty and risk.

COLLABORATIVE CONTRACTS AND TRUST

Trust is often cited as an essential foundation of successful collaboration.

At its core, trust is all about feeling safe and secure, within acceptable boundaries, and in the context of the particular collaborative contract, the partner organisations, and the people involved.

What does it take to create an environment in which people feel safe and secure? (Shellshear)[xi]

Two things are needed:

1. Certainty in the rules, boundaries, systems, structures and processes in the environment in which the partners have to operate; and
2. Confidence that those who have power in this environment use their power and authority appropriately, e.g. within the agreed delegations, not abusing their power to further their own ends (materially, politically, ego, position, project, etc.), nor failing to use their power to call people to account when others use their power inappropriately or fail to honour agreements.

Note that inappropriate use of power includes withholding information, knowledge and support (at all levels) which is required for the successful operation of the contract.

Table 2 (end of paper) describes the types of preferred behaviour (Drives) that reflect these requirements:

- creating certainty comes from the positive use of the Blue Drive, and

- appropriate use of power comes from the positive use of the Red Drive.

Trust is enabled through the positive manifestations of the Blue and Red Drives.

If the organisation articulates a set of values, they should clearly support the translation of the Blue and Red Drives into specific positive behaviours that support the growth of trust in the organisation.

Not all behavioural expressions of the Blue and Red drives are positive. Table 2 shows that each of the Drives can also be expressed in negative and exaggerated modes.

The positive Blue (Fig 8) and positive Red (Fig 9) behaviours that the organisation needs to engender trust (and the alternative, unwanted expressions of those Drives, which creates behavioural risk) follows:

Blue Drive

Negative	Positive	Exaggerated
Over-control/ micro-management of others, rules used to avoid accountability, fear of chaos, inflexible, righteous person, dogmatic.	Organising, clear authority structure and rules, responsibilities are clear, loyalty, well developed processes, reliability, consistency, transparency, detail mindedness, agreements made and kept.	Bureaucracy, over emphasis on detail, literal interpretation of rules, nail everything down, risk adverse, seeks perfection, resorts to rules over the interests of people.

Fig 8: Positive, negative & exaggerated expression of Blue

Red Drive

Negative	Positive	Exaggerated
Avoid confronting issues, forced for/against, fighting under-currents, nasty politics, passive aggression, explodes unexpectedly.	Appropriate use of power and authority to ensure things are done, clarity and directness, people called to account, decisive and focussed, people know where they stand.	Over-use of power, anger, too hasty, force, exaggerated self-importance, politics, disregard rules, me, over confident, top dog, opinion over facts.

Fig 9: Positive, negative & exaggerated expression of Red

LEADERSHIP'S RESPONSIBILITY FOR ENGENDERING TRUST

Creating the environment in which trust can grow places a heavy onus on the collaborative contract leadership team. They do not have the luxury of being negative nor exaggerated, their clear responsibility is to be positive. This requires:

- Organising, clear authority structure and rules, responsibilities are clear, well developed processes, reliability, consistency, loyalty, detail mindedness,

agreements are made and kept, transparency, and

- Appropriate use of power and authority to ensure things are done, clarity and directness, people called to account, decisive and focussed, people know where they stand.

ISO 44001 calls on collaborative leadership to behave, role model, implement appropriate systems and boundaries, and demand positive blue and red behaviours of others.

RISK MANAGEMENT

ISO 44001 carries a key theme of understanding and managing risk. Throughout the risk analysis, the standard specifically addresses the risks associated with the capabilities and behaviours of the leadership team.

Risk is widely understood and standards such as AS/NZS 4360 or ISO 31000 provide very comprehensive frameworks for the assessment and management of risk. Nevertheless, the actual translation of a risk standard to an effective risk program in any given contractual relationship is not always reliable. Risk management can become a tick and flick game, or a token compliance system without real substance. This is, in itself, an aspect of behavioural risk.

The most common approach to understanding the behavioural risk of leadership/ management personnel is to fall back on the well-known (and continuously expanding) lists of decision biases such as 'sunk cost bias', or 'superiority bias'. Understanding decision biases is useful, but difficult to appropriately assess and quantify the risk impacts on collaborative contracts. It provides a limited approach to behavioural risk management, and only tends to deal with the outliers - not the day-to-day aspects of behavioural risk.

Assessing Behavioural Risk

Behavioural risk assessment is normally directed at the leadership/ management team that is managing the collaborative contract on a daily basis. This team has the most influence on the actual performance of the contract.

In applying risk management practices to behavioural risk, the processes described in the risk standards should be followed. Understand what the leadership team should achieve (its objectives), develop behavioural narratives around why they may not deliver on those outcomes (risk statements), evaluate the likelihood and then assess the risk.

The risk assessment should use the same Risk Management System that had been

approved by the client organisation. This enables the organisation to quantify the financial impacts of the identified behavioural risks and justify expenditure to manage these risks, in the same way that all other risks in the organisation are managed.

Specific application experience

The behavioural risk assessment methodology described above has been deployed in

1. Sydney Water's Operational (Mechanical & Electrical) & Facilities Maintenance contract (a collaborative contract form);
2. SA Water's Metropolitan Adelaide Service Delivery Project Adelaide O&M Alliance (an Alliance contract form).

In the above contracts, the Request for Proposal assessment process was principally based on risk analysis. An essential part of this process was the assessment and evaluation of service delivery and performance risks, including behavioural risk.

3. Logan City Council's Water Infrastructure Program Alliance (an Alliance contract form).

A more traditional weighted scoring system was used, but behavioural risk was again part of the overall assessment.

FINANCIAL BENEFITS OF ISO 44001

It is acknowledged that it is always difficult to identify any particularised benefit of an element of a procurement process, given the large number of concurrent events that are also occurring (e.g. implementation of new ICT systems, changing organisational structures, separation of core and non-core activities, changing service delivery methodologies, changing work practices, etc.). Nevertheless, adoption of ISO 44001 in UK has provided reported benefits (Hawkins)[vii] such as:

- 20 per cent reduction in operating costs;
- improved risk management;
- 15 per cent savings through supply chain aggregation;
- improved delivery performance;
- enhanced investment

RESULTS

The use of tools and methodologies that align with the ISO 44001 requirements in procuring contractual services through Collaborative Contracts ensures that the client will be provided with the greatest likelihood of a successful contractual relationship, delivery of contractual scope and objectives, and achievement of performance requirements.

Behavioural Preference (Drive)	Types of Positive Behaviours	Types of Negative Behaviours	Types of Exaggerated Behaviours
Yellow	Analytical, understanding why, big picture	Critical, dogmatic	Over complicating, Opinionated
Green	Social, harmony, communicating, connecting	Bad mouthing, nagging and complaining	Too tolerant, too open to everyone else's issues, idealistic
Orange	Achievement, competitive	Avoidance, blaming	Opportunism, bragging
Blue	Certainty, order, loyalty, structured	Control of others Work to rule	Bureaucratic, Rules for everything Eliminate all risks
Red	Decisive, action focussed	Avoids, ferments and explodes	Too much use of power, hasty
Purple	Seeking to belong, bonding, security	Suspicion, distrust Closing of ranks	Tight group, traditional, reject all change

Table 2. Positive, Negative and Exaggerated behaviours

(Note that these are behavioural descriptions, not personality or psychological descriptions. The colours carry no specific significance other than differentiators of behavioural types. A full description of the behavioural types can be freely obtained at https://davin-shellshear.mykajabi.com/)

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