

## The public construction client of the future

### Network-based collaborator in a traditional public administrative system

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# THE PUBLIC CONSTRUCTION CLIENT OF THE FUTURE: NETWORK-BASED COLLABORATOR IN A TRADITIONAL PUBLIC ADMINISTRATIVE SYSTEM

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In the construction industry, public and semi-public clients increasingly depend on private parties to achieve project outcomes by adopting network type of governance approaches. However, social-political responsibilities remain at the public side. Hence, the general challenge for public commissioners is to find a new balance between dependency and responsibility when safeguarding competing traditional and network values. Based on three qualitative studies of a PhD project on safeguarding public values by public construction clients, applying concepts from public administration and public value theory, this paper presents three lessons learnt on future roles and responsibilities. We argue that future 'good' commissioning should be 1) more about embedding new value systems and less about changing existing values mechanisms, 2) more about paradox thinking in a convener role and less about trade-offs in a steering role and, 3) more about informal accountability in the value chain and less about formal accountability in the project chain. To ensure the 'right' kind of interference in the value process, public clients' way of coping with public-private conflicts, needs to correspond with the internal governance arrangements, and vice versa. Further research should focus on facilitating this alignment by providing a public value safeguarding strategy tool for public construction clients.

Keywords: public value management, public service, dependency, responsibility

## INTRODUCTION

Similar to other industries, trends like globalisation, privatisation and servitization, change the relationship of public construction clients to society and market entities (Clifton and Duffield, 2006; Van der Steen, *et al.*, 2013). In addition, the complexity of today's construction challenges -such as growth of population, CO2 reduction and growth versus decline of urban areas -, asks for consideration of other (types) of values such as sustainability, circularity and 'smartness' by construction clients. To safeguard these values, clients need the expertise of market parties. As a response to the fragmentation of the construction industry and expanded levels of outsourcing

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therein, an increased focus on building a strong and unified sense of values, trust and value-based management between public and the private parties is ongoing (Bryson *et al.*, 2014). Together these tendencies call for more collaboration with both market and society in delivering and ensuring public values. This affects the task of public bodies in the public value process (Bao *et al.*, 2013; Bryson *et al.*, 2014; De Graaf and Paanakker, 2015). Traditional procedural public values such as integrity, lawfulness, reliability and equality are increasingly considered contextual, and public entities redirect their steering mechanisms towards other types of values such as serviceability and sustainability.

The shift of role and dominance of values can be recognized in the institutional change towards network governance. In the construction sector, the network type of governance can be recognized in collaborative practices such as Public Private Partnerships, co-creation and bottom-up initiatives. Public service delivery accordingly shifts from a direct to more indirect approach, becoming increasingly dependent on private market parties (Bao *et al.*, 2013; Tjosvold, 2008). In recent years we have especially seen a growing percentage of integrated contracts, where public parties outsource at least a part of their 'traditional' responsibilities regarding construction activity to private entities (Van der Steen *et al.*, 2013). Hence, the overriding challenge for public commissioners is to find a new balance between dependency and responsibility when safeguarding public values. This balancing implies dealing with often conflicting internal traditional administrative value systems and 'new' emerging value systems related to their external network oriented collaborative activities. This is referred to as a 'meta-governance' challenge; a (governance researchers') term to describe the way in which public authorities and other central, capable, and legitimate actors govern networks without reverting too much to traditional forms of command and control to ensure success (Koppenjan *et al.*, 2004; Sørensen and Torfing, 2017). Finding this balance is rather delicate, as a public party as a network collaborator, has to 'lean in' to the values of the network, but not 'tilt' and loose connection to the traditional public administrative system. Therefore, in this position paper we deduce three main lessons for the client of the future. Using theoretical insights from public administration and public value theory, we propose adjustments to be made to his role and responsibility when enhancing the possibilities for network governance.

## **Theoretical Background**

Good governance is about the ability of public managers to optimize the balance between competing network and traditional values in public service delivery (Bruijn and Dicke, 2006; De Graaf and Paanakker, 2015), while engaging market and societal partners. The commissioning role is key in good public value management or governance, because the public construction client, is positioned at the intersection of their organisation and its social-political environment, while at the same time, the relationship between client and contractor is central in commissioning. Therefore, we focus on safeguarding values in the commissioning role. We define the activity of commissioning as 'the way a public organisation, in relation to its responsibilities in the built environment, shapes and implements its interaction with the supply market both externally and internally' (Hermans *et al.*, 2014). This dual - internal and external - focus corresponds with different ways to achieve public value; first from improving the government itself at organisational level, and second from public service delivery to specific groups or persons, using collaborative projects in a network environment (Cresswell *et al.*, 2006). Good network governance presupposes

alignment of internal and external commissioning activity within the public organisation, during the entire course of public service delivery (figure 1).

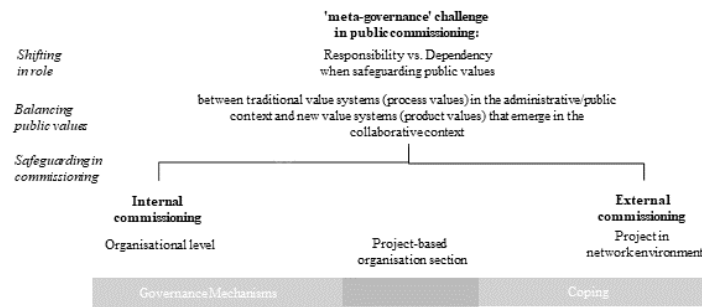


Figure 1: The meta-governance challenge in safeguarding public values

Discussing the external commissioning role, we look at the ability of metagovernors to find the right level of interference in the public-private network throughout public service delivery, as this affects whether or not this network becomes a successful policy tool (Sørensen and Torfing, 2017). Here, the concept of coping is relevant as it offers different ways to deal with the complexity of multiple values systems caused by the dominance of various - public-private- relationships occurring during the delivery process of public value. Coping literature provides a paradoxical perspective, allowing for engagement with complexity in network environments, in addition to the trade-off thinking focussed on reducing complexity used in more traditional conflict literature (Smith and Lewis, 2011). As the 'success' of network governance also depends on whether the chosen metagovernance strategy fits the objectives of the governance network, the alignment of what happens in the project network and in the parent, organisation is crucial (Sørensen and Torfing, 2017). In the project-based section of the organisation the vertical governance of the project chain, focussing on the relationship between the client and supplier/contractor (Winch, 2001), and the horizontal network governance of the value chain come together. When discussing the commissioning role, we therefore look at the implementation of the network type of governance, with its new value logics, within a traditionally oriented public construction client organizations, and the project-based urban planning section dominated by market mechanisms. The mixing of network, traditional and market governance modes results in internal hybridity, leading to internal governance conflict. This mixing also provides public actors with an ability to explore - innovating by crossing internal boundaries to work in an integrative way - using network management elements. While exploiting elements of traditional and market governance modes to sustain social political responsibility and ensure accountability (Eriksson, 2013; Keast *et al.*, 2006).

## RESEARCH APPROACH

This position paper combines the findings of three qualitative studies belonging to the PhD project 'Safeguarding Public Values by Public Client Organisation in Construction'. This project aims to provide insight into the nature and impact of characteristics of public construction clients as professional 'safeguarders', and therefore metagovernors, of sector specific public values. The contents of each study is explained in table 1. As explained in the theoretical background section, safeguarding of public values exists of different actions at various levels. Each of the three studies focuses on specific actions at specific levels, but also partly overlap in their scope. The combination the three studies thus provides new insights in safeguarding public values in the commissioning role.

Table 1: Overview of studies

	Governance Mechanisms		Coping
	Study 3	Study 1	Study 2
Research Question	1. How do municipal organisations balance the multiple institutional logics that belong to different public value regimes in safeguarding public service delivery in the built environment?	1. Which public values play a role in public service delivery practices between public clients and contractors in construction? 2. What contextual factors influence construction client's value interests in these practices? 3. Which public value challenges do construction clients face in collaborative practices of public service delivery in construction?	1. How can multiple value systems coexist in the process of public service delivery? And; 2. How do public clients cope with value conflicts in public-private collaboration?
Methods and Data	Comparative case study between 2 municipal organisations - 15 semi-structured interviews with actors of various departments in the urban domain - 4 months of observations at one of the urban management department of one of the municipalities - Document analysis: value related documents, both internal and 4 projects	Semi-structured interviews - 44 qualitative semi-structured interviews, with 47 executives/public administrators of 17 different (semi)public organizations - Q-sort tables	In depth single case study of a participatory process of delivering a neighbourhood park - 19 case-based semi structured interviews with public, societal and market actors - 19 months of observations of gatherings of project team, local businesses and residents panel - 4 months of observations at public client organisation - Document studies
Output	- Internal governance conflicts: between layers and departments within the organization - Internal innovating and sustaining boundary practices	- Public value interests of public construction clients - Internal and external factors influencing the steering of public value interests - Dilemmas in balancing different types of values, and in being a construction client	- Value conflict arenas in hybrid projects - Coping patterns in hybrid project environments

A qualitative approach was chosen as this allows for theory building from practice and suits studies about processes of which little is known (Bryman, 2016); safeguarding in the commissioning role so far has not been studied in combination. Semi-structured interviews with open-ended questions were chosen as the primary method of data collection, to discuss the sensitive topics of conflicts and complex management in dealing with value plurality (Hennink and Hutter, 2011). Since in the project-based construction industry different (types of) public values need to be ensured in organisations differentiating in publicness, we included a wide range of public client organisations in the first study in order to increase generalizability. In studying project-based organisations, it is also important to account for the multi-level nature of governance of projects and administrative organisations, and we therefore interviewed multiple actors for each organisation. In the second study this multi-level element was taken into account. In our single case study of a participatory redevelopment of a municipal park, we interviewed both actors from the public- private project environment and from the public client organisation. Next to semi-structured interviews, we used participant observation both in the participatory process of public service delivery and at the urban management department of the municipal client organization. In addition, documents from both perspectives were conducted, also for triangulation purposes (Yin, 1994). In the third study we used a comparative case study - again based on interviews, observations and documents - of two municipal organisations, focussing on their urban planning section from an organizational governance perspective. Atlas.ti was used to analyse interview transcripts, documents and reports of observations in a systematic inductive approach applying thematic theoretical coding (Bryman, 2016).

## FINDINGS

The research shows various practical difficulties in adapting and adjusting roles and responsibilities in the process of public service delivery when facilitating the shifting of value interests. This causes the overriding dilemma between dependency and responsibility. In combining the findings of the above three studies, we here create a deeper theoretical understanding of the practical meta-governance challenge, and present three lessons for the construction client of the future.

*1. More focus on embedding new value systems and less focus on changing existing value mechanisms*

The traditional approach of a strict distinction between the client and contractor responsibilities, or in other words, the idea that 'you pay and you will get the required product' is not sufficient anymore. Outcomes of study 1 show that joint competences are needed for adequate service delivery; there is a certain interdependency between client and contractor, a need to cooperate to come to the best solution. *"Sometimes, we do have the tendency to see the market as the other side of the spectrum. I think it is important that you actually search together for solutions in the middle. We have to draw upon our knowledge and skills, but we also have to trust that the others are not solely keen on the least effort for the largest part of the money."* To facilitate adequate use of competences, it is important to recognize and accept the interest of the potential contractors: *"By equality I mean that you have to recognize each other's qualities and each other's worlds and also that you have to accept that one has a different focus than the other."* Equality as a long-term process value of the public commissioning organisation, is also recognized in good governance public administration literature (De Graaf and Paanakker, 2015) and emphasises the importance of acknowledging the often-short term value systems of the contractor. This is also reflected internally. From organisational learning literature in project management (Eriksson, 2013; March 1991) we understand that especially in a project-based environment, construction clients are challenged with the constantly recurring value conflicts of the exploration-exploitation paradox. The short-term focus on efficiency, based on exploitation of existing knowledge and technologies, conflicts with the long-term focus on innovation and strategic development, based on exploration of new knowledge and technologies (Eriksson, 2013). This short term - long term tension is emphasized in the political environment of public construction clients, and relates to the implementation problem of public administration of how to make a long-term strategy attractive to politicians who need to score in the short term, as discussed in study 3 (Hupe, 2014; Jensen, Johansson, and Löfström, 2018; Keast *et al.*, 2006). The participatory policy implementation case from study 2, shows that political time pressure to deliver something visible, can endanger higher social goals like creating ownership and social return. Implementing longer term policy goals proves to be quite hard, not only because of political pressure, but also because of competition with other types of societal issues that are seen as more urgent by third parties, like unemployment. Discussing this implementation problem, the only way out seems to be to embed adaptation strategies in broader programs and to connect them to other issues and values (van Buuren, Driessen, Teisman, and van Rijswijk, 2014). Embedding of 'new' value systems in 'old' value mechanisms has been discussed in the interviews of study 1 (Lizet Kuitert, Leentje Volker, and Marleen H Hermans, 2019). For example, through the basic project values of time, money and quality, who remain to significantly influence how public actors act in construction: *"Money is very much a driving force. That affects the functionality, which influences innovation, which affects quality."* Specifically, the alignment of the desired new approach towards the market with organisational structures, mechanisms and tools, proved to be a significant challenge in the often bureaucratic, traditional, slowly adapting public organisations (Kuitert *et al.*, 2019). Multiple examples in our studies, showed that existing contractual governance mechanisms do not necessarily support today's complex public construction service delivery, as they lack the flexibility to actually act upon anticipated changes. such as emerging technical opportunities: *"If you manage something contractually, than there are often many exclusions as well, but*



*when you aim for improvements, you often want more flexibility, a new innovation or something happens in the city where I have to respond to.*" Another issue with contractual arrangements is that the desired collaborative partnering relationship strived for, reveals to be hard to capture in contracts. Partnering is about encouraging clients and contractors to transgress the conflicting interests that lie at the heart of their exchange relationship, by appealing to common interests centred around specific project goals and/or more strategic long-term relationships. However, this presumes a level of mutual interest that is arguably unrealistic in many contracting situations, especially in short term (Bresnen and Marshall, 2000).

We can conclude that there is an increasing awareness of the fact that a public organisation in a public - private project has to deal with third party value systems that influence the considerations regarding values. And for now, it seems sensible to focus on embedding new value systems through existing value mechanisms.

## *2. More focus on paradox thinking in a convener role and less focus on trade-offs in a steering role*

In our first study we showed that today's external commissioning is still quite directive, however there is a desire to change this. *"The words here are a bit conservative, while I would like to be a bit progressive and I am also, but also believe that we need to be more reliable."* With the changing relationship between public client and contractor the public client aims to adopt a more facilitating and framework-setting role. There is more attention to the collaborative nature of the relationship and the resulting implications for both the approach towards the market and the interaction with contractors recognised in 'hands on' metagovernance. Where 'hands off' metagovernance can be exercised at a distance from the network and can include administrative or bureaucratic tools. Using 'hands on' metagovernance can bring the commissioner into closer contact with network participants and can include strategies to resolve conflicts, build trust or generate understanding (Ayres, 2019). The importance of 'soft' or more informal ways of working is recognized in the metagovernance and public value literature, however our understanding of how and why is limited (Bruijn and Dicke, 2006; Sørensen and Torfing, 2017). Our second study and third study show various examples of how public client organisations are often confronted with their double - internal versus external - role in delivering value and therefore are confronted with managing conflict situations between the more internal traditional and external network related roles. Public clients adopt facilitating network-related roles - understood as a convener role in public value governance literature (Bryson *et al.*, 2014) - in order to indirectly steer in their external relationships with contractors and private entities, on the dominance of value systems at certain moments of time. Where at the same time, they need to adopt more traditional roles in order to remain control regarding their public responsibilities. For example, in study 2, the public client was concerned with facilitating the interaction between the local businesses and the residents that ought to be involved in deciding on the actual design of a neighbourhood park. They did so by, for example, inviting neighbourhood welfare organizations to gatherings of the local businesses and provide them with the opportunity to discuss ways to collaborate on social return in their tender proposals. And next, we observed the discussion in project team meetings of acting as *"lubricating oil"* or *"boost in the back."* We also saw, that in dealing with occurring conflicts, this facilitating convener role in a network environment, asked for paradox thinking away from 'old fashioned' trade-off thinking in order to do justice to value co-creation (L Kuitert, *et al.*, 2019). This can be explained by different views

on creating and capturing value in complex environments in which value conflicts are likely to occur. Where previous institutional research focussed on the rational-technical view on complexity, based on either/or decisions, more current research acknowledges the importance of both/and decisions especially in solving today's multi-value societal issues (Fossestøl *et al.*, 2015; Kraatz and Block, 2008; Tjosvold, 2008). Acting as a convener and adopting paradox thinking in viewing complexity, however, also proved to be difficult in the public domain where accountability, for example including protecting the ambitions of the alderman, is highly important. The focus on administrative systems and performance of public services was, for example, observed in several sessions of the internal municipal Tenderboard. In this committee, upcoming assignments are discussed and judged before they are officially announced as tenders. It was shown that risks and prices remain important decision criteria, while public value related ambitions are also pursued. This does not lead to conflicts within these committees themselves, but they do cause friction in the operational units, such as the project teams that needed to execute the assignments. And in the interviews of study 1 it was discussed that with the pressure of projects in the public and political domain, one often reverts to old habits, again picking up the directive role. *'If it gets tense, we directly turn back to our old habits, we become the directive client again, which puts pressure on the collaboration.'*

We can conclude that particularly the way in which value conflicts are dealt with ('coping') by adopting one or multiple roles in a situation, also determines the value outcome. We state that public clients should give more attention to paradox thinking in a convener role, than trade-off thinking in a steering role, in any situation with multiple value systems, both internally as well as externally.

### *3. More focus on informal accountability in the value chain and less focus on formal accountability in the project chain*

One of the key dilemmas facing public metagovernors concerns the question of how to ensure a high level of democratic legitimacy in a networked policy (Sørensen and Torfing, 2009). Increasingly, public administrators are being judged in terms of the ability of government to create authority that operates successfully in horizontally dispersed power settings in network type of approaches, such as PPP (Bao *et al.*, 2013). The traditional, vertical, hierarchical mechanism of accountability no longer adequately fits the current social and administrative developments (van Wart 2013) (Van Wart, 1996). In addition, more horizontal, informal, mechanisms of accountability should be deployed. The difficulty: Horizontal forms of accountability, just as vertical accountability, must meet the requirements of traditional value systems (Michels and Meijer, 2008). In public administration literature, it has been discussed that the mere identification of accountability relationships becomes problematic in PPPs, because clear principal and agent roles (and corresponding responsibilities) are disappearing (Willems and Van Dooren, 2011). In study 1 we showed that in the construction sector, integrated contract models ask for a dialogue about the division of responsibility between a client and contractor and understanding of the difference in accountability perspectives of the public and private entities. In addition, public actors already seem to have a strong sense of responsibility, implying that formalisation of accountability is often unnecessary for 'good' public action.

*"Intrinsically, people working at governmental bodies feel that they are there to serve the general interest, not the interest of the organisation."* Public construction clients seem to adopt combinations of governance modes. Findings from study 3 indicate that municipal managers differentiate in their governance approaches between

different layers and departments within the organization. Each governance mode has a central value system as a means of mediating between organizations and society, reflecting the interdependency of different public and private parties (Coule and Patmore, 2013; Smets *et al.*, 2015). Or in other words, they have various accountholders, both in the horizontal collaborative value chain, as the vertical traditional project chain (Willems and Van Dooren, 2011; Winch, 2001). In dealing with conflicting value systems in a construction process the combining of roles is facilitated by adopting the New Public Governance model within the public client organisation previously dominated by Traditional Public Management in combination with market mechanisms. Finding a new balance is a delicate matter in a public domain as shown in study 3. The ability to cross internal boundaries to work in an integral way is key for innovation in NPG. On the other hand, sustaining existing boundaries is needed to defend traditional public values. In order to bend over, but not tilt over in finding a new governance balance dominated by network elements, we found that many innovating boundary spanning 'actions' are counterbalanced by sustaining boundary 'actions'. This complicates the transition of public construction clients towards a network-based collaborator.

We can conclude that working with different governance models in a process of value creation - simultaneously or consecutively - leads to the crossing of conflicting accountability relations and internal conflict causes a reduction in value creation. To overcome this, it is important to focus more on informal accountability in the value chain and less focus on formal/hierarchic accountability in the project chain.

## CONCLUSION

This position paper brings forward the meta-governance challenge for the construction client of the future in an increasingly collaborative environment in which they depend on private and societal partners to deliver the various competing public values they are ultimately responsible for. In order for public construction clients to facilitate the shift from traditional to network value interests, it is especially important to find the 'right' alignment of the shifted client roles and responsibilities with governance mechanisms at an organisational level. We argue that future 'good' commissioning should be 1) more about embedding new value systems and less about changing existing values mechanisms, 2) more about paradox thinking in a convener role and less about trade-offs in a steering role and, 3) more about informal accountability in the value chain and less about formal accountability in the project chain. To determine the 'right' kind of interference in the value process of collaborative projects as a public construction client, public clients should be able to sooner engage in a conversation or have an idea of potential value conflicts to prepare for coping throughout the whole value process. Their way of coping with conflicts in cooperation with third parties, needs to correspond with the internal governance arrangements, and vice versa. Further research will use the three lessons to work towards a preliminary public value safeguarding strategy tool for client organisations in construction.

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