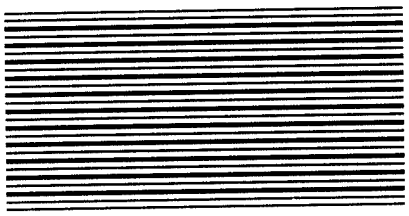
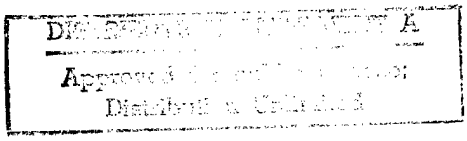
US Army Corps
of Engineers®

Pamphlet #7

ALTERNATIVE DISPUTE
RESOLUTION SERIES



PARTNERING GUIDE FOR CIVIL MISSIONS



April 1998

IWR Pamphlet 98-ADR-P-7

The Corps Commitment to
Alternative Dispute Resolution (ADR)

This pamphlet is one in a series of pamphlets describing techniques for Alternative Dispute Resolution (ADR). This series is part of a Corps program to encourage its managers to develop and utilize new ways of resolving disputes. ADR techniques may be used to prevent disputes, resolve them at earlier stages, or settle them prior to formal litigation. ADR is a new field, and additional techniques are being developed all the time. These pamphlets are a means of providing Corps managers with up-to-date information on the latest techniques. The information in this pamphlet is designed to provide a starting point for innovation by Corps managers in the use of ADR techniques. Other ADR case studies and working papers are available to assist managers.

For further information on the ADR Program and publications contact:

Dr. Jerome Delli Priscoli
Institute for Water Resources
Casey Building
7701 Telegraph Road
Alexandria, VA 22315-3868
Telephone: (703) 428-6372
FAX: (703) 428-8435
E-Mail: jerome.dellipriscoli@usace.army.mil

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, WATER RESOURCES SUPPORT CENTER
INSTITUTE FOR WATER RESOURCES
CASEY BUILDING
FORT BELVOIR, VIRGINIA 22060-5586

REPLY TO
ATTENTION OF

CEWRC-IWR

17 Jul 1998

MEMORANDUM FOR COMMANDER, Defense Technical Information Center, Cameron Station, Alexandria, VA 22314

SUBJECT: Transmittal of

1. Reference AR 70-31.

2. Two copies of "Partnering Guide for Civil Missions," IWR Report 98-ADR-P-7, have hereby been submitted.

3. Initial distribution of this report has been made to appropriate Corps of Engineers agencies. It is recommended that copies of this report be forwarded to the National Technical Information Center.

4. Request for the DTIC Form 50 (Incl 2) be completed and returned to WRSC-IWR.

FOR THE DIRECTOR:

Kyle E. Schilling
Director

Enclosures

Partnering Guide for Civil Missions

Prepared by:

U.S. Army Corps of Engineers
Water Resources Support Center
Institute for Water Resources
Casey Building
7701 Telegraph Road
Alexandria, VA 22315-3868

April 1998

IWR Pamphlet 98-ADR-P-7

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

13 APRIL 1998

REPLY TO
ATTENTION OF:

PARTNERING GUIDE FOR CIVIL WORKS MISSIONS

This guide is one in a series of publications describing techniques and applications of Partnering in the U.S. Army Corps of Engineers programs. Its purpose is to define and enhance the Corps involvement in the application of partnering principles directed toward the Army's Civil Works mission. It describes collaborative processes that can be used during different phases of Civil Works projects involving the potential partners in the development, implementation and operation of the Civil Works projects. These processes range from informal meetings with a sponsor to establishing a formal Partnering relationship.

Partnering creates a climate for success by building a cooperative management team with our partners, customers and internally throughout the Corps. It lays the foundation for better working relations by defining common goals, improving communication and fostering a problem solving attitude among the parties involved in the execution of the project. This philosophy is the key to more successful and effective project execution resulting in improvements in quality, schedule and cost. It is a process aimed at improving our business processes by making our customers and partners an integral part of the team.

I encourage the continued involvement of the Corps by extending Patnering principles to cover the Civil Works mission throughout all phases of project execution. Implementation at every opportunity is important to our organizational success and improving customer satisfaction.

This guide was developed by Dr. James L. Creighton, Creighton and Creighton, Inc., with guidance from the U.S. Army Corps of Engineers Institute of Water Resources, Fort Belvoir, Virginia, Dr. Jerome Delli Priscoli, Program Manager. The proponent for this guide is Thomas F. Caver, P.E., Chief, Programs Management Division, Directorate of Civil Works.

RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works

TABLE OF CONTENTS

Page

Executive Summary ix

Introduction - Partnering in the Civil Works Mission 1

Chapter 1 - Defining Partnering 3

Chapter 2 - Using Partnering in Civil Works 9

Chapter 3 - Potential Partners 15

Chapter 4 - Formal Partnering 21

Chapter 5 - Lessons Learned About Partnering 45

Chapter 6 - Frequently Asked Questions About Partnering 49

Appendices:

Appendix I - Partnering in Action (Case Studies) 55

Appendix II - Formal Partnering Agreements Among Corps Headquarters and Professional Organizations 75

Appendix III - Resource Materials 79

Appendix IV - Use of a Neutral Facilitator 81

List of Figures

Page

Figure 1: CONTINUUM OF COLLABORATIVE PROCESSES 3

Figure 2: POTENTIAL PARTNERS 15

Figure 3: FORMING THE TEAM 25

Figure 4: BAIRD & McGUIRE PARTNERING CHARTER 32

Figure 5: CULLMAN-MORGAN PARTNERING AGREEMENT 33

Figure 6: SUSTAINING THE TEAM 34

Figure 7: SAMPLE PARTNERING EVALUATION FORM 39

EXECUTIVE SUMMARY

Partnering is a collaborative process used by Corps personnel to work with communities, interest groups, local sponsors, contractors, and other agencies. This guide describes how partnering can be used in Civil Works programs. It also serves as an introduction to partnering for other agencies, local sponsors, groups or individuals considering entering into a partnering agreement with the Corps.

Within the Corps, *partnering* is used to describe different processes and behaviors. These range from informal meetings with a sponsor, to meetings and workshops with outside stakeholders, to formal processes where people go through a team-building session, sign a charter, and even grade each other on a scorecard. All of these collaborative processes can be helpful at different points in the Civil Works program.

Formal partnering involves the highest commitment of time, resources, and shared-responsibilities. Before entering into a formal partnering relationship the following criteria should be met: (1) the potential participants bring something to the table; (2) the potential participants show willingness to make an up-front commitment to be part of the team; (3) the potential participants make the commitment of time and resources necessary to take part; (4) the potential participants are well-defined and organized; and (5) agreement exists that the potential participants represent the group or interests that they claim to represent.

The circumstances surrounding a project -- who the interested parties are, how well they are defined, how intense is their interest, the level of knowledge and expertise of potential partners, whether groups are able to work together cooperatively -- all affect which collaborative process is used. However, the opportunity for partnering, whether informal or formal, exists at all stages in the civil works process, including reconnaissance, feasibility, design, construction, and operations and maintenance (O&M). Opportunities also exist in the regulatory program, particularly in developing general permits.

There are a number of different groups and individuals -- potential partners -- who might be consulted through participation, informal partnering, or formal partnering. These include local sponsors, contractors, other Federal agencies, other sovereign nations, local elected officials, state and local agencies, state regulators, community organizations and interested individuals, or other parts of the Corps.

There may be situations where partnering will be an appropriate tool for involving individuals and groups from the community. In other circumstances, the Corps may decide not to extend formal *partnering* to organized groups but will consult with them closely via other forums. If a Corps team decides against including individuals or groups from the community, then it should consider developing a public involvement program.

Partnering is not just a series of steps. It is an attitude or philosophy. Some of the core values underlying partnering include shared responsibility, common purpose, teamwork, empowered staff, commitment, dispute resolution, clarity, and shared risks and benefits.

There are two major stages in partnering: (1) forming the team and (2) sustaining the team. The steps in forming the team include the following:

- Initiating the process
- Obtaining senior management support
- Identifying partnering champions
- Deciding on the participants
- Conducting the partnering workshop
- Creating a charter

The second stage, sustaining the team, doesn't follow a predictable sequence; however, studies show that most effective partnering includes these elements:

- Developing an implementation plan
- Setting up ways for monitoring how the team is working
- Participating in periodic follow-up sessions
- Participating in joint training or skills-building
- Creating ways to reinforce team identity
- Celebrating team successes

This guide also provides a summary of lessons learned from using partnering in the Corps, answers to frequently asked questions, short case studies describing the use of both informal and formal partnering, and a list of additional reference materials. It should be used along with the Corps *Project Partnership Kit* (http://www.usace.army.mil/inet/functions/cw/).

Introduction

PARTNERING IN THE CIVIL WORKS MISSION

Corps personnel already use a variety of collaborative processes to work with communities, interest groups, local sponsors, contractors, and other agencies. Each of these processes improves the Corps' effectiveness and responsiveness. Partnering is another collaborative process that has shown significant benefits to many Corps and DoD programs, such as reduced claims and litigation, improved productivity, better quality projects, and improved working relationships and motivations.

This guide describes partnering and how it can be used in Civil Works programs. The guide also is meant to encourage new and creative applications of partnering to Civil Works programs. It will also serve as an introduction to partnering for other agencies, local sponsors, groups, or individuals who are considering entering into a partnering relationship with the Corps.

Chapter 1 discusses how formal partnering differs from other collaborative processes such as participation and informal partnering, and presents guidelines to choose which process is appropriate in a particular situation.

Chapter 2 describes how partnering can be used at each stage in the Civil Works program.

Chapter 3 discusses potential partners.

Chapter 4 presents the basic principles of partnering, then outlines each step in the process.

Chapter 5 lists lessons learned from actual partnering cases.

Chapter 6 poses and answers frequently asked questions about partnering.

A number of appendices are included as well:

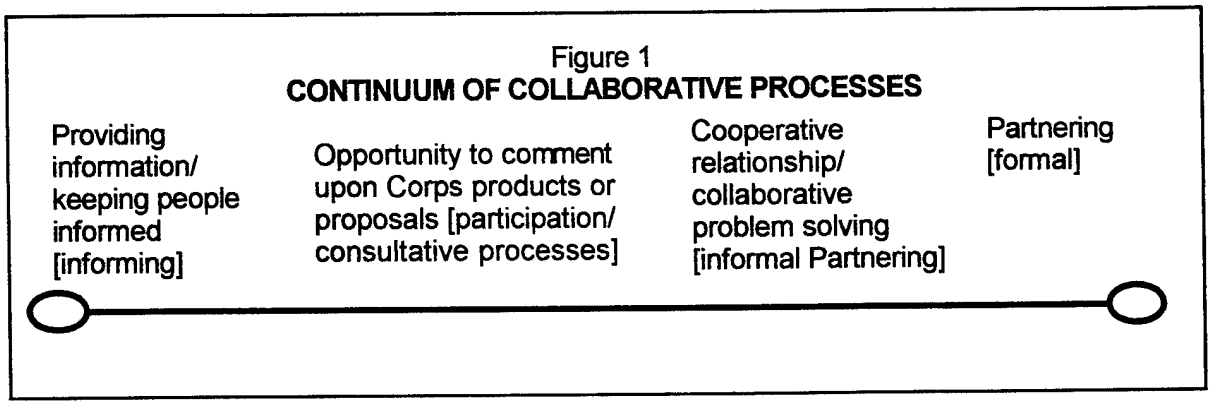
Appendix I contains summaries of 10 cases in which informal or formal partnering were used.
Appendix II lists the formal partnering agreements between Corps headquarters and professional organizations.
Appendix III contains a short list of resource materials from Corps or other sources.
Appendix IV discusses the use of neutral facilitators.

Chapter 1

DEFINING PARTNERING

Within the Corps, *partnering* is used to describe different processes and behaviors. These range from informal meetings with a sponsor to meetings and workshops with outside stakeholders to formal processes where people go through a team-building session, sign a charter, and even grade each other on a scorecard. All of these collaborative processes can be helpful at different points in the Civil Works program. They all fit somewhere on the continuum in Figure 1.

Figure 1
CONTINUUM OF COLLABORATIVE PROCESSES



Informing

At one end of the continuum, Corps staff may simply keep outside parties informed. The Corps may distribute reports or prepare a newsletter describing a proposed action. Or the Corps may hold briefings for interested groups or significantly impacted individuals. Also, local sponsors may hold briefings and meetings.

Participation Processes

On other occasions, the Corps may provide the opportunity for non-Corps parties to comment upon or react to Corps products or proposals. For example, a number of Civil Works actions require public hearings. But even when there is no such formal requirement, less formal meetings and workshops may provide useful information to the Corps about the acceptability of various proposals and how to implement the proposed action successfully. In these meetings, the Corps is clearly the decision maker, but individuals are given a chance to "input" before the decision is made.

In *participation processes*, plans and ideas are discussed with interested groups and individuals, and they have the opportunity to comment and make recommendations. But the decision is made by the Corps. If the focus of the participation is with the general public, it is often called public involvement or public participation. If the focus is a local sponsor, or a contractor, it may be called consultation. But throughout this guide, the single term "participation" will be used.

Informal Partnering

Further to the right of the continuum, the Corps and outside parties work together to solve a problem. This might be a one-time event, or it might continue over time. There's no formal agreement to enter into *partnering.* There is, however, a cooperative working relationship, and decisions are usually made by mutual agreement.

In *informal partnering*, the participants are well defined, and there is a *structured process* for discussions, such as a working group that meets regularly. There is no partnering agreement (although there may be a written charter), nor do the parties go through a team-building session. There is an effort to reach decisions by mutual agreement, but when that is not possible, the Corps makes decisions within its realm of accountability.

The primary difference between participation and informal partnering is the amount of structure in the collaborative process. In participation, the Corps (or the partnering team) creates opportunities for people to actively participate and to influence and shape eventual decisions. These opportunities are open to anyone, and, typically, participants meet only a few times or whenever there is a specific decision to be made. The agency listens carefully, responds to, and is influenced by the recommendations from the participants.

In informal partnering, a definable group of people meet on a regular basis. There is some understanding or agreement on how the group will work together. Although the agency still retains decision-making authority, there is normally an explicit effort to reach decisions by mutual problem-solving.

Formal Partnering

Formal partnering is at the far right of the continuum. In formal partnering, the parties do the following:

- Make an agreement to enter partnering (although it is not a legally binding relationship)
- Participate in a structured, facilitated team-building session and joint training
- Jointly create a charter which addresses the following topics:
  - Removing organizational impediments to open communication
  - Providing open and complete access to information
  - Empowering the working staff to resolve as many issues as possible
  - Reaching decisions by mutual agreement as much as possible, and the process for rapid resolution of disputes
  - Consulting with other interested or affected agencies or individuals
  - Maintaining and nurturing the partnering relationship
- Participate in periodic follow-up sessions or joint training
- Jointly manage the endeavor in a way that maximizes the effectiveness of each partner's resources

Each of these collaborative approaches is useful at some time in the Corps Civil Works program. They may all be used even on the same project. Each can help to build consensus and to prevent disputes. Each can help to raise issues early, to identify interests, and to create cooperative solutions based on those interests before they become hardened positions.

Choosing Between a Participation Process and Informal Partnering

Here are some guidelines for choosing between a participation process and informal partnering:

- **Continuity**

  It takes more time and effort to set up a structured approach, but that's justified if the parties will work together on a continuing basis. Informal partnering has greater value when there may be a series of decisions made over a number of

months, or even years. For example, if you know you need to make annual decisions affecting project users, then it may be worthwhile to set up a structured mechanism to accomplish this. If you need a one-time decision, then participation approaches -- such as workshops -- may be more suitable.

- **Defined Participants**

  If you know exactly which organizations need to be represented then you can set up an informal partnering mechanism. But if the participants are not well defined -- for example, all recreational users in a river basin -- then it's hard to know who represents them. Advisory committees are sometimes designed to represent broad constituencies, but then there's a careful and time-consuming process of selecting members who can represent these constituencies.

- **Knowledge/Expertise**

  One of the advantages of informal partnering over participation is that the participants build up knowledge and expertise about the subject matter. Information from one meeting gets transferred over to the next. Normally participants also build a higher level of trust, because they've worked together over time.

- **Level of Interest**

  Informal partnering only works when the participants have sufficiently high interest in the subject matter that they will continue to participate over time. As a result, informal partnering usually works only when the participants have a continuing agency mandate, economic interest, or very strong personal interest in the subject matter. Short-term controversies may be best addressed using participation approaches.

Choosing to Use Formal Partnering

Formal partnering involves the highest level of commitment of time, resources, and shared responsibilities. It involves building a team that effectively co-manages the project or endeavor. This level of commitment is not made lightly. Before entering into a formal partnering relationship, you need to satisfy yourself that the potential partners meet the following criteria:

- **The potential participant brings something to the table.**

  When partnering involves the Corps and a contractor, or the Corps and a local sponsor, both parties bring resources with them, and both will share in the risks and benefits from the decisions made. This is also true when regulators are involved. Even if regulators bring no new financial resources, they lend their credibility, which is an asset they want to protect and which can be at risk. Interest groups bring whatever political capital they have to expend with elected officials, the media, and others.

- **The potential participant shows willingness to make an up-front commitment to be part of the team.**

  Many interest groups are accustomed to waiting to see what decision is made and then deciding whether to support it. Partnering offers these groups a chance to influence the decision, but in return they are asked to make an up-front commitment to taking action to solve the problem (even if there's no agreement in advance on what that action will be). Representatives of single-issue groups often feel that just by admitting the problem must be solved or acknowledging the legitimacy of other interests they water down the potency of their own position. They have to move past this threshold to be a partner.

- **The potential participant makes the commitment of time and resources necessary to take part.**

  It takes time and money to participate in a partnering process. It doesn't work for any partner to be there only part of the time. If other agencies, individuals, or groups are unwilling to make this commitment, the partnering process will flounder.

- **The interested individuals or groups are well-defined and organized.**

  An interested group of people—neighbors, for example—may have a legitimate interest in the decision, but not be part of an organized group. It is difficult to include an unorganized group of people in partnering. Who can make commitments on behalf of the group? How would it be determined whether the group is fully representative? Sometimes an existing organization, such as a homeowners' association, can represent neighbors. But often the officers of the association were elected without any connection to the issue at hand and so may not be representative on this issue.

- **An agreement must exist that the potential participant represents the group or interests that the participant claims to represent.**

  Partners should be able to make binding commitments and also maintain commitment to the philosophy and principles of partnering. Community or environmental interests are often represented by more than one group, each with a slightly different focus or political philosophy. It is often not clear whether an environmental representative, for example, can make commitments for the entire environmental community. One option is to convene the groups and ask them to select someone to represent them. But there must be full commitment to partnering, not merely an agreement to send a representative. The groups also need to put mechanisms in place to ensure that the representative continues to represent the will of their groups.

Chapter 2

USING PARTNERING IN CIVIL WORKS

The circumstances surrounding a project -- who the interested parties are, how well they are defined, how intense is their interest, the level of knowledge and expertise of potential partners, whether groups are able to work together cooperatively -- all affect which collaborative process is used.

Here is a brief summary of how participation, informal partnering, and formal partnering can be used during different phases of Corps Civil Works projects:

Reconnaissance

Reconnaissance is the first phase in a potential Corps project. It includes a preliminary assessment of the problems and opportunities, the alternative solutions that might be employed, and a decision as to whether further study is justified. In this phase, the following issues are most important to potential partners:

- The definition of the problem and its scope
- The range of alternatives that will be considered
- The baseline that will be used for assessing the impacts of any proposed project
- Estimates of future economic and environmental conditions
- Commitment of non-Federal sponsors to share the cost of the feasibility study and enter into a Feasibility Cost-Sharing Agreement (FCSA)

Typically there are no contractors at this stage. The people or groups who are most likely to be interested during the reconnaissance phase include potential local sponsors, interest groups (e.g. community or environmental groups), and other government agencies (local, state and Federal).

During this phase, the Corps is deciding whether any project is likely and is assessing whether other entities share common interests. As a result, formal partnering is unlikely, although there are ample opportunities for participation and informal partnering.

Since the reconnaissance phase is completed in under 1 year, scheduling may have a strong impact on what approach to partnering is used.

Feasibility

The *feasibility* phase includes detailed evaluations of the problems, opportunities, and alternatives, including the benefits, costs, and impacts associated with potential alternatives. It leads to a decision on a proposed plan of action. In this phase, the following issues are most important to potential partners:

- The feasible alternatives
- The methodology for assessing potential environmental impacts
- The economic and environmental impacts associated with each alternative
- Selection of the preferred alternative
- Study coordination
- Commitment of non-Federal sponsor to support the project and share the cost of the Preconstruction, Engineering and Design (PED) phase by signing the PED Agreement

The potential partners during feasibility studies include local sponsors, other government agencies, and interest groups. Also, there may be an architect or engineering contractor at this phase, or an environmental contractor.

During this stage, formal partnering could begin with local sponsors, other government agencies, or contractors. Interest groups are unlikely to be interested in formal partnering since there is no agreement on a course of action until the end of this phase, but the local community and interest groups welcome opportunities for participation or informal partnering.

Preconstruction, Engineering and Design (PED)

During this phase, the Corps oversees the detailed design of the proposed project. In the PED phase, the following issues are most important to potential partners:

- The amount of flexibility in design specifications
- Using design to reduce project impacts
- Opportunities for value engineering
- Study coordination
- Commitment of non-Federal sponsor to support the project and sign the Project Cooperation Agreements (PCA)

Local sponsors and contractors are likely to have great interest during this phase. Except in special circumstances, design usually is of less interest to community or interest groups. If a construction contractor has been selected, there is considerable potential for partnering around specifications and construction methods.

The potential use of formal partnering with local sponsors and contractors is high, but the interest of local officials or community groups may not be high unless it directly affects an existing use or legal mandate (e.g. decision-making about local planning issues). In a few specialized cases -- such as when there are user groups -- an interest group will become a part of formal partnering now that there is a defined project.

Construction

This phase involves the actual construction of a project or separable element. The following issues are most important to potential partners during the construction phase:

- Management of construction
- Cost and time savings achieved through mutual problem-solving
- Reduction of construction-related impacts upon communities and the environment
- Employment and subcontracting opportunities in the community

Local sponsors and contractors will be interested in joint management of construction and in cost and time savings achieved through mutual problem-solving. Local governments and interest groups may have considerable interest in mechanisms for reducing construction-related impacts and in increasing employment and subcontracting opportunities in the community.

This is the traditional point for formal partnering with contractors and subcontractors. It is also an opportunity for informal or formal partnering with local sponsors. The transition from design to construction presents opportunities for informal or formal partnering. The potential exists for informal or formal partnering with local sponsors and other governmental agencies regarding construction impacts upon the community and environment.

Operations and Maintenance (O&M)

This is the phase after construction is complete and the physical project features are in continuing use. In this phase, the following issues are most important to potential partners:

- Criteria/standards for operation
- Changes in operations to accommodate changes in population, use, or environmental impact
- Allocation of costs for operations and maintenance
- Reduction of operating or maintenance costs through mutual problem solving
- Definition of responsibilities of all the parties

At this stage, there are no contractors involved (A&E firm, designer, or construction contractor) unless some of the maintenance is contracted. However, users and beneficiaries may want to play an active role during this phase. Sometimes the project is turned over to the local sponsor for operation and maintenance.

Local sponsors and other government agencies remain the most likely candidates for formal partnering. Users and beneficiaries may seek participation or informal partnering opportunities in the continuing operation of the facility, or mitigation of impacts associated with the facility. Formal partnering is unlikely with such groups unless there is a very direct physical or economic impact resulting from operations.

Regulatory

Individuals must receive a permit from the Corps before proceeding with any development in wetlands or navigable waterways in the United States. Decision making in the Corps' regulatory program does not follow the project cycle described above, but there are still opportunities for using collaborative processes.

When the Corps is considering a request for an individual permit, it may hold public hearings as part of the process. Corps districts may work informally with potential applicants for major projects to identify issues that applicants need to address in developing their plans. They may also encourage applicants to consult with potentially interested or affected parties before submitting an application, since the opportunity for collaborative problem-solving is greatest before a formal application is filed.

Because of its regulatory responsibilities, the Corps cannot use a formal partnering process with an applicant prior to issuing a permit. Depending upon circumstances, potential exists for informal or formal partnering once a permit is granted, so long as the terms of the permit are upheld.

Often local governments or state regulatory agencies have some regulatory authority as well, and applicants frequently must obtain permits from all the entities. Several Corps districts have found that joint processing of permits saves time and money and leads to more consistent standards. Joint processing can be accomplished through periodic meetings at which all the agencies discuss their concerns and issues with each application. In other cases, reviewers are physically housed in the same facility so they can work together to review applications.

The potential value of joint processing increases sharply if the Corps issues a general permit, rather than individual permits. A general permit sets out criteria for all permits in a particular geographic area or of a common programmatic type (e.g., all land fills). If an individual applicant is able to meet those criteria, an individual permit can be issued rapidly, sometimes even the same day.

Partnering with the other affected agencies, either informally or formally, would occur during the development of the terms of the general permit. Interest groups could also be included in informal partnering, and there would definitely be participation opportunities during the development of the terms and conditions of the general permit.

In the regulatory program, formal partnering is most useful in developing general permits. It has been successful in developing statewide general permits and area wide special permits in various parts of the country. This experience is similar to that of the Air Force and Navy in the southeastern and western United States.

Overall Corps experience with developing general permits is that they are a lot of work to get in place, but are worth it in the long-term because of cost and time savings. General permits also allow Corps staff to concentrate more on the most important individual permits, since less time is spent processing routine applications.

Partnering may also be helpful in providing assistance to local sponsors in obtaining necessary permits for local sponsors to operate projects that have been turned over to them.

Chapter 3

POTENTIAL PARTNERS

There are a number of different groups and individuals -- potential partners -- who might be consulted through participation, informal partnering, or formal partnering. These include local sponsors, contractors (construction, architects/engineers, environmental impact statement preparers), other Federal agencies, other sovereign nations (Indian nations, Canadian or Mexican agencies), local elected officials, state and local agencies, state regulators, community organizations and interested individuals, or interested parts of the Corps.

Figure 2
POTENTIAL PARTNERS

Partnering with Contractors

Until recently, most Corps partnering has taken place in connection with construction projects. Yet many Civil Works contractors are not directly involved in construction. For example, the Corps often oversees contractors performing architectural or engineering studies, or preparing environmental studies. Most of the rationale for partnering with construction contractors applies to these other contractors as well. Partnering can build a shared commitment to reducing costs, keeping to schedule, and assuring quality.

Partnering has proven valuable in finding creative solutions that are in the interests of both the Corps and its contractors. Where local sponsors are involved, joint partnering with the local sponsor and contractors may be useful.

The contract award process remains competitive. Under current procurement procedures, a Request for Proposal may discuss the Corps' desire to engage in partnering, but need not make partnering a requirement. The Corps strongly believes that partnering should be voluntary.

Partnering represents a change in the "arms-length" relationship that has traditionally been maintained with the contractor. This arms-length relationship has too often turned into building of a "paper wall" to prepare for potential litigation, rather than solving problems. Often litigation has resulted from the soured relationships that resulted when the arms-length approach turned into an adversarial relationship.

The arms-length approach emphasizes the *differences* in the interests of the Corps and the contractor. Partnering emphasizes the many *common* interests. But differences will occur. The Corps does not relinquish its responsibility to enforce contracts nor its ethical obligations when it enters into partnering. In fact, differences should be explicitly discussed during partnering. But the shared interests of both parties are often better served by building a team.

Partnering with Sponsors

One of the areas where partnering has the greatest potential is with local sponsors. Local sponsors clearly share a common interest in the success of the project. They bring their own money -- and sometimes considerable technical expertise -- to the table. There is an established legal relationship. Local sponsors are willing and able to make binding commitments, and they can represent their constituencies. They want and need a more active role in their projects.

In some cases, doing a better job of keeping the sponsor informed or giving the sponsor the opportunity to comment on Corps proposals may be sufficient. In other cases, there is a need to collaborate with the local sponsor, whether informally or in a formal partnering relationship. Local sponsors should be encouraged to participate in the day-to-day decision-making process associated with their projects. They should be educated about the Corps business processes and helped to decide on which activities to be involved. The key is to encourage the involvement of local sponsors, allowing them the opportunity to be involved to the degree they want and need.

"The ultimate commitment to a study/project is demonstrated by a local sponsor by entering with the Corps into cost sharing agreements. Execution of the cost sharing agreements commits a local sponsor to provide cash-in-kind and real estate requirements needed for the study/project. The Feasibility Cost Sharing Agreement (FCSA) is the product of the reconnaissance phase if the project is going to move forward. Preconstruction Engineering and Design Agreement (PEDA) must be executed prior to initiating PED work or solicitation for a contract for PED work, and execution of Project Cooperation Agreement (PCA) is required for new construction starts."

Partnering with Other Federal Agencies

Many aspects of the Civil Works mission require working closely with other Federal agencies. For example, these agencies might need to work together to develop an environmental data base on which they can all rely. Joint action may be required to implement a project. Agencies may need to work together to identify mitigation or remediation measures.

Not infrequently these relationships end up adversarial, with each agency spending most of its time "building a case." Various forms of cooperative working relationships, including formal partnering, increase the possibility of agencies working together more effectively to solve the problem rather than trying to fix the blame.

Partnering with Regulators

Historically, Federal or state regulatory agencies have chosen to maintain an arms-length relationship with the Corps, for many of the same reasons that the Corps traditionally maintained an arm-length relationship with contractors. Often the result is the same: much energy is expended on justifying positions, and often there is more litigation than waste cleanup or environment protection. In actuality, the Corps and the regulators both want the same thing--an environmentally sound project at reasonable cost to taxpayers. Partnering is a tool for making certain that the Corps and the regulators meet these objectives with minimal time and energy wasted on case *building.*

The willingness of regulators to enter into formal partnering is based largely on their confidence that the Corps is committed to the same objectives--such as an environmentally sound project. If that commitment is in doubt, regulators may be fearful that partnering undercuts their authority to impose necessary compliance.

Regulators differ in their willingness to "partner" with the Corps. Some states are enthusiastic, others believe it is inappropriate. This may change as familiarity with partnering grows, more success stories are told, and more training takes place.

Partnering with Interested Parts of the Corps

While the relationship between different parts of the Corps should never become adversarial, there are clearly times when working relationships could be improved. Partnering between district and division elements can be valuable. Partnering is useful in ensuring the hand-offs from design to construction. Another valuable use of partnering is between the project implementation team and the support activities organizations whose help is needed to make the project a success.

Partnering, whether informal or formal, can be valuable between field organizations and headquarters groups that perform policy compliance review on the documents produced by the field. It is easy for misunderstandings to arise, so that each organization sees the other as blocking process or work completion. Some form of partnering is a way of reducing misunderstandings and getting commitments to the schedules and product standards necessary for a successful project.

Partnering with Communities and Individuals

One of the potential new applications of partnering is with state and local agencies, interested individuals, and community groups. Advocates for this use of partnering argue that potential critics in the community may become supporters of Civil Works programs if they have the opportunity to be included in decisions about these programs. Concern has been expressed, however, that this approach can make partners out of people who do not have any ultimate responsibility for implementing the program or being certain that the problem is solved.

Certainly there is little point in building an open, trusting, and empowered relationship with other agencies only to have implementation blocked by citizens who have been left out of the process. The Baird & McGuire remediation project in Massachusetts (see Appendix I, page 69) illustrates this dilemma. Partnering on the project has been effective in limiting claims, bringing flexibility to fixed price contracting issues, and overcoming an adversarial legacy. The partnering team even includes a community member. *But most of the community is opposed to the project, and this opposition is affecting implementation.*

On the other hand, in the Bayou Bonfouca National Priorities List Site case (see Appendix I, page 72) test burns have occurred and the project is three years ahead of schedule. In this case, EPA, acting on behalf of all the Federal agencies including the Corps, conducted a public involvement process that complemented the partnering process. EPA was chosen to take the lead because it was believed that EPA would be the most credible organization to the community. Several community concerns identified during this process led to the selection of mitigation measures that were satisfactory to the community, and eventually led to test burns.

Based on these cases, the question is not whether interested members of the public should be consulted—*they should be*—but whether formal partnering, public involvement, or informal partnering is the most appropriate vehicle for working with the public. The essential challenge is to find the best vehicle for consulting with those individuals or groups whose support or opposition could make a difference in whether a program is implemented and who are willing to commit the time, energy, and resources needed to influence the decision.

There may be situations where partnering is an appropriate tool for involving individuals and groups from the community. In other circumstances, the Corps may be unwilling to extend formal *partnering* to organized groups but will consult with them closely via other forums. There are circumstances where the groups themselves will be unwilling to enter into partnering for fear they will be "co-opted" or lose their independence.

If a Corps team decides against including individuals or groups from the community through partnering, then it should consider developing a public involvement program. This public involvement program should be interactive, providing opportunities for the community to genuinely influence the decision, even though the responsibility for making the final decision is retained by the Corps.

Chapter 4
FORMAL PARTNERING

Principles of Partnering

Partnering is not just a series of steps to follow; it is an attitude or philosophy. Here are some of the fundamental principles underlying partnering:

- ***Partnering is about shared responsibility.*** The ultimate purpose of partnering is to create a multi-participant *team* in which all significant participants are committed to a common purpose, goals, and working approach for which they hold themselves mutually accountable. Shared responsibility means fulfilling commitments to the team and ensuring the success of all members of the team. This approach must still allow for the fact that the organizational members of the team share many common interests yet have differing authorities, interests, and objectives that must be accommodated.

- ***The real adhesive that binds people and organizations together is a sense of common purpose.*** Motivation is achieved by developing agreement on an important common purpose. This common purpose is particularly powerful if people see their goal as more than a short-term organizational need. Team members need to feel excited. They may be motivated by the environmental cleanup they'll accomplish, by the chance to prove they can do things cheaper or better, by the chance to work on something that's cutting-edge or innovative.

- ***Teamwork can overcome organizational impediments.*** Large organizations create barriers to working collaboratively. These barriers are multiplied when the proposed action requires the commitment of several organizations. Partnering addresses this problem by creating an ethic of teamwork that cuts across organizational barriers. The individuals on the team and the organizations they represent both commit to overcoming necessary organizational impediments.

- ***The team should be empowered down the line.*** It does little good to create a partnering team if the members do not have the authority to make decisions. Organizations using partnering openly delegate decision-making to those people on the team who are actually responsible for implementation. When decisions cannot be delegated to the team, issues are quickly elevated up the line for resolution at the first appropriate management level.

- ***Commitment to performance is developed by participation in creating the approach.*** People on a partnering team make a commitment to each other that often significantly exceeds the commitment made to organizational goals. It's very human not to want to let down other people you care about, and to whom you've made a personal commitment.

- ***The best approach to resolving disputes is to prevent them.*** Partnering is a tool for dispute prevention. Using partnering, people can identify and resolve disputes before they escalate into organizational confrontation. Failure to address an issue quickly can lead to festering ill will, making resolution more difficult. Far more resources are needed to solve a problem when it is permitted to go unchecked.

- ***Shared responsibility requires increased clarity about roles, responsibilities, and approaches.*** Shared responsibility works only if all team members are clear as to what their individual responsibilities and joint responsibilities are. In a functional organization, assignments are often automatic, because everybody knows his or her function. In partnering, it's not always obvious who should be doing the work, so there's greater danger that "things can fall through the cracks." This means that partnering teams must exert extra effort to clarify work responsibilities.

- ***Shared responsibility involves shared risks and benefits.*** Partnering builds a sense of responsibility toward the overall success of a project. This commitment to team goals is reinforced by creating incentives for team success. The nature of the incentives depends on the project and often requires creativity and a willingness to find new ways of doing things. But incentives are meaningless unless there is also joint acceptance of the risks. The goals will not be achieved if all parties benefit when things go well, but only one party suffers if things go badly.

- ***Partnering requires open communication and flexibility.*** Openness, honesty, and clear communication channels are needed for partnering to be effective. In most bureaucracies, patterns of communication are highly structured. Review and approval is required before organizational lines can be crossed. Partnering teams report dramatically increased efficiency and reduced frustration when communication is open across all organizational lines.

- ***Partners maximize each other's resources.*** In partnering, organizations work together to maximize each other's resources and produce a synergy that is superior to their individual efforts. The outcome is greater than the sum of its parts.

Stages in the Formal Partnering Process

There are two major stages in formal partnering: (1) *forming the team* and (2) *sustaining the team.*

STAGE 1: FORMING THE TEAM

The major steps in the partnering process are displayed in Figure 3 (see page 25). Below are suggestions for how to implement each of the steps.

Initiating the Process

The first step is for one of the parties to invite the others to participate in partnering. There is no standard way to make the first approach. Sometimes partnering is proposed by senior officials, other times by mid-level people or an organization's attorneys.

Partnering is something entered into voluntarily. If people are talked into partnering but don't really believe in it, this will show up in a lack of commitment during the partnering.

Obtaining Senior Management Support

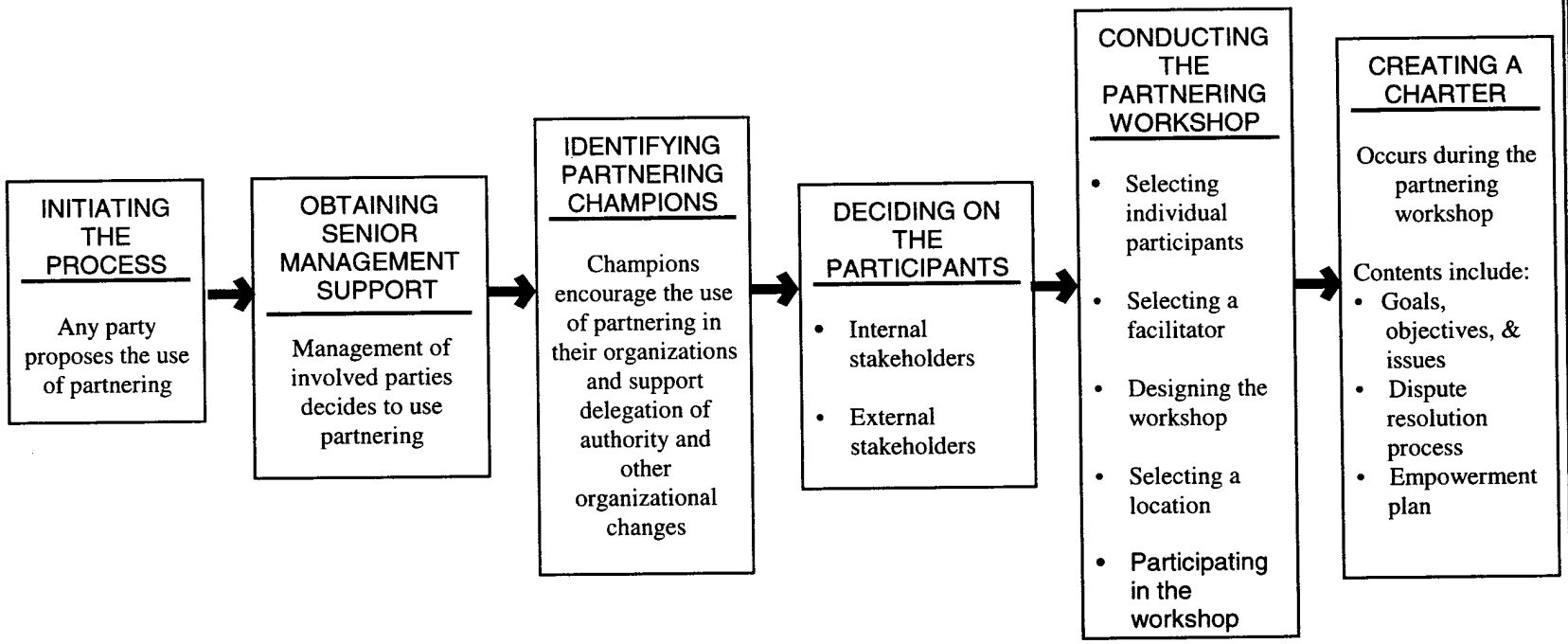
Senior management support for partnering is needed to empower the team, remove organizational barriers, and sustain the partnering spirit. As a starting point, copies of this guide could be provided to prospective partners for distribution to management. If the management of any of the parties is uncertain whether to commit to partnering, the most credible source of information will be another manager (preferably of equivalent level or higher) who has had experience with partnering. A meeting of senior managers from the potential participating organizations could be held, or managers from another organization that has used partnering could meet with organizations considering it. Participants can then ask questions and begin to talk among themselves. An alternative is to bring in a partnering consultant who can explain the process. This is somewhat less credible because the managers see the consultant as "selling" the concept, but this approach does get managers talking to each other.

Identifying Partnering Champions

Most people who have been involved in partnering talk about the need for a champion to sell the process. The champion actively encourages the use of the concept throughout the organization and defends it if it comes under attack. This means that the champion must make a personal commitment; the role must be heartfelt. He or she is most likely to be found in an organizational role that places a high value on what partnering can accomplish (e.g., a chief of construction or an attorney who supports a preventive approach to dispute resolution) or uses similar tools and concepts (such as Total Quality Management).

Figure 3

FORMING THE TEAM
Stage 1 in the Formal Partnering Process



There must be champions at the operational level as well. At this level, champions make a commitment to keep track of and care for the process itself. This means providing administrative and logistic support, distributing information, setting up follow-up meetings, making sure that plans are prepared, tracking completion, and thinking about how the team could work together more effectively. Ideally, at least one person in each partnering organization will take responsibility. If only one person on the team, or one organization, plays this role, the danger is that other participants will soon see that person or organizations as responsible for the partnering and will avoid taking personal responsibility for its success.

Deciding on the Participants

Chapter 3 discusses the external stakeholders who may be involved in partnering. But it is equally important to carefully define the internal stakeholders.

A starting point in identifying stakeholders is to think of the representatives of each organization as being embedded in a web of existing relationships. Studies show that it is possible for partnering team members to become isolated from members of their home teams. Coworkers may resent the high visibility the partnering process receives, and have little understanding of why things are being done differently. Bosses may resent the loss of control over subordinates' time or the exceptional access to senior managers that can occur on high visibility projects. If a great deal of time is spent with the partnering team, people in the home team may begin to think of their coworker as "one of them" instead of "one of us." These problems can be reduced by including other home team members in partnering sessions, in training, or in progress updates.

Members of the partnering team also need to link to people in the organization whose job it is to maintain an effective internal operating system, keeping employees from running afoul of laws or regulations while still providing services to the organization. Many partnering teams have learned the importance of building a strong relationship with people in procurement. Getting contracts in place and managing them effectively is often essential to team performance. Others have found it important to maintain strong relationships with legal or human resources staff.

There are also a number of people internally who provide assistance with implementation. These may be clerical or administrative people, or they might be other technical people who are called in to do technical studies, cost estimating, or other needed tasks.

Finally, because partnering is being done with the support of senior managers, each member of the partnering team, as well as the team as a whole, has a relationship back to senior managers in his or her own organization. These senior managers, in turn, are responsive not only to their immediate job responsibilities, but are also subjected to pressures from both internal and external constituencies trying to influence the direction of the organization.

Each of these relationships not only brings resources to the partnering enterprise, but also puts constraints on the ability of individual members of the partnership team to act. If all these key people or organizations are "on board" with the partnering effort, there is a higher chance of success.

One way to ensure support of these key people is to include them in the partnering workshop. However, if all the potential internal stakeholders in the partnering workshop are included, the number might be very large. On the other hand, if key internal stakeholders continue to operate in an adversarial model, sustaining the teamwork necessary for effective partnering becomes difficult. So choices about which internal stakeholders are most likely to have an impact on the project need to be made. Some partnering teams accommodated a large number of organizational stakeholders in partnering workshops by having multiple sessions or reserving the partnering workshop for those who will be a continuing part of the partnering team. Other teams keep the partnering workshop small, then holding briefings or training sessions for others on the principles of partnering and the goals upon which the partnering team has agreed.

Conducting the Partnering Workshop

The next step in most partnering is a team-building session, sometimes referred to as the *partnering workshop*. The steps involved in preparing for and conducting the workshop are (1) selecting the individual participants, (2) selecting a facilitator, (3) designing the workshop, (4) selecting a location, and (5) participating in the workshop.

1. *Selecting the Individual Participants*

Individual participants should make a personal commitment to working in a collaborative manner and have good "people skills." But if they occupy a key role organizationally, it may be necessary to include people who will need to learn new skills and attitudes in order for effective partnering to take place.

2. *Selecting a Facilitator*

A facilitator is usually needed to design the partnering workshop, lead it, and conduct any training that is a part of the workshop design. Facilitators are trained specialists who help people design effective meetings and then serve as the meeting leader on behalf of the group. Facilitators are experts on how groups work together, as distinct from being experts on a subject matter such as engineering, environmental cleanup, regulatory law, etc. The facilitator's job is to take care of *process* so that participants can focus on the *content* of the meeting.

The idea of facilitation is to remove process issues—such as how the workshop is run—as a source of dispute by delegating those decisions to a third party who is impartial about the substantive outcome and who will act on behalf of all participants. Without a facilitator, the risk exists that the group will engage in competition, struggles for leadership of the meeting, and disagreements over what should be included on the agenda. A skilled facilitator will be able to suggest activities that will speed up the process of becoming acquainted and will know how to create a safe structure for dealing with conflicts. Once the team begins developing agreements, the team often starts dictating its own agenda and takes a more assertive role in prescribing its needs.

With internal partnering that involves only Corps entities, internal facilitators may be available. If the partnering involves external organizations, it may not be possible to use facilitators associated with any of the parties.

3. *Designing the Workshop*

It is useful for the facilitator to meet with the principals from each of the parties as a group. The purpose of this first meeting is for the facilitator to assess whether there is both a common understanding and shared expectations for the partnering process. The meeting is also an opportunity for the team members to share their thinking about what they want to accomplish in the workshop, its duration, and its location.

Occasionally, organizations ask the facilitator to conduct interviews with the team members prior to the workshop to identify attitudes, level of commitment, issues, or concerns. By summarizing the issues at the workshop, the facilitator can speed up the process of identifying issues candidly and objectively.

When working with the facilitator to design the workshop, team members should concentrate on what they hope to accomplish rather than try to prescribe the exact activities that will occur. The facilitator can take these expectations and draft a format that will meet those hopes. However, participants should have the opportunity to review any draft format that is developed.

Typically the workshop itself will last 2 or 3 days, although there has been a recent trend to shorter workshops. The agenda will usually include the following basic elements:

A. Activities designed to allow participants to become acquainted

B. A "self-perception" exercise, such as use of a structured personality or leadership style inventory, or a role-playing activity

C. Training in the skills and principles of effective team action

<u>Skills</u> to be taught include the following:

- How to listen effectively
- How to disagree without being disagreeable
- How to support each other's ideas

Principles to be taught include the following:

- Why use win/win decision-making
- Why negotiations should be based on interests, not positions
- Why people support what they help create
- Why problems are best addressed by using a systematic problem-solving process
- How to share leadership and participation in decision-making

D. Activities designed to develop team agreement on the following:

- Goals and objectives
- Dispute resolution procedures
- The charter, a document containing partnering goals, objectives, and agreements on how the team will work together

4. *Selecting a Location*

The initial partnering workshop is best held off-site, away from phones and other disturbances. Dress should be comfortable. It is often helpful to take some meals together and to avoid meeting in a facility owned by any of the participants. Meeting locations have symbolic as well as practical functions, so the "turf" should be as neutral as possible.

5. *Participating in the Workshop*

All team members should participate in the partnering workshop. Important changes in relationships can take place during the workshop, and new relationships are forged. Team members who are not present for this pivotal event may very likely feel "left out" later. Not only this team member but, indeed, the whole team can be affected.

Creating a Charter

The charter or agreement is prepared during the partnering workshop, but since it is so essential to partnering, it deserves special emphasis. Normally the charter or agreement includes the following:

- A commitment to engage in partnering
- A commitment to honest and open communication
- A commitment to collaborative problem-solving and a dispute resolution process
- A statement of the goals and objectives of the partnering effort

The charter should be signed by all participants. Often the charter is then duplicated with the signatures on them and distributed to team members and other organizational stakeholders. This reminds the team members of their commitment. Their signatures on the document also send a signal to their subordinates and others in the organization that the participants' credibility is on the line.

If specific targets are set in the charter, they should be balanced between realism on the one hand and genuine commitment and effort on the other. In the excitement of first coming together as a team, it is possible to have an inflated sense of how much change can be accomplished. Unrealistic goals can discourage a team as much as goals that are too modest. The following pages are sample charters from several Corps related cases.

STAGE 2: SUSTAINING A PARTNERING TEAM

A good partnering workshop is like the first quarter of a game. The outcome is usually still determined by how the rest of the game is played. It's as important to do a good job sustaining the team as it is to do a good job forming the team.

This stage doesn't follow a predictable sequence, but studies show that most effective partnering includes these elements:

- Developing an implementation plan
- Setting up ways to monitor how the team is working together
- Participating in periodic follow-up sessions
- Creating ways to reinforce team identity
- Participating in joint training or gaining new skills needed by the team
- Celebrating team successes

Figure 4
Baird & McGuire Partnering Charter

Partnering Agreement

Among EPA, USACE, Mass. Dep., Baird & McGuire Task Force, OHM

We, the partners of the Baird & McGuire Superfund Site, agree to work together as a cohesive team to produce a quality project, that protects and informs the surrounding community in accordance with the contract, on time, within budget, safely while enabling the contractor to earn a fair profit. Members of the Partnering team will deal with each other in a fair, open, trusting, and professional manner. In that spirit, we are committed to the following concepts:

Communication

1. Communicate problems openly and as early as possible.
2. Establish and maintain community relations through open lines of communication by keeping the public informed and an integral part of the cleanup process.
3. Resolve problems and make decisions at the lowest possible level in a timely manner.
4. Maintain a professional atmosphere of mutual respect and resolve personal conflicts immediately.
5. Communicate problems openly before resorting to written correspondence.
6. Develop a periodic evaluation program on the partnership's effectiveness.

Performance

1. Produce a quality product the first time through an effective and committed quality management program. (QA & QC)
2. Complete project ahead of, or on, schedule. (Avoid delays.)
3. Perform work in a safe manner minimizing recordable lost time injuries, and maintaining the utmost concern for public safety in the surrounding community.
4. Promote pride in workmanship by all members of the Partnering team.
5. Minimize formal disputes. (No litigation.)
6. Ensure successful project completion.

Agreed to this date May 26, 1993

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

Figure 5
CULLMAN-MORGAN PARTNERING AGREEMENT

CULLMAN - MORGAN WATER SUPPLY PROJECT
PARTNERSHIP AGREEMENT

Under the terms of this partnership, we, the Cullman-Morgan Water Supply Project Team, are committed to provide a project that meets the needs of the community.

We Agree To:

Maintain open communications
Work in the best interest of the overall project
Recognize individual strengths and optimize involvement through teamwork
Promptly resolve issues at lowest level
Deliver high quality products within budget and schedule

Our Goals:

Our team goals will be accomplished through mutual trust, responsiveness, and flexibility.

We, the undersigned are committed to this partnership, the welfare of each partner, and the success of the overall project.

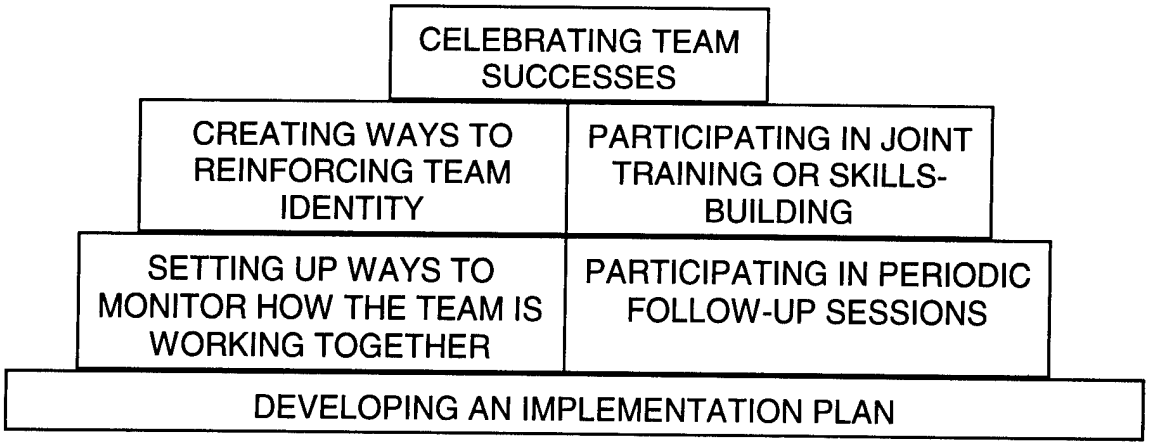
Chairman,
Cullman-Morgan Water District

Vice-Chairman
Cullman-Morgan Water District

JOHN L. WHISLER, JR.
LTC, CE, District Engineer
Nashville District

WILLIAM S. VOGEL
COL, CE, District Engineer
Mobile District

Figure 6
SUSTAINING THE TEAM
Stage 2 in the Partnering Process



Here are suggestions for how to implement each of these steps:

Developing a Partnering Implementation Plan

Organizational culture is usually learned by a kind of osmosis. People just assume that's the way "normal" people act. Because these expectations are unconscious, they're not even aware they exist. These expectations are like the "default settings" on your computer; they kick in automatically unless you make a conscious choice to change them.

Everybody on the partnering team brings these unconscious expectations to the partnering, based on his/her organization's assumptions about what constitutes normal behavior, and interprets other team members' behavior in light of those expectations. These expectations can lead to substantial misunderstandings and misinterpretations.

The only way to minimize these risks is to *substitute conscious expectations for unconscious ones.* This is why it is important for the Partnering team to talk about group norms, critique how it communicates, and agree on how it will handle disputes. Each of the new agreements replaces unconscious attitudes that can harm the effectiveness of the team.

The partnering workshop begins the process of establishing team agreements, but it is normally not possible to cover all the areas that require agreements. Increasingly, organizations are adding substance to the charter after the workshop by developing a more detailed implementation plan. A partnering implementation plan might include the following:

1. The roles and responsibilities of each organization as they relate to the team
2. Measurable objectives related to each goal
3. A written description of the dispute resolution process
4. A communications plan indicating how the team will consult with other stakeholders, whether internal or external
5. Mechanisms for sharing risks and benefits
6. A process to orient new members of the team

Usually these topics are discussed, at least briefly, in the partnering workshop, but the implementation plan spells out a concrete program for action.

Developing a Dispute Resolution Plan

Of the topics to be included in the partnering implementation plan, a dispute resolution plan may be the least familiar element. Dispute resolution processes should be appropriate to the specific circumstances of each team. The following are some of the points that might be addressed in the dispute resolution plan:

1. Agree to pursue a win/win outcome.
   The basic commitment is to look for "win/win" solutions rather than "win/lose" or "winner-take-all" outcomes. Without an understanding that all parties must be satisfied to achieve resolution, the rest of the dispute resolution process often breaks down.

2. Openly disclose interests.
   Agreement, up front, to provide full disclosure of interests can build a team relationship. Often participants do not let the others know their real interests for fear that such knowledge will strengthen the other party's hand. But during decision-making, the parties cannot take each other's interests into account unless everyone has been candid and open.

3. Agree to follow the process on all disputes.
   If the team sets up a dispute resolution process, team members should be expected to use that process. It is inappropriate for team members to use other processes unless the dispute resolution process has failed. This

means that regulatory bodies should avoid taking unilateral regulatory actions, stakeholders should avoid taking the dispute to the media, agencies should avoid using budgeting as a hammer, and so on, until the dispute resolution process has been tried.

4. Avoid negotiating through the media.
   It is useful to establish ground rules for how and when team members deal with the media. Generally speaking, team members should avoid comments to the media about any dispute currently being addressed by the team. Comments by one of the parties may be perceived as jockeying for negotiating position or abrogating the dispute resolution process. Either way, it can create bad blood that makes resolving the issues that much harder.

5. Recognize that timely resolution is crucial.
   Some teams establish deadlines on how long an impasse will be tolerated before the issues must be moved to the next stage in the dispute resolution process. Nothing is more likely to push a team member outside the agreed-upon process than the failure of the partners to address concerns in a timely manner.

6. Quickly assemble those who are needed to resolve the issue.
   Timely resolution is aided by a commitment from each organization to assemble quickly all those who are needed to resolve the issue.

7. Use different approaches for different types of disputes.
   It is helpful to establish various dispute resolution mechanisms to settle different types of disputes. Technical disputes may be resolvable with additional research or more discussion among technical staff. Third-party technical experts can also be helpful in these situations. For example, a technical issue might be resolved by having all sides present their information and interpretations to a panel of experts or a disputes review panel, who would render a nonbinding opinion. But if a dispute is over political philosophy or values, technical information alone is not going to solve the problem. In such a case, it may be more effective to get the dispute elevated as quickly as possible to the level of decision makers who can resolve such issues.

8. Commit to advocate for the decision when necessary.
   In some cases, decision-making authority resides outside the power of the partnering organizations. An example would be a cleanup plan that does not have sufficient funding from Congress. Even if everybody in an agency is supportive of the plan, it cannot make Congress produce a larger budget. What team members can do, when such circumstances arise, is agree to advocate, jointly and individually, the recommendations of the team to whoever has final decision-making authority.

Setting Up Ways to Monitor How the Team is Working Together

One of the critical tools for developing effective teamwork is periodic evaluation of how well the team is doing. Typically this is done by establishing objectives and criteria in the initial partnering workshop or in the partnering implementation plan. The criteria for measuring team success usually includes measures of productivity (cost, schedule, profitability, safety) and process, or how well the team did in resolving disputes and bringing about organizational improvements. Periodically the team should evaluate how well it is meeting these objectives and take corrective action as needed. When the partnering is finished, a final session to evaluate the effectiveness of the partnering effort, to recognize achievement, and to identify lessons learned is useful. A sample evaluation questionnaire is shown in Figure 7 (see page 39).

Some teams have used outside parties to conduct interviews with team members or other people interacting with the team to solicit perceptions of the productivity and effectiveness of the team. This information can then be summarized and provided as a stimulus to the team at follow-up sessions.

Working as a team means that you are likely to spend a lot of time in meetings. If the team is going to be effective, it needs to know how to use meetings effectively. Team members should not just *assume* that partnering team meetings will look exactly like normal meetings back in their own organizations. First of all, each organization has a different interpretation of what constitutes "normal." More important, many organizations use meeting styles that are appropriate for centralized decision-making, but not appropriate for developing mutual agreements. So teams need to identify and adopt procedures that will do the best job for a genuine team, as distinct from a functional organization.

Some teams find it very helpful to spend 5-10 minutes at the end of each meeting to talk about what they did well, and what they need to improve. One suggestion: when you're giving feedback to other team members, remember not to focus solely on behaviors that need changing. Reinforce useful team behaviors by commenting favorably on those that were helpful.

Some teams find it very helpful to have a facilitator for team meetings, but most teams use an outside consultant only occasionally. A team member can serve as facilitator, so long as the issue being discussed doesn't involve him or her so closely that it is impossible to stay neutral.

Some teams rotate facilitation responsibility, with every team member serving as facilitator periodically. There are many advantages to this. It shows that meeting leadership is not a matter of rank or status, but an important function required by the team. It sharpens the facilitation skills of team members (which can be very useful both in project management and in dealing with the public on controversial issues). Finally, serving as facilitator often sharpens awareness of the behaviors that individual team members need to engage in for the team to be effective.

Figure 7

Figure 12. Sample Partnering Evaluation Form

The Partnering Rating Form developed by the group will be completed by participants on a monthly basis. The intent of the form is to monitor the effectiveness of the overall partnering effort—not to rate how "the other guy" is doing.

PARTNERING EVALUATION FORM

	LOW 1	BELOW AVERAGE 2	AVERAGE 3	ABOVE AVERAGE 4	EXCELLENT 5
Teamwork					
Understanding "Other" Position					
Walk The Talk					
Mutual Respect					
Openness					
Honesty					
Professionalism					
Quality of Synergy					
Trust					
Effective Communications					
Responsiveness					
Issue/Conflict Resolution					
Goal Clarity					

TOTAL: _____ AVERAGE: _____

Observations: _____

_____

_____

Plans for Improvement: _____

_____

_____

Award Recommendation: _____

_____

Signature: _____ Date: _____

1 (Low) - Consistently fails to meet expectations of Partnering team
2 (Below Average) - Occasionally fails to meet expectations of Partnering team
3 (Average) - Meets expectations of Partnering team
4 (Above Average) - Occasionally exceeds expectations of Partnering team
5 (Excellent) - Consistently exceeds expectations of Partnering team

Participating in Periodic Follow-Up Sessions

Experience shows that without follow-up sessions, the "us/them" adversarial mentality can creep back in. There have been several cases where partnering was considered an initial success, but without follow-up sessions, misperceptions and miscommunication developed and the relationship soured.

Typically, the follow-up program consists of periodic workshops. Follow-up sessions differ from normal team meetings in that, instead of concentrating on immediate work tasks, they focus on how the team is communicating, whether there are unresolved issues, whether roles and responsibilities are clear, how well the team is doing in meeting its goals, how well the dispute resolution process is working, and what problems exist with "parent" organizations. Follow-up sessions may also include brief refresher training sessions. Typically follow-up sessions last at least one day, with some partnering teams allowing two days. Usually a facilitator is retained to lead these sessions, and attendance should be given high priority.

Several individuals experienced at partnering recommend holding follow-up sessions at approximately quarterly intervals. However, successful partnering efforts have used other approaches. In one case, the partnering participants filled out a quarterly questionnaire that addressed issues such as how the team was communicating and what unresolved issues needed to be addressed. This questionnaire was used as a diagnostic device, with team sessions called as needed to address any problems. In other cases, periodic conference calls are used to identify problems or concerns.

Another reason for periodic follow-up sessions is the inevitable changes in personnel that can be expected. In the Baird & McGuire case, for example, the contractor's staff changed completely during the course of the project, and there were seven changes in the project manager. Without constant re-education in the principles of partnering, personnel changes will inevitably water down the commitment to partnering.

Orientation for new members is imperative. The team as a whole should take responsibility for this orientation, not just the individual organization for which the new team member works.

Beyond sustaining the commitment of team members, there is also a need to sustain or expand the understanding and commitment of individuals in procurement, design and engineering, counsel, human resources, and virtually any other part of the organization involved in establishing requirements or procedures that impact the operation of the team. This is especially true at the installation level where there must be coordination among actors over a variety of projects.

One of the ways to obtain this support is by doing internal partnering. Those people involved in the inter-organizational team could participate in an internal partnering workshop with representatives of all the support organizations. An alternative is to provide brief training programs for all support staff.

Creating Ways of Reinforcing Team Identity

While a partnering workshop can "jump-start" the process of building trust, in the long run nothing completely substitutes for spending a lot of time together. Research shows that most of the best teams "work hard, play hard," but do both together. Obviously, this isn't always possible. But make choices to increase the amount of interaction whenever possible.

Many groups also use visual reminders of group identity. For example, some groups have their charter blown up to poster size, and hang it on the wall in each team member's work space. Another group had its charter made up on throw-away paper place mats that team members used when they had lunch together as part of regularly scheduled meetings. Other teams had purchased coffee mugs, t-shirts, or baseball caps with a team logo.

Depending on the project, it may be appropriate for a partnering team to have a room dedicated to its activities. Having a team room strongly reinforces team identity. This room may simply be a meeting room where the team is able to leave up all its charts and flip chart sheets. A more ideal arrangement is a large enough space so there can be workstations clustered around an open meeting space that can be reconfigured, as needed, for different kinds of meetings. A dedicated work space would probably be appropriate only if team members are going to work together frequently, or are housed at a project site.

Many partnering teams find it helpful to be connected electronically. As a minimum, being connected by E-mail is a very useful way of exchanging information in a timely manner. Most E-mail software allows the sender to *copy* the message to a whole group, so the message needs only sent once, and the whole team gets the same message. If the team has access to a computer network, it can also use groupware that allows the team to work together on tasks, sharing computer files.

Teams that are hooked together electronically have discovered that while electronic communication is very useful for exchanging information, it doesn't by itself build trust. Trust-building is something that needs to take place in person. It is still necessary to hold a partnering workshop and have periodic refresher sessions face to face. Once the relationship is built, then electronic communication is a distinct benefit.

Participating in Joint Training or Gaining New Skills Needed by the Team

In most organizations, training is focused on individuals. In team building, the crucial consideration is what skills are needed in the team. Some of these skills might be acquired by individual members. Other skills may be needed by all team members.

Developing a team training plan accomplishes several things: (1) it says that the team thinks skills training is important, (2) it establishes a priority for team members to get the training they need, and (3) it provides the support of the team in getting funding for training from the various partnering organizations.

For those skills needed by all team members, some form of joint training is particularly effective. Everybody gets the training at the same time, and the team as a whole builds commitment to using the skills. If you schedule joint training, be sure to allow time in the schedule for open discussion of how the skills will be used in the team.

Celebrating Team Successes

Teams need a sense of accomplishment. Teams need to believe they are doing something that matters, and when they succeed, that success needs to be celebrated. Hold victory parties. Make announcements over loud-speakers. Put up celebratory banners. Buy each other little trophies or mementos (keeping in mind appropriate ethics requirements). Do almost anything to reinforce the performance success of the team.

Chapter 5

LESSONS LEARNED ABOUT PARTNERING

The Corps has used formal partnering in a wide variety of circumstances. Here are some of the lessons learned from these experiences:

- ***Partnering is not a substitute for experienced, compatible and skilled personnel on the job.*** If the mix of people and skills is wrong, all that partnering will do is surface the problem more quickly. If there are major problems, both sides need to act quickly to change the personnel.

- ***Continue partnering even on difficult projects.*** There can be major problems on projects even when partnering is used due to shortages of money, weak managers, unexpected technical problems, or the mix of personalities. Experience shows that even on very difficult projects, things go better with partnering than they would without it.

- ***Place the emphasis on resolution of disputes rather than mere avoidance.*** While a concern for prevention of disputes is important and legitimate, too much emphasis on prevention can create an "avoidance at any cost" mentality that is not productive.

- ***Set realistic goals.*** While it is worthwhile to work towards goals such as "no claims," or "no time growth," be sure you don't set yourself up for failure. Impossible goals can create so much pressure that the partnering team may not acknowledge circumstances where claims, time delays, or increases in cost are justified and appropriate.

- ***Have an open and candid discussion of what partnering means when it comes to contractual issues, particularly how modifications and changes will be made.*** Such discussions should be targeted at very concrete issues on the project or involve discussion of case studies that illustrate different interpretations of partnering applied to contractual issues.

- ***Don't pass over statements made during the partnering workshop that seem to be "out of sync" with the philosophy of partnering.*** Sometimes, in an effort to create a team atmosphere, there is a tendency to gloss over comments that are consistent with the partnering philosophy. Experience shows that these statements often reflect real attitudes that emerge later in the project, and need to be discussed up front.

- ***Target any evaluation processes -- such as the use of scorecards -- on the relationship or process, not on deficiencies of the participants or on the number of problems that have arisen.*** Base the evaluation on the participant's personal experience of the process, not on what he or she is hearing from other people.

- ***Be sure that staff, not just management, have a commitment to partnering.*** Management of the partnering organizations cannot assume that because they support partnering, staff will also. Partnering is as much an attitude as a specific behavior (such as attending a workshop). While management can force compliance on the behavior, the attitude must come from within the staff itself.

- ***Create an environment in which working together is rewarded.*** This may include creating contractual arrangements or mechanisms that share benefits and costs. Although often required, fixed price contracts -- particularly on unique or technically challenging projects -- do not provide a congenial climate for partnering. The nature of a fixed price contract tends to push people into assigning blame for any problems, rather than working through them as if they were "our" problem.

- ***Treat a change in major staff, such as a project manager, as an important event.*** Changes in key people may require revisiting the partnership relationship at a level similar to project kickoff.

- ***Provide for partnering in the initial project budget, so that putting together the money each time is not a barrier.*** Partnering is a legitimate project cost, and can be budgeted. Local sponsors can earn credits for time spent in the partnering process.

- ***Take problems to senior managers promptly.*** While partnering typically forces problems out in the open sooner, occasionally it allows senior management to avoid making hard decisions because everybody in the partnering team keeps stretching to keep the problems from breaking the project. Sometimes it might be better if senior management had to acknowledge that things were broken, and make the hard decisions.

- ***Include Corps contracting officers -- and people with equivalent authority from all the other parties -- on the partnering team.*** Major problems can occur if teams try to resolve problems by mutual agreement, but have no contracting authority to implement their solutions.

- ***Use partnering to smooth transitions.*** Whenever there is a transition -- for example, when the internal transition is made from design to construction, or when transferring facilities to another entity for operation and maintenance -- partnering can ensure that the *handoff* is accomplished without fumbling.

Chapter 6

FREQUENTLY ASKED QUESTIONS ABOUT FORMAL PARTNERING

The following are responses to some of the questions about partnering that are raised most frequently:

What Are The Legal Constraints On Partnering?

Partnering alters the traditional *arms-length* relationship between the Corps and other agencies, contractors, communities, or stakeholders. The arms-length relationship often turns into an adversarial relationship that can lead to situations in which none of the parties achieve their objectives. But as the Corps moves out of this adversarial relationship, there are genuine constraints on ethical conduct that must still be observed.

All Corps employees must meet the Standards of Ethical Conduct for Employees of the Executive Branch (Part 1 of Executive Order 12674 and 5 C.F.R. Part 2635 Regulation August 1992) and the DoD Joint Ethics Regulations (DoD 5500 - 7 - R, August 1993).

The basic thrust of these standards and regulations is that Federal employees act impartially and not give preferential treatment to any private organization or individual.

The obligation of a Federal employee is to avoid any actions that create the appearance of violating the ethical standards in Federal or Corps standards or regulation. If there are questions, consult with a Corps Ethics Counselor.

Beyond issues of ethics, legal considerations arise whenever any of the parties in a partnership are also parties to litigation. Consult Corps attorneys for advice on how to address such issues. Even when there is litigation partnering may be desirable, possibly removing the issue or the party from litigation.

Corps attorneys encourage partnering because it is a preventive approach that can dramatically reduce the need for litigation. But it is important to remember the ethical and legal sideboards that must be observed even during partnering.

Some Pointers from Legal Counsel

Federal ethics regulations govern transactions with "prohibited sources"—any non-Federal person or organization that does business with or is trying to influence a decision of a Federal agency. Here are three key points to remember during partnering:

- State agencies, local officials, and even nonprofit organizations, are "prohibited sources" if they are trying to influence Federal decisions.
- During the course of partnering, non-Federal parties cannot pay for your meals or lodging.
- Non-Federal parties must be shielded from access to information that would give them preferential treatment in obtaining another contract.

Will Personal Relationships Become So Strong that Laws and Regulations Won't Be Enforced Properly?

This fear is probably overstated, although reasonable caution is legitimate. The Corps must observe legal and regulatory constraints, and there are ethical standards that will need to be met. Regulators must be credible to the public they represent, and contractors must protect their economic viability. On the other hand, a great price can be paid for the "wall of paper" that is created to protect the agencies in the event of litigation.

An example of the kind of issue that might come up is whether to relax specifications or criteria at the request of one of the partnering parties. This decision may be within the discretion of the agencies. In the past, such decisions often became the subject of interagency disputes or contract claims. One of the purposes of partnering is to create a sense of "team," reducing struggles of this kind. But relaxing a specification or criterion cannot be done just to "get along" or make people happy, or even to demonstrate to management that you have the partnering spirit. There has to be a technical reason to support changes.

Partnering stresses the commonalty of most interests and creates a willingness to support each other in meeting those interests that may not be common, so long as they are not in conflict. When the potential for conflict arises, there are agreed-upon dispute resolution mechanisms that permit the conflicts to be addressed and resolved before they begin to affect the team's productivity.

Is the Goal to Have No Claims?

No. The goal is to have no claims based on miscommunication or failure to work together. Sometimes, even with excellent communication and good intent, genuine differences will remain. This means that sometimes there will be claims that require use of formal dispute resolution techniques, and there may be claims that cannot be resolved except through adjudication.

Is Partnering All Relationship and No Substance?

This concern just doesn't fit the facts. Partnering results in tangible, measurable results. This is particularly easy to see when partnering is used at the project level. There are demonstrable savings in cost, time, and safety. It is sometimes more difficult to measure the benefits of partnering when implementing a program or developing a policy, but people who have participated in partnering at these levels believe that it was well worth the effort.

How Much Does Partnering Cost?

The most expensive aspect of partnering is the staff time spent in the partnering workshop and follow-up sessions. This is an up-front expenditure that can save a great deal in the long run. Experience with partnering demonstrates that a preventive approach to issues usually saves staff time over the life of the program or project, including costs of litigation and overhead.

The facilitator is the next largest up-front cost. Facilitators range in cost from $500 to $2,000/day. Some teams use two facilitators. If the facilitator is going to work with the team throughout the process, the budget should also include time at maintenance meetings and time for any other appraisals or analysis that the team wants the facilitator to provide. The total cost for a facilitator depends upon the needs of the particular partnering effort.

The third cost factor is the travel expense associated with the initial team-building session. This includes transportation, meals, and lodging. The final cost factor is the cost of meeting room space for the initial team-building session and periodic maintenance sessions.

Partnering costs are legitimate project costs. Planning for or budgeting for these costs sends the message that this is an important element in project success.

Where Can I Get More Information on Cost Sharing Agreements?

Information is available on two web sites:

- http://www.usace.army.mil/cecc/ccpca.htm (Counsel Homepage)
- http://www.usace.army.mil/inet/functions/cw/ (Civil Works Policy Division)

Is Formal Partnering Justified on Small Projects?

Formal partnering does involve an up-front commitment of time and money, and a number of studies show that this is a wise investment on major projects. The Corps' Institute of Water Resources sponsored an analysis of partnering on several small Corps projects to determine their success (See IWR Pamphlet 95-ADR-P-6). This study concluded:

> "Corps (CE) managers that have instituted partnering in small projects have noticed significant benefits in the form of completion of successful projects on time, within budget, and with few accidents. Many CE managers note that small projects often contain many of the same complexity and coordination issues of larger projects. In addition, some have noticed an increased quality of work life for CE personnel, a reduction in cost growth, and lower bids from some contractors experienced with partnering."

The study also analyzed those factors that make it more likely that partnering will be beneficial. The study concludes that partnering is particularly valuable if:

- The project is complex.
- Changes are likely during the project.
- The project involves unique characteristics and concerns.
- The public may be impacted during construction.
- An inability to meet the schedule will have negative consequences.

The study reports that on smaller projects, people are likely to take steps to hold down partnering costs. Examples include: (1) cutting the partnering workshop down to one-half day, (2) using an internal facilitator, or (3) using the coordination team (specified in a Local Cost-sharing Arrangement) as the mechanism for partnering.

How Do We Find Time for Partnering?

Partnering is actually a way to reduce work, but it is a preventive rather than fire-fighting approach. One of the barriers to partnering is the attitude that building

relationships is a luxury, something to be done when there is plenty of time. In fact, it is often problems with relationships that create extra work—and work that is nonproductive.

How Do We Change People Who Are Stuck in the Traditional Way of Doing Things?

Organizational change requires training, incentives, and peer pressure. Some people will be excited by the opportunity for innovation. Participation in an internal team-building session provides training as well as peer support for making changes. Management may also need to issue clear policy guidance and provide incentives for those people who engage in partnering. When possible, it is useful to surround the partnering team with people from support organizations who are enthusiastic about partnering.

What If Other Stakeholders Fear the Corps Will Dominate the Partnering Relationship?

To allay this fear, it is useful to provide these stakeholders with names and phone numbers of other stakeholders who have participated in partnering. It can also help to bring in those who have previously participated to talk with concerned stakeholders. Ultimately, of course, the only proof that partnering is a process for equals is actual experience of the process.

What About People Who Don't Want to Take Any Risk?

One of the primary reasons people refuse to accept risk is because they have no strong incentives for doing so. Management must provide strong incentives for taking risk, and when there is a problem, fix the problem rather than fix blame.

What Do We Do if Conflict Occurs After Partnering Efforts?

Experience shows that once a dispute arises, it is important to address it promptly and resolve it before it escalates. If collaborative problem-solving proves ineffective, it may be helpful to use a designated alternative dispute resolution (ADR) technique to obtain resolution. The fact that such an agreement is in place—so that participants know what happens if they reach an impasse—may keep the impasse from occurring.

Do We Really Need to Use Outside Facilitators?

If you are doing internal training or team building, internal facilitators may be credible. If you are involved in multi-organizational partnering, then the neutrality of the facilitator is very important. Typically, the cost of the facilitator is small compared with the cost of staff time (see Appendix IV, page 81).

Is Partnering Just the Newest Management Trend?

Partnering is a powerful tool for improving efficiency and effectiveness. But its ultimate value rests on the willingness of people to use it and make it a success. If it saves time and money, it will last.

Appendix I
PARTNERING IN ACTION

Here are several case studies showing both informal and formal partnering in action. These case studies have been chosen to illustrate how partnering can be used in different phases of the Civil Works mission, as well as in the Regulatory Program.

Informal Partnering

White River Dissolved Oxygen Committee

Type of Partnering:
Informal partnering during operations and maintenance

Participants:
Corps of Engineers Little Rock District, Southwest Power Administration, Arkansas Game and Fish Commission, Arkansas Soil and Water Conservation Commission, Arkansas Department of Pollution Control and Ecology, Arkansas Department of Parks and Tourism, Missouri Department of Conservation, and Missouri Department of Natural Resources

Background:
In the 1940's, 1950's and 1960's, the U. S. Army Corps of Engineers constructed six flood control dams, five with hydroelectric generating capacity, along the White River and three of its tributaries, the North Fork, Black and Little Red Rivers.

The construction of these dams created large reservoir lakes and recreational demands on these lakes have grown dramatically in the last two decades. But construction of the dams also resulted in the loss of small-mouth bass fisheries due to the release of cold water. To partially mitigate this loss, trout were stocked once it was determined they could live in the release.

In the late summer and fall, the water that is released at the base of each dam to generate electricity is deficient in oxygen. When there is less than 4 ppm, trout will be impacted and possibly die; and below 2 ppm, they are likely to die. This problem is worse in some years than in others. When low dissolved oxygen is a problem, those interested in trout want hydroelectric facilities to reduce the level of water they release, and, if possible, to add air to the discharge. Hydropower interests have historically been reluctant to do this because they will produce less electricity at such times and lose revenue.

Tensions between hydropower and trout interests have been growing for years throughout the nation. On the White River, this tension was exacerbated by fish kills in 1954, 1963, 1964, 1971, & 1972. (Opinions differ on the causes of these events).

Process:
In October 1990, a number of stocked trout, as well as some naturalized brown trout, were reported to have died downstream of the dam at Bull Shoals reservoir. Testing by state officials indicated the water below the dam to be less than 2 ppm. The Arkansas Game and Fish Commission (AGFC) asked the Corps to reduce the level of released water.

The Corps and SPA did reduce outlet flow and vented turbines in early November. They established an operating target of 4 ppm which was claimed to allow trout to survive while not seriously curtailing hydropower operations. Temporarily, this brought the conflict to an impasse.

On 27 November, then Governor Bill Clinton requested a meeting of Corps officials from the Little Rock District, the Southwest Power Administration (SPA), the Arkansas Game and Fish Commission (AGFC), the Arkansas Soil and Water Conservation Commission (ASWCC), the Arkansas Department of Pollution Control and Ecology (ADPCE), and the Arkansas Department of Parks and Tourism (ADPT).

The "Ad-Hoc Committee on Project Operations—White River" was organized following the meeting with a representative of Governor Clinton. The Committee consisted of representatives of the Corps, the SPA, and the four state agencies.

By June 1991, the "Ad-Hoc Committee" had completed an interagency agreement for dealing with the dissolved oxygen problem below the Bull Shoals and North Fork Dams for the 1991 season. The agreement required compromise from all parties and was not achieved without conflicts among the representatives. "We brought a history of distrust among the agencies into the group" observed one participant. "We had to learn a lot about the practical and technical concerns of each agency," commented another member.

The operational plan to hold turbine releases to a 4 ppm target was implemented successfully between July and December, 1991. There were no major fish kills, and operational arrangements between the agencies proceeded as agreed. Meanwhile, explorations of long-term solutions made it clear that the major options would be very difficult and costly.

In January 1992, the Ad-Hoc Committee met to evaluate the first year's implementation of their joint agreement and developed a 1992 operational plan. Additionally, the Committee agreed the state would undertake a fish monitoring study to better understand the impact of low dissolved oxygen on rainbow and brown trout.

In early October 1992, many of the members of the Ad-Hoc Committee traveled to Knoxville, Tennessee, to learn about efforts by the Tennessee Valley Authority (TVA) to deal with the dissolved oxygen problem. "The trip was helpful in three respects," commented a participant. "It gave many of us a chance to get to know each other better. It introduced us to some promising technology, and it demonstrated a comprehensive approach undertaken by TVA in dealing with reservoir management issues."

Following the TVA visit, the Corps Little Rock District investigated the possibility of utilizing a technological innovation at Bull Shoals and North Fork dams used at several TVA dams. The technology involved the use of hub baffles on power plant turbines to pull more air into the turbines to increase dissolved oxygen levels. As events occurred, the Corps canceled tests related to the potential use of hub-baffles because the Bull Shoals reservoir was beginning to "turn over," and Corps officials feared the tests would be inconclusive. This event upset a number of Committee members. "Whatever the reasons, this slowed our progress," commented a participant, "and it gave the perception—whether fair or not—that the Corps was dragging its feet or not able to get through its bureaucracy to make a timely decision."

The controversy over the cancellations of the hub-baffle tests was aired at a 2 November 1992 meeting of the Committee. It was agreed that "lack of communication" caused the controversy. The Corps representatives committed to provide the Committee with the proposal from its Waterways Experiment Station (WES) to undertake tests at a future date.

In January 1993, all of the participating agencies agreed, in concurrence with the Arkansas Governor's office, to formally combine the short- and long-term committees into a single committee known as the "White River Dissolved Oxygen Committee." The new committee also included two agencies from the state of Missouri, the Department of Conservation and the Department of Natural Resources. While the previous short and long-range committees had been chaired by representatives from the Corps, the representative from the SPA was elected as chair of this new committee. The revised or reformulated committee, while including two new agency representatives, included most of the individuals who had previously represented their agencies.

By August 1993, the White River Dissolved Oxygen Committee had agreed upon an operational plan for this low dissolved oxygen season for the third year in a row. As a result of Committee efforts, additional dissolved oxygen monitoring stations had been established. The Corps had undertaken preliminary tests and had installed hub-baffles on turbines at Bull Shoals and North Fork Dams to conduct additional tests.

Outcome:
For three years, the Corps, in concert with the other agencies, has demonstrated the ability to develop cooperative operational procedures to manage the dissolved oxygen problem at Bull Shoals and North Fork Dams. Long-term permanent solutions have been more elusive. This is understandable for many reasons. One reason is that the issue of dissolved oxygen is a broader national policy concern, especially in relation to the Corps. The Corps operates hundreds of reservoirs and dams throughout the nation that are exempt from Federal Clean Water Act regulations. The dams constructed by the Corps were created in an earlier era for purposes of flood control and energy production. Increasingly, for several decades, public interest has grown in recreational amenities provided by the reservoirs and dam tailwaters. While the Corps has attempted to come to grips with these changes and competing demands, neither Congress nor successive administrations have provided clear policy guidelines regarding these matters. While the Corps, and each of the districts, attempt to accommodate the growth in recreational interests, it has no clear mandate or particular guidance.

Because of this situation, the Corps was cautious in this case. The dilemma for the Corps, in regard to these long-term considerations, is poignantly reflected in the following statement included in the 1993 plan of the Committee: "It is recognized there are legal and technical considerations for each agency that go beyond the goals of the short-term action plan for 1993. The participation by an agency representative in the development of the 1993 plan does not preclude that agency from pursuing any action deemed appropriate relative to its long-term needs and goals."

The Wilmington District Programmatic General Permit

Type of Partnering:
Informal partnering in the Regulatory Program

Participants:
Corps of Engineers Wilmington District; North Carolina Division of Coastal Management; U.S. Fish & Wildlife Services (USFWS); National Marine Fisheries Service (NMFS); U.S. Environmental Protection Agency; North Carolina Department of Environment, Health, and Natural Resources; and North Carolina Department of Cultural Resources

Background:
The Wilmington District has a programmatic general permit (PGP) with North Carolina based upon a State of North Carolina Coastal Management Plan that covers the 20 counties along the coast. The permit dates back to 1982, and was one of the first in the country. It's still in place, although it has been modified along the way. The plan is administered by the State Division of Coastal Management (NCDCM).

Process:
Wilmington District staff describe the process of getting the original programmatic general permits in place as "a bit like birthing an elephant." They did it in a series of monthly meetings with all the Federal and state agencies. Twenty to thirty people would attend. These were not just field-level people, but people who could make commitments for their agencies. They met monthly for over a year. The Corps would prepare a draft and distribute it. All the agencies would comment on it. There were numerous drafts until everybody was satisfied. Several times the District thought they had reached final agreement only to have one agency raise another point. So it was very time intensive, but in the long run it has been more than worth it.

Environmentalists were not at the table, but they did have an opportunity to comment. The Corps put out several drafts, inviting public comment. They took this comment seriously. In fact, the clause which permits the Corps to pull out any permit was put in based on public comment.

The monthly meetings to get agreement on the overall permit led to monthly meetings to discuss projects. For the first 6 to 8 years there were joint monthly meetings to which the field-level people of all the Federal and state agency people were invited. This wasn't a processing meeting. They simply talked through their ideas and concerns about each permit. This built up a level of trust and respect over time. After awhile, a number of the agencies stopped coming, and when the Corps asked why, the agencies said they saw no need to continue since they were confident their issues were being addressed. Eventually they stopped having the meetings altogether.

While there is considerable overlap between the Federal and state jurisdiction, they are not identical. But the Corps and NCDCM agreed that the goal was to try to make the two reviews as nearly one process as possible. They've even developed a joint application. The applicant completes it and then sends one copy to the state, and one to the Corps.

The NCDCM sends out a field rep who writes up a "biologist's report" which describes conditions on the site, types of vegetation, acres of wetlands, and so on. The NCDCM sends this report to the Corps and to all the other reviewing Federal and state agencies, including USFWS, NMFS, and EPA. This mailing of the report serves as the official notice to the agencies, so that the 30-day clock starts ticking. The applicant is required to place a public notice in a local newspaper, which kicks off the public comment period.

The Corps essentially becomes the coordinator of the comments from all the Federal agencies. The Corps ordinarily doesn't make any field visit. The Corps simply pulls together the comments from all the Federal agencies and develops a list of recommended conditions. Typically the state accepts those conditions and includes them in its permit. The State actually issues the Coastal Management Permit. The Corps then sends an authorizing letter which validates that permit from a Federal perspective.

If agencies have objections, or the state is unwilling to accept the conditions recommended by the Federal agencies, then the Corps issues a 15-day notice and it becomes an individual permit. This has only occurred 10 to 15 times since 1983. The Corps also has the option of pulling out a permit at any time. This has only happened 8 to 10 times, on large, controversial projects.

Outcome:
The process works because of the trust among the Federal agencies. The other agencies have to be sure the Corps will protect all their 404 rights. If that's not established, the other agencies will be harassing the process at every step.

According to Wilmington District staff, the PGP has worked exceedingly well, and has saved enormous amounts of time. Some of these savings occur because the Corps doesn't have to do a separate evaluation and field work. The key is to have a good working relationship with the other Federal agencies. Their trust in the Corps is essential. To earn this trust, the Corps had to listen carefully, protect their rights, respect their input, and be very diligent. As a result of this, the working relationship is very good, and the level of trust is there. It would be a major impediment to the program if that trust wasn't there.

There is a challenge when a new person comes in from any of the agencies. Some of them come in with mistrust and adversarial attitudes that are uncharacteristic of the way this process works. The best way the District has found to handle this is for the Corps field people to work very closely with this person. They have to be shown that the process works and that the Corps will stand by them when necessary.

The Corps and other agencies are able to track the impacts using a computerized data base. But basically, since it is a joint process, if the process is followed properly there should be no more impact than if there had been individual permits. In reality, there have probably been slightly fewer impacts because the joint state and Federal efforts tends to be slightly more restrictive.

Bayou La Batre Deepening

Type of Partnering:
Informal partnering during design and construction

Participants:
Corps of Engineers Mobile District, Mobile County, City of Bayou La Batre, and Bayou La Batre Port Authority

Background:
Bayou La Batre is a narrow winding estuary, located in the City of Bayou La Batre, Alabama, on the Gulf Coast, and is heavily populated with seafood processing plants and small shipbuilding yards. This is the location of the fictional "Bubba Gump Shrimp Co." of *Forest Gump* fame. The bayou was an existing 12-foot deep Federal project, and local interests have dreamed of a deeper channel for many years.

Process:
A feasibility study was completed in the late 1980's and the project to deepen the bayou to 18 feet was authorized in WRDA 90. Because the waterway is heavily developed, existing bulkheads and piers needed replacing to accommodate the increased channel depth, resulting in an abnormally high non-Federal cost.

Although a formal partnering process was not used, the principles of partnering were evident in the negotiations and teamwork that led to a successful project. The final cost sharing included funding of $7 million Federal, $6 million state, $2.5 million county, and $2.5 million city. The LCA was signed with the state, but

a sub-LCA involved the county and city and designated the city, acting through its Port Authority, as the action arm. The project was divided into three phases: dredging the approach channel from the Gulf of Mexico, replacing bulkheads, and finally, dredging the bayou.

Outcome:
The successful teamwork that was established during feasibility carried through design and construction. As expected in such a confined and congested space, many issues developed, but the communications between the Corps, city, and sponsor's A&E, kept them from escalating into major problems. For example, when a bulkhead that was not replaced collapsed during dredging, the team quickly determined the cause and responsibility for repair, without finger pointing and the involvement of lawyers. Similarly, when a landowner made allegations that his structure would be undermined, the Corps and sponsor were able to reply as a unified team, although he attempted to cause a rift. All team discussions were honest, candid, and productive, and the project was successfully completed in June 1997, with no lingering claims.

Black Warrior-Tombigbee Waterway, Alabama

Type of Partnering:
Informal partnering during operations & maintenance

Participants:
Corps of Engineers Mobile District and Black Warrior-Tombigbee Waterway Users' Group

Background:
The Black Warrior-Tombigbee (BWT) Waterway is a heavily used (20-25 million tons annual commerce), 385-mile waterway with 6 locks, which connects the coal mining areas of Alabama with the deep water port at Mobile. The modernization of the waterway, increasing all locks to 110 feet by 600 feet, was completed with the opening of the Oliver replacement lock in 1991. The waterway is narrow and winding, with a number of obstacles impeding smooth navigation, including several railroad bridges with narrow spans, located in bends.

Process:
The Mobile District has had a close working relationship with the waterway users' organization for a number of years, and that alliance has become especially effective over the past 10 to 15 years.

Without a formal structure, the users group meets with the appropriate Corps representatives at least twice a year to discuss needs and to jointly develop plans. These meetings originally involved Corps O&M personnel, but with the advent of Project Management in 1988, a PM has been assigned to facilitate communications and to develop funding and construction strategies for identified projects.

During these meetings, new O&M projects, such as bridge fenders, mooring cells, and disposal area, are often identified and prioritized jointly by the users and the Corps. The users group then works with their Congressional delegations to authorize and fund these projects through the Appropriations process.

Outcome:
This process has led to authorization of several projects. For example, after the users identified an oversized, protruding railroad bridge fender as a serious problem, the PM assembled a team of waterway and railroad interests to develop an innovative design for a replacement fender that would be smaller and less damaging. Since the waterway users and the railroad had diametrically opposing views as to the problem and need for correction, partnering techniques (active listening and interest based negotiation) were used to find a mutually beneficial solution. The users organization then successfully lobbied for additional O&M authorization and funding for its construction.

Formal Partnering

Cullman Dam, Cullman, Alabama

Type of Partnering:
Formal partnering between Corps Districts and A&E firm

Participants:
Corps of Engineers Nashville District, Corps of Engineers Mobile District, and the architect/engineering firm

Background:
The FY 1993 Energy and Water Development Appropriations Act provided $5 million to the Appalachian Regional Commission (ARC) for the development of water supply for the City of Cullman, Alabama. Based on prior local studies, Cullman had identified a reservoir on a tributary of the Tennessee River as the best source of additional water.

Process:
The Nashville District was asked to conduct further studies which resulted in the identification of a site on another stream, located within the Mobile District boundary as the best alternative.

Because of the proximity of the project to a Corps District boundary and the prior and continued involvement of the sponsor's A&E, this project begged for partnering. Each District thought it should be their project and the A&E felt their involvement prior to the Corps' should put them in a leadership role.

Most of the participants claimed a working knowledge of partnering and they clearly saw the common interests. The kickoff workshop was limited to a half-day session due to the prior knowledge and high cost involved with such a large geographic separation. The Mobile District's Project Manager served as the facilitator. The attached agreement was executed at the workshop.

Outcome:
The projected work has been split relatively evenly, with each District and the A&E getting about one-third of the work. The technical design is being shared electronically through an extension of South Atlantic Division's "Regional Village" concept where designers over 400 miles apart are sharing Computer-Aided Design Data (CADD) files to ensure a fully coordinated product.

Work is only beginning and there is no track record yet, but all partners are enthusiastic and cooperative. There is a big incentive, especially for the Corps. The design is being performed with Federal (ARC) funds, and the Corps was designated by Congress to assist. The construction, however, will probably be funded locally, with no requirement for the City to use the Corps' services. If the sponsor feels the Corps is a strong asset, they will want the same momentum carried through construction. On the other hand, if they sense inter-District inefficiencies or bickering, they will construct it themselves.

South Carolina Highway Mitigation Project

Type of Partnering:
Formal and informal partnering involving other agencies and interest groups

Participants:
Corps of Engineers Charleston District, South Carolina (SC) Department of Transportation, SC Department of Natural Resources (SCDNR), SC Department of Health & Environmental Control (SCDHEC), SC Office of Ocean & Coastal Resource Management (SCOCRM, now a part of SCDHEW), and U.S. Fish &

Wildlife Service (USFWS), U.S.Environmental Protection Agency (USEPA), National Marine Fisheries Service (NMFS), Federal Highway Administration (FHWA), Winyah Bay Focus Area Task Force, and South Carolina Coastal Conservation League

Background:
The Corps has regulatory responsibility on all projects built in wetlands, even when built by other state or Federal agencies. In South Carolina, many highway construction projects impact wetlands, so the Corps has frequent interactions with the South Carolina Department of Transportation (SCDOT) regarding projects requiring 404 (wetlands construction) permits.

Process:
The Charleston District of the Corps and the State Transportation Department have been meeting to resolve issues for a number of years, but several years ago decided to engage in formal partnering. The partnering session itself was facilitated, following a standard partnering format. Participants were from the Corps and SCDOT, as well as representatives of all the other state and federal agencies listed above. During the session, they identified issues of concern to all the participants and developed a charter.

Following the initial partnering session, the agencies decided to have regular partnering meetings, but soon found it was better to get together when there were major issues on the table. During these periodic meetings, they discussed issues such as stream relocations, secondary impacts of construction, and specific projects.

One major issue was an interstate highway project called the Conway Bypass. Because the project would affect a number of acres of wetlands, the Corps and SCDOT worked out a plan to mitigate these impacts by purchasing other wetlands. The Corps issued a public notice inviting proposals from land owners willing to sell wetlands that would be a "mitigation bank" to be used to offset wetland losses caused by the Conway Bypass project and other projects.

A mitigation team was set up to review and evaluate the proposals. This group included all the agencies named above, as well as leaders of two key conservation groups, the Winyah Bay Focus Area Task Force and the South Carolina Coastal Conservation League.

Outcome:
The advisory group worked for nearly a year to review proposals. During that time, an exceptional property (from a wetlands perspective) called Sandy Island became available for sale, along with two adjoining properties. Total acreage

was 17,000, of which Sandy Island constituted approximately 9,000 acres. Total cost was approximately $12,000,000.

The number of acres exceeded the number of acres needed for mitigation on the Conway Bypass Project, but the advisory group members felt so strongly about the opportunity that they decided to try to make the purchase. The SCDOT was able to put together sufficient funds to purchase the property, based on an agreement with the Corps that it would receive a credit for mitigation of other pending highway projects in the area. The conservation group leaders were also able to arrange for The Nature Conservancy to contribute $1,000,000 towards the purchase.

Title to the land is held by the SC Department of Transportation, but may be transferred to the SC Department of Natural Resources. The property is managed by The Nature Conservancy. The U.S. Fish & Wildlife Service is establishing a national wildlife refuge in the area, and Sandy Island is included in many of the alternatives under consideration.

The "team" approach, in which all the involved agencies and conservation groups worked together, was crucial in making the project work. Participants report that because of the relationships built up in the formal partnering, and over the year of working together in the advisory group, issues that could have taken years to resolve were resolved with just a couple of phone calls. Much of the red tape could be cut through. The involvement of the conservation group leaders also proved to be very important. One of the conservation group leaders, in particular, played a crucial role in putting the deal together.

This project has subsequently received a citation from Vice President Gore as part of the Administration's Reinventing Government Initiative, and was also honored by the Coastal America Partnership for Action as an example of outstanding partnering. Coastal America is a high-level interagency group that encourages partnerships between Federal, state, and local agencies, and the private sector, to protect America's coastal areas.

Grays Harbor Erosion Project[1]

Type of Partnering:
Formal partnering with local sponsors, affected local communities and regulatory agencies

---

[1] *This case description is based upon an article by Patricia Graesser that appeared in the September 1997 edition of* Engineer Update.

Participants:
Corps of Engineers Seattle District; Port of Grays Harbor, WA; City of Westport, WA; City of Aberdeen, WA; and Washington Department of Ecology

Background:
In December 1993, a breach occurred in the beach immediately south of the Corps' Grays Harbor South Jetty near Westport, WA. This breach threatened to flood a sewage treatment plant and part of the town. Local officials claimed that the beach posed a threat to operation of the Federal navigation project because they thought it endangered both the entrance channel and the jetty itself. Initially the Corps took the position that the project itself wasn't threatened, so the Corps couldn't do anything.

Erosion continued to eat away at the beach, and the gap between the shoreline and the jetty widened. Local elected officials began to criticize the Corps for inaction, and these accusations were widely reported in the media.

In 1994, the Acting Assistant Secretary of the Army (Civil Works) directed the Corps to fill the breach, using O&M authority, and to identify the most appropriate long-term solution. The Seattle District filled the breach with 600,000 cubic yards of sand dredged from the Grays Harbor Navigation channel.

But the relationship between the Corps and the community continued to be strained. As the Westport Mayor described it, "When we first started, it was as if we were on two different planets."

Process:
A new study manager was assigned, who started out by reviewing all materials and holding a meeting with the District team members. The new study manager observed that not only were the customers' expectations quite different from the Corps, but even within the Corps no two people had the same understanding of the project's goals and objectives. The initial team meeting resulted in a number of steps being taken to clarify the project and unify the team.

The District Engineer then invited the affected local entities and the state's regulatory agency, the Washington Department of Ecology, to participate in a partnering session. The partnering session was held in February 1996. The session was facilitated by a Corps employee who was not involved with the project but who was trained in facilitation skills. Participants included the Corps, City of Westport, City of Aberdeen, Port of Grays Harbor, the Washington Department of Ecology, and several technical consultants to the City of Westport.

During the partnering workshop, the participants reached agreement on what kind of relationship they needed, and committed to steps to make that happen. Participants defined both communication and dispute resolution processes, as well as group norms. They also specified the roles and responsibilities of each of the participants. The participants agreed to establish a formal structure consisting of a policy advisory committee and a technical working group comprised of representatives from the Corps, Department of Ecology, and affected local entities. A formal partnering agreement was signed by all parties in March 1996.

Outcome:
By early 1997, the technical working group had hammered out a proposed long-term solution that was supported by all parties to the agreement. The plan includes extending the south jetty and maintaining the site with sand from Federal navigation channel maintenance dredging.

In April 1997, the District received formal resolutions from the Westport City Council and the Port of Grays Harbor Commission supporting the plan. These entities also praised the relationship with the Corps as cooperative and responsive.

The District submitted its plan to Northwestern Division, which approved it in June 1997, and forwarded it to Corps headquarters for approval. Congress subsequently added $6 million to the FY 98 Grays Harbor Navigation Project O&M budget to initiate construction. The Acting Assistant Secretary of the Army (Civil Works) is presently considering policy options and is expected to issue guidance on how to proceed with implementation of the identified long-term solution. Work could begin as early as 1998.

Dam Safety Partnering

Type of Partnering:
Formal partnering with a state water agency

Participants:
Corps of Engineers Sacramento District, Los Angeles District, South Pacific Division, and California Department of Water Resources

Background:
Following an earthquake that caused major damage throughout Northern California, the California State Legislature established a Seismic Commission to review the seismic code for all structures. During this process, the California

Department of Water Resources (DWR) concluded that it should do the same kind of review regarding the safety of Federal dams. At the time, there was no established procedure for discussions between the state and Federal government agencies, and the state was not satisfied with the Corps' response to its inquiries about the safety of Federal dams. DWR wrote a fairly acrimonious letter to Corps HQ complaining about the unwillingness of the local Corps offices to work with them.

Process:
The South Pacific Division (SPD), in consultation with the Sacramento and Los Angeles Districts (the two districts with dams), came up with the idea of using partnering to work with DWR. DWR agreed to the approach. The partnering workshop was held in Sacramento (where most of the state agencies are located). During the 2-day workshop, the participants discussed problems and issues, the roles of the various players, and communications. They also agreed on a process for working on the major issues.

Over the next year, the agencies participated in four more workshops. During these workshops, they discussed the Corps' standards and criteria, comparing these to the state's standards and criteria, and discussed specific projects with particular interest in those dams that would be turned over to local sponsors in the future. Technical teams completed assignments between each workshop.

Outcome:
By the end of the year, the Corps and DWR had hammered out an agreement on how the agencies would work together to address safety issues on all Federal dams built in California. The participants generally felt that this agreement was better than any that DWR had previously arranged with other Federal agencies, and the agreement remains in effect.

Baird & McGuire National Priorities List Site

Type of Partnering:
Formal partnering in environmental cleanup activities

Participants:
Corps of Engineers New England Division, contractors, U.S. Environmental Protection Agency (EPA), State of Massachusetts Department of Environmental Protection, and Baird & McGuire Citizens Task Force, representing a segment of the local citizenry

Background:
The Baird & McGuire Site (B&M) is located 10 miles south of Boston. Twenty years ago, the well water in communities surrounding Baird & McGuire was found to be contaminated with dioxin. All wells were closed, and the community was forced to find other sources of drinking water. Higher than usual levels of cancer have appeared in adjoining communities, and the site is high on the National Priorities List.

Process:
The project has three construction phases, beginning with Phase 1 site preparation and construction of a groundwater treatment plant. In Phase 2, the Corps is working with EPA and contractors to construct and install an on-site incinerator. Phase 3 consists of diverting a small river, excavating polluted sediments, and then returning the river to its bed. Phase 1 is completed, and construction of Phase 2 began in 1992. Construction of the incinerator was slated to take 1 year with subsequent operation to last for 2 to 3 years depending on production efficiencies. The work is being accomplished under a firm fixed-price service contract valued at approximately $58 million.

Nine months into the incineration segment of the B&M remediation project, the parties were in an adversarial position. Project completion was in doubt, and public concerns were growing. Despite the objections of some project team members, partnering was begun in an attempt to assure that the project would go forward. Participants in the partnering workshop included EPA; the State of Massachusetts Department of Environmental Protection; the Baird & McGuire Citizens Task Force, representing a segment of the local citizenry; and the Corps' New England Division. Although one segment of the local populace is represented, the Corps' project manager indicated that the majority of the public are, and have been, against the project.

The Corps, using EPA funds, and the contractor shared the costs of the partnering workshop. An external facilitator was engaged, and a one and one-half day formal workshop was held in April 1993. The agenda covered basic elements of partnering according to the Corps' partnering model. The format, however, did not allow for full development of those elements, and some participants did not attend the entire session. Working relationships had had 9 months to fester into a "very adversarial situation," so participants entered the workshop with a negative experience coloring their openness to partnering. The workshop did result in a signed partnering agreement, and work continues on the project.

The contractor's original site staff definitely felt empowered, but numerous personnel changes have strained the partnering relationship. No plans were made for follow-up meetings. However, the contractor has indicated a desire for a final meeting to evaluate the effectiveness of partnering on this project, although none of the contractor's original site personnel remain on the project.

The partnering team now conducts task force meetings to which the community is invited. Early meetings were well attended, but attendance slacked off as the project progressed, and the issues became more technical.

Outcome:
As of April 1994, there have been no claims on the project. One dispute arose and was satisfactorily handled through the use of an alternative dispute resolution process. It is not clear whether the project will be completed as scheduled. The test burn has been postponed because of public concerns over the safety of incineration as a process to remove contaminants.

Some working relationships between Corps site staff and environmental regulators have become more open and effective as a result of partnering. It has also helped in dealing with a fixed-price contract and has enabled partners to find approaches that helped the contractor. This good working relationship served to enhance the credibility of the project within the community, at least until concerns about incineration as a safe process were raised.

The B&M case shows the utility of beginning partnering soon after the notice to proceed. A history of negative experience makes it difficult for a climate of trust and open communication to develop. New project personnel need to be informed about partnering and what it means for their own activities and responsibilities. It is important that the highest level person representing each stakeholder group at the initial partnering session remain involved in the project.

One of the lessons learned is that success cannot be measured solely by improvements in internal operations. The challenge is to get the project operational, and this requires public support. It is also important to involve members of the public, even on technical issues. Team members observed that it is helpful to have individuals with good "people skills" on the project. This helps not only in the project working groups, but also when interacting with the local community.

The Baird & McGuire case illustrates the problems created by personnel turnover and the importance of trying to find ways to bring new personnel into the partnering team. It shows how a good relationship between government agencies can affect interactions with the community. It also illustrates how different organizational structures among the partners can make partnering difficult.

Bayou Bonfouca

Type of Partnering:
Formal partnering in environmental cleanup activities

Participants:
Corps of Engineers New Orleans District, U.S. Environmental Protection Agency (EPA), Louisiana Department of Environmental Quality (LDEQ), and the contractor

Background:
Bayou Bonfouca is a remediation project in Louisiana that is required because creosote washed into the bayou and seeped into the groundwater. The site is on EPA's National Priorities List. The project consists of two phases: the first is running trial burns, and the second includes pumping and cleaning the groundwater, and excavating the plant site and the bottom of the bayou to prepare for incineration.

Process:
Partnering was introduced by participants who had prior good experiences using the process on other construction jobs. In fact, the Corps' Chief of Construction was a champion of partnering. Participants at the initial partnering workshop included EPA, Louisiana Department of Environmental Quality (LDEQ), the Corps' New Orleans Division, and the contractor. In all, 23 participated for 1-1/2 days.

The contractor and Corps shared the cost of the initial workshop. Participants developed subordinate objectives that would represent success for all stakeholders. They identified team norms, including mutual respect, openness, honesty, trust, professionalism, team playing, understanding the other position, and "walking the talk." They also discussed barriers to team effectiveness, produced a partnering agreement, and developed a partnering evaluation form.

One and half years into the project, the team held a self-facilitated partnering "booster shot" at which they celebrated successes and delineated outstanding issues. The team employs the partnering agreement as a constant symbolic reminder used for reference when issues arise.

Outcome:
The project is expected to be completed earlier than scheduled, and few modifications and claims have arisen. One reason is that EPA carried out a public involvement program that produced satisfactory mitigation measures for the burning.

The case shows that partnering can be useful when working on a job with significant complexity. Partnering helped establish a clear understanding of responsibilities. Information, such as sample agreements, was sent to participants prior to the partnering workshop. Participants felt that the good relationships they built will last through the operational stages.

Bonfouca illustrates that partnering can produce significant savings even on projects that are highly controversial. It also shows the importance of explicitly sharing interests and goals and developing joint statements of partnering norms. It suggests the effectiveness of formal means of evaluating the process and demonstrates the symbolic importance of the partnering agreement. Although showing respect for the law, it also shows that the law need not be constraining.

Appendix II
FORMAL PARTNERING AGREEMENTS BETWEEN CORPS HEADQUARTERS AND PROFESSIONAL ORGANIZATIONS

1. **American Consulting Engineers Council (ACEC)** - 10/16/92
   To achieve a "world class" partnership to provide quality and responsive engineering and consulting services to the Nation and to keep the US competitive in the "global economy."

2. **American Institute of Architects (AIA)** - 6/3/94
   To promote our mutual interests in providing efficient, high quality, responsive architectural services to support the Nation in peace and war.

3. **American Public Works Association (APWA)** - 3/29/96
   To facilitate the effective and efficient transfer of technologies developed by USACE to civilian public works agencies.

4. **American Road and Transportation Builders Association (ARTBA)** - 8/10/95
   To promote the effective and efficient research, development, planning, design, construction, operation and maintenance of surface transportation facilities in the United States.

5. **American Society of Civil Engineers (ASCE)** - 8/23/94
   To promote mutual engineering interests.

6. **Associated Builders and Contractors (ABC)** - 2/4/95
   To advance the American construction industry in order to better serve our Nation and maintain US competitiveness in the global market.

7. **Associated General Contractors of America (AGC)** - 2/13/95
   To recognize the importance of providing efficient, high quality, responsive construction services to support the Nation in times of peace and war and to develop a team-building process that creates mutual trust and respect for one another's respective roles in the construction process and recognize the risks inherent in these roles.

8. **Hazardous Waste Action Coalition (HWAC)** - 6/3/93
   To address our participation in the Nation's environmental restoration program and to enhance the delivery of timely, cost-effective, quality through better communications, prompt resolution of disputes, and improved working relationships for all stakeholders.

9. **HQ US Air Force (HQUSAF)** - 8/18/94 - Agreement with the Directorate of Military Programs
   To commit the two organizations to a mutual vision of excellent facilities and support to Air Force commanders.

10. **International Association of Foundation Drilling (IAFD)** - 3/24/94
    To work cooperatively to improve the quality and economy of drilled shaft foundations and earth retention systems.

11. **National Association of Flood and Stormwater Management Agencies (NAFSMA)** - 10/28/94
    Promote public goals and mutual interests and commitment to working together toward achievement of quality flood protection projects.

12. **National Association of Women in Construction (NAWIC)** - 6/24/96
    To achieve a full and equal partnership between our organizations and to promote our mutual concern

13. **National Society of Professional Engineers (NSPE)** - 3/30/96
    To promote mutual engineering interests.

14. **National Association of Corrosion Engineers (NACE)** - 12/19/94
    To promote corrosion engineering quality through professionalism, independent peer review, communication, teamwork and continuous improvement.

15. **Management Association of Private Photogrammetric Surveyors (MAPPS)** - 2/7/97
    To enhance the surveying and mapping profession in government and the private sector through collaborative training symposium, research, and development.

16. **Design-Build Institute of America (DBIA)** - 1/8/98
    To promulgate the appropriate use of design-build and other project delivery methods and to endeavor to improve the design-build method of project delivery.

This list is complete as of 2/1/98. The list continues to expand.

Appendix III

RESOURCE MATERIALS

PARTNERING

Tri-Service Committee: Air Force, Army, Navy, *Partnering Guide for Environmental Missions of the Air Force, Army, Navy*, July 1996.

Podziba, Susan L. *Deciding Whether or Not to Partner Small Projects: A Guide for U.S. Army Corps of Engineers Managers*, IWR Pamphlet 95-ADR-P-6, U.S. Army Institute for Water Resources, Alexandria, VA, 1995.

Guide to Partnering for Environmental Projects, Naval Facilities Engineering Command, 1994.

Edelman, Lester, Frank Carr and Charles L. Lancaster, *Partnering*, IWR Pamphlet 91-ADR-P-4, U.S. Army Institute for Water Resources, Fort Belvoir, VA, 1991.

Lancaster, Charles L., *The J6 Partnering Case: J6 Large Rocket Test Facility*, IWR Case Study 94-ADR-CS-11, U.S. Army Institute for Water Resources, Alexandria, VA, 1994.

Podziba, Susan L., *Small Project Partnering: The Drayton Hall Streambank Protection Project*, IWR Case Study 94-ADR-CS-10, U.S. Army Institute for Water Resources, Alexandria, VA, 1994.

Hancher, D.E., *Partnering: Meeting the Challenges of the Future*, Interim Report of the Task Force on Partnering, Construction Industry Institute, University of Texas, Austin, TX, 1989.

COMMUNITY INVOLVEMENT

Creighton, James L., Jerome Delli Priscoli, and C. Mark Dunning, editors; *Public Involvement and Dispute Resolution: The Second Decade*, U.S. Army Institute for Water Resources, Alexandria, VA, in press.

Langton, Stuart, *An Organizational Assessment of the U.S. Army Corps of Engineers in Regards to Public Involvement Practices and Challenges*, IWR

Working Paper 96-ADR-WP-9, U.S. Army Institute for Water Resources, Alexandria, VA, 1996.

Allingham, Mary Ekis and Denise Deland Fiber, *Commander's Guide to Public Involvement in the Army's Installation Restoration Program*, U.S. Army Toxic and Hazardous Material Agency, Aberdeen Proving Ground, MD, 1990.

Regan, Michael J., James L. Creighton and William H. Desvouges, *Sites for Our Solid Waste: A Guidebook for Effective Public Involvement*, Office of Solid Waste, U.S. Environmental Protection Agency, 1990.

Creighton, James L., *Involving Citizens in Community Decision-Making: A Guidebook (second edition),* Washington DC: Program for Community Problem-Solving, National Civic League, 1995.

Creighton, James L., Jerry Delli Priscoli, and C. Mark Dunning, editors*; Public Involvement Techniques: A Reader of Ten Years Experience at the Institute for Water Resources*, IWR Report 82-R1, U.S. Army Institute for Water Resources, Ft. Belvoir, VA, 470 pgs., 1983.

ALTERNATIVE DISPUTE RESOLUTION

Overview of Alternative Dispute Resolution (ADR), U.S. Army Institute for Water Resources, Alexandria, VA, IWR Pamphlet 96-ADR-P-5, 1996.

Carr, Frank, James T. Delaney. and Joseph M. McDade, Jr., *Alternative Dispute Resolution: A Streamlined Approach to Resolving Differences*, National Contract Management Association (NCMA), T.P.S. February 1995.

Creighton, James L., Jerome Delli Priscoli, and C. Mark Dunning, editors; *Public Involvement and Dispute Resolution: The Second Decade*, U.S. Army Institute for Water Resources, Alexandria, VA, in press.

Alternative Dispute Resolution for the Construction Industry, Association of Engineering Firms Practicing in the Geosciences, Silver Spring, MD, 1989.

Appendix IV
USE OF A NEUTRAL FACILITATOR

The Role of a Facilitator

The following are some of the things a facilitator does to help bring about an atmosphere conducive to collaborative problem-solving:

Assists with designing the meeting: Facilitators suggest workshop or meeting formats that avoid pitfalls or have proven effective in addressing issues. For example, a facilitator may recognize when a format is likely to push participants into taking adversarial positions or start proposing solutions before there is agreement on the definition of the problem. The facilitator may then suggest an alternative format that addresses the same issues but does so in a way that is less likely to be adversarial.

Helps keep the workshop on track, focused on the topic: Facilitators are skilled at pointing out when the discussion has drifted, or at restating the purpose of an activity. Facilitators also play the "traffic cop" role of regulating how long people speak or putting limits on such behavior as accusations or emotional tirades. Often this is accomplished by working with participants to establish ground rules that everybody feels are fair. That way, when a facilitator intervenes, everyone understands that the intervention is on behalf of an effective meeting, not because of prejudice or bias.

Clarifies and accepts communication: One of a facilitator's primary tasks is to be sure that everybody feels that they have been listened to and understood. The facilitator may do this by providing a verbal summary of what was said, by relating one participant's ideas to another, by inviting expansion of a comment, or by asking clarifying questions. Sometimes a facilitator will write a summary of comments on a flip chart or will be assisted by another staff person called a *recorder*, who keeps a summary of comments on the flip chart. A facilitator might also point out when a participant's contribution was cut off and invite him or her to complete the idea.

Accepts and acknowledges feelings: During disputes, people are often upset or angry. Telling them not to feel that way simply makes those feelings stronger. In some disputes, it is necessary to let the entire group ventilate their feelings before it's possible to begin talking about solutions.

The facilitator will structure a situation in which it is safe to express feelings, without their causing a permanent breech in communication between the parties. Even in normal problem-solving, strong feelings may emerge. The facilitator will make sure these feelings are acknowledged so that they do not continue to build in intensity.

States a problem in a constructive way: Often problems are stated in such a way that they seem like efforts to fix blame or accuse the other parties of unacceptable, dishonest, or even illegal actions. This simply causes the accused parties to counter with blame and accusations of their own, making the conflict escalate. A facilitator can help by restating comments so that they do not imply blame of any party or so that they define the problem without implying there is only one possible solution.

Suggests a procedure or problem-solving approach: During a meeting a facilitator may suggest a procedure, such as brainstorming or a structured sequence of problem-solving steps, to help the group work more effectively. Or a facilitator may help break an impasse by suggesting alternative ways of addressing the issue or even suggesting a break.

Summarizes and clarifies direction: Often participants become so involved with the subject being discussed that they lose track of the overall picture. So a facilitator may restate the purpose of the meeting or clarify its direction, (e.g., "We've completed the first two issues, now we're ready to start talking about alternatives for . . . ").

Does consensus testing: One of the important responsibilities of a facilitator is to sense when participants are coming to agreement and verify that it has been reached. The facilitator does this by stating the potential basis for agreement and checking to see whether that statement has support from the participants. Since the facilitator doesn't make decisions for the group, he or she makes a comment like this one: "It sounds as if you are in agreement that . . . Is that acceptable?" Such agreements are usually written on the flip chart by either the facilitator or recorder.

Because the facilitator needs to remain neutral on the outcome of the meeting and wants to create a climate for collaborative problem-solving, there are also certain behaviors a facilitator should avoid, such as the following:

- Judging or criticizing the ideas of participants
- Using the role of facilitator to push his or her own ideas
- Making significant procedural decisions without consulting the participants
- Taking up the group's time with lengthy comments

Selecting a Facilitator

Many of the partnering workshops to date have used two facilitators, particularly if the team was relatively large (more than 15 participants). One facilitator leads the meeting, while the other either offers observations about how the group is working together or provides training to the group.

Typically the facilitator is not someone associated with any of the parties and has no vested interest in the decision being made. This is to ensure that the way a meeting or workshop is run doesn't make participants feel that one organization has an advantage over the other.

It is helpful—but not mandatory—for the facilitator to be familiar with the organizations involved and the subjects of discussion. As a minimum, the facilitator needs to know enough to be able to follow the discussion. Since agencies often use numerous acronyms and technical jargon, this can be an important point. On the other hand, if the facilitator is too directly involved in the subject matter, he or she may have opinions that make it hard to remain neutral, or he or she may be seen by one of the parties as biased or partial towards a particular point of view or organization.

There are many levels of skill and experience among people who call themselves facilitators. Some have just completed their training, while others may have 20 years of facilitation experience in a variety of circumstances. Typically, their fees reflect these differences (although some relatively junior facilitators may seek "senior facilitator" fees). Facilitator fees range from $500/day (in 1994 dollars), to $2,000/day. A highly qualified facilitator can normally be hired in the $750 to $1,500/day range.

It is not mandatory that the facilitator have conducted a session labeled *partnering.* It is important, however, that the facilitator have extensive experience conducting team-building sessions, preferably including some experience with cross-organizational teams (temporary teams drawn together from many parts of the organization) or multi-party teams. The facilitator should also have experience teaching such skills as active listening, congruent sending, interest based-negotiation, and the skills of being an effective member of a team.

Another consideration in selecting a facilitator is the facilitator's continued availability to lead follow-up sessions and make assessments of how the team is doing.

Training offices may already be using facilitators as part of your program or may otherwise know skilled local facilitators. On occasion, it may be possible to use an internal facilitator. The two issues that have to be considered are the acceptability of the facilitator to all parties and the skill level required for the particular meeting. An outside facilitator is much more likely to be acceptable if there is any kind of dispute. Outside facilitators, because they spend their entire professional life doing facilitation, may—but do not always—have a higher skill level or base of experience.

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

1. AGENCY USE ONLY (*Leave blank*)	2. REPORT DATE	3. REPORT TYPE AND DATES COVERED
	April 1998	Final

4. TITLE AND SUBTITLE
Partnering Guide for Civil Missions

5. FUNDING NUMBERS

6. AUTHOR(S)

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)
USACE, Water Resources Support Center
Institute for Water Resources
Casey Building, 7701 Telegraph Road
Alexandria, VA 22315-3868

8. PERFORMING ORGANIZATION REPORT NUMBER
IWR Pamphlet 98-ADR-P-7
(Reprint)

9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)
U.S. Army Corps of Engineers, Headquarters
Civil Works Programs Management Division
Pulaski Building
20 Massachusetts Avenue, NW
Washington, DC 20314-1000

10. SPONSORING/MONITORING AGENCY REPORT NUMBER

11. SUPPLEMENTARY NOTES
Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650

12a. DISTRIBUTION/ AVAILABILITY STATEMENT
Approved for public release; distribution unlimited

12b. DISTRIBUTION CODE

13. ABSTRACT (Maximum 200 words)

This guide describes partnering and how it can be used in Civil Works programs. The guide also is meant to encourage new and creative application of partnering to Civil Works programs. It will also serve as an introduction to partnering for other agencies, local sponsors, groups, or individuals who are considering entering into a partnering relationship with the Corps.

14. SUBJECT TERMS
partnering process, case studies, partnering agreements

15. NUMBER OF PAGES
94

16. PRICE CODE

17. SECURITY CLASSIFICATION OF REPORT	18. SECURITY CLASSIFICATION OF THIS PAGE	19. SECURITY CLASSIFICATION OF ABSTRACT	20. LIMITATION OF ABSTRACT
Unclassified	Unclassified	Unclassified	Unlimited