



Brian Farrington Limited Procurement and Business Solutions People

March 2005 Newsletter

Whistle Blowing.

We offer the following without comment for your consideration. It goes along the lines of, 'Did you know?' If you have direct experience of the subject matter we would like to hear from you. There is a Public Interest Disclosure Act 1998. It is designed to protect workers who blow the whistle about wrongdoing. It takes the form of amendments to the Employment Rights Act 1996, and makes provision about the kinds of disclosures which may be protected; the circumstances in which such disclosures are protected; and the persons who may be protected. The workers are protected from being subjected to a detriment by their employer. This detriment may take a number of forms such as the denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Certain kinds of disclosures qualify for protection. Qualifying disclosures are disclosures of information which the employee reasonably believes tend to show one or more matters are either happening now, took place in the past, or is likely to happen in the future. This includes a criminal offence, the breach of a legal obligation, a danger to the health and safety of any individual, damage to the environment and a deliberate covering up of information tending to show any of the above matters.

Congratulations to our client Pendle Borough Council!

We have pleasure in congratulating Pendle Borough Council as they reach the end of a marathon procurement process. Our Managing Director has worked closely with their Chief Executive, Stephen Barnes and other officers and members to outsource six key services and to have the

Services Provider, build a Business Centre aimed at regenerating the town centre of Nelson in Lancashire. The successful partner is Liberata who engaged in the negotiated procedure.

Project lessons learned.

Regular readers of our newsletter will know of our involvement in major projects. You will also recognise that many international projects run over on time and cost. We monitor reports and seek to maintain a database on lessons learned. We pass on the latest results emanating from a major transportation project. The first area is the need to establish a project management team structure very early in the project. It sounds very obvious but often does not happen. We have known instances where the client, identifying the members, is a task in itself. Nevertheless it is good advice. Grip your seats for the next one. That is the need to establish a reliable and agreed process for measuring performance (post contract). This requires some constructive thinking and contractual drafting agility to turn the needs into a rigorous measuring and reporting methodology. Then we move to the need to establish risk management techniques that involve all aspects of the Contract. We have emphasised this approach for many years and **already have a well proven risk management methodology to deal with the procurement and related risks on a project.** The report then deals with the need to establish a formal design review process. Yes, we can only agree that this is an engineering discipline. Then we move to the need for an extensive testing and commissioning programme. We find this an incredible finding! Surely, the contract had schedules detailing how the testing and commissioning regime would work? Surely this was related to the

contract payment schedule, damages and guarantees? The recommendations then move to the need for a simplified payment and escalation system. Once again this raises questions about the thoroughness of the contract provision on these matters. The final recommendation is that of the need for a thorough tendering evaluation and tender reporting system. So there you have it! The final recommendation and many before it emphasise the need for professional procurement input and control throughout the whole process.

Freudian Slip.

You may feel like a laugh after the last piece. We overheard at a recent conference. 'How did you get to London from Liverpool?' The answer was 'On the new Pantaloons introduced by Virgin Rail!'

The IPPC Directive 1996.

Did you know that this is the Integrated Pollution Prevention and Control Directive. This is about minimising pollution from various point sources throughout the European Union. All installations covered by Annex 1 of the Directive are required to obtain a permit (authorisation) from the authorities in the EU countries. The permits are based on the concept of BAT, Best Available Techniques. In many cases BAT means quite radical environmental improvements and sometimes it will be very costly for companies to adapt their plants to BAT.

Does this have any impact on your organisation or your suppliers? Who is making the necessary investigations?

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