
HUB PROGRAMME DELIVERY OFFICE

GUIDANCE NOTE 01/13

Creation of the Project Brief and the Authority Construction Requirements

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1. Introduction

In a standard (non-hub) Design and Build contract, or in a PFI, PPP or NPD procurement, it would be usual for the procuring authority to extensively document its construction requirements by means of output or performance specifications, and perhaps a reference design, - and to include these in the tender documentation. Subsequently these same Authority Construction Requirements (ACR's) would be included in the final contract alongside the Contractor's Proposals (CP's). In the event of a discrepancy between the two, it would be normal for the ACR's to prevail and the eventual finished building would be subject to compliance with the ACR's.

Prior to signing the contract, the contractor has to satisfy itself that, by building to the Contractor Proposals, compliance with the proposed ACR's is achievable. It is quite normal for a series of derogations from the ACR's to have to be negotiated between the parties and their respective technical advisers in order to bring the two documents in to balance. This process is time consuming and inefficient.

The principle of ACR's and CP's is mirrored in the standard hub contracts subject to certain Participant design approvals. The ACR's are included in a Schedule to the contract with hubCo. The ACR's will contain certain performance requirements often not directly reflected in the drawings and specifications typically found in CP's – e.g. The achievement of certain environmental conditions in specified spaces; the achievement of energy (EPC) performance; the achievement of sustainability (BREEAM) performance; or the compliance with design guidelines such as Scottish Health Technical Memoranda and Planning Notes. Local Authorities may include their own standard requirements documents.

In the context of procuring a project through hub these processes could still apply. Comprehensive ACR's may, for instance, be included in the New Project Request (NPR). More likely, however, is that the Participant will issue far less specific requirements – perhaps even as little as “build a secondary school for 1200 pupils to SFT metrics”; or perhaps a simple accommodation schedule with a block plan which defines spatial adjacencies. HubCo and the Participant will then collaboratively work together to further define and develop the design of the project with formal submissions and approvals taking place at Stage 1 and Stage 2 of the hub process. This is much more efficient and is to be encouraged.

How, then, should a Participant consider its approach to the creation of its Project Brief and subsequently of the Authority Construction Requirements in a collaborative context?

2. Collaboration

The hub initiative is designed to encourage collaboration between Client and hubCo, its contractors and designers. This preferred approach of early engagement should generate innovation and hence better value for money. The very real benefits of a collaborative design and procurement approach with other Participants commissioning similar projects should also be explored.

Whilst it is still possible to use hub with a comprehensive and prescriptive set of ACR's produced by the Participant in advance of the issue of a NPR, it is considered this is more likely to result in a less than optimum outcome and may stifle innovation in terms of both specification and space efficiency.

It would be unwise, however, for the Participant to accept the final ACR's to be included in the contract would simply mirror the collaboratively developed hubCo proposals. To do so would dilute the protection afforded to the Participant if the ACR's contain overriding performance specifications to be complied with by hubCo – e.g., the control of environmental conditions, energy performance, infection control and lighting levels, or security and access control functionality.

3. Who owns and Produces the Briefing Documents and the Authority Construction Requirements'

The ownership and approval of all Briefing Documentation and ACR's must lie with the Participant, supported as necessary by in house resource or by a consultant technical adviser.

The production of the documents, however, could be by a variety of sources. Standard requirements, such as Scottish Health Technical Memoranda and Planning Notes, may already exist; technical officers or technical advisers may produce project specific requirements; the Participant could request hubCo to produce and propose performance specifications for Participant approval. It is for the Participant to decide what method or combination of methods best suits their individual project. There are clearly resource, cost and time benefits to be gained by maximising a collaborative approach. Duplication of effort should be avoided wherever appropriate.

It is acknowledged that each hub territory has their own method statements and guidance for the information they recommend is included in the NPR, and this document is not designed to override these. The Participant should agree with hubCo, in the context of the relevant Territory Partnering Agreement, if collaboration is to start before or after the issue of a NPR. In certain territories and on certain projects it may be that Strategic Support Services might be used to commission hubCo to develop briefing information for subsequent approval by the Participant.

The key point is to agree who will do what, and by what point in hubCo's development programme.

4. Collation of the Authority Construction Requirements

It is suggested that consideration be given to the adoption of a live and transparent document with draft contents, authors, approvers and timescales, and which grows into the set of ACR's over the project development period. This can then be inserted as an agreed document in the appropriate Schedule to the contract with hubCo. The document should be owned by the Participant's team.

5. Participant Design Approval

The Participant should familiarise itself with the design approval obligations in the standard form template contracts (Clause 12).

Firstly, immediately before signing the contract, to confirm that the hubCo Proposals satisfy the ACR's in respect of Operational Functionality. Typically this will include the basic general arrangement plans detailing the position of entrances and exits; room adjacencies; and possibly room sizes. Operational Functionality needs to be agreed and defined on a project specific basis.

Secondly, that subsequent Approved Reviewable Design Data (RDD) also satisfies the specified requirements for each element of RDD. RDD is used, after Financial Close, to secure Participant approval to any key design elements still to be fully developed. These are required to be scheduled out in the contract and should be minimal. Examples might be paint colours or the final detail of important fitted furniture items. Importantly, both of these approvals override the precedence of ACR's over hubCo Proposals.

6. Sample Flowchart

A flowchart to promote early engagement with hubCo, to encourage collaboration, and to provide prompts for defining Briefing and ACR production responsibilities follows. It suggests adopting the concepts of an Initial Brief – the basic parameters defining the project, and a Final Brief – the level of detail needed to develop a RIBA Stage C design for the hub Stage 1 Report. It also suggests it may be useful to consider defining the ACR's as a combination of the Final Brief with the developed and agreed performance requirements and output specifications.

Sample approach to the creation of a project brief and the compilation of authority construction requirements in the hub procurement model

INITIAL BRIEF



FINAL BRIEF



ALL REMAINING KEY OUTPUT AND PERFORMANCE REQUIREMENTS AND SPECIFICATIONS



DETAILED DESIGN AND PRICING



HUBCO PROPOSALS



AUTHORITY CONSTRUCTION REQUIREMENTS

The minimum information needed to populate a New Project Request such that it is capable of acceptance by hubCo. It should be site specific. At this stage the Participant should identify how the final brief will be produced. Consider the benefit of working in collaboration with hubCo to achieve this.

Contains all the information, as agreed with hubCo, which is needed to allow a RIBA Stage C design to be developed. This is the level of detail needed for a Stage 1 Report. It could also be the brief issued with the New Project Request where a participant elects to provide such detail before engaging with hubCo.

Mostly produced during the Stage One process for formal approval by the Participant with the Stage One report. Participant agrees with hubCo at the beginning of Stage One who will be responsible for the production of each element.

Either

a) Proposed by hubCo, approved by participant

or

b) Produced by participant – either by referring to an existing document, or created as a project specific document by in-house expertise and/or technical adviser – and preferably in consultation with hubCo, thus securing its prior acceptance.

Identify, and agree with hubCo, timescales and responsibilities for any outstanding specifications to be produced and agreed during Stage Two.

At this stage it is likely that some acceptable value for money proposals may emanate from the supply chain which could require amendments to previously agreed requirements or specifications.

Participant must inspect the hubCo proposals before contract execution and confirm that they will deliver operational functionality (to be defined on a project specific basis, but likely to include location of access points, room adjacencies, sizes of rooms etc).

These can best be collated by the Participant's Team as a live and transparent document during the project development period. It may be useful to define:

Authority Construction Requirements = the Final Brief + the output specifications and performance requirements.

If these have been collaboratively developed, there should be no disagreement when the Schedules to the Contract are being compiled.