

RML Newsletter round-up

MAY 2015

PUBLIC SECTOR PROCUREMENT – PART 1

*“Everything we hear is an opinion, not a fact.
Everything we see is a perspective, not the truth”*
Marcus Aurelius, AD121-180

We all know how the appearance of ‘Procurement Professionals’ has changed the manner in which purchasing goods and services is carried out. We also believe that much of the complexity in the procurement process is derived from European Legislation; or is it ‘home grown’?

Our MD commented in a January newsletter ‘Trusting quality’ that “Making a choice at any time in business involves an element of trust between buyer and seller” and went on to say that he felt that trust is absent in the public sector because it is dominated by the precautionary principle.

I fully recognise the need for a simple step by step process that informs, selects a list of tenderers and then identifies a single contractor. We had used one for years in construction and it grew out of many years of experience, it rested on practitioners in the industry making their own decisions; it is now out of favour.

A principal difficulty which the construction industry has in dealing with modern procurement methods is that far too many questions in a Prequalification Questionnaire (PQQ) are generic in nature; there are other difficulties which I might comment on at another time. One can write a response to a generic question that means a great deal to the author and to an assessor but, dependent on the assessor’s personal approach, the same words can count for nothing.

Frameworks with a range of lots covering large and small commissions and many different disciplines can be a nightmare unless the PQQ is carefully prepared. We can be asked to demonstrate financial standing or the technical capacity for a workload which far exceeds anything likely to be awarded to our specific lot or discipline, simply because the PQQ is generic across the range. We often see a requirement for £10m Professional Indemnity Insurance cover for a modest feasibility study, and when we question the relevance we are told ‘it’s our standard requirement’ with no attempt to consider whether it benefits anyone (except the insurance industry).

How do we resolve this difficulty which in my opinion has made tendering a technical as well as a financial lottery?



Requests for information in a PQQ should be specific to the project in hand, i.e. written fresh with the project in mind. The best examples use a standard question set, to allow easy 'cut and paste' of the answers, but then only issue the questions most relevant to the commission. The Golden Rule should be that unless the question writer knows how the response will be evaluated to decide who should be invited to submit a tender, the question should not be asked.

At RML we keep telling people that each site, each project, is unique and demands an individual assessment in order to achieve success. To a great extent this approach is now common throughout the industry and should be equally valid at the procurement stage. By avoiding generic questions the PQQ can be as directly relevant and as simple or as complex as the job demands.

Dignum memoria, worthy of remembrance. The Roman influence in this email may seem a bit left field for a 21st Century consultancy but we are at present developing a project for clients, Park in The Past, which will create opportunities for experimental archaeology in first century Roman and Iron Age land management and construction. I mentioned only the other day that we value clients who ask us to do interesting things.

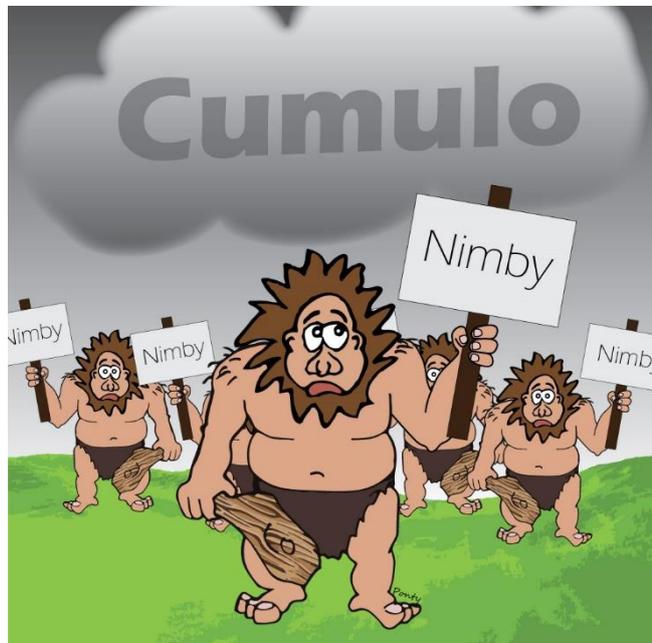
CUMULONIMBY

Def. (cumulo –gathering, as in a cloud; nimby – Not In My Backyard, singular); the clubbing together of those who like the benefits of modern life, but think that others should suffer to provide it.

None of us like the thought of our lives being overturned by development. Why should we, especially when we tend to assume that somebody is selfishly benefitting from our sacrifice! Whether it's new roads, housing estates, waste to energy plants, windfarms, overhead power lines or our neighbour's extension, it seems we don't like it when we can see it, hear it or have to put up with the additional traffic it generates.

Of course we could add the production and import of enough food for us to choose whether we want to send it to landfill; or the exporting of carbon production to other manufacturing countries; the purchase of low-paid labour from third world nations; or the export of waste for disposal or recycling. All this might be in exchange for money, but all we are doing is pushing problems along in front of us so that they pile up for future generations to address. What a fortunate nation we are to be able to ignore the future! Or can we?

So, where do we start? Having worked on schemes to provide improved roads, public parks and greenways, housing and commercial development I have always been amazed at the public reactions to these schemes. No, I don't mean that people shouldn't object – that is a perfectly understandable human reaction when something is about to upset our comfort zone. What offends is the often stated notion of, "Oh, yes we recognise that people need houses, but they shouldn't be built here, this is a nice neighbourhood!" This response is often followed by a statement that 'over there' would be a better place because it's not so 'nice'. How can we not see that our own house, own job, luxurious food and lifestyle, the wealth that allows us to buy holidays and unnecessary gadgets, purchase and run cars, also comes at a cost to others and to our children and grandchildren?



Returning to Cumulonimbys, perhaps those groups who oppose development would receive a more positive and sympathetic response from developers if they pushed for better quality development rather than no development at all. What really needs to be done is to change from 'Not In My Back Yard' to 'Quality In My Back Yard'. The two phase approach to Cumulo-QIMBY, firstly communities need to engage fully with the evolution of planning policy to ensure that development in their backyard is guided by an encouraging attitude and secondly developers need to go to communities and commit to providing high quality design and community benefits rather than the minimum benefits at the lowest cost and maximum profit.

In 1994 Professor Edmund Hambly President of the Institution of Civil Engineers felt that society needed to put a greater value on the work of engineers. In 2015 the man in the street agrees that we do need a better developed infrastructure but for many people more railways, roads, houses and power infrastructure are seen as necessary evils rather than things of value.

The key to acceptance of development is to identify and broadcast the value of these new works to society in general and then to demonstrate how individual communities benefit generally and locally to improvement in infrastructure country wide. There are several communities in England in the process of developing their own 'Neighbourhood Development Plans' which have a legal status which obliges the local authority take note of them. Wouldn't it be nice to see more examples of this visionary approach throughout the UK?

THAT'S IT, I'M DONE WITH THE EU!

RML have been commissioned by the EC for various works over the years, mostly to do with spreading good practice in reclamation of steelworks, metalliferous mines, oil shale mines and coal workings across Europe. I am therefore not a complete Euro-sceptic, but the situation I now find myself in will severely undermine one of my few cherished pastimes; going on a cross country drive in my 10 year old Caterham CSR 200 either on my own or with a few members of the North Wales branch of the owners club.

For those not familiar with the Caterham it is a car based on the old Lotus 7 design that originates in the 1950's with modern power plants, somewhat uprated brakes and suspension, made by the then Lotus dealer in Caterham that bought the license for manufacture when production of the original was stopped. It provides a very direct driving experience!

EU regulations have forced Avon to stop making the tyre they developed especially for Caterham 7's, the CR500, and the tyre specified on all bar the lowest powered models. This tyre was developed for a Caterham's very particular requirements, as the cars are lightweight and are expected to deal with both normal driving conditions (that is wet roads) and track use. You can see in the picture of my Seven that the tyre is quite unusual in tread pattern, and is constructed with a lightly reinforced sidewall (the car is only 575kg,



so no need for a super strong sidewall) and from a nice sticky compound. Avon claim the wet performance is very good, but I have still had the rear end skip out at 75mph going from half to full throttle on a damp road...

Apparently the rolling resistance rating was not good enough to meet some new European limit and so I find myself with no safe replacement option. There is an option that is less grippy for the fronts, but not available for the rears. There is an option for the rears which is not so good in the wet (!), and is in any case not available for the fronts. An unbalanced car is an unsafe one so having different tyres front to back is not an option.

Caterham make about 80 cars a year for the road, each doing on average 2,000 miles per annum. How can a fractional difference in rolling resistance on a tiny number of cars that are for fair weather motoring be worth stopping tyre production over? Caterham can continue to produce cars without having to hit CO2 emissions targets because they are a small manufacturer. Surely the tyre manufacturer could have the same allowances? I hope Avon can see a business case for redeveloping the tyre to meet the new standard!

THE WASTE HIERARCHY – PART 2

Last time, we wrote about the hierarchy that all producers of waste are obliged to follow when deciding how to deal with waste. If your waste problem is Japanese Knotweed, RML and sister company GroundCoverDBM can solve it without resorting to landfill.

A reputable haulage/disposal company will charge over £100/t including Landfill Tax, so it pays to examine all the alternatives carefully. The answer is the Klaro mobile soil treatment system which means the soil can be re-used instead of landfilled.

Despite the waste hierarchy, landfill is the only solution available if time or working space constraints mean that the infested

soil cannot be treated on site. The Environment Agency / Natural Resources Wales will not, at present, consider permitting any recycling operation for knotweed-infested material because of the risk that Japanese Knotweed will be spread to new sites, perpetuating the problem. But as landfill space becomes increasingly limited and the disposal of waste to landfill is phased out of our waste management thinking, how will the developer or contractor on smaller projects meet his obligations under Site Waste Management Plans and the Waste Regulations?

A network of well-managed local soil treatment centres would provide developers and contractors with a convenient and economical way to meet their obligations responsibly AND conserve scarce landfill space. Until that happens, some waste will inevitably have to go to landfill.

PS There's a handy model Declaration Form to [download here](#), so use that to record your compliance with the Waste Hierarchy.

JAPANESE KNOTWEED AND THE WASTE HIERARCHY – MEETING YOUR OBLIGATIONS

PROJECT ASSESSMENT RECORD

Name of site / project: _____

Nature and approximate quantity of infested waste: _____

Hierarchy assessed by: _____ Date: _____

THE WASTE HIERARCHY	WHAT COULD BE DONE	APPLICABLE TO THIS SITE/PROJECT?
PREVENTION	Prevention – treat knotweed on site with herbicide, or clear with mechanical means, to avoid need for evaluation as waste	_____
PREPARING FOR REUSE	Prepare for re-use – process on site using CLEARSCAN™ to re-use recovered material on site	_____
RECYCLING	Recycling – take to our processing site* for treatment to allow to use on another project	_____
OTHER RECOVERY	Other recovery: deep burial in a containment cell using existing void	_____
DISPOSAL	Disposal – take to licensed landfill or Deep burial in purpose-built containment cell (* Processing site service available soon)	_____

If your business or organisation produces or handles waste you must take all such measures as are reasonable in the circumstances to prevent waste; and to apply the waste hierarchy when you transfer waste. You must confirm by an additional declaration in the Duty of Care waste transfer notes that you have taken all reasonable measures to apply the waste hierarchy.

GroundCoverDBM offers a complete range of Japanese Knotweed management and eradication services, so contact us to discuss which options are feasible for your site. We will then make recommendations and certify that the waste hierarchy has been applied.

GroundCoverDBM, knotweed eradication specialists. www.groundcoverdbm.com 01824 709026

IMPROVEMENTS MAKE STRAIGHT ROADS BUT...

“Improvements make straight roads but winding roads are the roads of genius”, said John Locke in the 17th century. One might assume that Locke was worried about the impact that improved highways had on the destruction of hedgerows and the like but he might have had something much more philosophical in mind. Winding roads, either physical or philosophical, also create a sense of wonder at what one will find around the next corner, an important and pleasing feature on many journeys.

The majority of roads in the UK are still winding roads. In the last 100 years engineers have accommodated heavier and faster vehicles carrying heavy loads and large numbers of people in improving conditions of safety. Straightening selected roads has played a large part in these ‘improvements’.

In a cliché-loaded speech on 4th February this year The Rt. Hon John Hayes MP, the Minister of State at the Department for Transport said;

“Our goal is not just to undo the most intrusive, insensitive road design of the past 50 years. It’s to create a new aesthetic. Values that reflect and even enhance the beauty of the local landscape.



I believe we can set a new design standard for roads. One that balances aesthetic, functional and technological considerations.

We stand at the start of a new road to a destination some believed we were no longer capable of reaching.”

John has been the Conservative MP for South Holland and The Deepings since 1997. It’s very flat country – I suggest that the delight in roads here will be in the fine detail of hedgerows and the like rather than grand perspectives though the skies are always large in flat country. By contrast it was John Ruskin who opined that “Mountains are the beginning and the end of all landscapes”; and he was a difficult man to argue with.

Since the 1980s civil engineers have been travelling along a much broader road than the one which



the Minister talked about, confident that our skills and understanding of construction are improving. In every sense we are now a multidisciplinary industry. Special skills such as those mentioned by the Minister are well used. When the money is available we already undo to good effect work done previously that we now find wanting or needing to be cleared away to allow space for new work.

As a post-script, I warn my fellow engineers that quite shortly PQQ's for would-be highway contractors could include requests as follows;

AESTHETICS

Please explain how you have developed a sense of aestheticism and how and where it plays a part in your activities

ARTISTIC QUALITY

Please explain in detail your approach to assessing the artistic quality of your work by reference to actual examples of completed projects, the principles on which these assessments were made and how your approach would be reflected in the scheme currently under consideration.

EMOTIONAL CONTENT

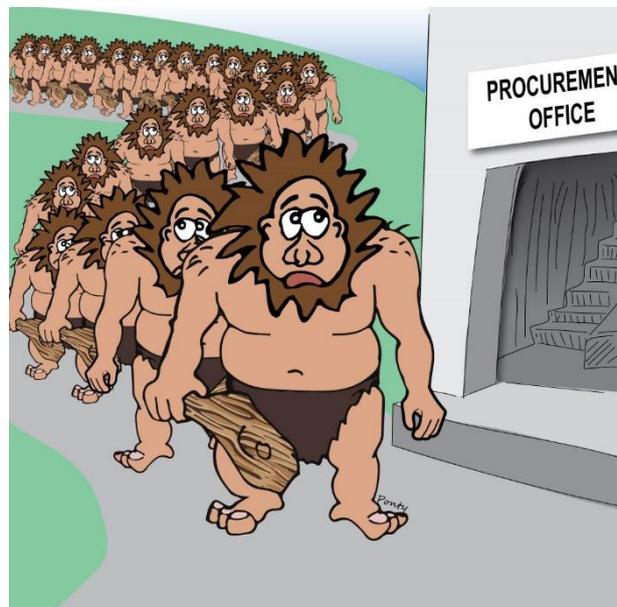
Please explain and illustrate by actual examples what part emotion plays in your work as a Company. Explain in some detail how emotional response to design and construction challenges are manifested among individual employees and managed within the company.

“A wise man can learn more from a foolish question than a fool can learn from a wise answer.”

Bruce Lee

Professional procurement of goods and services in the construction industry by the public sector is viewed by many of my fellow players in the industry as a total disaster. Procurement methods in our industry had been developed over a period extending well beyond 100 years and involved many experiments and trials and some errors too. Marrying a new system onto construction has not been without its difficulties. Recently I complained about the negative impact that generic questions can have since the interpretation of answers to these questions is so difficult to assess realistically, some might say honestly.

One hears of horror stories involving direct questions too. In a recent tender a colleague was asked “Can you confirm that you are able to meet the requirements of the tender in terms of the volume of work that is required within the indicated programme?” To which the answer provided was “Yes” , after all was said and done his firm was well known to the potential client, but his answer was marked 2 out of 10 in respect of this question and his tender disregarded from any further consideration. It seems that the foolish questioner required information about resources and a programme but had not thought fit to ask for these. There is no doubt that in the circumstances that I have described the answer provided by my colleague was a wise and sufficient one. Clearly the foolish questioner learnt nothing, my colleague learnt a great deal.



One must ask how it was that what was clearly in the mind of the questioner never appeared in print.

This kind of sloppy thinking and practice is costing the industry dear in wasted efforts and causing stresses in individuals having to deal with such nonsense; it also suggests that these professionally prepared enquiries are ‘put out’ in a rush, in the frame of mind “Oh let ‘them’ sort it out” in the same frame of mind as Abbot Arnaud Amalric when asked how should the military separate Catholics from heretics during the Albigensian Crusade said “Kill them all God will know his own”.

My advice; avoid the public sector like the plague unless you are favoured with a single tender opportunity. They are still about, but they need some searching out. By this route one can discuss and agree with a client what he/she actually needs; it seems such a sensible way to go about things doesn’t it?

“Plants that spring in ruins and shards attend until your dreams are done”

An ode to ironfounders and others, Gordon Bottomley.

Gordon Bottomley lived in the industrial north west of England and noticed that some plants that we now call pioneers survived among ruins and shards in derelict iron foundries. Gordon’s main interests were in poetry and art and said that “Nature stretches my limbs”.

Up until the 1970s civil engineering best practice ignored the science involving soil and vegetation. The time scales involved in vegetative succession were a mystery even to the extent of engineers introducing exotic items into recently completed earthworks, raw environments where the vegetation was then left to its own devices and surely failed in its purpose. My clients who were looking for ‘better’ results at that time did not find them in the construction industry. On their behalf I looked in parallel fields where poets like Gordon Bottomley recognised that plants would survive amidst the shards and ruins of industrial sites and live for long periods. I asked how this was.

I had the good fortune to work with a botanist, Professor Tony Bradshaw, who addressed this question. I needed to improve the success in ‘greening’ derelict sites so that they were more attractive to both local residents and would-be developers. Simply by offering an explanation of what plants really needed to survive as an absolute minimum and which plants would do this, Tony enabled me to develop a science-based but engineering method of ‘greening’ sites successfully and economically. Keeping the nitrate and phosphate content low were the key factors in controlling the vigour of competitive species, nettles being the classic competitor and an indicator of an abundant supply of nutrients. Explaining what succession was all about introduced the concept of long term management into civil engineering. A challenging concept for engineers. The concept of sustainability came much later.

Some species of plants do survive in the most inhospitable environments and still look attractive,



birches and willows in springtime come to mind. Pioneers can be found in abundance in and around the railway marshalling yards at Crewe for example and indeed buddleia have been seen atop some of the walls that are part of the station complex. What on earth are they doing up there? The role of the pioneer in the plant world is to exploit the lack of competition from other species which are deterred by the conditions. Over time pioneers ameliorate the initial harshness



and create a slightly more benign environment for successors. These succeeding plants occupy the same site and are able to use improved soil conditions, nutrient supply and shelter which the pioneers have created. The pioneers may be relatively short lived and in time will be out-competed by species with a longer life span. This is succession in the vegetative sense and it leads in time to success in establishing a sustainable cover of vegetation that is appropriate for the site and soil in question.

Engineers took great delight in compacting soils and still do when they are allowed. Compaction of soil will be discussed again in a later piece about tree planting. At RML we learned that the basic requirements for pioneers were that soil structure had to be of a density that permitted root growth. We had to instruct engineers that one should guard against over-compaction because the porosity of the soil should allow for both drainage and supply of moisture and oxygen. Yet another challenge for the engineer. You mean you want us to ‘rip’ the surface layers that we have been compacting so religiously, “Oh yes indeed we do”.



Early trials in colliery spoil and slate waste were failures and analysis suggested that soil conditions needed to be managed differently and that water logged planting pits were very efficient at killing young trees, simply due to them being ‘drowned’. What also became apparent very quickly was that the supply of nutrient was reflected in the rate of plant growth. Starting with an infertile material and producing an appropriate level of fertility so that growth was controlled seemed to be an elegant management tool and this turned out to be the case. So ‘soil’ for growing things was made from site materials using civil engineering plant and labour. RML recognised that imported topsoil was totally the wrong material and too rich and valuable in so many respects to be used in circumstances where large quantities would be required.

Interestingly we found the ‘labour’ on site was the most readily receptive of our new ideas compared with higher levels of management. Making and managing new landscapes was grafted onto civil engineering. I learn from colleagues involved in current projects that the process is not yet complete and I will comment on this in June.

Photographs from top to bottom; site visit to Corris in 1999, 1989, 1981 and pre-contract 1972

“UNFORESEEN EVENTS ALWAYS HAPPEN” - ESPECIALLY IN CRICKET

The pessimists help little by telling us that ‘unforeseen events always happen’ without managing to identify them. Of course, if they could do that they would be invaluable members of a team.

Unforeseen events do happen, as do other events over which you have no control. My advice and my approach is that neither should be a concern to you; we all have a great many other pressing things that we can influence to occupy our minds.

With a shake of the head the pessimist is someone who is unable to mitigate risk. In contrast, the optimist recognises risks and knows that they can be managed by making due allowance in programmes and budget.

Preparing well will allow one to reduce the impact of unforeseeable events, whatever they might be; this is the real world where one will identify a range of risk items and include some contingencies to deal with them. At least the realist is optimistic in recognising that this approach will provide some strength in reserve, but all of this will be to no avail if one cannot rely on:

- initiatives or leadership on the day when one of these events occurs,
- open minds that will address a completely new situation,
- the willingness and freedom to take action.

These are not elements that are commonly found in those who like to lead from the back. Consider the approach of both Cook and Stokes in the recent first test against New Zealand when, by leading from the front in different styles, they stole the match. Who would have foreseen the amazing turn of events as the test match progressed from England’s disastrous opening?

Idris discussed leading from the front in his February article ‘Leading and learning from the future’.

RML have been frustrated by the refusal of pessimists (regulators) to deal with foreseeable but extremely rare events. I am referring to the hybridisation of Japanese Knotweed to form viable seeds and its impact on our method for treating soils infested with Japanese Knotweed. We want to extend the operation of our licensed process Klaro, named after a play on the Latin word claro (to clean), and beyond the limits imposed by regulations and licences. The event which causes the regulators problems is not unforeseen and we have a method of addressing this unlikely event, but on account of their pessimism they remain obdurate, shake their heads and have set their faces against us making progress in solving a difficult problem.



The realist is the person who succeeds despite unforeseen events getting in his way, by leading, having an open mind and taking action, whereas the pessimist does not give himself or herself the opportunity to succeed.

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