

Field Guide to Partnering

on Caltrans Construction Projects



April 2026

Field Guide to Partnering on Caltrans Construction Projects

California Department of Transportation
Division of Construction

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This guide is for Caltrans staff and the contractor's personnel working at the project level. It reinforces the Caltrans Construction Partnering Steering Committee's commitment to defining the responsibilities of each party and providing tools for successful partnerships.

April 2026

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INTRODUCTION

Partnering Lessons Learned

Caltrans Construction Partnering Steering Committee

The Caltrans Construction Partnering Steering Committee (CCPSC) was established in 1992 and re-established in 2006 to help Caltrans improve construction partnering. Sponsored by the chief engineer and chaired by the chief of the Division of Construction, the CCPSC is comprised of the deputy district director of Construction from each Caltrans district or region and representatives from the Associated General Contractors of California, United Contractors, and Southern California Contractors Association. The current member list is available on the Caltrans Partnering website at:

<https://dot.ca.gov/programs/construction/partnering>

Key Lessons Learned

Caltrans has been partnering on its construction projects for many years and the CCPSC has identified the following practices upon which the updated Caltrans Partnering Program is based:

- Set goals and measure progress.
- Train and empower the field staff.
- Get stakeholders' participation and buy-in.
- Partner at the strategic or program level.
- Verify occurrences of decision-making and risk management.
- Recognize and award effort.

These lessons have been integrated into this 2026 edition of *Field Guide to Partnering on Caltrans Construction Projects* and into the policies, practices, and training that supports the Caltrans Partnering Program.

Purpose

The 2026 *Field Guide to Partnering on Caltrans Construction Projects* provides guidance for partnering on construction contracts and is not a replacement but rather a supplement to engineering experience and judgment, as well as personnel training and development.

Caltrans intends that this guide be used as a resource to provide procedural guidance for personnel engaged in construction partnering. This is not a compilation of mandatory instructions unless guiding language is explicitly mandatory. Personnel are expected to perform in accordance with the guidance herein within the resources allotted for construction contract administration.

This guide establishes policies and procedures for partnering during the construction phase of Caltrans projects. However, this guide is not a contract document. It imposes

no obligations or requirements on contractors. Resident engineers and other Caltrans personnel who administer Caltrans contracts must never use this guide as a substitute or supplement to the specifications and other contract requirements. Similarly, the guidance in this manual does not relieve contractors from their obligation and responsibility for their means, methods, quality control, and compliance with contract requirements.

CHAPTER 1

“Partnering, Our Way of Doing Business”

Caltrans is Committed

The purpose of this field guide is to promote the formation and success of partnering relationships on Caltrans Construction projects. This guide is for all team members; however, it is addressed to the Caltrans resident engineer and the contractor project manager as the project team leaders and, thus, the champions of partnering. Caltrans and the construction industry are committed to making partnering the way Caltrans does business. Faced with complex projects and an everchanging workforce, project teams cannot let these challenges result in unresolved issues and claims. Caltrans will no longer be seen as adversaries in a war of wills—the cost in dollars, resources, and lost productivity is too great. Caltrans is here to tell field staff and management, that partnering is the way Caltrans does business—anything short of a full commitment to partnering is not acceptable.

Caltrans wants to provide the tools needed for a successful partnering platform. If partnering or understanding how to partner is difficult use the following resources:

- This field guide
- Guidance from management
- Reference studies and articles
- Collaborate with peers knowledgeable in partnering
- Attend training
- Contact the district partnering coordinator

Caltrans encourages all personnel to seek partnering assistance when needed. Each individual is responsible for making partnering successful.

Seeking Fairness

It's everyone's job to be fair and to act in good faith while seeking resolutions to project issues and problems. If this objective is kept in mind, solutions are often obtainable. Even if all the parties cannot agree on what is fair, by using fairness as a benchmark and maintaining an open dialogue, the chances to resolve a problem drastically improve.

Furthermore, if both sides work to do what is in the best interest of the project, both sides' interests will usually be satisfied, and everyone will walk away with a sense of accomplishment. These concepts—fairness and doing what is best for the project—are basic guidelines for partnering success. It takes discipline and perseverance to keep these two principles in mind during conflict, but it will pay off.

What is Partnering?

Partnering is simply a way of conducting business in which two or more organizations make long-term commitments to achieve mutual goals. This requires changing traditional adversarial relationships into team-based relationships. Partnering is a project approach that is designed to promote open communication, trust, understanding of shared goals, collaborative problem solving, and teamwork among participants. In a partnering relationship:

- Trust and open communication are encouraged and expected from all participants.
- All parties address and resolve issues promptly and at the lowest level possible. Striving together to develop solutions that are agreeable and meet the needs of everyone involved—win-win approach.
- All parties have identified common goals for the project partnership, while at the same time, are aware of and respect each other’s goals and values.
- The parties seek input from each other to find better solutions, creating synergy in a relationship that fosters cooperation and improves the productivity of the partnership.

Partnering Lifecycle

Figure 1.1., “Lifecycle of Project Partnering,” shows that partnering is not a one-time event, rather it lasts for the duration of the project. Partnering has a lifecycle that starts with the kickoff partnering workshop and continues through follow-up partnering sessions. If a conflict or dispute arises, the facilitated dispute resolution process may be used. Partnering and project progress is evaluated monthly through the partnering evaluation survey. The survey allows team members to be accountable to one another and identify any emerging issues. As the project comes to an end, a closeout partnering workshop will be held to effectively end the project and to capture all lessons learned throughout the project. In addition to the partnering workshops, sessions, and monthly evaluations, there is value in adding partnering fundamentals into weekly and daily activities. Some teams refer to their weekly meetings as “partnering meetings” and use this time not only to coordinate and plan the project, but to continue the partnering process by incorporating topics and reviewing project goal, partnering commitments, or potential issues. The goal is to keep team members working together cooperatively throughout the project.

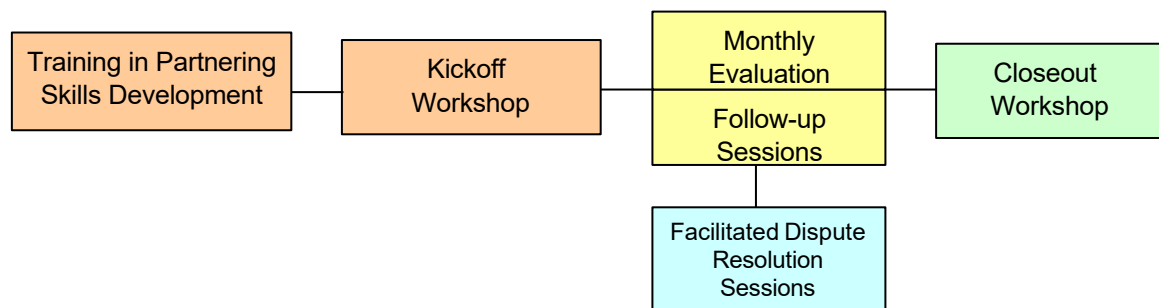


Figure 1.1. Lifecycle of Project Partnering

Win-Win Negotiations

Too often people think of a win-win solution as “splitting the difference” or a compromise so that both parties share the pain, but it is in fact a collaborative solution in which both parties get all or most of what they need, and their true interests have been satisfied in the outcome.

As an example, the contractor may seek additional compensation when they discover the 15-foot-wide work area shown on the plans is only 5 feet. The resident engineer states that although the plans may be incorrect, the available work area was obvious to all bidders visiting the site.

In a lose-lose scenario, the contractor performs the work as planned and files a claim. The claim is settled in the future by sharing the cost when both sides accept the vulnerability in their positions.

In a win-win solution, the contractor may state the work can be performed with only 10 of the 15 feet. By collectively reviewing project constraints, such as traffic windows, staging, and environmental permits, both the resident engineer and contractor can find a way to obtain the additional 5 feet.

The key is to keep an open mind and collaborate before the work is performed to review available options. Delaying the negotiations or discussion of a dispute until after the work is complete often results in unresolved issues and claims.

Note that in the previous example, or in any scenario, the partnering solutions should not supersede the contractual requirements.

Partnering Objectives

Owners of construction projects across the country pay tens of billions of dollars each year in interest and legal costs for claims that go unresolved for long periods of time. This is money that could be used to fund additional projects. For contractors, unresolved claims mean fewer funds to reinvest in other enterprises and, in extreme cases, may even threaten the companies' existence. In addition to financial effects, both owners and contractors are affected by negative attitudes and poor communication, leading to damaged working relationships and lost productivity. Unresolved claims are a classic lose-lose situation. Partnering is used to prevent this from happening and can help to repair damaged relationships.

Without partnering, both Caltrans and the contractor are risking their ability to convince a third party, board of review, or arbitrator of their position months or years later.

The use of partnering in the public sector has grown significantly in recent years. The CCPSC Statewide Partnering Charter identified the benefits of partnering since 1998, and they continue to be Caltrans objectives today:

- Claims mitigated and resolved promptly
- Increased job satisfaction
- Higher quality

- Safer projects
- Reduced project completion time
- Reduced total project costs

Successfully partnered projects keep these objectives in mind throughout the life of the project.

Partnering Values

Each project has its own unique identity and way of doing business. The following is a list of partnering values; attributes of the way Caltrans seeks to do business as partners. As project leaders, the resident engineer's and project manager's job is to instill these values into the project and to identify and overcome any barriers that interfere with their achievement:

- Fairness
- Cooperation
- Trust
- Open and honest communication
- Teamwork
- Collaborative problem solving
- Working for mutual gain
- Dispute resolution at the field level

Partnering **values** are very important to instill in a team. It is from values that **attitudes** emerge and from attitudes emerge **behaviors**. Figure 1.2., "Partnering Culture," illustrates an integral part of partnering—creating the right culture in which partnering can succeed.

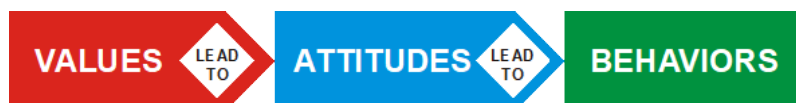


Figure 1.2. Partnering Culture

Partnering Support

The deputy district directors of Construction, as well as representatives from Associated General Contractors of California, United Contractors, and Southern California Contractor's Association, have been active members of the CCPSC and are committed to the success of partnering. They can be great resources to Construction field staff. A list of CCPSC members is available on the Caltrans Partnering website. The Caltrans district partnering coordinators are also available to assist when help is needed. A list of the district partnering coordinators is available on the Caltrans Partnering website at:

<http://dot.ca.gov/programs/construction/partnering>

For questions or concerns contact the headquarters Division of Construction Partnering Program manager at Partnering.Program@dot.ca.gov.

CHAPTER 2

Overview of Partnering a Caltrans Project

Partnering Specification Requirements

Refer to Section 5-1.09, “Partnering,” of the *Standard Specifications*. There are also special provisions for project partnering requirements that can be used to modify the *Standard Specifications*. If not already required, professionally facilitated partnering is encouraged on all projects with a total bid greater than \$1 million. The resident engineer is required to extend a formal invitation to the contractor to partner on all projects with a total bid greater than \$1 million.

Use of partnering concepts on projects with a total bid of \$1 million or less is also encouraged, even if a professional facilitator is not used.

Project team training in partnering skills development is mandatory on all projects when partnering is required by the *Standard Specifications* or special provisions. Teams planning to hold a team training session in partnering skills development may choose from the list of 21 partnering competencies listed in Section 5-1.09C, “Training in Partnering Skills Development,” of the *Standard Specifications* and Chapter 6, “Measuring Progress,” of this guide. Teams may choose up to four of these topics for a one-day team training session. This must be a separate and distinct session held before the kickoff partnering workshop.

The *Standard Specifications* are available on the Caltrans website at:

<https://dot.ca.gov/programs/design/ccs-standard-plans-and-standard-specifications>

Guidelines for Choosing a Partnering Facilitator

No partnering-related meetings are allowed during projects with a total bid greater than \$10 million, until a professional facilitator is selected, and an agreement is reached. As able, evaluate multiple professional facilitators to find the best fit for the project. It is vital for the project to choose a facilitator who not only meets the needs of the partnership but enhances it as well. The agreement should include scope of services (based on the *Partnering Facilitator Standards and Expectations*), cost, cancellation or rescheduling policy, and payment clause.

Kickoff Partnering Workshop

The kickoff partnering workshop is the initial project partnering meeting that will set up the project partnering team for success. This is where the team will create its partnering charter, identify key project issues, discuss risk management strategies, and set up monthly partnering evaluation survey processes. At the conclusion of the kickoff partnering workshop, the team will evaluate the partnering facilitator using Form DOT CEM-5501, “Partnering Facilitator Evaluation—Kickoff.” Everyone is encouraged to invite the district partnering coordinator to the kickoff partnering workshop, as they help to make sure there is uniformity of partnering principles throughout the district.

Partnering Charter

The partnering charter is the guiding focus for the project team. The charter documents the team's vision and commitment to work openly and cooperatively toward mutual success during the life of the project. The charter helps to manage the assignment of risk, and allows for broader communication of the team's specific goals. The partnering charter includes the following elements in every project:

- Mutually beneficial goals
- Core project goals
- Project-specific goals
- Project-specific key risks or issues
- Dispute resolution plan
- Partnering maintenance plan and closeout plans such as:
 - Follow-up partnering sessions
 - Partnering evaluation surveys
 - Weekly partnering meetings
 - Team-building activities
 - Closeout partnering workshops
- Commitment statement and signatures

Mutually Beneficial Goals

When everyone on the team is committed to specific goals, the team tends to accomplish these goals. The partnering charter outlines the team's goals for success. At a minimum, the partnering charter is required to include the following core project goals, which apply to all projects.

Required Core Project Goals

- Maintaining a safe project site
- Completing the project on time
- Using the Fundamentals of Partnering training
- Staying on budget
- Committing to quality
- Keeping communication open

Project-specific goals and mutually agreed upon individual goals may be added to core project goals. The resident engineer and project manager should discuss with each other what types of goals are important so that the project is successful. This guide recommends having project-specific goals.

Recommended Project-Specific Goals

- Resolve disputes promptly and avoid claims
- Build teamwork, trust, and relationships
- Evaluate Value Engineering Cost Proposal (VECP) opportunities or other innovations
- Commit to regular follow-up sessions
- Respond to monthly partnering evaluation surveys
- Foster a positive public image
- Establish successful coordination with third parties
- Promote a positive and enjoyable work environment
- Meet environmental requirements
- Strive to deliver award-winning projects
- Take pride in team contributions

For the project's success, all mutual goals should be specifically defined. For example, the "Completing the project on time" goal might be defined as, "To complete the project by the end of the calendar year." The more specific team goals are, the better everyone can focus on meeting them.

Identify Project-Specific Key Risks or Obstacles

Every project faces risks and obstacles. The partnering process is the ideal place to identify the key risks the team faces, and to make commitments on how to manage the risk and overcome obstacles. This will help make the project a success.

Examples of Project-Specific Key Risks or Obstacles

- Construction staging
- Utility conflicts
- Third-party coordination
- Long-term closures
- Public events and holidays
- Railroad involvement
- Structure work
- Environmental effects

Dispute Resolution Plan

As another element of the partnering charter, the team will develop a dispute resolution plan. The dispute resolution plan establishes a process for elevating disagreements up to executive management if needed. This will include a dispute resolution ladder (DRL)

for the specific project team. A facilitated dispute resolution can be added to the last rung of the ladder before referring a dispute to the DRB or DRA. For more details, see Chapter 8, “When Things Aren’t Going As Well As Desired,” of this guide

Partnering Maintenance Plan and Closeout Plan

Partnering requires maintenance during the life of the project. The partnering maintenance plan helps prevent team disputes and fosters cooperation. Team cooperation will help obtain team commitment to participate in a closeout partnering workshop held near the end of the project. The purpose of this workshop is to successfully conclude the project and give team members the opportunity to learn from one another.

The team will create a partnering maintenance and closeout plan as part of the partnering charter during the kickoff partnering workshop. It should include the team’s agreements on:

1. The specific dates, milestones, frequency, and designated locations for follow-up partnering sessions. It may be best to determine what types of sessions these will be, such as executive or team sessions beforehand.
2. Administration, review, use of monthly partnering evaluation surveys and team participation in regularly completing the surveys.
3. Weekly meetings, for instance where and when meetings will be held or if partnering will be incorporated. It may be best to designate roles for planning and running the meetings.
4. Plan what and when team-building activities will happen. Consider scheduling them to align with follow-up partnering sessions or after key project achievements.
5. Tools used to make sure partnership continues (see Chapter 5, “Tools to Assist in Making Partnership a Success,” of this guide).
6. The date, location, and team expectation to attend the required closeout partnering workshop.

Follow-Up Partnering Sessions

One of the lessons learned over years of partnering on Caltrans’ projects is that there must be partnering workshops at regular intervals throughout the duration of the project. Teams should plan to meet quarterly. The resident engineer and project manager should verify that the workshops are scheduled and that the appropriate people attend to address any outstanding or emerging obstacles.

These follow-up partnering sessions may be used in several ways, including:

- Executive team sessions
- Owner’s sessions
- Design team sessions
- Project team sessions

- Stakeholder sessions
- Dispute resolution sessions
- Team-building sessions
- Team celebrations
- Session combinations

The facilitator can help identify what might be the best use of this day.

Monthly Partnering Evaluation Surveys

There are tools to measure milestones throughout the project, such as budget, schedule, and quality. However, it is more difficult to measure milestones, such as how well the team is working together. The monthly partnering evaluation survey is a means for the team to measure partnering, evaluate project commitments, and be accountable to one another. The facilitator will be responsible for developing and distributing a monthly partnering evaluation survey, compiling the results, and issuing the survey report. The resident engineer and project manager are responsible for making sure the team completes the survey. They will also review and discuss the survey results to determine when it is necessary to recognize and celebrate team successes. Third-party stakeholders, such as subcontractors, utility companies, railroads, and resource agencies should participate in the survey as appropriate, to express their concerns as well.

Team Building

Project success hinges upon the team having a sense of enjoyment and accomplishment in their work and receiving recognition for that work. This can be done by holding regular team events outside of work hours, such as lunches, barbecues, and off-site events.

Weekly Partnering Meetings

Consider making partnering a discussion topic at the weekly project meetings. This is the time to evaluate how the team is progressing towards achieving goals, evaluating monthly survey results, resolving outstanding issues, and monitoring potential obstacles. These meetings are the cornerstone for making sure that partnerships grow throughout the life of the project. Find more ideas for making weekly meetings a success in Chapter 5, “Tools to Assist in Making Partnership a Success,” of this guide.

Closeout Partnering Workshop

The construction industry is fast-paced and often does not allow time to reflect on what was learned from past projects. The closeout partnering workshop addresses this by helping the team collect key lessons learned. These are then shared with the Caltrans Division of Construction staff, who compiles all the lessons learned so that they may be used to improve future projects.

The closeout partnering workshop is used to address any unresolved issues, and to make sure the project has a smooth closeout process. At the closeout workshop, the team will evaluate the partnering facilitator using Form DOT CEM-5502, “Partnering

Facilitator Evaluation—Closeout.” Everyone is encouraged to invite the district partnering coordinator to the closeout partnering workshop, as they help to verify the uniformity of partnering principles throughout the district. The lessons learned at this meeting could be applied throughout the district or shared with the Division of Construction by the district partnering coordinator.

Final Project Partnering Survey

The final project partnering survey results are not only to be shared with the project team; they also need to be shared with the Caltrans Partnering Program. The facilitator will submit the team’s final survey results on the core project goals to the Caltrans Partnering Program at Partnering.Program@dot.ca.gov. These results are combined with those of all other partnered projects statewide to assist the Partnering Program in assessing partnering effectiveness.

Role of the Resident Engineer and the Contractor’s Project Manager

The resident engineer and the contractor’s project manager are responsible for leading the partnering effort. The project leaders are the key to partnering success and can promote partnering through the day-to-day operations of the project.

The resident engineer and project manager, working together, must decide how to lead the partnering effort on each project and have clear objectives in mind as to what they want to accomplish through partnering. At the project kickoff partnering workshop, take ownership as project leaders. Be prepared to present a project overview and assist the team in identifying key project obstacles. The leaders will make sure to invite, welcome, and thank all those who attend. The role of the resident engineer and project manager may be expanded based on their level of comfort or preference. The partnering facilitator can also assist.

It is the resident engineer’s responsibility to have the team evaluate the partnering facilitator following the kickoff partnering workshop and the closeout partnering workshop. To maintain the integrity of these evaluations, the resident engineer will distribute and collect evaluation forms before sending them to the Caltrans Partnering Program. Partnering evaluation Forms DOT CEM-5501, “Partnering Facilitator Evaluation—Kickoff,” and DOT CEM-5502, “Partnering Facilitator Evaluation—Closeout,” are available for download on the Caltrans Partnering website at:

<https://dot.ca.gov/programs/construction/partnering>

Partnering performance is measured by the number of team members participating in the monthly partnering evaluation survey versus the number of people invited to take the survey. Although it is the partnering facilitator’s responsibility to submit this data to the Caltrans Partnering Program, it is the resident engineer and project manager’s responsibility to verify that the facilitator has the most current team contact list.

Lessons learned from the closeout partnering workshop must be documented and submitted to the Caltrans Partnering Program. The partnering facilitator may also conduct the workshop, document the lessons learned, share results with the project team and executives, and submit them to the Caltrans Partnering Program. However, if

the facilitator does not conduct the closeout partnering workshop, then the resident engineer is responsible for submitting the lessons learned to the Caltrans Partnering Program.

Role of the Caltrans Structure Representative

The resident engineer is critical to the leadership of partnering on the project. On many projects, the structure representative plays a vital role as well. On these projects, it is essential that the structure representative supports the resident engineer in the partnering effort.

Role of the Facilitator

The role of the partnering facilitator is to help facilitate partnering workshops and assist the resident engineer and project manager with developing and maintaining an effective partnership throughout the project. The professional partnering facilitator is selected to help the team start the partnering process and make sure that best practices are followed throughout the project. The resident engineer and project manager are encouraged, with the guidance of the facilitator, to take an active role in leading the partnering workshops and follow-up partnering sessions. When there is conflict between the parties, it is recommended that the facilitator take a more active role until the conflict is resolved. After signs of improvement, the resident engineer and project manager should again implement a more active leadership role.

The facilitator's responsibilities are detailed in the *Caltrans Partnering Facilitator Standards and Expectations*, which may be found on the Caltrans Partnering website at:

<http://dot.ca.gov/programs/construction/partnering>

The following summarizes the partnering facilitator responsibilities:

- Register with the Caltrans Partnering Program.
 - The Caltrans Partnering Program maintains a current list of facilitators and their associated information on the Caltrans Partnering website to help districts or regions find and select a facilitator.
- Follow the *Caltrans Partnering Facilitator Standards and Expectations*.
- Assist in the development of the project team charter.
- Provide a monthly evaluation survey.
- Submit the following required project partnering information to the Caltrans Partnering Program at Partnering.Program@dot.ca.gov:
 - Project team charter
 - Monthly survey participation
 - Final project partnering evaluation survey results
 - Summary of lessons learned, if facilitating a closeout partnering workshop.

A project partnering checklist for use in managing the project partnering process can be found in Appendix A, “Project Partnering Checklist,” of this guide.

CHAPTER 3

Starting the Partnering Process

Caltrans Partnering Standard Specifications

To begin the partnering process, both the resident engineer and project manager should become familiar with the project's partnering specifications. If the team chooses to use facilitated dispute resolution, be sure to reference Section 5-1.09B(3), "Facilitated Dispute Resolution," and Section 5-1.43E(3)(d), "DRB Traditional Dispute Meeting," of the *Standard Specifications*, and Appendix C, "Facilitated Dispute Resolutions," of this guide. On certain projects over \$1 million, the project development team may determine that partnering is required based on a list of criteria from Standard Special Provision 5-1.09A, "General" and Appendix D, "Caltrans Partnering Standard Special Provision," of this guide.

Making the Offer to Partner

It is required that the resident engineer invite the contractor to partner on all Caltrans projects with a bid amount over \$1 million. It is required that the contractor and Caltrans follow through with partnering on all projects with a bid amount over \$10 million and 100 or more working days. The invitation to partner should be in the form of a letter from the resident engineer to the project manager. Letter templates are available for download on the Caltrans Partnering website at:

<http://dot.ca.gov/programs/construction/partnering>

Preconstruction Conference

The preconstruction conference is an important step in creating a partnering relationship. Both the resident engineer and the project manager should be prepared to discuss the project at this meeting. Section 5-003, "Preconstruction Conference with the Contractor," of the *Construction Manual*, provides a list of possible agenda topics. Use this meeting as an opportunity to have an open discussion about the project.

When Partnering is Not Specified

It is recognized that some projects do not need to use a facilitated partnering process. The reason for not having facilitated partnering is usually because the projects have lower dollar values and shorter scheduled durations. Even without a facilitated partnering meeting, partnering practices and values can still be applied. The preconstruction conference is the logical place to introduce and initiate these useful tools and techniques with all parties involved in the project. Consider discussing the following items when using the preconstruction conference to initiate a partnering effort:

- Exchange of organizational charts
- Commitment to resolve claims at the lowest level possible

- Method of escalating unresolved issues for resolution
- Regularly scheduled meetings to promote communication
- Three-week working schedules to encourage discussion of upcoming construction activities
- Formation of teams to resolve identified contract obstacles
- Evaluation of the potential for VECs

Selecting the Partnering Facilitator

Select the partnering facilitator before the start of work to make sure the team receives the benefits of partnering best practices from the start of the project. The facilitator will guide the team in the development of a partnering plan for the project. The resident engineer and contractor project manager must agree on who they want to use as their partnering facilitator. Teams are encouraged to consult the district partnering coordinator for their recommendations in selecting a facilitator. Select a facilitator whose skills will best complement the needs and challenges associated with the project.

Make sure the facilitator receives a copy of the Caltrans *Partnering Facilitator Standards and Expectations* and registers with the Caltrans Partnering Program by submitting Form DOT CEM-5500, “Partnering Facilitator Registration,” to the partnering program manager at Partnering.Program@dot.ca.gov. The referenced forms and a list of registered facilitators is available on the Caltrans Partnering website at:

<http://dot.ca.gov/programs/construction/partnering>

The partnering facilitator should:

- Provide a monthly partnering evaluation survey. A separate fee for this service is acceptable.
- Agree to comply with the *Caltrans Partnering Facilitator Standards and Expectations*.
- Provide facilitated dispute resolution services, either themselves or by an associate.
- Register with the Caltrans Partnering Program before starting work.
- Work with the district partnering coordinator to confirm that the Caltrans partnering facilitator submits the following project documents to the Caltrans Partnering Program:
 - Project charter
 - Monthly survey participation levels (ratios)
 - Lessons learned summary at the end of the project

Make sure the professional partnering facilitator knows the project district and expenditure authorization number because all Caltrans Partnering Program submittals must include this information.

Partnering evaluation Forms DOT CEM-5501, “Partnering Facilitator Evaluation—

Kickoff,” and DOT CEM-5502, “Partnering Facilitator Evaluation—Closeout,” are used to measure facilitator performance based upon the Caltrans *Partnering Facilitator Standards and Expectations*. Make sure the team uses the forms to evaluate the facilitator after the kickoff partnering and closeout partnering workshops.

Initiate a Change Order

To add funds to the contract for partnering activities, initiate a change order. For sample change order language, visit the Caltrans website at:

<https://dot.ca.gov/programs/construction/change-order-information/change-order-templates>

Training in Partnering Skills Development

Partnering Skills Development training is available to the team, enabling members to learn specific partnering skills that may be used over the course of the project. The team can choose from 21 different topics listed in Section 5-1.09C, “Training in Partnering Skills Development,” of the *Standard Specifications*. The project team can select up to 4 topics for this joint training. The skills development process is further discussed in Chapter 5, “Tools to Assist in Making Partnership a Success,” of this guide. Seek an appropriate trainer for this effort, such as the partnering facilitator or an individual who specializes in this type of training. The individual can tailor the training to be relevant to the project team. Ultimately, select a trainer with construction background and experience.

Holding a Kickoff Partnering Workshop

Once the partnering facilitator selection has been made, the project manager and resident engineer work with the facilitator to schedule a date and locate a neutral site that will be convenient for all key participants to attend. Once confirmed, invite relevant stakeholders to the workshop. For additional details, see Chapter 4, “Setting Up Partnering Workshops,” of this guide.

As discussed in the Caltrans *Partnering Facilitator Standards and Expectations*, the facilitator may contact key project team members to conduct pre-partnering interviews. Help the facilitator by sending them a list of the key project stakeholders with their associated contact information. Expect the facilitator to design the partnering workshop to meet the specific needs of the project based on the individual interviews.

The kickoff partnering workshop should be held as close to the start date of work as possible. This gives attendees an opportunity to identify and discuss potential project challenges and risks. The team can then collaboratively work to create ways to overcome these challenges and set the partnering relationship in motion. Holding the workshop after the team has had time to carefully review the contract documents and before work starts will lead to a more effective session.

CHAPTER 4

Setting Up Partnering Workshops

Kickoff Partnering Workshop

The kickoff partnering workshop will be the first project partnering session and will include the development of the partnering charter. The partnering charter will establish the project goals, key obstacles, partnering maintenance plan, and dispute resolution plan. See Chapter 8, “When Things Aren’t Going as Well as Desired,” of this guide. The team will commit to the agreements documented and sign the charter. At the conclusion of the workshop, the team will evaluate the facilitator using Form DOT CEM-5501, “Partnering Facilitator Evaluation—Kickoff.”

Determining the Length of the Workshop

The length of the partnering workshop should be commensurate with the size and complexity of the project and familiarity of the parties. Some projects do not warrant a whole day off-site partnering workshop, while others may require more, and a series of follow-up partnering sessions among many stakeholder groups throughout the project’s duration. Work with the partnering facilitator and consider the following to determine the length of the kickoff workshop:

- The number of participants
- The relevant stakeholder groups
- The contract value and complexity of the project
- Prior relationships and partnering experience

Sample Kickoff Partnering Workshop Agenda

The facilitator is responsible for designing the partnering workshop agenda. The agenda should be developed to meet the specific needs of the project. Sample agendas are available on the Caltrans Partnering website at:

<https://dot.ca.gov/programs/construction/partnering>

Determine Attendees

The nature of the project will ultimately help the team determine who needs to attend the kickoff partnering workshop. Collectively work with the facilitator to develop a list of attendees. It is vital to include subcontractors, especially those performing a significant portion of the work or who are on the shortest path to finish a project within the required working days, also known as the critical path.

Other critical third parties include stakeholders, relevant adjacent agencies, utilities, railroads, or any party that could significantly affect the project. The following list is provided as a guideline.

Caltrans Stakeholders

- Resident engineer
- Assistant resident engineer
- Construction engineer
- Construction manager
- Deputy district director, Division of Construction
- Division of Engineering Services, Structures Construction representative
- Division of Engineering Services, Structures Construction senior representative
- Area maintenance supervisor
- Project engineer
- Project manager
- Division of Right of Way and Land Surveys relevant representative
- Traffic manager

Contractor Stakeholders

- Project manager
- Project engineer
- Subcontractors
- Jobsite supervisor
- Key suppliers
- Local management
- Senior management, for example, area manager, operations manager, vice president, president, or owner

Preparing for a Kickoff Partnering Workshop

The resident engineer and project manager should meet with the facilitator to prepare for the kickoff partnering workshop and determine a date and location for key participants to attend the session. When the logistics are finalized, invitations should be sent out two to four weeks in advance of the partnering session and should request that each invitee confirm their attendance.

The resident engineer and project manager will be taking a leadership role during the partnering workshop and should meet beforehand to discuss their objectives and goals for partnering on the project. With the aid of the facilitator, they will welcome everyone to the workshop, be prepared to present an overview of the project, and have a prepared list of potential or actual project obstacles. They can also take the lead on any of the partnering workshop exercises. Discuss the workshop format with the facilitator so they can assist.

Products of a Kickoff Partnering Workshop

The kickoff partnering workshop initiates team building among the partners. The main goal of the workshop is to commit to a partnering relationship. The partnering charter is developed to establish the team relationship and set agreed upon expectations. Since the partnering facilitator is key to the success of this workshop, the team will evaluate the facilitator's performance. Consequently, the two main products of the kickoff partnering workshop are the partnering charter and the partnering facilitator evaluation.

The Partnering Charter

At the end of the kickoff partnering workshop, the participants sign a partnering charter which is an agreement that includes all the commitments made during the partnering workshop. This is not a legal document, rather a documentation of personal commitment between those attending the workshop, to make sure the project is a success. A sample partnering charter is provided in Appendix B, "Sample Partnering Charter," of this guide. The partnering charter can be displayed at the jobsite for the crews to see as a symbol and reminder of the commitment made to have this project be a true partnership.

Partnering charter elements:

- Mutually beneficial goals
 - Core goals
 - Project-specific goals
 - Project-specific key risks or obstacles identified
 - Dispute resolution plan
- Partnering maintenance plan and closeout plan
- Commitment statement and signatures

Partnering Facilitator Evaluation

It is the resident engineer's responsibility to make sure the team evaluates the partnering facilitator at the end of the kickoff partnering workshop. The resident engineer will distribute partnering evaluation Form DOT CEM-5501, "Partnering Facilitator Evaluation—Kickoff," to team members, then collect and submit them to the Caltrans Partnering Program. The form is available for download on the Caltrans website at:

<https://dot.ca.gov/programs/construction/forms>

This form and all other Partnering Program submittals are to be sent electronically to Partnering.Program@dot.ca.gov with the project district and expenditure authorization number in the subject line.

Subsequent Partnering Sessions and Workshops

As discussed, partnering is not just a one-time event. The partnering maintenance plan will specifically identify how the team plans to maintain the partnership over the life of

the project and will include the commitment to participate in the closeout workshop to review the project team's lessons learned.

Follow-up Partnering Sessions

The frequency of follow-up partnering sessions should be determined during the kickoff partnering workshop. A best practice is to hold follow-up partnering sessions quarterly. However, the frequency of the follow-up project partnering sessions may be also determined by the working relationships and project complexity.

The resident engineer, project manager, and facilitator should decide how best to use the session for the betterment of the project. The purpose of follow-up partnering sessions is to promote continued team cooperation and dispute prevention. In less desirable situations, sessions can also be used to reestablish a joint partnering attitude or resolve disputes.

Session topics may include:

- Following up on team commitments.
- How the team is progressing toward meeting its goals.
- Looking ahead to identify project obstacles or risks.
- Review and update the partnering evaluation survey as needed.
- Facilitated dispute resolution for obstacles that have progressed through the DRL and need resolution.

Closeout Partnering Workshop

When nearing project completion, hold a closeout partnering workshop. The purpose of this workshop is for the team to successfully end the project and gather lessons learned. These lessons must be submitted to the Caltrans Partnering Program. If the project is below the threshold for requiring a professional facilitator, then the resident engineer is responsible for collecting, compiling, and sending the lessons learned to Partnering.Program@dot.ca.gov.

It is the resident engineer's responsibility to have the team evaluate the partnering facilitator at the end of the closeout partnering workshop. The resident engineer will distribute partnering evaluation Form DOT CEM-5502, "Partnering Facilitator Evaluation—Closeout," to team members, then collect and submit them to the Caltrans Partnering Program. The form is available for download on the Caltrans website at:

<https://dot.ca.gov/programs/construction/forms>

This form and all other Partnering Program submittals are to be sent electronically to Partnering.Program@dot.ca.gov with the project district and expenditure authorization number in the subject line.

CHAPTER 5

Tools to Assist in Making Partnership a Success

Training in Partnering Skills Development

Partnering facilitators offer training to help the project team develop the skills needed to develop successful partnerships. Section 5-1.09C, “Training in Partnering Skills Development,” of the *Standard Specifications*, offers 21 topics that align with core elements that foster strong partnerships and overall project success.

Partnering skills training topics:

1. Active Listening
2. Building Teams
3. Change Management
4. Communication
5. Conflict Resolution
6. Cultural Diversity
7. Dealing with Difficult People
8. Decision-Making
9. Emotional Intelligence
10. Empathy
11. Ethics
12. Facilitation Skills
13. Leadership
14. Partnering Process and Concepts
15. Project Management
16. Project Organization
17. Problem Solving
18. Running Effective Meetings
19. Time Management
20. Win-Win Negotiation
21. Effective Escalation Ladders

Weekly Meetings

A weekly project meeting can be one of the best partnering tools. Good communication and planning are critical to a successful project. A well-designed and well-run weekly

meeting provides the team with an opportunity to manage project risks by discussing obstacles, concerns, and ideas on a regular basis. It can also help the field team to understand the schedule, coordinate work, and identify and resolve issues. It brings core personnel together in one place at the same time to discuss the status of the project and to plan the week ahead. Other stakeholders, such as designers, traffic engineers, local agency representatives, and subcontractors, should be invited as needed to provide insight, background to the field team, and participate in joint decision making.

A good meeting has these attributes:

- Starts on time—A meeting should always start on time. If the team establishes a habit of starting ten or fifteen minutes late, everyone will arrive ten or fifteen minutes late. Thus, those that arrive on time are penalized.
- Ends on time—There should be a set amount of time allotted for the meeting. Any obstacles not discussed or resolved are held over to the next meeting or should be addressed and documented in a separate meeting.
- Follows the agenda—The resident engineer and the project manager should put together the agenda and include issues from subcontractors and suppliers. The agenda, while fixed, should have enough flexibility to discuss new obstacles as they occur. The agenda must also include unresolved issues that are still open. An effective agenda covers the following:
 - The look-ahead schedule that shows the planned work and reviews how the team is going to accomplish it.
 - Pending submittals.
 - Requests for information.
 - Outstanding change orders or potential claims.
 - Risk management or risk response plan update.
 - New obstacles.
 - Resolve outstanding issues or elevate them up the DRL.
 - Complex problems that may require a separate meeting to determine the best resolution.
 - Items with limited resources that need to be discussed by Caltrans and the contractor, in order to develop a plan to address the obstacle. Examples: review of submittals, equipment and crews, material, subcontractors, designers, and utility relocations.
 - Evaluate possibility of VECPs.
 - Discuss the partnering maintenance assessment and if any course corrections are needed. This time may be used to review monthly partnering evaluation survey results.
- Records agreements and issues—It is highly recommended to have an assigned

Caltrans or contractor individual recording meeting minutes, agreements, action items, and outstanding issues and obstacles. That person will also distribute the meeting minutes to the entire project team.

- Has essential people present—In order to have an effective meeting, relevant personnel must be present. It is frustrating to everyone if the people involved in an issue under discussion are not in attendance. It is the resident engineer's and project manager's job to make sure the appropriate people are invited to the meeting and to encourage them to attend.
- Stays focused on the meeting—Interruptions distract everyone, delay the meeting, and prevent attendees from hearing discussions and agreements. If everyone maintains focus and attention during the meeting, it can start and end on time.

Communication

Good communication means that there are no surprises on the project. It means that one party will not receive a letter from someone regarding an unknown issue. The project team should commit to not writing letters without talking to each other first. Talking first gives everyone an opportunity to make sure they understand the issue or issues and to try to resolve it before positions are put in writing. If a party eventually puts their position in writing, the recipient should know that the letter is coming and what it will state.

Another successful practice in facilitating communication is for the project field leaders to meet before the start of each shift to discuss the work planned for the day. Together, they can discuss potential problems and agree on an approach and resolution.

A key component of effective communication is listening, so it's important to be an active listener. Everyone brings a unique personality and different points of view to a project. Accommodation should be made for everyone to be heard and prevent conflict. This will help project obstacles remain tied to the project and not become personal. Another element of effective communication is responsiveness to a request. Out of respect for the requesting party, the receiving party should respond within five working days. Even if a final response is not available, a response indicating receipt of the request will help strengthen the partnership.

Quarterly Follow-up Partnering Sessions

Quarterly follow-up partnering sessions are a best partnering practice and will help guide the project toward success. Holding quarterly follow-up partnering sessions will help keep the partnership strong and may even help mitigate project obstacles. This will also help keep the project on schedule and within budget. Part of the quarterly follow-up partnering sessions is updating key project obstacles and risks for the monthly surveys. Consider holding additional partnering sessions when there is a significant change of personnel, problems remain unresolved, or the project enters a new phase of work.

The Facilitator

Make sure to work with the partnering facilitator as they are a valuable project resource. Whenever there are questions about what to do or if there is a need to discuss an issue, reach out to the contractor first, if the issue is not getting resolved, reach out to the project facilitator.

The District Partnering Coordinator

The district partnering coordinator (DPC) is a valuable resource that works closely with the Division of Construction partnering program manager to help establish a statewide consistency for partnering. The DPC may also be more skilled in helping the project team to address specific partnering obstacles that may be unique to the district. Appendix E, “Role and Responsibilities of the District Partnering Coordinator,” of this guide describes the role and responsibilities of the DPC.

Team-Building Activities

Project success hinges upon the project team having a sense of enjoyment and accomplishment. Holding regular team events can improve the entire team’s partnership. Construction projects typically perform poorly and have a hard time obtaining solutions when the people working on them are stressed, anxious or dislike coming to work. Some examples of successful team-building activities are:

- Barbecues
- Lawn games and sporting activities
- Family picnics (following quarterly partnering sessions)
- Volunteering events
- Monthly brown bag lunches with guest speakers

Tips for Separating People from the Problem

Often, when conflict erupts on a project, people begin to look for who is to blame. Aim to avoid interpersonal conflict by focusing on resolving the issue to make sure that team relationships stay strong. Do not lose sight that everyone will still have to work together to complete the project. Competitive situations may also cause a “win-at-all-costs mentality,” where teams focus only on “winning” a fight, losing the ability to truly understand the problem and work together towards an effective solution. Frequently, assumptions turn out to be only partially correct, making it difficult to develop an effective solution. When team members work with false assumptions, collaborating successfully becomes a challenge. Here are some steps that can be taken to avoid those situations.

Tip 1: Understand the Problem

Ask probing questions to try and identify all aspects of the problem—no matter how angry or hostile the other parties may seem. Do not become defensive. Try and understand the problem and the possible assumptions the other stakeholders may

have. This will give a clearer picture of the real obstacle.

Tip 2: Agree on the Problem

Work to gain agreement on what the problem is before attempting to find solutions. If teams cannot agree on what the problem is, how can they ever agree on a solution?

Tip 3: Don't Make It Personal

Team members should take an objective, neutral point of view, acting as a negotiator or fact finder. The more people get wrapped up in trying to win, the more likely they may interpret the issue as a personal matter. Remember that it is a project issue, and project success will depend on the team's ability to not take things personally.

Tip 4: Don't Seek to Blame

Seek solutions and try to understand the logic behind the other party's thoughts and decisions. Pointing fingers makes everyone defensive and stops communication. No project problem was ever solved by blaming someone. Everyone is in the project together, and the team will succeed or fail together.

CHAPTER 6

Measuring Progress

Receiving Feedback

Construction teams measure items such as production, schedules, and budgets. It may be difficult to measure how well a team is working together because there are typically no means to measure being accountable to one another. Partnering can help measure that the team is indeed following up on its commitments. The monthly partnering evaluation survey is a tool to help identify trends, both positive and negative, so the team can quickly take corrective action or offer congratulations on its accomplishments.

Monthly Partnering Evaluation Survey

At the kickoff partnering workshop, the team developed its mutual goals—core project goals, project-specific goals, mutually supported individual goals, and key obstacles—along with the dispute resolution plan, partnering maintenance, and closeout plan as part of the partnering charter. The partnering evaluation survey allows the team to assess how well they are performing and whether they are meeting the commitments that were set at the kickoff partnering workshop. The facilitator is the neutral party that tabulates the results and sends the partnering survey report to team members and managers.

The resident engineer and the contractor’s project manager should review the draft survey questions with the facilitator. Once they agree on the questions in the survey, the facilitator sends the survey to the project team members. The team may agree to change the questions based on the needs of the project.

Team Member Monthly Partnering Evaluation Survey Requirements

The evaluation survey may include questions regarding:

- Required Core Project Goals:
 - Maintaining a safe project site
 - Completing the project on time
 - Using the Fundamentals of Partnering training
 - Staying on budget
 - Committing to quality
 - Keeping communication open
- Recommended Project-Specific Goals:
 - Resolve disputes promptly and avoid claims
 - Build teamwork, trust and relationships
 - Evaluate Value Engineering Cost Proposal (VECP) opportunities or other

innovations

- Hold follow-up sessions quarterly and have partnering evaluation surveys
- Foster a positive public image
- Establish successful coordination with third parties
- Promote a positive and enjoyable work environment
- Meet environmental requirements
- Strive to deliver award-winning projects
- Take pride in team contributions
- Optional Mutual Support for Individual Goals:
 - Contractor makes a profit
 - Caltrans stays within approved contract contingency
- Recommended Project-Specific Key Risks or Obstacles
 - Review and update obstacles quarterly, if needed
- Recommended Partnering Maintenance Plan Commitments (review Chapter 5 of this guide)
- Recommended Dispute Resolution Plan Commitments (review Chapter 8 of this guide)

The partnering facilitator is required to submit the partnering evaluation survey participation levels to the Caltrans Partnering Program monthly. This submittal consists of 2 numbers:

1. The number of team members invited to take the partnering evaluation survey
2. The number of team members that completed the survey

These values indicate and identify project teams that are staying engaged in the partnering process throughout the life of the project. Therefore, it is important that the resident engineer and project manager confirm that the facilitator has the most current team contact list to maintain accuracy. As leaders, encourage the team to participate in the surveys and demonstrate their commitment to partnering throughout the project.

Monthly Partnering Evaluation Survey Expectations

The partnering facilitator will provide the survey and monitor results, offer guidance, advice, and interventions as needed. The purpose of the survey is to measure the team's progress towards project and partnership commitment.

Online-based surveys using a five-point scale are common, with 1 being the worst or lowest score and 5 being the best or highest score. The results will be sent to the project team, managers and executives. The survey participation level numbers and the final partnering evaluation survey results of the core project goals will be sent to the Caltrans Partnering Program.

Discussing Results and Making Course Corrections

The partnering facilitator should comment and offer recommendations for the project team members based on the survey results. It is important that the resident engineer and project manager review the partnering evaluation survey results to see where things are going well and where there is room for improvement, such as identifying things not going well or emerging obstacles. The results can be addressed during a partnering meeting or included as a part of the weekly meeting. The partnering evaluation survey will be more effective if the team reviews the results monthly.

Quarterly Updates

Make sure the survey questions are relevant to the project as work progresses. This helps team members stay accountable to one another and focus on the important aspects of the project. Use the quarterly follow-up partnering sessions to update commitments and to identify key issues on the project.

CHAPTER 7

Resolving Disputes

Defining a Dispute

Most project team members work daily to resolve problems but as time passes, they may fail to notice when it has become a dispute. When a dispute continues for a period without any movement toward a solution, team members are at an impasse. When at an impasse, people become entrenched in their positions and want to win or at least prove they are right, and that the other person is wrong.

The established project dispute resolution ladder (DRL) is designed to keep teams from reaching an impasse. Any party involved in an issue can communicate that a disagreement has become a dispute and refer it to the dispute resolution process, helping resolve disputes in a timely manner and preserve partnerships.

The Dispute Resolution Plan

One thing that makes partnerships work is having a clearly developed dispute resolution plan. The dispute resolution plan helps to establish a common understanding of the processes teams will use to resolve obstacles efficiently and effectively. The plan must include a DRL with names, titles, and target time limits for each rung of the DRL. The team may also choose to incorporate the use of a facilitated partnering session or a facilitated dispute resolution (FDR) session to resolve disputes. If quarterly partnering sessions are already planned as part of the partnering maintenance plan, those sessions, or a portion thereof, may be used for an FDR. Refer to Appendix C, “Facilitated Dispute Resolution,” of this guide.

Partnering is incorporated into the Caltrans dispute resolution process on projects with a dispute resolution board (DRB) provision. Teams are encouraged to elevate disputes through all rungs of the DRL before holding an FDR and then hold an FDR session before going to the DRB. For projects with a DRB, by adding the FDR, the timeline is extended up to an additional 20 calendar days, before deferring to a DRB traditional dispute meeting in accordance with Section 5-1.43E(3)(d), “DRB Traditional Dispute Meeting,” of the *Standard Specifications*. This additional time allows the team to schedule, prepare, and hold the session. The additional time is only allowed if agreed upon by the team and documented in the dispute resolution plan of the partnering charter. If a facilitated partnering session or FDR is not held, then the original referral time applies. Reference the relevant specifications for partnering and DRB contract requirements.

Elevation of a Dispute

One of the cornerstones of partnering is the DRL. This process is also called elevation of a dispute. The DRL is established during the kickoff partnering workshop. At the top of the DRL are the two primary parties to the contract—Caltrans and the contractor. Behind these two primary parties are all the other project stakeholders. For example, behind the contractor are the subcontractors and suppliers. Behind Caltrans might be

local agencies, such as the Division of Design and headquarters Office of Land Surveys. If any of these project stakeholders have a dispute, the dispute resolution process may be used by first going through the appropriate primary parties.

Each party in a dispute needs to know and understand the other party’s position well enough that they can explain it to the other’s satisfaction.

The process starts at the lowest level possible for each organization and escalates through both organizations’ hierarchies until either the dispute is preferably resolved at the lowest level or an impasse is reached. Table 7.1., “Elevation of a Dispute Example,” provides a sample hierarchy.

Table 7.1. Elevation of a Dispute Example

		Caltrans Division of Design and Office of Land Surveys	Subcontractors or Suppliers	
Dispute Resolution Ladder	Level	Caltrans	Contractor	Time to Elevate
	1	Inspector	Foreperson or Superintendent	1 day
	2	Resident Engineer	Project Manager	1 week
	3	Construction Engineer	Area Manager	1 week
	4	Construction Manager	Operations Manager	2 weeks
	5	Deputy District Director, Construction	Owner or President	2 weeks
Neutral Process	6	Facilitated Dispute Resolution		See <i>Standard Specifications</i>
	7	Dispute Resolution Board (or Dispute Resolution Advisor)		See <i>Standard Specifications</i>

A dispute is elevated to the next level if any of the following are true:

- An agreement cannot be reached at the current level within the agreed time.
- More than the agreed time has passed without a solution.
- Both parties at the specific level agree to elevate the issue before reaching the time limit.
- Both parties have reached a concurrence with the next level and need to elevate the issue.

Elevation to the next level in the DRL should be acknowledged by both parties and put in writing if possible. Provide a clear summary of the dispute and highlight the key points of disagreement for both parties before escalating the issue to the next level. DRLs are effective but resolution timeframes may differ based on the needs of the project. See Appendix B, “Sample Partnering Charter,” of this guide for an example.

Once the dispute is elevated, it is incumbent on the next level to meet as soon as possible to try to reach a resolution. It is important that a separate meeting be held to address the dispute. For example, do not schedule it in the middle of the weekly project meeting. Also, do not assume that the next level truly understands the points of disagreement or that there will be automatic concurrence with each position, even if the dispute was previously discussed.

Establishing and using the DRL process is key for the team to better resolve disputes. Given the complexities of Caltrans' construction projects, disputes tend to be inevitable. When disputes do arise, do not ignore them. Focus on finding a resolution. The following provides 2 suggestions to address challenges the team may encounter when using the DRL.

Overcoming Hesitation to Escalate

Project level teams sometimes hesitate to elevate disputes because it can be seen as a sign of failure and develop a desire to resolve the dispute without escalation. Some disputes stay at Level 1 for months when the agreed upon time to elevate an issue was one day. This lingering conflict results in a loss of cooperation, communication, and increased stress. It is the responsibility of upper management to make sure the project level teams feel confident with the work being done on a project and to encourage them to elevate disputes to the next level if they cannot reach a resolution. When team members are at an impasse, elevation of a dispute is the best way to keep the project moving forward.

Dedicating Meetings to Dispute Resolution

As stated before, when a dispute is elevated, it is important that a separate meeting be held to discuss the dispute. For instance, simply speaking with the other party about the dispute at a weekly meeting does not elevate the dispute. Team members should schedule a meeting dedicated solely to the dispute. This allows the team to focus on understanding the problem, discuss different perspectives and work towards a resolution. Schedule separate meetings each time a dispute is elevated to the next ladder.

The most effective way to use the DRL is to establish regular communication. Scheduled meetings provide a platform for communication between team members. Meetings can be daily, weekly, or quarterly, depending on the ladder level. Communication should be maintained whether there are current obstacles or not. Maintaining regular communication will resolve issues quickly and likely decrease the number of elevated disputes.

CHAPTER 8

When Things Aren't Going as Well as Desired

Alternative Dispute Resolution

If a dispute is elevated to the top of the ladder without resolution, the alternative dispute resolution (ADR) process may be used. This means the disagreement has moved to a more formal ADR process, such as the DRB or arbitration, until it is resolved.

Table 8.1., “Alternative Dispute Resolution Processes,” and Figure 8.1., “Alternative Dispute Resolution Flowchart,” of this guide fully detail the ADR process. This multi-tiered approach has proven effective for many owners and contractors.

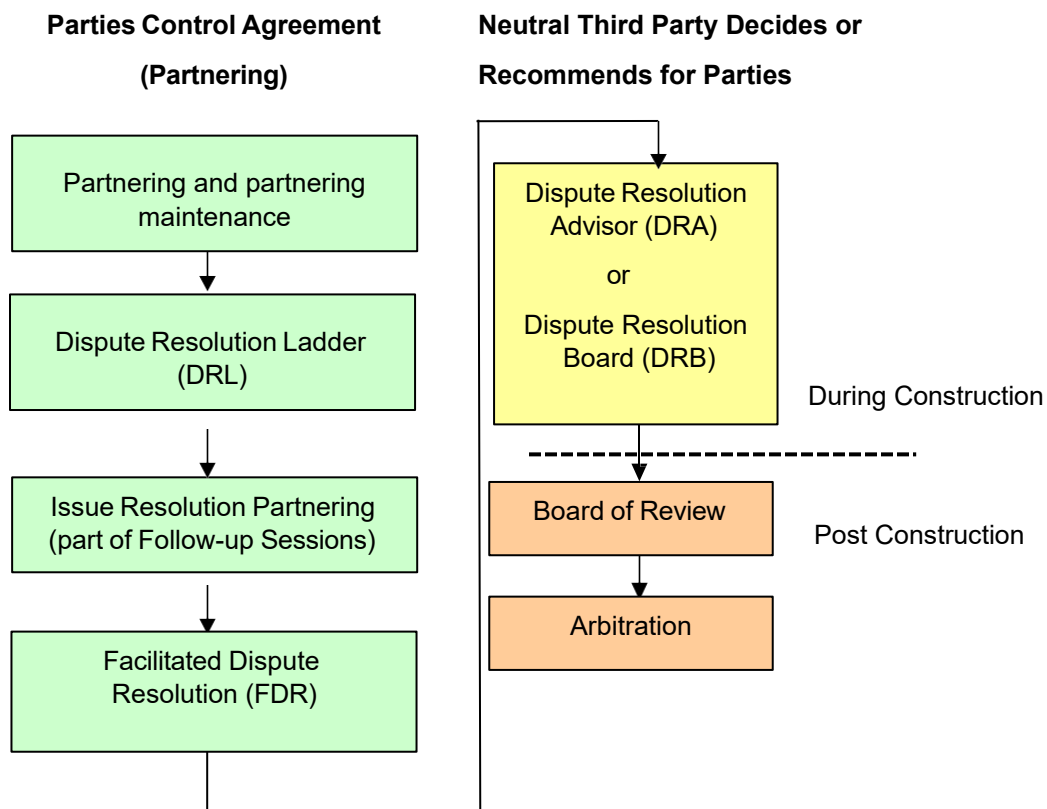


Figure 8.1. Alternative Dispute Resolution Flowchart

Table 8.1. Alternative Dispute Resolution Processes

Type of ADR Process	Description of ADR Process
Partnering Dispute Resolution Ladder (DRL)	In the first partnering session, the team develops a DRL as part of the dispute resolution plan, as stated in Chapter 7 of this guide. This tool is helpful in resolving project disputes.
Follow-up or Issue Resolution Partnering	A follow-up partnering session is used to prevent disputes, promote team cooperation and is an excellent forum for issue resolution partnering. This session can be instrumental in helping a project get back on track. The process also reinforces the concepts of communication, partnering and asks the project team to recommit to the process. After all, even after the dispute is resolved, the team must still work together.
Facilitated Dispute Resolution (FDR) See Appendix C	The FDR is an extension of the partnering process, bringing together all stakeholders with a trained, neutral facilitator. The session is held in an informal setting with each side presenting their position with facts and supporting information. With the help of the facilitator, disputes are broken down into parts, and each part is resolved on its merits. The process itself creates a deadline for resolution.
Dispute Resolution Advisor (DRA)	According to Section 5-1.43E, "Alternative Dispute Resolution," of the <i>Standard Specifications</i> , the DRA is a 1-member board established by the parties to assist in resolving disputes. The DRA makes non-binding recommendations to resolve disputes between the state and contractor.
Dispute Resolution Board (DRB)	According to Section 5-1.43E, the DRB is a 3-member board established by the parties to assist in resolving disputes. The DRB makes non-binding recommendations to resolve disputes between the state and contractor. The DRB consists of 3 neutral members. One member is selected by the contractor, 1 by Caltrans, and the third by the first 2 board members. Typically, the members are individuals who have been in the industry for many years and can offer sound technical advice and reasoned findings.

Issue Resolution Partnering

One of the goals of the Caltrans Partnering Program is for project teams to resolve issues, as they are the best equipped to do so before escalation becomes necessary. When issues become too difficult to resolve, consider using a quarterly partnering session for issue resolution partnering. Evaluate the complexity of issues to determine if issue resolution partnering can be a portion of the quarterly session or require its own session.

For issue resolution sessions, the facilitator will need to understand the nature of the issue so that they can design an appropriate session. Both the contractor and Caltrans should be prepared to share their position with facts and adequate background information for each issue. This will help everyone understand the situation and find a resolution. If this process is not successful, elevate the issue to a dispute up the DRL.

Facilitated Dispute Resolution

At the kickoff partnering workshop, the team will decide if they wish to use the facilitated dispute resolution (FDR) process on the project. If so, determine if the team will use up to the additional 20 calendar days and hold the session before referring the dispute to the DRB. The team agrees to implement the usage of additional days by documenting it in the dispute resolution plan of the partnering charter.

FDR is intended to be a more formal process than an issue resolution partnering session. The FDR is an extension of the partnering process, bringing together involved project stakeholders to work toward agreement on outstanding disputes. This process has proven to be highly effective in helping the team resolve complex issues. The FDR session is a forum for decision-makers to understand the facts surrounding the issues and eventually resolve the disputes based on merit. It is not appropriate for DRB or DRA members to be present at these sessions.

Session Preparation

Thorough preparation is critical for a productive session. Send the facilitator a list of the outstanding disputes that the team would like to resolve. The facilitator will then prioritize the issues with the concurrence of both parties and develop an agenda for the FDR session. This allows both parties to know which issues to prepare for and allows them to prepare in-depth presentations for each issue. This will help the facilitator and board members reach a resolution. The parties include the resident engineer's team and project manager's team.

Preparation should include:

- Identification of the problem by understanding and defining the dispute.
- Chronology of events and relevant facts, prepared by both parties.
- Relevant specifications, plans, and project records.
- Discussion of the problem, prepared by both parties.

Each presentation from the resident engineer or the project manager should be thorough, factual, compelling, and support each party's position with relevant documentation and present a complete exhibit. For example, the contractor must submit sufficient cost analysis and Caltrans must agree to the reasoning behind the amount being requested. The logic behind the requested value must be presented, as it allows the decision-makers for Caltrans and the contractor to substantiate the resolution before obtaining final approval.

For more information on facilitated dispute resolution, see Appendix C, "Facilitated Dispute Resolution," of this guide.

Red Flags or Triggers for When to Implement ADR

There are certain "red flags," warning signs that indicate a problem or negative situation, that should be monitored. When a red flag occurs, it is a signal for the use of the ADR processes. Red flags to look for include:

- Position letters being sent without prior discussion.
- Key stakeholders not attending weekly meetings.
- A pattern of conflict or miscommunication.
- Excessive notices of potential claims being sent and received.
- A downward trend on the partnering evaluation survey.

The Caltrans Dispute Resolution System

The ADR processes are a part of the Caltrans dispute resolution system shown in Figure 8.2., “Dispute Resolution System Flowchart,” of this guide. Partnering sessions work to prevent disputes. Partnering also sets up a dispute resolution plan, which includes a DRL, FDR, and DRB or DRA.

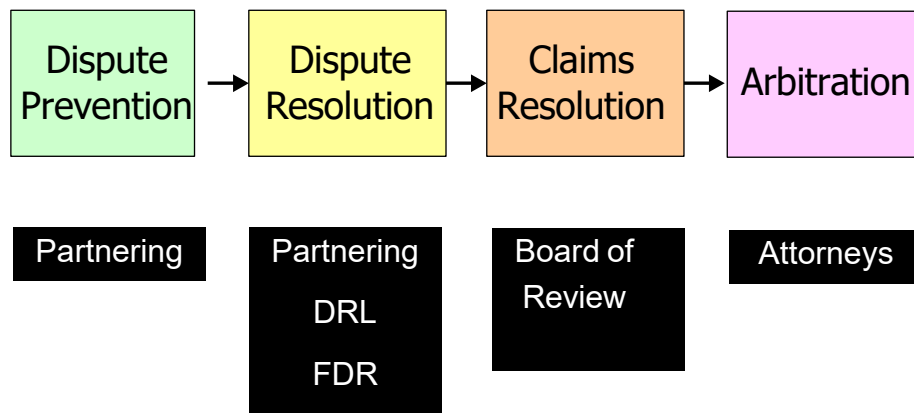


Figure 8.2. Dispute Resolution System Flowchart

CHAPTER 9

Partnering Is Everyone's Responsibility

Adaptability

For partnering to truly become the way Caltrans does business, everyone must be willing to make changes. This means working collaboratively toward shared goals and being willing to adjust behaviors or strategies, which can help the team discover unexpected solutions in challenging situations and ultimately improve results.

Commitment

Partnering success is not guaranteed. The team must work continuously to learn, improve, and hone their partnering skills. Project leaders must encourage the team to commit to the concept and the process by sharing best practices, teaching others how to make partnering a success on their project and leading by example.

Support

Although the primary responsibility for leading the partnering effort falls on the resident engineer and project manager, it takes everyone's support at all levels in all organizations to make it the project culture. Project team leaders should seek the support they need from the facilitator, district partnering coordinator, and management to make every project a successfully partnered project.

Open Mindedness

It takes open mindedness to learn and embrace new ways of doing things. Being receptive to learning new skills through training or listening to counterparts even when there is adamant disagreement, takes self-control and patience. This field guide has described the many different tools that are available to everyone. Use these tools and keep an open mind when doing so.

Recognition

The Caltrans Excellence in Partnering Awards ceremony recognizes Caltrans project teams that best exemplify the principles of successful partnering. Applications are rated by a panel of judges and given an overall score. There are three levels of recognition: gold, silver, and bronze.

Factors used in selecting award recipients are:

- Adherence to the principles of partnering to overcome obstacles and challenges.
- Realized goals related to safety, schedule, budget, and material quality.
- Team building.
- Improved communications.
- Relationship building.
- Innovation and joint problem solving.

- Issue resolution and dispute prevention.
- Implementation of VECP.
- Incorporation of field staff and subcontractors into the partnering process.
- Use of the Partnering Evaluation Survey.

Caltrans partnering award applications are posted online. For guidelines, criteria, and an application to nominate the project, please visit the Caltrans Partnering website at:

<https://dot.ca.gov/programs/construction/partnering>

Caltrans Excellence in Partnering Award

The Caltrans Excellence in Partnering Award is presented annually to teams that best exemplify the principles of partnering on completed Caltrans projects. The stated purpose of the Excellence in Partnering Award is to identify excellence in partnering on Caltrans projects, celebrate successes, share lessons learned and best practices, and honor contract stakeholders.

Caltrans Partnering Success in Motion Award

The Caltrans Partnering Success in Motion Award was established to include an annual recognition of ongoing projects in each district. Like the Excellence in Partnering Awards, the main purpose is to celebrate success, share lessons learned, best practices, and to honor all contract stakeholders. This award also encourages ongoing project teams to maintain partnering momentum. Projects that are eligible for the award are ongoing partnered contracts. A project may be submitted for an annual Partnering Success in Motion Award each calendar year before contract completion. These awards are typically presented at the annual resident engineer meetings.

APPENDIXES

APPENDIX A

Project Partnering Checklist

Prepare for Partnering	Committing to partnering is the way Caltrans does business.	
	Understand the elements of the Caltrans Partnering Program.	
	Understand partnering values and the role of the resident engineer and contractor project manager.	
	Resident engineer offers to partner. Contractor project manager accepts invitation to partner.	
	Obtain professional partnering facilitator services. The facilitator must register with the Caltrans Partnering Program using Form DOT CEM-5500, "Partnering Facilitator Registration."	
	Be prepared to discuss the partnering process at the preconstruction meeting.	
Hold the Kickoff Session	Project team attends the training in partnering skills development, hosted by the facilitator or a selected professional trainer.	
	Determine length of the kickoff partnering workshop, agenda, and attendees list.	
	Schedule and reserve a facility for the kickoff partnering workshop.	
	Resident engineer and project manager meet before the partnering workshop to discuss and prepare for the kickoff partnering workshop.	
	Hold the kickoff partnering workshop and create partnering charter.	
	The resident engineer distributes Form DOT CEM-5501, "Partnering Facilitator Evaluation–Kickoff," to the kickoff meeting attendees and emails the completed forms to the partnering program manager at Partnering.Program@dot.ca.gov .	
During the Project	Agree to talk to each other first before writing a letter or making a formal documented statement.	
	Schedule and hold weekly project meetings.	
	Complete the monthly partnering evaluation survey for the duration of the project.	
	Post and distribute the results from the monthly partnering evaluation survey.	
	Meet to review and discuss survey results and adjust as needed. This may take place in weekly project meetings or during follow-up partnering sessions.	
	Hold follow-up partnering sessions (quarterly sessions recommended).	
	Schedule and hold team-building activities.	
	Nominate the project for the Caltrans Partnering Success In Motion Award, which recognizes on-going projects in each district.	
	Use the DRL developed in the kickoff partnering workshop.	
	Understand the ADR processes available and the "red flags" or "triggers" to implement their use.	
	Hold the closeout partnering session. Identify lessons learned and submit them to the Caltrans Partnering Program.	
	The resident engineer distributes Form DOT CEM-5502, "Partnering Facilitator Evaluation—Closeout," and emails the completed forms to the partnering program manager at Partnering.Program@dot.ca.gov .	
	Nominate the project for the Caltrans Excellence in Partnering Award, which recognizes completed projects statewide.	

APPENDIX B

Sample Partnering Charter

The partnering charter incorporates all the items that the team commits to during the kickoff partnering workshop. This includes core project goals, any recommended project goals, key risks, issues, a dispute resolution plan, a partnering maintenance plan, a commitment statement, and signatures.

The following is a sample partnering charter.

Project Name:

Expenditure Authorization: 00-00000

Partnering Charter between Caltrans and [contractor company]

Date:

REQUIRED CORE PROJECT GOALS

1. Maintaining a safe project site
 - a. Zero lost time, no accidents, serious injuries, or fatalities on the project
2. Completing the project on time
 - a. Include deadline dates for key milestones
3. Using the Fundamentals of Partnering training
 - a. Implement the tools and encourage the team to do the same
4. Staying on budget
 - a. Avoid added expenses or costs to the project work
5. Committing to quality
 - a. No rework
6. Keeping communication open
 - a. Make sure all teams can reach out for collaboration and support

RECOMMENDED PROJECT-SPECIFIC GOALS

1. Resolve disputes promptly and avoid claims
2. Build teamwork, trust and partnerships
3. Evaluate Value Engineering Cost Proposal (VECP) opportunities or other innovations
4. Hold follow-up sessions quarterly and send partnering evaluation surveys
5. Foster a positive public image
6. Establish successful coordination with third parties
7. Promote a positive and enjoyable work environment
8. Meet environmental requirements
9. Strive to deliver award-winning projects
10. Show pride in team contributions

PROJECT-SPECIFIC ISSUES, RISKS OR KEY RISKS

Project-specific issues, risks or key risks can include construction staging, utility conflicts, third-party coordination, long-term closures, public events, holidays, railroad involvement, structures work, and environmental impacts.

Elaborate on project-specific issues, risks or key risks using the following template:

Issue, Risk or Key Risk 1

1. Clearly identify the issue or risk, specifying its type and indicating whether it is considered an issue, key or key risk.
2. Describe the successful outcome and necessary steps to make it happen
3. Identify who will be assigned to address this issue, risk or key risk
4. Provide a timeline or date for when the issue, risk or key risk will be resolved

Issue, Risk or Key Risk 2

1. Clearly identify the issue or risk, specifying its type and indicating whether it is considered an issue, key or key risk.
2. Describe the successful outcome and necessary steps to make it happen
3. Identify who will be assigned to address this issue, risk or key risk
4. Provide a timeline or date for when the issue, risk or key risk will be resolved

Issue, Risk or Key Risk 3

1. Clearly identify the issue or risk, specifying its type and indicating whether it is considered an issue, key or key risk.
2. Describe the successful outcome and necessary steps to make it happen.
3. Identify who will be assigned to address this issue, risk or key risk
4. Provide a timeline or date for when the issue, risk or key risk will be resolved.

DISPUTE RESOLUTION PLAN

The team will use an agreed upon DRL and use up to an additional 20 calendar days to refer a dispute to the DRB as noted in the dispute resolution plan to hold a facilitated partnering session or FDR.

		Caltrans Design, Surveys, or Materials Lab	Subcontractors or Suppliers	
Dispute Resolution Ladder	Level	Caltrans	Contractor	Time to Elevate
	1	Inspector	Foreperson or Superintendent	1 day
	2	Resident Engineer	Project Manager	1 week
	3	Construction Engineer	Area Manager	1 week
	4	Construction Manager	Operations Manager	2 weeks
	5	Deputy District Dir, Const	Owner or President	2 weeks
Neutral Process	6	Facilitated Dispute Resolution		See <i>Standard Specifications</i>
	7	Dispute Resolution Board (or Dispute Resolution Advisor)		See <i>Standard Specifications</i>

PARTNERING MAINTENANCE PLAN AND CLOSEOUT PLAN

Follow-up Sessions

Hold quarterly or monthly follow-up partnering sessions.

Monthly Survey

Have a monthly survey and review the results during the second weekly meeting each month. The facilitator will provide the survey results each month.

Weekly Meetings

Use weekly meetings to manage the risks inherent to the project and as an integral part of the partnering effort. The resident engineer and project manager will be responsible for the agenda development and taking notes. The weekly agenda will include the 3-week look-ahead schedule and the partnering program.

Team Building

Hold joint training as allowed in the contract and share what is learned with those who couldn't attend. Celebrate the achievement of key milestones.

Closeout Partnering Workshop

Hold a closeout workshop to identify and document lessons learned towards the end of the project.

COMMITMENT STATEMENT AND SIGNATURES

By signing the charter statement, the project team is committed to achieving team goals, managing issues, risks and key risks and following the dispute resolution and partnering maintenance plans.

SAMPLE

APPENDIX C

Facilitated Dispute Resolution

Facilitated dispute resolution (FDR) is an extension of the partnering process intended to bring together project stakeholders to work towards an agreement on outstanding disputes. Chapter 8 of this guide provided an overview of the process and how to prepare. Appendix C provides more information about the process.

Understanding the Different Roles of the Participants

Initiating an FDR session benefits the partnering project team members, the contractor, and the Caltrans parties. The FDR process, with the aid of the facilitator and the decision-makers, helps in resolving the dispute fairly. Each attendee has a specific role in the process.

Facilitator

The hired facilitator will be a trained, experienced, and neutral professional. The facilitator must not be the project DRA or a member of the team's DRB. The facilitator conducts the session and records any agreements made. The facilitator develops the session agenda based on the list of obstacles provided by the parties. The facilitator also assists in breaking down large, complex obstacles into smaller, more manageable obstacles that can be addressed one at a time. The facilitator determines the order in which the items will be addressed in concurrence with the parties.

Different facilitator skill sets may be needed, from partnering to trained dispute resolution. If the facilitator is not qualified, the facilitator can recommend an expert on their team.

Presenters

The presenters, typically the resident engineer and the contractor project manager, are responsible for all preparation and presentation of the facts for each issue, as they likely understand the issue best. Presenters will defend their position and be prepared to answer questions from the decision-makers. Presenters should not be decision-makers. Presenters should be part of the project field team, both from Caltrans and the contractor, and subcontractor if appropriate.

Experts

These include consultants and designers who have been hired to evaluate or analyze some aspect of the obstacles. These individuals can offer their expertise as needed.

Decision Influencers

Decision influencers are not involved in the day-to-day activities of the project but are responsible for its oversight. They can help the audience better understand the issue, but they should not be a part of the decision making, unless requested by the decision-

makers. These include key oversight managers from the contractor, such as the contractor's area manager, project estimator, or operations manager. Caltrans includes the Caltrans' construction managers and construction engineers.

Decision-Makers

Decision-makers are people with the authority and responsibility to decide or support any agreed-upon decisions. From the Caltrans team, it should be a senior level person or higher, who has the authority to decide on the issues before the group. From the contractor's team, it should be the owner or principal. The FDR session is held for decision-makers to learn the facts of the issues, identify where the disagreements lie, and then work to resolve each issue based on merit.

What to Expect

Complex issues may take an entire day to reach resolution. It is not unusual for the participants to not initially understand where the real problems or disagreements lie. Given the complexities, a follow-up partnering session may be required. As the session progresses, additional facts and analyses are presented, which will allow the decision-makers to work towards an appropriate resolution. If a resolution is not reached, the parties are at an impasse. In such a scenario, the decision-makers will help determine the next step, which may include the DRL or referring the dispute to the DRB or DRA, if allowed under the contract.

The following presents a simplified description of the general flow of a typical full-day session. A session may vary given specific issues or circumstances. The facilitator will develop a unique agenda for each dispute resolution session. For example:

1. The facilitator sets the agenda and expectations.
2. Each party does self-introductions and an explanation of their role on the project. A designated person from each party will provide an overview of the project.
3. Parties individually present on the first obstacle. Typically, the contractor starts with an overview of the issue or dispute and their position, which may include how the item or project was bid, what changed, supporting documentation, and timelines.
4. Caltrans makes a similar presentation, explaining their position, which may include how the contractor was paid, relevant specifications, plans, and timelines.
5. Each side is then given an opportunity to respond to the other party's presentation.
6. An opportunity is then given for the decision-makers and influencers to ask presenters and field team members questions.
7. Following the question-and-answer period, resolutions are proposed. If additional information is needed to determine an outcome, the presenters will be assigned to provide any additional research or information.
8. The final step is to reach a resolution.
 - a. If at an impasse, describe the reason for the impasse and the next steps needed to reach a resolution.

- b. If the session ends and the parties have not resolved all outstanding issues, there is an option to schedule an additional FDR session. If agreed upon by the parties, schedule an additional meeting to report on the findings from the additional research.
9. Have the participants sign the FDR agreements or commitments document. By signing, all participants indicate their personal commitment to the agreements made during the session.

APPENDIX D

Caltrans Partnering Standard Special Provision

Along with the *Standard Specifications*, Caltrans staff can review the standard special provisions on the Division of Design's internal Onramp webpage, which provides instructions to the project development team. The standard special provisions state:

“Use for projects greater than \$1 million, and when one of the following criteria listed is present and the project development team determines professionally facilitated partnering is required. Do not use this SSP if professionally facilitated partnering is already required per section 5-1.09A.”

1. Right of Way (ROW) parcels are to be obtained during construction.
2. Project is located on tribal lands.
3. Project is located across multiple municipalities.
4. Project has railroad interaction or crosses railroad ROW.
5. Project has 3 or more construction stages.
6. Project has major structures work such as a new bridge, bridge reconstruction, bridge rehabilitation, bridge widening, large box culverts, shoring required, and falsework over or under the roadway.
7. Project has environmental permitting restrictions that institute work windows or construction seasons.
8. Multiple construction seasons will be required due to permit restrictions.
9. Project is over water.
10. Utility relocation is included as part of the project.
11. Major utilities are present in the project ROW.
12. Large risks have been identified in the Risk Register.
13. Project has Risk Level 3 Stormwater Pollution Prevention Plan.
14. Groundwater dewatering operations are anticipated.

APPENDIX E

Role and Responsibilities of the District Partnering Coordinator

According to the *Construction Manual*, projects may require the use of district specialists and coordinators, which may include partnering coordinators. The *Construction Manual* further states that construction teams should contact the partnering coordinator in either the district or the Division of Construction for additional guidance on partnering and for information on selecting a partnering facilitator.

The role of the district partnering coordinator (DPC) is to make sure that project teams and facilitators in their district follow the partnering specifications and guidelines to help Caltrans promote quality, uniformity, and continuity in its statewide partnering program. The DPC's role in making sure that project teams make partnering "the way we do business" has a significant effect on the overall success of project delivery.

The Division of Construction strives for uniformity and consistency by establishing the role and responsibilities of the DPC. Preferably, the DPC is a Construction senior transportation engineer level position or the construction claims engineer for the district. Ideally, the individual should be passionate about promoting and explaining the benefits of partnering and have practical experience in implementing the program on Caltrans projects. Considering this and the varying needs, limitations, and responsibilities throughout the districts, deputy district directors for Construction can assign individuals to the DPC position based on each district's needs.

When assigning the DPC role in the district, consider that the DPC responsibilities will be in addition to their normal daily duties. In coordination with the Division of Construction, districts are responsible for determining how the DPC will oversee partnering throughout the district. Preferably, duties of the role will include:

- Actively promote partnering and its benefits throughout the district.
- Attend partnering training provided by the Division of Construction and provide partnering training to project teams throughout the district.
- Provide project teams and facilitators with resources and guidance on partnering practices, including FDR.
- Attend and represent the district at Division of Construction partnering program meetings and events.
- Attend and participate in the quarterly CCPSC meeting when hosted in the district.
- Attend project partnering kickoff, quarterly, or closeout meetings to observe project partnering and make sure there is district consistency.
- Recommend partnering policy changes or updates to the Division of Construction partnering program manager, as necessary.
- Monitor the Construction Partnering Dashboard on the Division of Construction website and contact the resident engineer and senior construction engineer for the

project if partnering documents are not submitted.

- Share dashboard data with relevant district construction management personnel to identify potential problem projects.
- Coordinate and provide guidance to project teams on the application submission for both the Success in Motion and Excellence in Partnering annual partnering awards.
- Review applications and recommend award winners for the Success in Motion annual partnering awards. Coordinate production and distribution of Success in Motion award certificates to the project teams.
- Present the Success in Motion award winners and provide any necessary partnering updates at the annual resident engineer meeting.

Overall, the DPC helps create a partnering culture by promoting partnering throughout the district. By tracking its use, educating project teams, informing upper management, and emphasizing its importance, the DPC can help Caltrans make sure that partnering remains “our way of doing business.”

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