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EUROPEAN FEDERATION OF FOUNDATION CONTRACTORS

MINUTES OF A MEETING OF THE CONTRACTS WORKING GROUP

DATE: Thursday 24 September 2015

TIME: 11:00

LOCATION: Blue Croissant room, Dormero Hotel, Berlin

PRESENT

In the Chair:	Chris Harman	FPS (UK)
	Chris Primett	EFFC President, Aarsleff (UK)
	Przemyslaw Nowak	Aarsleff (Poland)
	Jindrich Ricica	ADSZS (Czech Republic)
	José Candela	AETESS/Terratest (Spain)
	Andy West	Bachy Soletanche (UK)
	Wim Claesen	Franki Foundations (Belgium)
	Dejan Lukic	Infra (Switzerland)
	Andreas Korbler	Keller (Austria)
	Teresa Perez	Menard (Spain)
	Henk de Koning	NVAF (Netherlands)
	Johan Hablom	Skanska (Sweden)
	Luca Bruni	Servizi e Costruzioni (Italy)
	Frederico Trevisani	Trevi s.P.a (Italy)
	Peter Vroom	Vroom Foundations (The Netherlands)

In Attendance: Ciaran Jennings, Secretariat
Caroline Kratz, Secretariat
Owen Francis, BAM Ritchies (UK)

No	TOPIC	ACTION
1.	APOLOGIES FOR ABSENCE	
	Balazs Gombos (Hungary), Marco Ziller (Italy) and Carlos Vazquez (Romania)	
2.	MINUTES OF THE LAST MEETING	
	The Minutes of the meeting held on 22 May 2015 in Belgium were agreed. The Chairman summarised the previous meeting. He explained that it had been held at FIEC's offices and the attendees had met with the Directors of each of FIEC's Commissions (TEC, SOC and ECO). At the meeting a number of issues were raised such as Mutual Recognition of Rig Operator Qualifications and Collaborative working. It was unfortunate that more people did not attend the meeting as it was a very good opportunity to form stronger relationships with FIEC.	
3.	FIEC	
a)	Mutual Recognition of Rig Operator Qualifications – The Secretary reported that an EFFC delegation from the Health & Safety Working Group had met with Domenico Campogrande of FIEC. The purpose of the meeting was to determine a strategy to achieve mutual recognition. It was recognised in the meeting that it was likely to take years to achieve this and it was a complex issue to solve. It had been agreed that in	

	<p>the short term the strategy should be:</p> <ol style="list-style-type: none"> 1. Determine the size of the problem through surveying EFFC members. The suggestion is to employ a student to talk to the Member companies to gather data. 2. Use the work of the Alpine Kolloquium to start the process of developing a minimum standard for industry partners and stakeholders to review. 3. FIEC are to explore what routes to achieving mutual recognition within the EU are most likely to be successful. It is intended that this becomes a EU sponsored project for which €300k may be available. <p>Wim Claesen suggested that the EFFC should look to those countries where there is some form of recognition active. The Secretary said this was likely to form part of the project with FIEC.</p> <p>The Chairman commented that everyone in the EFFC was pro mutual recognition, but there were issues where some countries were protecting their own markets. It is positive that the EFFC have the backing of FIEC as this will help overcome these issues.</p> <p>In discussion it was determined that the contractual responsibilities for ensuring rig operators were competent and accredited varied from country to country. It was recognised that in some countries the responsibility lay with the main contractor and client and that they would accept self-certification. In the UK this is the situation, however an industry card recognition scheme (CPCS) is relied upon by main contractors to meet this responsibility.</p> <p>It was suggested that the issue be raised with Build UK (the UK construction trade association) to see if there was a way that the issue could be addressed by the CPCS scheme. The Secretary agreed to contact the organisation.</p>	Secretary
b)	<p>End of Waste Criteria – The Chairman explained that under the EU waste Directive excavated soil was classified as waste and therefore required a waste management licence. It was recognised at national level that this was a requirement that makes no sense and is largely ignored. There is a EU group on aggregates and construction waste that is reviewing the Directive, but so far there has been no action or change.</p> <p>He said the issue should be monitored in case there was a change that might affect EFFC Members in the future.</p>	
c)	<p>Circular economy – Chris Harnan reported that he had attended a workshop on this issue. The EU had initiated a consultation exercise on the concept of establishing a circular economy within Europe. The objective is to move the EU to a situation where resources and materials are reused wherever possible. The intention is to end dependence on energy sources from outside of the EU. i.e. European projects should be sustained using European resources.</p> <p>Currently it is being proposed that a Directive is drafted on this issue. However this is being resisted in Germany. Currently the FIEC position on this is unclear, but a position paper is being produced. This will be circulated when available.</p>	Secretary
4.	MATTERS ARISING	
a)	<p>Promoting Minimum Ground Investigation Requirements to Insurers</p> <p>Chris Primett reported that he had met with Mathew Baldwin of the AGS in the UK. Jointly they had approached the Association of British Insurers (ABI), however the ABI had said that they were unable to insist on a minimum standard of ground investigation with their members. Matthew is now pursuing the issue via the British Tunnelling Society as they had managed to get this requirement added as a clause in</p>	

	<p>their standard industry contract.</p> <p>In discussion it was agreed that the market for insurers was very small compared to tunnelling and that it was difficult to get any interest from the main insurers of construction projects.</p> <p>Dejan Lukic reported that the Swiss Engineering Federation had their own Project Insurance and the Swiss Federation is trying to work with them to include a requirement for a higher standard of ground investigation. He agreed to keep the group updated on progress.</p> <p>In discussion it was determined that commonly Member companies took out project insurance with a limited amount of liability. It was thought that this limit on liability may be a commercial means to encourage clients and main contractors to undertake a better quality of GI.</p>	<p>D Lukic</p>
<p>b)</p>	<p>Concrete Task Group</p> <p>Chris Harnan gave the background to the EFFC/DFI Tremie Concrete Guide project. The project will provide new on-site and laboratory tests to determine whether the concrete being provided was acceptable. It will also provide best practice guidance on placement of Tremie concrete. The intention is to publish the first edition of the Guide in late 2015, with theoretical practical values for the tests and a recommendation of the best tests to use. A programme of field research will provide actual values that will be published in a second edition of the Guide in 2016.</p> <p>Chris explained that the Guide was a controversial document as it was tackling many of the issues that the industry liked to hide. To date it had been through 20 drafts and now had only two issues on which agreement could not be reached. The two issues were to do with the amount of sand content in the bentonite and the amount of sediment allowable at the bottom of a diaphragm wall or pile.</p> <p>It was asked what the DFI position is to the current draft of the Guide. Chris Harnan reported that the DFI and its expert Dan Brown were happy with the Guide and happy to have higher standards in relation to the two outstanding issues.</p> <p>Chris asked for everyone's support to get the Guide agreed at the AGM.</p>	
<p>5. COLLABORATIVE WORKING</p>		
	<p>It was reported that the position paper document still required live project examples to illustrate how this approach could work.</p> <p>Christine Le Forestier of FIEC had contacted the EFFC to ask whether a delegation would be able to present on this subject as it relates to BIM. This was viewed as a very positive development and Frederico Trevisani and Dejan Lukic agreed to work with the Chairman to present at the first ECO-PLN meeting in 2016.</p> <p>The attitude to collaborative working in Europe was discussed. Commonly a best value approach is taken by public authorities that does not allow for collaborative approaches. Dejan reported that there was some interest from the Swiss government in this approach. However it was unclear whether it was legally possible under Swiss law. He asked if there were any examples of how collaborative contracts worked contractually. The Secretary confirmed that the UK government had some information and examples on this model and would send this through for reference.</p> <p>Dejan enquired as to what pre-contractual approach was taken to this form of contract. Chris Harnan said this was governed by the EU's competitive dialogue rules. Chris Primett explained that in practice the process was governed by non-disclosure agreements in the UK to avoid sensitive information from being shared. Frederico Trevisani said that in the US the practice was to have early contractor involvement in these discussions.</p>	<p>D Lukic, F Trevisani, C Harnan</p> <p>Secretary</p>

	Dejan also asked whether anyone had an example of a collaborative contract document. Chris Harnan recommended that Members interested in this form of contract buy the UK industry's NEC3 contract as it is commonly used for collaborative contracts. https://www.neccontract.com/	
6.	BUILDING INFORMATION MODELLING PRESENTATION	
	<p>Owen Francis of BAM Ritchies in the UK gave a presentation on BIM from the perspective of a geotechnical contractor.</p> <p>Owen demonstrated how BIM is used on many BAM projects. These varied in size from small to large projects and cases where BAM were the only contractor or were working to a main contractor. He demonstrated how a BIM approach had allowed them to identify potential clashes in the build process. He also demonstrated how a BIM model can be used to show how a project will develop over time.</p> <p>In addition Owen spoke about the challenges of introducing BIM into an organisation. He said that each company needs to adapt BIM to their own organisation. This often requires a small team to work out how a BIM approach can be integrated into how the organisation already works.</p> <p>A number of questions were asked:</p> <p>Q: Do the different BIM software packages available work together? A: Usually the essential information is transferred but some information is often lost. Software vendors are working on this issue, but it is not generally within their interests to allow their software to be wholly interoperable with other software.</p> <p>Q: IS BIM a client requirement on many projects? A: Owen said that the industry was largely in a learning phase at the moment and that it was not being routinely asked for yet. However, BAM Ritchies use it as a management tool to improve efficiency.</p> <p>Q: Does BIM need to be budgeted for in each project? A: The software is typically licensed so does not become a specific project cost. It was also asked whether BAM are paid to use BIM on a project. This was not the case.</p> <p>Q: Is there a BIM standard? A: Certain elements of BIM have standards. The FPS in the UK is working to define the Uniclass codes to identify different geotechnical products in BIM models.</p> <p>Q: Is implementing BIM similar to implementing CAD? A: No it is more similar to the process and impact of the introduction of Excel spreadsheets into business. i.e. Its impact is across the business rather than being confined to how a particular task is carried out.</p>	
7.	SUSTAINABILITY	
a)	<p>EFFC Sustainability Strategy</p> <p>The Chairman reported that he had been looking at defining a number of Key Performance Indicators that might be adopted by the EFFC. However these had proved to be very difficult to define and he needed more time. This would be revisited at the next meeting.</p>	C Harnan
b)	<p>Carbon Calculator</p> <p>Luca Bruni reported that the Task Group has restarted its activity. Currently the Group is collecting more data samples for each technique to refine the accuracy of the tool on the primary and secondary sources of emissions.</p> <p>It was reported that the Carbon Calculator had been presented at a conference in Sao Paulo, Brazil. A paper on the tool had also been submitted to a political</p>	

	<p>conference in Italy where the Italian Prime Minister was attending. Regarding future strategy, Luca reported that the DFI's representative was keen to introduce benchmarking of each technique using functional units as appropriate, e.g. carbon per m³ of diaphragm wall. However there is not a consensus within the group that benchmarking is necessary.</p> <p>Luca said it was important to disseminate the tool more widely and drive adoption within EFFC member countries. The group is seeking recognition of the tool with national authorities and bodies such as BREEAM, TÜV, Atkins, HS2 (a UK infrastructure project) and universities.</p>	
8.	SAFETY CO-ORDINATION ON SITE	
	<p>Mobile Site Safety Directive for Use in Tenders</p> <p>Henk de Koning gave an update to explain that he had added the requirements under the Mobile Site Safety Directive into the EFFC's Level 3 conditions. This places responsibility on to the project designer and client to ensure that safety is properly co-ordinated through the project.</p> <p>Everyone was asked to review the document and send in any comments ahead of the next meeting.</p>	ALL
9.	WORKING PLATFORM CERTIFICATE	
	<p>A proposal to create a EFFC framework to support Members to adopt a Working Platform Certificate scheme at national level had been put to the Executive Committee in Zurich. Subsequently the Executive are currently seeking support for the scheme within the EFFC Membership.</p> <p>The Chairman said this scheme had proven to be effective in the UK where the Certificate forces the main contractor to think about the ground conditions on site. It had required the support of the Health & Safety authorities in the UK and an agreement among FPS Members that they would not attend a site that did not have a WPC in place. It had also been necessary to create a technical specification for the Working Platform itself.</p> <p>José Candela commented that this issue needed to be aligned with safety so that it did not continue to be an area of competition.</p> <p>Henk de Koning suggested the Certificate was translated into German, French and Italian so that others could better understand what it required.</p>	
10.	ANY OTHER BUSINESS	
	<p>Dejan Lukic said that there was an issue in Switzerland where the new Construction Products Directive and CE marking requirements are in conflict with the Swiss standards. This is due to the Swiss standards being based upon the previous version of the EU Directive.</p> <p>The Secretary said the CE marking scheme and Directive were acknowledged to be a problem by FIEC and suggested Dejan speak to Sue Arundale in the Tec Commission for advice.</p>	
11.	DATE OF NEXT MEETING	
	Thursday 19 May 2016 – Poland (prior to the EFFC Executive meeting 20 th May)	ALL