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Relational base contracts – Needs and trends in Northern Europe

Ali Hosseini*†, Amin Haddadi, Bjørn Andersen, Nils Olsson, Ola Lædre
†Norwegian University of Science and Technology (NTNU), 7491 Trondheim, Norway

Abstract

Starting from a large case project in Norway, a research gap was identified concerning analyses of experiences in the use of different relational contract models. This study explores the experiences with relational contracts in large infrastructure projects in selected countries. We looked at what types of contracts were applied, why these, what were the experiences, and what contract strategies will be used in the future. Based on findings of this study, it is not easy to identify patterns in factors that influence the choice of contract. Rather, it seems that each country’s selected approach is incidental. Each country selected approach after experts advocated a certain model or practitioners who have applied a certain model. We observed that targeted countries could somehow be grouped in two. In Sweden and Denmark relational contracts seem to be more about attitude rather than formal contract regulations. In the UK, Finland and the Netherlands relational contracts seem to be more dependent on formal contract regulations. The future trend seems to be a more widespread the use of relational contracts.

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* Corresponding author. Tel.: +47 91309166; E-mail address: ali.hosseini@ntnu.no

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1. Introduction

By moving the construction projects toward getting more complex and uncertain, relational contracts, where a contractor offers wider services packages, are increasingly used in construction projects. Several types of relational contracts have been formed in the construction industry, mostly in the last few decades, to comfort public owners achieving their targets in terms of time, cost and quality.

Starting from a large case project in Norway, a research gap was identified concerning analyses of experiences in the use of different relational contract models in large infrastructure projects. Although type of contract should be selected based on project characteristics, owner characteristic, and market situations, it often appears that the choice of contract is more subjective than educated selection among the alternatives available for public owners.

The main goal of this study is to allow researchers and practitioners to learn from experiences from the main infrastructure actors in Northern European markets with relational contracts (Sweden, Finland, Netherlands, UK and Denmark), as well as helping the infrastructure industry to focus on the main positive experiences with each relational contract.

By spotting the lack of consolidated knowledge about relational contracts, this study provides an excellent opportunity to learn from different countries and differing relational contract used in these countries. This paper is the result of a pilot study, where we have mapped experiences from different countries with relational contracts in procuring big infrastructure project.

This paper answers the following four research questions:

1. What types of relational contracts are applied?
2. Why were these contract strategies used?
3. What are the experiences with these contract strategies?
4. What contract strategies will be used in the future?

This pilot study directly connected to an infrastructure mega project in Norway. The Norwegian Public Roads Administration (NPRA) wants to establish a ferry free coastal highway E39 from the city of Kristiansand to Trondheim. This highway is dependent on eight fjord crossings, and the estimates say that 269 Billion Norwegian kroner will be spent over a 20 years construction period. This comes in addition to other infrastructure projects that will be carried out during the same period. Both in terms of size and need for technological innovation the ferry free coastal highway represents a challenge for the NPRA.

Another major change will be the way, which the NPRA is going to procure roads. Based on the capacity of the NPRA, contract types that guarantee smooth and appropriate project delivery by allocating more responsibilities to the contractor will be the main interest of the authority. The NPRA needs to choose the best contract procedure in the early phase of the project lifecycle based on project characteristics, client objectives and the external environment. In this direction, this study provides the challenges and experiences with relational contracts to assist the NPRA in the later decision-making process.

2. Method

To answer the research questions of this study, two main approaches have been used; a literature study and a multiple case study. To develop a theoretical background and map the existing knowledge on contract models, especially relational contracts, the work started with a literature study following the prescription of Blumberg et al. A structured search through relevant databases for a combination of both journal articles and conference papers discussing contracts models resulted in a database with more than 150 references. The literature search conducted with different combinations of the key words, namely; “relational contract,” and “project delivery.” This search resulted in many hits, with plenty of irrelevant responses. The search was narrowed down by using additional key words “collaborative” “procurement”, “Europe”, “experience”, “advantages”.
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