



# BUILD FORWARD ALLIANCE

## 2024 SOUTH COAST CPS CONFERENCE



# BUILD FORWARD ALLIANCE PANEL

## SPEAKERS



**David Allen**  
CECA/Moderator



**Jon Daines**  
Amiri Construction



**Rob Emery**  
Ascia Construction



**Chris Kane**  
Greendale Construction



**Justin Galloway**  
Mildren Construction



**Kevin Valentine**  
Knights Brown

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## OUR GOAL

This alliance was established to help generate better outcomes for those involved in our South Coast construction industry. Through a process of collaborative engagement and knowledge sharing, it seeks to increase a mutual awareness that will unlock the delivery of more efficient and sustainable quality outcomes for all. Our focus today is around procurement.

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# Tender Duration Period

## Speaker

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**The Problem:** The tendering process is often rushed, despite its critical role in selecting the right contractor. Clients, after investing significant time and resources in project development, frequently expect contractors to submit fixed-price bids within tight timeframes. Delays in issuing the Invitation to Tender due to client changes or design issues compress the tender period, leaving contractors scrambling to allocate resources and resulting in rushed, risk-averse submissions.

**Design and Build Challenges:** Over 80% of tenders are issued as Design and Build, requiring contractors to complete or refine designs, generate a Bill of Quantities, manage queries, develop programmes, and submit fixed-price offers. Limited access to key designers and late requirements for new design teams add to the burden, often not communicated upfront. This uncertainty increases risk and costs for clients.

**Impact of Timing:** Issuing tenders during national holidays exacerbates challenges, reducing staff availability and delaying supply chain responses. This leads to less competitive bids and heavily caveated offers, reflecting higher risks that could be avoided with better planning.

**Benefits of Proper Timing:** Aligning the tender period with the actual time needed to process information ensures robust submissions. Contractors can provide accurate pricing, clear methodologies, and realistic timelines, reducing risk contingencies and project costs. A well-structured tender period benefits both contractors and clients, leading to better project outcomes and efficient resource use.

**The Solution:** Investing time upfront in the tender process saves time, money, and headaches later. A carefully timed tender period allows contractors to fully engage with the project, resulting in bids that are more accurate, competitive, free from unnecessary risks; ultimately leading to successful project delivery.





# Level of Information Provided at Tender Stage

## Speaker

**Rob Emery**  
Director  
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**The Problem:** The quality and completeness of information provided at the tender stage can vary significantly, leading to several challenges for contractors. These include:

- Insufficiently developed designs (Stage 3 instead of Stage 4), making accurate pricing difficult.
- Poor coordination of design information, increasing ambiguity and risk.
- Large portions of tender information submitted late, requiring contractors to restart pricing efforts.
- Lack of clarity on key project deliverables.
- Absence of soils or ground condition surveys yet expecting contractors to cover substructure risks.

**Impact on Contractors:** These issues lead to increased risk perception among contractors, who may withdraw from the tender process, include significant contingencies for perceived risks, or heavily qualify their bids. This makes it difficult for consultants to compare tenders fairly and often results in the contractor with the least perceived risk or underqualified bid securing the project.

**Consequences for Clients:** Securing contracts under these conditions is far from ideal for clients, leading to inflated prices and contractors facing unknown risks. This complicates project management for consultants and can result in disputes and delays.

**The Solution:** The industry needs to educate clients on the importance of providing high-quality, comprehensive information at the tender stage. By investing in better tender documentation, clients can receive more accurate, competitively priced bids, ultimately achieving better value for money and smoother project execution.







# Customer Engagement & Pre-Construction Information

## Speaker

**Chris Kane**  
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**The Importance:** Customer engagement and pre-construction information are essential for successful construction projects in the UK. During tendering, contractors submit bids detailing how they will meet client needs, adhere to budget constraints, and manage risks. Effective engagement ensures contractors are aligned with the client's vision, addressing specific requirements and concerns.

**Role of Consultants:** Consultants play a transformative role during the tendering phase. They work closely with contractors to prepare bids that demonstrate a comprehensive understanding of the client's goals. This tailored approach ensures clients' unique requirements and challenges are met with precision. Consultants listen to client needs, anticipate potential obstacles, and develop project plans that fit within the allocated budget and timeline.

**Technical Clarity:** Consultants offer clarity on the technical aspects of pre-construction information, translating site conditions, safety considerations, and regulatory requirements into clear, accessible terms. This enables clients to make informed decisions and ensures compliance with the Construction (Design and Management) Regulations 2015 (CDM 2015). Regulatory compliance and safety are fundamental to the project's foundation.

**Benefits of Consultant Engagement:** Consultants strengthen communication, collaboration, and mutual trust. They streamline interactions between contractors and stakeholders, fostering a unified project vision. This approach reduces risks, minimises misunderstandings, and creates a cohesive, client-centred strategy. Clients gain confidence knowing their vision is understood and protected.

**The Solution:** Client-focused engagement, reinforced by consultants, fosters trust, transparency, and professionalism. Partnering with consultants ensures informed decision-making, reduced risks, and project success. This collaboration transforms complex visions into well-executed realities, surpassing client expectations.





# Ground Information

## Speaker

**Justin Galloway**  
**Pre-Construction & Business Development Director**  
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**The Problem:** The greatest financial risks in construction often stem from foundations and ground conditions. Contractors are typically expected to bear significant risks related to these conditions, despite them being beyond their control. Common contractual clauses require contractors to investigate and account for all site conditions at their own risk and prevent them from claiming additional costs for unexpected issues, increasing their risk burden.

**Impact on Contractors:** Contractors are often responsible for ground investigation reports, even if they were not involved in commissioning or advising on these investigations. This leads to inadequate investigations and greater risks. Poor quality investigations shift undue risk onto contractors, jeopardizing project success.

**Design and Build Challenges:** Design and Build tendering is high risk and time-constrained, with contractors relying on client-commissioned reports that often lack sufficient detail for accurate pricing. This results in provisional sums, qualifications, and increased risk.

**The Solution:** Clients should allocate adequate funds for thorough site investigations and engage geotechnical specialists to develop site-specific scopes. Involving contractors during the tender process helps identify and reduce risks. Comprehensive site investigations, though a small part of the budget, provide significant benefits: fewer provisional sums, reduced risks, better cost savings, faster timelines, and greater cost certainty.

**The Solution:** Investing in thorough ground investigations is crucial for reducing risks and ensuring successful project outcomes. This approach benefits both clients and contractors, leading to more efficient designs, lower tender returns, and overall project success.



## Speaker

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# Form of Contract , Bonds & Insurances

**The Problem:** Contracts are designed to ensure fair risk distribution between customers and contractors. Standard forms of contracts aim to balance risks, assigning them to the party best equipped to manage them. However, some consultants have been advising clients to amend these contracts heavily in their favour, often through additional clauses, leading to unfair risk allocation. Contractors have pushed back against these amendments, which can threaten their business viability. To circumvent contractor resistance, some consultants hide risk requirements within the Works Information or Scope documents, making them harder to detect during tight tender periods. This practice, known as ‘risk dumping,’ is exacerbated by declining tender information quality and an adversarial approach during project delivery. This contradicts the principles of the Construction Playbook and private sector partnerships.

**Impact on Contractors:** The construction industry operates on thin profit margins, and contractors cannot afford to undervalue risks. High contingency pricing to cover potential risks results in higher costs for customers. Conversely, under pricing risks can lead to hidden costs and industrywide issues over time. This unsustainable risk delegation has led to significant contractor insolvencies.

**Why Customers Should Care:** Shifting risk to contractors does not provide better value for customers. Contractors’ risk assessments often exceed actual risk management costs. Proper risk allocation, with accurate information, allows contractors to offer better value. Contracts with ‘risk dumping’ are prone to delays, budget overruns, disputes, and negative margins, harming project success and industry sustainability.

**Financial Surety:** To mitigate risks, contracts often include financial surety measures like retention, performance bonds, and extended payment terms. These measures strain contractors’ cash flow, increasing insolvency risks. The performance bond market is also tightening, making it harder for contractors to obtain credit.

**The Solution:** A healthy, competitive market requires fair and equitable contracts, collaboration, early contractor involvement, and value-led procurement. Good practices lead to better project outcomes and customer value. Avoiding ‘risk dumping’ is crucial for a sustainable construction industry that can deliver the best value to its customers.





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