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# Parsing Competitive Dialogue in Public-Private Partnerships: Emergence of Capability Search

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#### Abstract

The path from policy to service delivery is not always clear. The technology, including engineering and management, may not be known. Consequently, the public sector invites the private sector to participate in devising the specification. That is the essence of competitive dialogue (CD), which is associated with public-private partnerships (PPP). The contracts of PPP are long, lasting decades. Consequently, they engulf many variables, resulting in complexity. However, CD is anchored on competition in an environment that protects intellectual rights, which means a platform of state strength. The paper takes a vantage point built on three countries – Sierra Leone, Somalia and Uganda – to interrogate CD from a perspective of state structures strained by institutional tension. The paper buttresses on case study, as epistemology and methodology, and uses institutional rational choice (IRC) as lens. The paper shows that, applied in the three jurisdictions, projects developed from CD would lack structures of adaptation when faced with distress. Such situations could be fatal. Consequently, the paper develops capability search (CS) as a more adapting procurement strategy. Unlike CD, CS is a search for intellectual tools - not for specification. The joint public-private entity hinged on CS incrementally adjusts the delivery path as the reality unfolds. Therefore, CS appreciates the non-ergodicity of the PPP space. That is, the state space - the trajectory at a project onset - changes along the project life in an unpredictable way. Yet, CS faces a challenge of inadmissibility of agreement-to-agree in common law, and the rigidity of the mainstream financing structures that rely on long-term forecasts.

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#### 1. Background: the reality of the paper

Many cities of Sub-Saharan Africa (SSA) face complex interwoven challenges. Deteriorating transport infrastructure intertwines with a complex mix of traffic, both vehicular and non-vehicular; strains with utility companies; and tension with street traders. This picture will be vivid to many readers. Therefore, a photographic capture is not necessary to make the point. This paper draws from practical efforts at resolving a capsule of the challenge using PPP, and in particular, competitive dialogue (CD). The paper is a case study. It considers the phenomenon of the case in a longitudinal way. It digs into history, seeking salient effects, which works restricted to the contemporary would assume away.

Moreover, the paper is addressed to a broad body of transport professionals. These readers will bear a variety of concerns, expectations and tools. Readers from the vantage point of developed economies might struggle to appreciate the institutional complexity of developing economies targeted by this paper, even though many of them will be familiar with the surface challenge of urban traffic. Yet, readers from developing economies will need to step back and look at the challenge to appreciate it. Whichever the vantage point, an interdisciplinary set of tools will be required for access.

#### 2. The epistemology and methodology of case study

The hypothetico-deductive (H-D) approach dominates research (Amonya 2015). Given that dominance, which is an attempt at mimicking the deterministic world of physical science, the foundation of case study requires explication.

The H-D approach, as applied in social science, premises on stationarity. Generalization, including all forecasts, hinge on reduction in evolutions of state space to a stationary process. That is, a structure with time-invariant moments of the probability distribution. Formally:

A process  $y = \{y_t, t \in \mathbb{Z}\}$  defined on a probability space  $(X, \psi, \mu)$  is [strictly] stationary if

$$\mu(y_{t_1}, y_{t_2}, \dots, y_{t_n}) = \mu(y_{t_1+k}, y_{t_2+k}+, \dots, y_{t_n+k})$$
(1)

Where:

X is a set of outcomes (sample space),  $\psi$  are the events ( $\sigma$ -algebra subsets of X), and  $\mu$  is the probability function ( $\mu$ :  $\psi \rightarrow [0, +\infty)$ ).

Note: For an ergodic process, the sample moments converge to the population moments.

Therefore, the H-D frame lays a proposition on the evolution of state space, and seeks to test it through experimentation. However, since social science does not enjoy the opportunity of control of physical science, perspectives (partial observations) of reality are used for the test.

Within the timeframe of the observations, variations will emerge constituting non-stationarity. Moreover, the sources of these variations will not be identifiable, and they may be inaccessible. However, if these sources can be assumed away with a reasonable level of confidence, then the ensuing model is regarded sound. However, to refresh, this decision would be limited by the boundary of state space, the intensity of illumination, and the frame of time. Of the three, the middle one (illumination) can be improved. That is the essence of case research.

A stronger illumination of a capsule of reality leads to a better comprehension of it. In the definition of Polanyi (1958: 6), such illumination is addition to knowledge - 'a better comprehension of reality'. Therefore, a case study does not need the buttressing of the H-D frame to be epistemological secure. To the contrary, H-D generalization may fatally assume away important variables – unless Hirschman's 'hiding hand' (1967: 10) is imported. Simply put, Hirschman argues that humanity is better off moving into projects on a premise of an erroneous trajectory, and subsequently summoning intrinsic creativity as the challenges of the error come to bear. This paper, like Flyvbjerg and Sunstein (2015), takes a contrary position.

However, and this is the point often missed, the two approaches [case study and H-D] do not have to be in tension. Case study has the potential to highlight variables that improve H-D generalization – but any generalization should

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