

Guidance on Collaborative Procurement for Design and Construction to Support Building Safety

The guidance has been prepared by Professor David Mosey of King's College London Centre of Construction Law and Russell Poynter-Brown of On-Pole Limited working in collaboration with the Department for Levelling Up, Housing and Communities and the Procurement Advisory Group. This guidance is offered in good faith but without legal liability, on the understanding that clients and teams will rely on their own professional advice when considering, adopting and implementing its recommendations.

The Grenfell Tower fire in 2017 led to a significant programme of work to reform the building safety system and Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety identified procurement as one of many areas that urgently need to be improved.

The guidance has been developed to assist clients and industry in adopting and implementing procurement practices that deliver safer buildings. It shows how collaborative procurement can lead to safer, better-quality outcomes and how clients and their teams can use collaborative procurement in practice.

Collaborative approaches have been proven to succeed in reducing risks and improving value on construction projects in the public sector and the private sector. These approaches should be adopted on all construction projects, and this guidance shows why it is essential to adopt them on projects that are 'in-scope' of the new regulatory regime that will be introduced through the government's Building Safety Bill (the 'Bill')

The guidance is designed to support:

- Public and private sector clients and their advisers when implementing collaborative processes, relationships and systems in their procurement strategies, procedures and contracts for projects in-scope and at each 'gateway' point under the Bill
- The parties identified in the Bill comprising 'dutyholders' during design and construction, when using collaborative processes, relationships and systems to inform, support and integrate the design, construction, supply and operation of an in-scope project and when implementing risk management so as to prioritise safety and quality issues and the needs of residents
- The Building Safety Regulator when establishing how the industry moves to safer practices across the lifecycle of buildings in-scope of the new regulatory regime.

Rather than prescribing particular procurement models or contract forms, this guidance recognises that clients in the public and private sectors adopt varying approaches; it summarises ways in which all public and private sector dutyholders can demonstrate to the Building Safety Regulator how they have used collaborative systems to improve safety and quality outcomes. This guidance mirrors the commitment in the government's 2020 Construction Playbook that collaborative procurement practices will help to deliver *'better, faster and greener solutions that support our recovery from the COVID-19 pandemic and build the economy of the future while improving building and workplace safety'*.

The guidance breaks down collaborative procurement into four specific proposals that should be adopted on any in-scope project:

- Selection by value that avoids a race to the bottom
- Early supply chain involvement that improves safety and reduces risks
- Collaborative relationships that improve commitments and involve residents
- A golden thread of information that integrates design, construction and operation.

It explains how these proposals are supported by project systems and strategic commitments that sustain and enhance a collaborative culture, by the use of collaborative procurement to improve economic, social and environmental value and by team-building techniques and lessons learned from other industries.

A copy of the Guidance can be found [here](#).