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EUROPEAN FEDERATION OF FOUNDATION CONTRACTORS

Minutes of a meeting of the EFFC Contracts WG will be held on Thursday 13th June 2019 from 13.00-17.00 in the Conference Hall, EA Hotel Embassy Prague, Petráská 31, 110 00 Praha 1, Prague, Czech Republic

Present: Wim Claesen Belgium
Jindrich Ricica Czech Republic
Vojtech Jezek Czech Republic
Jaap Éstie Netherlands
Ton Groeneweg Netherlands
Przemyslaw Nowak Poland
Rasin Duzceer Turkey
Andrew West UK
Chris Harnan UK

In attendance: Aimee McDermott EFFC Secretariat

Minutes	
1.	Apologies for Absence Peter Vroom, Peter Ausslechner, Fredrik Asklund, Federico Trevisani, Dejan Lukic, Carlos Vazquez
2.	Minutes of the Meeting held 7th February 2019 (Munich, Germany) – attached The minutes of the last meeting were approved.
3.	Concrete Task Group Chris Harnan reported that edition 2 of the Tremie Concrete Guide had been published in June 2018. He noted that there is an issue with member companies implementing the guide and that he had recently spoken to some engineers employed by a member who had not heard of the guide. He asked that members go back to their federations and encourage usage of the guide. Chris also asked that members feedback on the guide.
4.	Support Fluids Task Group Chris Harnan reported that edition 1 of the Support Fluids Guide had been published, however, similarly to the Tremie Guide, not many people are aware it exists. He asked again that members encourage usage of the guide and feedback anything to the group. Chris advised that the first edition has no real recommendations and that it sets out facts and data on fluids. Chris explained that the second phase of the project is the Research and Development. The first part of this is a contractors' data survey to include records from piles. This data will all be anonymised and confidential. The second part will involve visit 10 sites in Europe and 10 sites in the US to test support fluids with several different types of equipment which have been provided to the group. Chris also noted that they will be sampling the interface layer as controlling the depth of this is critical to prevent spill into the cover zone. Chris advised that each test will take 3 days and the onsite contractor is likely to lose half a day of production to make way for testing. He noted that this data will be used to hopefully come up with recommendations and conclusions for support fluids.

	It is expected that the testing will begin in late October/early November and take around 2 years to complete.	
Issues for Discussion		
5.	<p>Round table discussion</p> <p style="margin-left: 20px;"> a) Schedule of National Federation presentations b) General Conditions shortlist c) Topics of Interest for future meetings </p> <p>Wim Claesen reported that the group had discussed each member presenting on their general conditions at the previous meeting. He suggested that the group come up with a time table for discussing each federation and that each presentation be approx. 15 to 20 minutes long. It was agreed that the Netherlands and the UK will present at the next Contracts WG meeting (October 2019) and that Poland and the Czech Republic will present at the meeting after (February 2020), with Belgium presenting at the June 2020 meeting.</p> <p>The Swedish federation were expected to present at the meeting however were unable to attend. They had sent their general conditions for circulation which the group discussed. Some felt it would be better to have the presentation before being sent the conditions, however it was decided it is best to send the documents out before so they are kept with the meeting papers.</p>	
6.	<p>Swedish National Federation Presentation</p> <p>Frederic Asklund was not in attendance to present on the Swedish national federation.</p>	
7.	<p>FIEC Participation</p> <p>Wim Claesen reported that he had attended the Construction 4.0 meeting at FIEC recently. He noted that there were not very many contractors present and that the meeting turnout was not very representative. Wim explained that the group had spent a long time discussing a new paper about BIM policy and legal aspects of BIM, which they will be circulating in approximately six months. He advised that FIEC are recommending an open BIM format.</p> <p>Jaap Èstie agreed that the representation at FIEC is minimal and that by attending the meetings the EFFC can influence the decisions made. Wim agreed and noted that he will attend the next Construction 4.0 meeting to see if any further information comes from this.</p> <p>Wim also advised that FIEC are holding an event in September that may be of interest to some in the group. Please see information here.</p>	
8.	<p>Fair Payment/Early Payment schemes & retention</p> <p>It was noted that all retention surveys have now been returned with the exception of France and Romania.</p> <p>Wim asked that those present explain their country's response to the survey.</p> <p>Jaap Èstie explained that in the Netherlands there are no standard retention conditions and that it is generally companies outside of the Netherlands who ask for it. However, he noted that retention is slowly being used in works for governmental organisations and that it may become an issue in the future.</p> <p>Rasin Duzceer advised that in Turkey retention is generally around cash retention of 5-8% for piling and in the private sector. He noted that this can be released for temporary handover, however sometimes the main contractor will wait for the handover of the whole project before releasing which can be a problem. Rasin also noted that sometimes a bank guarantee is used to release the cash. He explained that retention is generally not abused in Turkey and that it is not currently a problem.</p>	

	<p>Andrew West advised that retention is an issue in the UK and that in a lot of cases the main contractors try to hold onto it permanently or well past the release date. Andrew explained that the UK national federation has made a policy that they do not accept cash retention and will offer a bond instead. He noted that if all members are consistent in this approach then it is generally accepted. He also noted that the government have recognised this as an issue and that they attempt to set an example by not taking retention on government projects.</p> <p>Wim noted that in the survey most respondents say retention is not something the EFFF can influence. Jaap noted that the group had felt it was a role for the EFFF and that it is an issue that could be addressed via FIEC. Jaap advised that he had attended a presentation at FIEC in April and that the issue of retention had been raised. He noted that FIEC seemed interested in the topic, however he is not sure which sub-group the topic would come under.</p> <p>There was agreement that this is an issue that could be taken to FIEC and that this would be proposed at the Executive meeting. It was also noted that a lawyer would need to be involved with this process. Jaap suggested that the group consult Federico Trevisani and ask him to go to FIEC with a presentation or position from the EFFF.</p> <p>Przemyslaw Nowak added that there are instances where the work done by piling contractors isn't taken into account within contracts, for example when temporary works are undertaken. Jaap agreed that this is another aspect that could be lobbied at FIEC.</p> <p>It was agreed that the issue would be raised with the Executive committee and Federico asked to prepare a paper.</p> <p>Andrew West noted that the UK federation already have their own position paper on retention which outlines why they have taken this position, however he noted that the paper cannot be binding. Wim asked that the UK federation paper is circulated and that the outstanding survey results are chased.</p> <p>Jaap also emphasised the importance of building a better relationship with FIEC and how much of an influence the EFFF could have at FIEC meetings. He also suggested that the group invite Domenico Campogrande to the next meeting to discuss EFFF issues which could be raised in FIEC. The group agreed that this would be a good idea.</p>	<p>All/ F Trevisani</p> <p>EFFF Secretariat</p> <p>J Éstie/ F Trevisani</p>
<p>9.</p>	<p>Back to Back Contracts</p> <p>There was some discussion about Back to Back contracts and what the group want to come of this topic. Przemyslaw Nowak noted that these types of contract are systematic and that foundation contractors are always under pressure and affected by competition. Wim Claesen advised that the Belgian federation do not accept back to back contracts, however contractors will still try to use them. It was decided to leave this item on the agenda as it may come up during the national federation presentations.</p>	
<p>10.</p>	<p>Early Contractor Involvement</p> <p>Andrew West asked the group what further information was required on this topic. Wim Claesen explained that the group had decided that it would be helpful to create a presentation to show clients the benefits of early contractor involvement.</p> <p>Andrew advised that he will produce something for the first meeting of 2020. He noted that the advantage of early contractor involvement is that the contractor can be there from the beginning to get an understanding of the projects and its risks to help define a project that is buildable with risk in the right place.</p>	

11.	<p>Sustainability: a) EFFC sustainability WG</p> <p>Chris Harnan reported that the EFFC Sustainability group have had three meetings now and that the members of the group are a good blend of sustainability experts from member companies.</p> <p>Chris advised that the group have produced a purely factual document on sustainability, explaining which accreditation systems are available and key words within sustainability. He noted that the final draft of this is complete and will be sent to members in the next few weeks. The group are now working on a materiality matrix, setting out all the factors that are important to the organisations in EFFC relevant to sustainability. Chris advised that the group originally had 20 topics which they would like to narrow down to 10. The group have carried out a survey to narrow these factors down and the next step is to circulate this to members. Once the top 10 have been selected, members of the group can focus on each one.</p>	
12.	<p>Site Investigation</p> <p>Item not discussed.</p>	
Documents for discussion/ approval		
13.	<p>EFFC Risk Assessment and Risk Register</p> <p>It was requested that the EFFC Risk Register is circulated to the group, and any comments and amendments to this due at the next meeting.</p>	EFFC Secretariat
14.	<p>Uncapped liabilities on projects a) EFFC position paper including soil risk statement</p> <p>Jaap Èstie advised that he and Peter Vroom had prepared a document last year which compiled several EFFC documents in a position paper to replace the EFFC Special Conditions. However, there had been much discussion on the document as some viewed it as unfeasible due to regulations in their own countries.</p> <p>Wim Claesen noted that there may now be some overlap with this during the national federation presentations. It was asked that the position paper is recirculated to the group.</p>	EFFC Secretariat
15.	<p>Any Other Business</p>	
16.	<p>Date of Next Meeting</p>	