

Editorial

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Welcome to this edition of *Management, Procurement and Law*. We have reached the mid-point of 2017 and there appears to be uncertainty all around. In the UK, we have the inconclusive general election result. In Europe, there are new governments and the unknown impacts of Brexit; and on a global scale we have the United States government withdrawing from the Paris agreement, plus much more in the various regions. But don't despair: this edition of *Management, Procurement and Law* is here to provide us with some order and to act as a bit of a comfort blanket for those of us in need.

This edition includes four papers covering a wide range of subject matter, all of which I found to be very interesting and hopefully you will too. We have ordered the papers along the lines of a project life cycle, starting with a legislative framework relating to social value through to a lesson-learned review of the UK's nuclear industry.

In the first paper, Cartigny and Lord (2017) look at social value in the UK construction industry. Being currently involved on a major multi-billion GBP project, I can see from first-hand evidence how the issue of social value, such as local employment, local involvement and legacy, is a key aspect of a major infrastructure project. With the growing scepticism of globalisation, communities are looking ever more closely at local issues. This includes how major public sector projects impact on them, not only in terms of the actual project outcomes but also what social benefits can be obtained during the construction phase. The authors focus on the intent of the UK's Public Services (Social Value) Act 2012 to deliver social value for local communities. Initially, it seems that the Act conflicts directly with EU procurement regulations (EC, 2014). However, after reading this paper you can see that they can both work together. The paper also highlights the challenges in assessing how social value is measured by identifying various methods of valuation either by way of social studies or the more black-and-white commercial methods. In today's world, public services and major national infrastructure projects need to take heed of social value so that they can win the trust and support of the local communities in order to deliver successful projects.

The second paper deals with trust. This is quite an emotive word as everyone has their own personal view of what trust is. In his paper Challender (2017) explores the use of trust as being a viable tool in procurement and specifically in UK education construction strategies. Collaborative/partnering contracts have been around in the UK construction industry for over 25 years and we are still grappling with the fundamentals of what behaviours are required for success. In order to identify how trust can support collaborative arrangements, Challender undertook his own research relating to

the issue of trust-building across a wide sample of construction professionals through questionnaires and in-depth interviews. His findings identified a significant number of mechanisms that are deemed to be effective. However, in his conclusions, Challender concluded that there is still an apparent lack of trust in collaborative/partnering procurement strategies, with commercial issues and traditional adversarial behaviours being the main reasons. This is a constant theme that appears time after time in papers on this subject.

For any organisation contemplating adjudication or arbitration the role of the expert witness in advising or supporting their case is vital. In the third paper, Mullen (2017) looks at the key aspects of the selection process of an expert witness. It is interesting that Mullen quotes article 5.1(a) of one of the Royal Institution of Chartered Surveyors' practice statements (RICS, 2009), which states that the 'primary duty as an expert witness...is not to a client but to the tribunal'. This is an important aspect to remember and often overlooked by clients. This paper focuses on the key aspects of the characteristics of a good expert witness, together with the bad criteria. Mullen highlights examples of where expert witnesses have been castigated by the courts for their lack of skill, expertise and preparedness. Those professionals who may have contemplated the thought of being an expert witness may need to think again! Mullen sets out his view of what key attributes are required of the expert witness to be effective. Additionally, he sets out key suggestions for a good selection process, which include interviewing the expert witness and challenging them on their previous record. It also appears that whilst some are indeed experts in their field, it will be their 'performance' in the court room that is also a key factor in whether they will be a successful expert witness.

The final paper, from Bird and Wearne (2017), reviews the development of the contract structure of nuclear power projects. The review focuses primarily on the UK, dating back from the 1950s through to the UK's current new nuclear build programme. The paper maps out the evolution of contract structures from the first UK nuclear programme in the 1950s through to the second programme of the 1960s. It is interesting to read that during the first programme, none of the nine delivered stations were repeat designs. If that idea was repeated today I would dread to think how much the final costs would be. Bird and Wearne's review of the lessons learned between these two programmes highlights governance as a key issue, which on a nuclear plant appears to be quite concerning!

I would like to take the opportunity to thank all of the authors for their efforts in producing these papers. The authors are keen to receive feedback on their papers so please feel free to contact the journal by email or join the conversation online.

In order for *Management, Procurement and Law* to survive we need papers. So, if you think that you can put pen to paper, whether individually or as a group, please do, and don't think that you must be a member of the Institution of Civil Engineers to do so. They even let me write an editorial and I am a simple quantity surveyor!

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