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EUROPEAN FEDERATION OF FOUNDATION CONTRACTORS

Minutes of Meeting of the EFFC Contracts Working Group, Skylounge, DoubleTree by Hilton, Amsterdam, The Netherlands on Thursday 16th February 2017 at 13:00pm EST

PRESENT:

In the Chair	Chris Harnan	FPS (UK)
Members	Chris Primett	Aarsleff (UK)
	Nitish D Ranlaul	Bachy Soletanche (France)
	Olivier Peter	Bachy Soletanche (France)
	Eelco van Der Velde	Bauer (The Netherlands)
	Hans-Joachim Bliss	Bauer (Germany)
	Peter Ausserlechner	Bauer (Austria)
	Michael Fröhlich	Max Bögl (Germany)
	Henk de Koning	NVAF (The Netherlands)
	Jaap Estie	NVAF (The Netherlands)
	Peter Vroom	NVAF (The Netherlands)
	Luca Bruni	Servizi e Construzioni (Italy)
	Carlos Vazquez	Terratest (Romania)
	Jose Candela	Terratest (Spain)
	Federico Trevisani	Trevi (Italy)
In Attendance:	Ciaran Jennings	EFFC Secretariat
	Kerry-Anne Hutchison	EFFC Administrator

1. Welcome / Apologies for Absence

The Chairman (Chris Harnan) welcomed all to the EFFC Contracts Working Group meeting in Amsterdam. He especially welcomed the two new representatives Jaap Estie of NVAF (The Netherlands) who will be Henk de Koning's replacement; following his retirement and Nitish D Ranlaul of Bachy Soletanche (France).

Apologies had been received from: Jindrich Ricica (Czech Republic), Lars Rande (Denmark), Przemysław Nowak (Poland), Andy West (UK), Teresa Perez (Spain), Dejan Lukic (Switzerland) and Johan Hagblom (Sweden).

2. Minutes of the Meeting held 13th October 2016 (Milan)

Name change to the previous minutes and the minutes of the meeting were approved; please find amended copy attached to these minutes.

3. FIEC

a) Mutual Recognition of Rig Drivers Qualifications

The President of the EFFC (Hans-Joachim Bliss) started by explaining the background of the EFFC approach to this issue and advised that finding a mutually recognised European rig drivers licence is a common challenge for all 16 Member countries.

Hans said that he was taking the lead on this topic for the EFFC Officers and that his objective was to establish a European driving license for rig operators. He advised that he had written to Martin Schulz (EU President) requesting support in this matter, however this was unsuccessful. He said

that it is necessary to establish a roadmap of activity from the EFFC to establish a common standard and promote it within each Member's country. In parallel it is necessary to continue to pursue recognition of this standard within the EU in order to ensure it has cross-border acceptance.

The President stated that it would be possible to bid for project funding from the EU. However this would require hiring a consultant at the cost of €20k in order to create the bid, with no guarantee of success. He therefore felt it was better for the EFFC to work on its own initiative and to continue to press the issue with the EU Commission.

The Chairman thanked the President for taking on this responsibility. It was suggested that the cost of a consultant could be shared across the Members. Chris Harnan commented that the Tremie Guide project had shown that it was possible to fund these sorts of initiatives from companies within the EFFC membership if the issue is important to them. Hans explained that he was in the process of putting together the team to drive the initiative and believed a top down approach together with the work of the National Federations was the best way to achieve a European rig operator's license.

Chris Harnan asked whether creating a CEN standard would be possible. This was unknown and it was suggested that Christian Gilbert be asked whether this was a possibility.

Secretary

b) BIM Work Programme

The EFFC Secretariat (Ciaran Jennings) advised that Mark Sheridan of BAM Ritchies in the UK is actively involved in the FIEC BIM group. He informed the group that Mark is very proactive and specifically focussed on the interests of Foundation Contractors with a view to ensuring that a collaborative approach between client, main contractor and specialist contractor gains acceptance as part of using BIM. Overall the FIEC group is looking to influence European Policymakers to ensure that BIM is understood and dealt with appropriately by EU directives.

Ciaran advised that Mark is keen for "Digital Construction" to be used in place of the term BIM as this was a more meaningful description of what a BIM approach is designed to achieve.

The Chairman commented that he felt the Contracts Working Group and wider EFFC had not bought into BIM yet. He reiterated to the group the importance of BIM and his firm belief that it would increasingly become a requirement on foundation contractors. He advised that UK companies are not permitted to work on any government jobs until BIM has been implemented. Members are advised to be mindful of the BIM requirement appearing in new contracts.

Hans-Joachim asked the group what it wanted to achieve in relation to this topic and to consider a two-year objective. The Chairman commented that at this point there was too little understanding of it from Members to be able to set objectives. He believed the role of the CWG on this topic was to educate Members and maintain its influence via the FIEC group.

4. Matters Arising

a) Concrete Task Group

Chris Harnan advised the CTG had met in Munich, Germany where they had one day looking at Numerical Modelling and one day reviewing Testing. He explained that the numerical modelling allowed predications to be made on how flow works in different circumstances. This should allow contractors to play with different parameters.

He advised he believed they had made a real breakthrough with regard to onsite testing. It was hoped that slump flow and time tests using a modified slump cone would provide a good indicator as to the acceptability of concrete. This was to be welcomed as it was a cheap test to perform.

Chris advised the testing programme is to establish acceptable criteria for the concrete draft edition which will be presented at the EFFC AGM meeting in November 2017 and the second edition, once developed; will be presented in Rome 2018.

Eelco van der Velde of Bauer (The Netherlands) advised they have done extensive research and carried out a lot of testing themselves and enquired whether this had been incorporated into the results. Chris Harnan agreed to check with Karsten Beckhaus.

C Harnan

b) Support Fluids Task Group

Chris Harnan (Deputy Chair) reported that himself, Sabine Darson (Chair) and approximately 20 other members of group met on 8th February 2017 in Paris, France. He highlighted the limited knowledge of polymers within the industry; therefore there was a great need for the group and a best practice guide on support fluids and polymers.

Chris advised that the group had a well-balanced composition with 53% contractors, 13% academics, 17% suppliers and 17% consultants. There was also a good balance of countries with the UK and US making up just over half the group and seven other countries involved. The group was to progress along the same lines as the Concrete Task Group and anticipated a first edition of the guide to be produced within 12-18months.

Olivier Peter asked what budget the project required. Chris said that the only costs that are anticipated are covering half of Stefan Jefferies expenses. This was necessary as Stefan is the foremost world expert on the subject and is not fully funded by his university. However no third party costs are anticipated and a €3k budget allowance should cover the project costs. Sponsorship could be sought if any third party costs are ultimately required.

Chris further advised that the objectives of the group have been established and a guide will be drafted in April 2017 and endeavoured to be published in 18 months.

Issues for Discussion

5. Fair Certification

The Secretary asked on behalf of the UK Federation whether Members had issues with certification of payments. He explained that in the UK often underpayments are made during the project with full payment only being achieved at the end of the project. This is because the main contractor does not fully accept the foundation contractor's statement of the amount of work, materials and costs that have been incurred when an invoice is issued for part payment of the project cost. Members reported that generally they are paid on time and that they do not have this form of certification in their countries. It was concluded that this issue holds significant meaning to the UK however not for Europe.

6. Sustainability

a) Review EFFC Sustainability Charter

Hans-Joachim Bliss reported that the Officers had discussed the issue of sustainability in their meeting and had concluded that the EFFC Sustainability Charter needed to be reviewed and an EFFC position produced on the issue of Sustainability.

It was explained that the Charter gave advice on specific areas that foundation contractors might look at in order to make their businesses more sustainable. However this had been carried out in 2011 and it needed updating.

Chris Harnan proposed that Members went through the Charter's appendix and gave a simple Yes or No answer to each element to determine what Members are and are not able to commit to currently and what they are doing in terms of sustainability.

Luca Bruni commented that it was important to know what Members can achieve and what they cannot so that it can inform the promotion of the ECO2 Foundations project.

Chris Harnan agreed to work with Luca Bruni to put together a proposal on sustainability for Members to consider once the results of the survey exercise had been completed.

b) EFFC Sustainability Strategy – KPIs

No discussion, please refer to above agenda item.

All/Secretariat

C Harnan/L Bruni

c) EFFC / DFI Carbon Calculator - update

Luca Bruni delivered a presentation which included a number of topics discussed. Please find Luca's presentation attached to these minutes.

DFI USA has notified the EFFC that they will be discontinuing funding of the Carbon Calculator project. He explained that they had indicated that they were not happy with the proposed direction of the project. The reasons given by the DFI indicate that they no longer are happy for the tool to be promoted as a means to compare tenders. However, Hans-Joachim Bliss reported that the EFFC Officers will be directly responding to DFI to understand their reasoning with a view to bringing them back on-board.

Luca advised that he wished to organise a meeting of the National Champions in Paris in order to refresh the training in the tool and provide them with a new presentation. Ten to fifteen highly motivated people on the issue of sustainability in order to promote the tool. Luca reported that as yet there was not a representative from Romania and the representative from the Netherlands had dropped out.

The Chairman asked Carlos Vasquez why the Romanian Federation was not participating in the project. Carlos explained that there was not enough interest within Romania in the issues of sustainability or carbon reduction to justify a representative. Luca Bruni explained that Dutch had withdrawn from the group as they were using an alternative tool called Dubocalc as this was mandated by the Dutch authorities.

Hans Bliss commented that the issue of training in the use of the Carbon Calculator is separate to promotion of the tool and sustainability within the industry. This may need to be considered when organising a meeting.

In conclusion it was noted that Andrea Acerbi shall work with Luca Bruni to define a strategy for the ECO2 Foundations project and address the issue of DFI withdrawal. A meeting shall be organised of the champions and a presentation developed for their use.

**A Acerbi,
L Bruni,
Secretary**

7. Digital Construction

a) EFFC Position

See Item 3B for discussion.

b) Adoption of FPS Guidance Notes

Ciaran reported the FPS Guidance documents will be uploaded to the EFFC website. Once uploaded, please login to the EFFC website using the following credentials:

All

Username: CWG

Password: effccontracts

Documents for Discussion/Approval

8. Uncapped Liabilities on Projects

a) UK Position Paper

The Chairman read out the position paper which all felt was a reasonable document.

After a lengthy discussion it was decided that Soil Risk would become a new point of discussion for the CWG and should be added into this document in order to broaden its scope. Chris Harnan cautioned that there is a lot of variation across Europe as to how soil risk is treated. Some countries it is accepted as part of a contract and in others it is specifically excluded.

EFFC Secretariat

Peter Vroom agreed to write a section on soil risk and send to Chris Harnan and Jaap Estie for review before an NVAF meeting on 2nd March 2017.

P Vroom

It was agreed that topics such as obstacles, drivability, working platforms, construction, contamination, cables and piling, artificial and natural characteristics should be mentioned as part

of the soil risk section.

9. Level 3 Conditions

a) Integration with Principle Principals of Subcontracts Document

Chris Harnan explained that the Level 3 conditions are intended as a set of contract terms that all EFFC Members can use in their contracts. The intention is to harmonise the different terms that contractors are working to in order to promote fairer competition. The current document is based upon the FPS schedule of facilities and attendances that are commonly used in UK contracts.

The Chairman stated this document had been around now for 20 years and asked whether it was being used. Henk de Koning affirmed it was used by Dutch companies working outside of the Netherlands. Chris Primett confirmed it was used in the UK in the form of the original FPS document. Chris Harnan highlighted that changes had been made to the Level 3 Conditions document recently in order to incorporate working platforms and the client's responsibilities under the Mobile Sites Safety Directive.

Henk de Koning introduced the EFFC Principle Principals document, which had been produced some years previously. The document is intended to set out the general conditions expected by foundation contractors as a checklist of what should be included in the contract. Henk proposed that the document should be incorporated into the Level 3 conditions in order to create a single document.

In discussion it was determined that the two documents should be kept separate owing to potential compliance issues. However it was stressed that the EFFC is trying to pool knowledge and set expectations around the fair division of risk between main contractor and specialist contractor. Both documents to be published on the EFFC website and promoted.

Secretary

10. Collaborative Working / Partnering / Alliance Contracting and Geotechnical Risk Management

a) Position Paper for Publication

Federico Trevisani reported the document has been now been finalised. He advised the document now includes a statement at the bottom of the introduction and it also includes a second case history of Terminal 5 at London's Heathrow Airport. All members are asked to review his paper on the EFFC website.

Hans Bliss commented that it was important to push this approach to counter the adversarial model that is commonly taken by clients. He asked that a two page summary be produced of the document that can be used to promote the document. Federico agreed to produce this.

The Paper was approved and shall be published on the EFFC website.

11. Any Other Business

Chris Harnan personally thanked Henk de Koning for all his support over the years and congratulated him on his retirement as it is his last EFFC Contracts meeting.

12. Date of Next Meeting

Please note the next meeting date has changed to **Thursday 22nd June – Friday 23rd June 2017.**