



Keith Miller
Member, Editorial Advisory Panel

Editorial

K. Miller BSc, CEng, FICE, FIHT

Welcome to the May 2009 issue of *Management, Procurement and Law*. As before, the journal covers a range of interests that we believe are relevant and topical.

In the short time since our last issue in February, it has become disturbingly clear that the widening impacts of the current economic climate are testing many organisations to the limit. The domino effect of the credit crunch has spread with chilling speed. At the beginning of the year, the larger infrastructure programmes were holding up, with encouraging news of increased investment. Since then, that early optimism has begun to ebb. We have seen companies tighten up on spend and regrettably, if understandably, increasing numbers of job losses.

In these unsettling times, the need to secure best value from procurement is pressing. There is much to be gained from clients and their supply chain working together more effectively. However, when things do not work out, the possibility of recourse to law is ever present. This edition has something to say across all those areas, so hopefully you will find it an interesting read.

First up is law, where Delia Dumaesq's briefing article looks at proposals to widen statutory adjudication in the construction industry.¹ There are worries that the draft bill currently with Parliament does not address industry concerns about major practical issues. Lord O'Neill has subsequently tabled amendments which may tackle those concerns. Delia identifies the amendments and explains their effects. This must be essential reading for all concerned.

In his article, Justin Mort looks in detail at the proposed changes in the draft bill, mentioned above.² Justin is a barrister and, as you might expect, he provides a comprehensive critique of the current act and the need for reform. He goes on to review the draft proposals that, amongst other significant changes, would extend statutory adjudication to include oral contracts. Justin also highlights areas of concern that he feels the draft bill does not address. Coupled with Delia's update, the article provides a clear explanation of the proposed changes and potential difficulties that they may bring.

While accepting the need for (hopefully) cost-effective and timely adjudication, I suspect most of us would rather manage

down the risk of disputes. With that in mind, the next two articles look at collaborative and partnership working.

First are Mary Ansell, Rees Evans, Mike Holmes, Andrew Price and Christine Pasquire, who consider the benefits of collaboration in delivering maintenance projects.³ Their paper compares two similar projects carried out in 2004 and 2006, and looks for evidence of the continuous improvements anticipated by the collaborative approach. Their results make encouraging reading for fans of Latham, Egan and Gershon.

Next, Janet Jackson has a different perspective in her case study on the benefits from collaboration in community planning and design.⁴ She makes a range of observations on best practice in urban design. However, Janet's work will have a broader resonance. She records thoughtful reflections that will strike a chord with anyone working in a multi-disciplinary team. I suspect that is most, if not all, of us.

The next article, by Bernard Aritua, Steve Male and Denise Bower, takes a different slant and aims to define the intelligent public sector client.⁵ Their first point is that there are many guidelines for the successful consultant or contractor but little for the successful client. As those involved know, public sector clients deliver in a complex social, legal and political setting, against a rising tide of public expectation. The article identifies issues, drivers for change and the characteristics of a successful client. This is very topical, given government plans to speed up public investment.

The last article seems equally relevant, given media speculation about the viability of public-private partnership (PPP) in the changed economic climate. Willie Tan focuses his analysis on PPP models for student accommodation,⁶ but his conclusions will be equally interesting to readers wondering about the application of PPP in their field.

Finally, we have a book review by Barbara Marino on an explanation of the Construction (Design and Management) Regulations 2007 (CDM),⁷ a topic of considerable interest. So, if you are thinking about buying a reference book on CDM, first read Barbara's review.

I hope you found this editorial of help and enjoy reading the articles as much as I did. Please let us have your feedback, as

your comments are welcomed by the authors and helpful to us in steering the direction of future issues of the journal.

REFERENCES

1. DUMARESQ D. Further proposals regarding statutory adjudication in the construction industry. *Proceedings of ICE, Management, Procurement and Law*, 2009, 162, No. 2, 49–50.
2. MORT J. Adjudication: possible amendment to the 1996 Act. *Proceedings of ICE, Management, Procurement and Law*, 2009, 162, No. 2, 51–58.
3. ANSELL M., EVANS R., HOLMES M., PRICE A. and PASQUIRE C. Collaborative working in highways major maintenance projects. *Proceedings of ICE, Management, Procurement and Law*, 2009, 162, No. 2, 59–67.
4. JACKSON J. I. Collaboration in planning sustainable developments. *Proceedings of ICE, Management, Procurement and Law*, 2009, 162, No. 2, 69–74.
5. ARITUA B., MALE S. and BOWER D. Defining the intelligent public sector construction client. *Proceedings of ICE, Management, Procurement and Law*, 2009, 162, No. 2, 75–82.
6. TAN W. Restructuring private–public partnership in student housing. *Proceedings of ICE, Management, Procurement and Law*, 2009, 162, No. 2, 83–88.
7. HER MAJESTY’S GOVERNMENT. The Construction (Design and Management) Regulations 2007. The Stationery Office, London, 2007, Statutory Instrument 2007 No. 320.