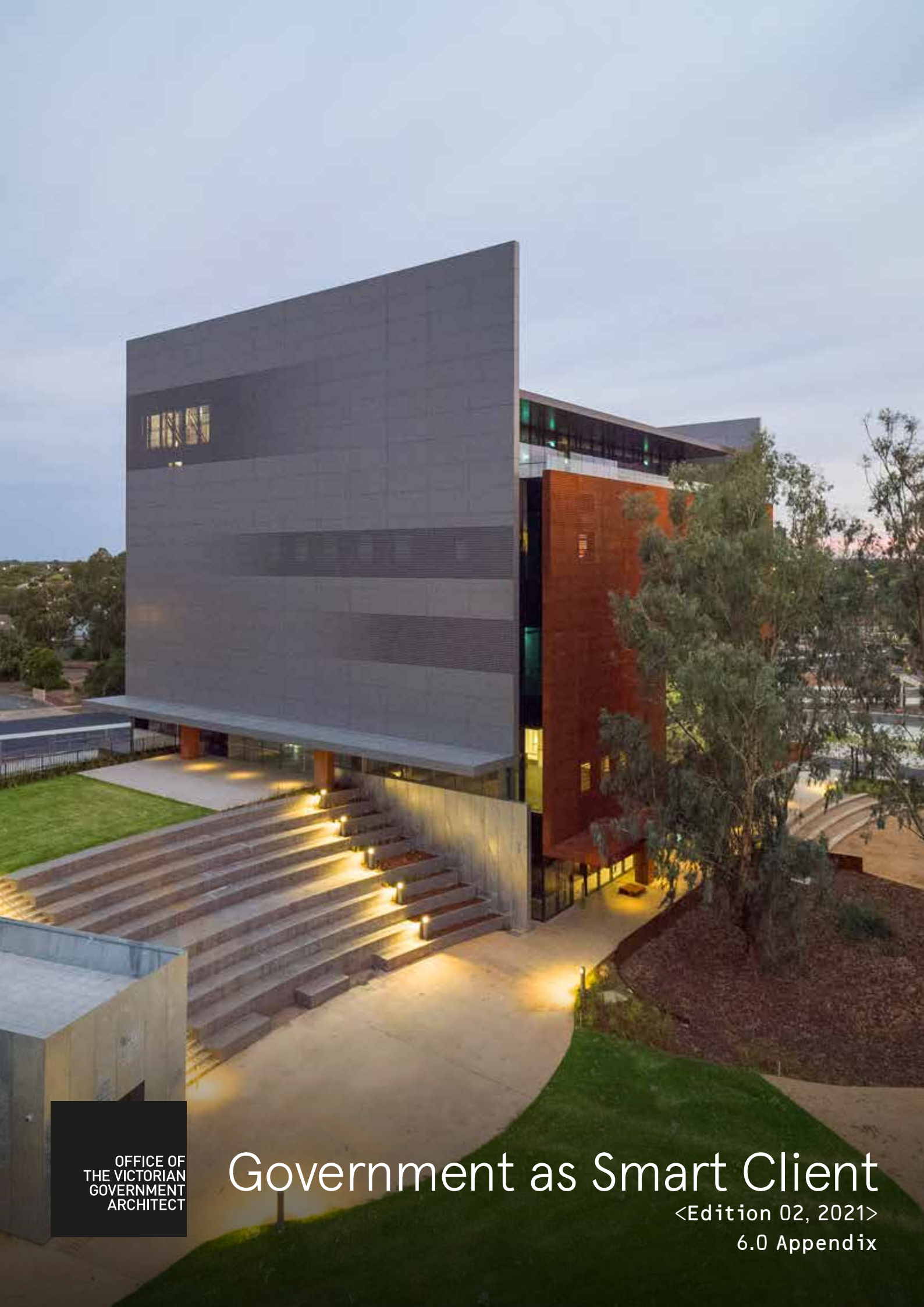

OFFICE OF
THE VICTORIAN
GOVERNMENT
ARCHITECT

Government as Smart Client

<Edition 02, 2021>

6.0 Appendix

> ‘Good Design is not just about the aesthetic improvement of our environment, it is as much about the improved quality of life, equality of opportunity and economic growth’.
>
> The Value of Good Design, Commission for Architecture and the Built Environment (CABE).

Cover
Project: Parliament House Member’s Annexe
Architects: Peter Elliott Architecture + Urban Design
Landscape Architect: Taylor Cullity Lethlean
Photographer: John Gollings

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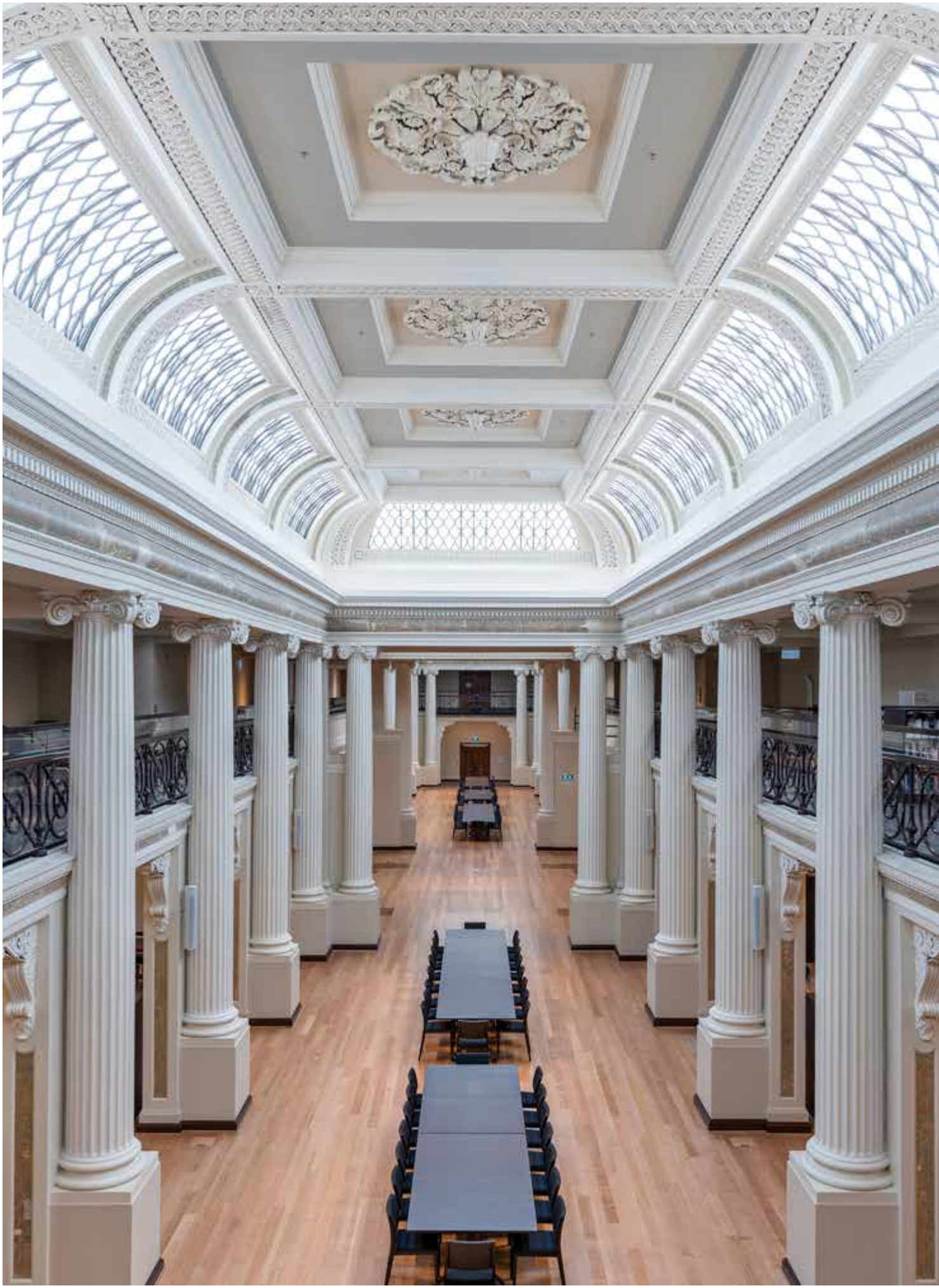


Foreword

An important legacy for any government can be seen in the quality and design of the public projects they deliver. Well-designed buildings, infrastructure and public places work well and feel good, promoting community pride, identity and adding a valuable long-term asset to their locale. Over the life of a building, evidence shows us that bad design will cost money; whether in maintenance, running costs, poor user experience, lost opportunity, refit or even replacement. In contrast, good design, purposefully and carefully undertaken by skilled practitioners, ends up costing less. Good design continues to grow in value and worth for its client and community of users.

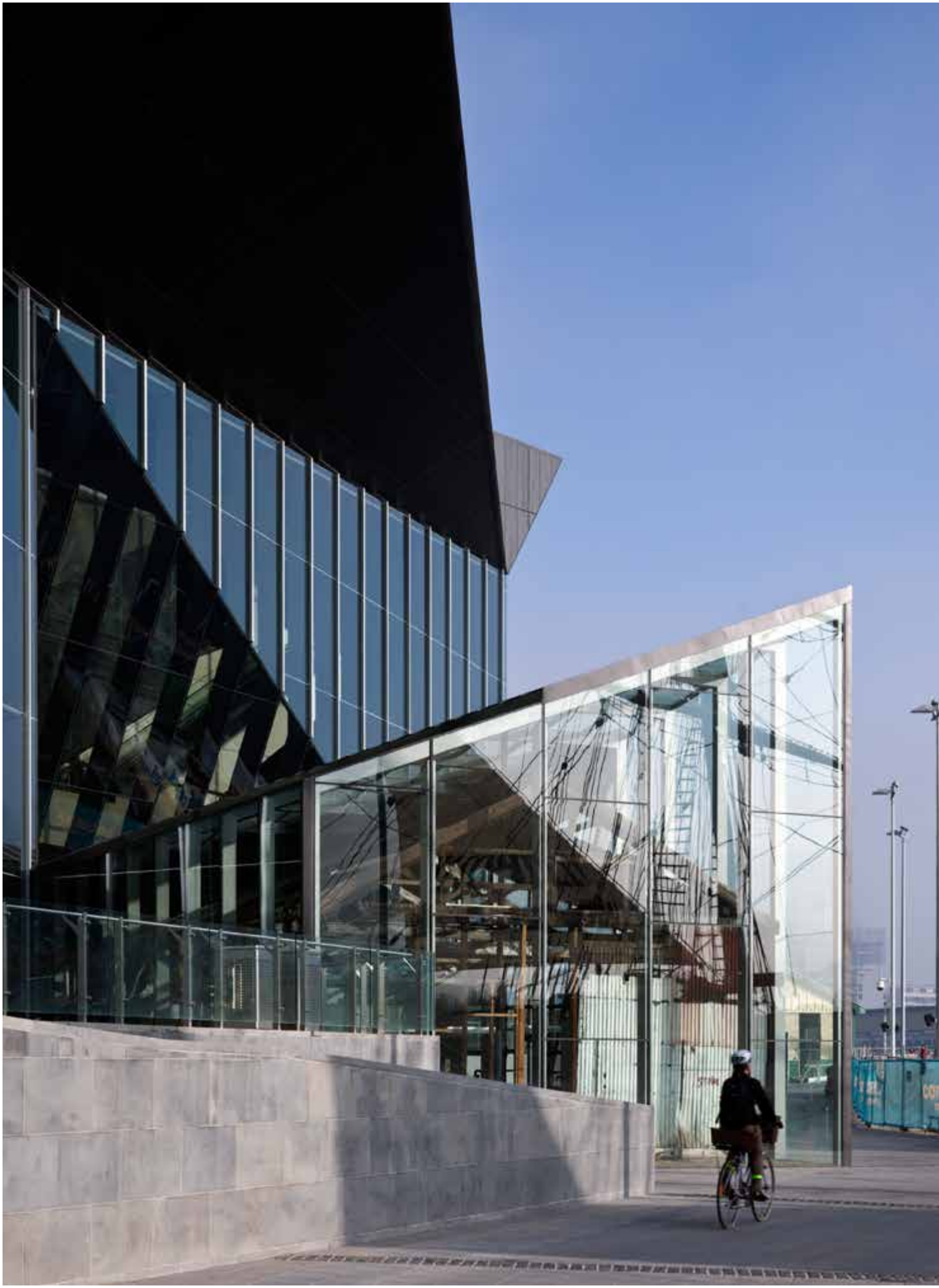
Good design does not just happen; it needs processes that support a quality outcome and it needs to be protected throughout all stages of delivery of a project. The process of procurement of a well-designed building includes starting with a good brief, a design vision that defines performance/outcomes-based principles and the appointment of a skilled, capable, design team.

From there, management of the construction of a building through to completion involves not just progressing a selected contractual method, but realising the project vision from idea, through delivery, to operation. The method by which a building project is procured can have significant impact on the quality of the final building. While it is possible to achieve a good design outcome with all procurement methods, some make it seriously challenging unless their potential threats to design quality are understood and well managed.

This document describes the various methods used in Victoria for the procurement of buildings. Each procurement method is overlaid with recommended strategies to assist in getting to a good design outcome. These strategies can assist Government to be a smart, informed client and deliver projects that leave a design legacy.

Jill Garner AM
Victorian Government Architect

Project: State Library of Victoria - The Ian Potter Queen's Hall
Architects: Architectus and Schmidt Hammer Lassen
Photographer: Patrick Rodriguez



Executive summary

The Victorian State Government is the largest procurer of design services in the state, having an enormous impact on the construction industry and on Victoria's standing as a state with which to do business.[1] The government's legacy from this role is the quality of buildings and public realm it delivers together with Victoria's reputation for innovation and liveability. It is important, therefore, that government and its agencies are informed appropriately to enable them to deliver and support well-designed outcomes for all Victorian projects.

The Office of Victorian Government Architect (OVGA) considers that there is substantial opportunity to improve design outcomes by improving design procurement practices that impact on design quality. The procurement of a quality project relies upon the engagement of a quality design team. It involves not just the contractual method used, but also the implementation of a built project from idea to delivery and on to operation. It is important to distinguish between the procurement of buildings and infrastructure and the procurement of design services.

Key Steps for Improving Procurement of Design Services that impact on Design Quality

1. Develop the Vision Statement for the project at its inception, including the high level design outcomes to be achieved;
2. Appoint a Design Champion to help guide the project and procurement of design services;
3. Appoint a Client Team and Project Managers who understand that good design is fundamental to achieving high-quality buildings and infrastructure;
4. Create a quality design team brief that clearly articulates the design ambitions;
5. Ensure a realistic project budget based on initial design testing and benchmarking as part of any business case;
6. Encourage the use of Expressions of Interest (EOI) and Requests for Proposal (RFP) to procure design teams;
7. When using Competitions to procure design teams, ensure a two-stage submission is used for larger projects, a reasonable budget that reflects the brief and pay bidders for work in stage two;
8. In assessing bids for architectural services, separate the design fees from the assessment criteria and utilise Quality Based Selection. When the preferred design team is identified, evaluate their design fees to determine the value for money each bid represents;
9. Engage the design team early;
10. When using Reference Designs ensure that they are developed to set a qualitative benchmark, integrate the design ambition and establish a commitment to design excellence; and
11. Ensure design teams value the whole-of-life impact and the social, cultural, economic and environmental performance of a development.

Key Steps for Improving the Procurement of Buildings and Infrastructure that impact on Design Quality

1. Design quality needs to be prioritised and embedded early in a project – regardless of the procurement method. If the risks to design quality are understood all procurement methods can be effective;
2. When selecting the preferred procurement methodology for a project, ensure design quality is considered as part of the procurement analysis and included as part of the selection criteria;
3. Ensure there is a clear, well-articulated vision for the project that includes expectations in relation to design and architectural quality;
4. Allow adequate time and resources in earlier stages of the project to develop a clear design intent and project design brief. This should explain the design outcome to be achieved and form an important part of the tender documents to help protect the design quality;
5. Seek design advice from a Design Champion, Design Quality Team (DQT) or the OVGA to assist with quality management in the Expression of Interest (EOI), contract and project brief;
6. Involve stakeholders, facility managers and users in the design process;
7. Consult the design team for advice in the appointment and selection of the head contractor;
8. Provide a realistic contingency for design and construction to ensure design quality can be delivered;
9. Ensure provision for independent design advice (DQT) or design review at key project milestones; and
10. Undertake Post Occupancy Evaluation to capture key lessons and to inform future projects.

All current procurement methods have the capacity to enable good design outcomes. However, with improvements to both the client culture and the procurement processes, higher standards can be achieved to the benefit of all those who use public buildings, infrastructure and places.

Victoria's future reputation for good design and the quality of its built environment relies upon recognising the value that design adds over the lifetime of the building. Well-designed buildings have a direct impact on the standard of public services provided and the quality of life of those who use them.[2] If we accept that the quality of architecture affects the quality of lives – and considerable evidence now demonstrates that this is the case – then it makes sense and is responsible to put in place steps that enable such quality to be achieved.[3]

Through discussions with government agencies and industry participants, it was identified that to support good design in public projects further initiatives should be pursued. The following list highlights the key recommendations that will support effective procurement and strategies to enable good design.

Key Recommendations from 'Government as Smart Client'

1. Ensure that the importance of design quality as a project selection criterion is established from the outset of the selection process through the documentation, in the weighting given to design and design capability in the bid evaluation criteria, and finally in the development of contractual documentation and sign-off procedures;
2. Allow enough design time for projects of real quality and innovation to emerge with realistic budgets that consider whole-of-life costs;
3. Develop flexible but consistent procurement processes for engaging architects and other designers to protect design quality;
4. The OVGA will help identify and support the role of Design Champions within Departments and Agencies;
5. The OVGA, in association with the Department of Treasury and Finance (DTF), support best practice in the establishment of consistent and fair Government contracts to protect design quality;
6. When appropriate utilise the OVGA's expertise to assist the Gateway process of a project to ensure design quality. Eg. Review of Briefs and EOIs, Selection Panels, Design Review, Internal Peer Review, Design Quality Teams; and
7. Establish a mechanism for OVGA design advice at a project's inception.

These guidelines provide practical steps to ensure that government, as a 'smart client', delivers excellence in the procurement of design, buildings and infrastructure. The guidelines are not mandatory and do not represent a new layer of process; rather they integrate essential design quality measures within the existing planning and delivery framework of government. They aim to influence design quality for public buildings to ensure an enduring legacy for future generations of Victorians.

PAGE 5
Project: Melbourne Convention and Exhibition Centre
Architect: NH Architecture
Landscape Architects: Aspect Studios
Photographer: Peter Bennetts

PAGE 7
Project: South Melbourne Life Saving Club
Architect: JCB
Photographer: John Gollings

6.0 Appendix

6.1 Glossary

ACCA: Association of Consulting Architects Australia.

AIA: Australian Institute of Architects.

Benefit Management Plan: A short document that defines the prerequisites for the delivery of each expected benefit, how the delivery of each benefit will be measured, and who will be responsible for measuring and realising each benefit.

Benefit Reports: A report for the investor that depicts the status of delivery of the benefits compared to the original expectations.

BOOT: Build, Own, Operate and Transfer.

Brief: The needs of the client, set out in a document.

Buildability: The ease and efficiency of construction.

Building users' guide: Complements the operation and maintenance manual, and explains to users, maintenance contractors and others how the building works.

Business Case: The document that articulates the rationale for undertaking an investment and whether to support a proposed project, before significant resources are committed to its development.

Capital budget: The money spent on one-off investment costs.

Capital costs: Costs incurred on the purchase of land, buildings, construction and equipment to be used in the production of goods or the delivery of services.

Client team: The in-house team responsible for delivering the project for the client, and liaising with project partners.

Consortium: Those private party persons who together intend to deliver a PPP.

Construction manager: A person, or company, that manages the construction and performs a purely management and co-ordination role (without delivery risk) and is generally paid a fee based on a percentage of the value of the works.

Construction management: The client engages a construction manager (contractor or consultant) to manage construction works on its behalf.

Consultant team: The group of professionals you need to produce a project – architects, structural engineers, quantity surveyors and potentially many other specialists.

Contingency: An amount of money kept aside for unforeseen costs.

Contract administrator: The person who ensures the activities and roles are carried out as per the contract. In smaller projects this is can be the architect or the quantity surveyor.

Contractor: The industry term for a builder. There can be a main contractor, and subcontractors, and specialist subcontractors, depending on your procurement route.

Cost Benefit Analysis (CBA): The comparison of payback by initial cost and lifecycle costing of options for elements of the project.

Cost Plan: Financial guidelines prepared prior to concept design, from project goals the project delivery can confidently be completed within. Final project definition and documentation occur after the cost plan preparation.

D&C: Design and Construct.

Design, Develop and Construct (DDC): The client prepares a Concept Design in addition to performance specifications, thereby giving a degree of control over the design output, while still transferring some of the design risk to the construction contractor.

Design, Construct and Maintain: In this procurement model, the contractor has on-going maintenance obligations in addition to design and construction. Lifecycle costs can be reduced if the contractor takes into account on-going maintenance obligations when designing and constructing the facility.

DBFM: Design, Build, Finance and Maintain.

DBFO: Design, Build, Finance, Operate.

DBOM: Design, Build, Operate, Maintain.

DCM: Design, Construct and Maintain.

Design Champion: A person at a senior level in an organisation who promotes the benefits of good design, and supports and challenges colleagues to maintain design quality in their activities.

Design development: is the phase in a construction project where the architect will develop the approved concept design and provide documentation to explain it to the client. They also coordinate the work of specialist consultants, provide a schedule of proposed finishes and review the developed design against the budget. Following this they coordinate and prepare an updated estimate of the cost of the works.

Design team: The group of professionals you need to produce a project, such as architects, structural engineers, quantity surveyors and potentially many other specialists.

Detailed brief: The document that gives all the detail for the client's needs – down to the requirements in each room.

Detailed design: The documents that describe the design in detail, such as materials, services, structure and all the various products that they are made of.

ECI: Early Contractor Involvement.

ESD: Ecologically Sustainable Development.

Expression of Interest (EOI): a written request that outlines an intention to acquire goods or services. An EOI invites suppliers to indicate their interest in meeting the requirement. It allows for an exploration of the market and an opportunity to identify the level of interest in supplying the requirement. The process may also include a second stage. This may involve: the calling of competitive tenders from all registrants or tenders from a selected list of suitable registrants or direct negotiations with one or more registrants.

FEED: Front-End Engineering and Design. FEED is the basic, initial engineering and design undertaken for a project, usually following a conceptual exploration or a feasibility study. It defines the specific technical requirements for a project, identifies key issues including technical, contextual and environmental matters and resolves them where possible and enables the cost of the investment to be estimated.

Gateway review process: The Gateway Review Process examines projects and programs at key decision points. It aims to provide confidential timely advice to the Senior Responsible Owner (SRO) as the person responsible for a project or program. A review provides the SRO with an independent view on the current progress of the project or program and assurance that it can proceed successfully to the next stage. The SRO has ownership of the report and is accountable for the implementation of any recommended remedial action and the progress of the program or project.

Head Contractor: The party responsible for the physical construction works on the project site, including the coordination of all subcontractors' inputs for design, documentation and physical construction of the works on the project site. Post novation the head contractor becomes responsible to the principal for design and manages the consultants' design services.

High Value High Risk (HVHR): Projects that have a total estimated investment (TEI) of more than $100 million, are classified 'high-risk' using the Gateway Project Profile Model, or are nominated by the Government as being part of the HVHR process.

Investment Logic Mapping (ILM): A single page depiction of the logic that underpins an investment. It represents an 'agreed investment story' that is created in an informed discussion. It is written in plain English in a way that will allow an ordinary person to understand the language and the concepts.

Investment Management Standard (IMS): Developed by Department of Treasury and Finance (DTF) the IMS aims to develop a best practice approach applied over the full project lifecycle to reduce the risk of investment failure.

Intellectual Property (IP): Inventions, original designs, and practical applications of good ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations, such as confidentiality agreements.

Key Performance Indicator (KPI): A measure that has been selected to demonstrate that a benefit expected from an investment has been delivered.

Lifecycle Cost: The total cost of an item or system over its full life. It includes the cost of development, production, ownership (operation, maintenance, support), and disposal, if applicable.

Novation: A term used in contract law describing the act of replacing a party to an agreement with a new party. A novation is valid only with the consent of all parties to the original agreement. An example would be when an architectural team developing the outline design is 'passed' from the client's, to the contractor's, responsibility.

Novation deed: The contract between the principal, head contractor and consultant which implements novation.

Outline brief: The document that describes the 'problem' that the design needs to 'answer' i.e. the client's goals and requirements.

Post Occupancy Evaluation (POE): Post Occupancy Evaluation provides an assessment of the final built outcome against specified objectives or standards. It can be undertaken as a detailed study by specialist consultants, or as a series of surveys at regular intervals seeking feedback from operators and users. It may also be used to review the procurement process.

Principal: The party that formed the original contract with the consultants, which is subsequently novated to the head contractor. The principal may either own the site/project or represent the owner/s of the site project.

Principal's Project Requirements (PPRs): The documents that form part of the design and construct contract that embody the principal's brief up to the point of novation and against which the final built form will be assessed. The head contractor must deliver what is documented in the PPRs, which can only be varied by agreement with the principal.

Private finance initiative (PFI): A procurement process where private sector consortia submit bids to provide and manage public buildings, usually on a 25-year contract.

Procurement: the management of and stewardship for the construction of a building or infrastructure. Procurement involves not just the contractual method but also the execution of a built project from idea to delivery and onto operation and audit.

Procurement Strategy: Method of project delivery detailing the participant's methods and outcomes necessary to complete the project strategy.

Project Budget: An amount established by the client which represents the total available funds for the project including building costs, provisional sums, escalation, contingency sums, consultant's fees, GST, furniture and equipment, approval costs and any other cost, allowance or item defined by the client.

Project program: The 'timetable' for when things happen in the project. Essential for all types of project, and usually drawn up by the project manager.

Project Steering Committee (PSC): provides strategic direction and monitors the project and is usually chaired by the Senior Responsible Officer (SRO).

Project vision: A simple statement of objectives for the particular project.

Public Private Partnership (PPP): A partnership between a public sector organisation, i.e. a local authority and the private sector to deliver a project (and sometimes manage it later as well).

Public realm: The spaces used freely on a day-to-day basis by the general public, such as streets, parks, squares, verges and other public infrastructure.

Public Sector Comparator (PSC): The PSC is an estimate of the hypothetical, whole-of-life cost of a public sector project if delivered by government. The PSC is developed according to the output specification, the risk allocation and based on the most efficient form of government delivery, adjusted for the lifecycle risks of the project. This is also referred to as the Reference Design.

Quantity surveyor: A professional cost consultant who monitors, and advises on, costs.

Quality Based Selection (QBS): enables a transparent selection process for the selection of an architectural design team on the basis of the whole range of criteria without undue loading being given to any one criterion such as the current fashionable profile of a particular design firm, personal association of a member of the selection panel with a particular design firm, or price.

Request for Proposal (RFP): This is between the tender development and tender evaluation stages in a procurement process and is the formal bid document issued by government.

Request for Tender (RFT): refers to a request for offer against a set of clearly defined and specified requirements. Tenderers are advised of all requirements involved, including the conditions of tendering and proposed contract conditions.

Risk allocation: The allocation of responsibility for dealing with the consequences of each risk to one of the parties to the contract; or alternatively, agreeing to deal with a particular risk through a specified mechanism which may involve sharing that risk.

Senior Responsible Owner (SRO): The SRO is the effective link between the organisation's senior executive and the management of the project. The SRO is also a core member of the project steering committee, usually the Chair. The SRO has accountability and responsibility for the project.

Stakeholder: People and groups who are affected by, or have a financial or practical interest in, the outcome of your project.

Subcontractor: A firm or person (under contract to the main contractor) who performs work or who supplies and/or installs an item forming part of the works in the contract. The contractor is responsible for the selection, engagement, supervision, performance and payment of all subcontractors in accordance with the contract. Subcontractors do not include any firms or persons directly engaged and paid by the owner for work outside the contract. These are separate contracts.

Sustainable development: Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Tender: A proposal, with costs, to carry out a piece of work.

Target Outturn Cost (TOC): The TOC represents an agreement of the contractual cost to achieve the agreed project outcomes. It must show value for money and be reflective of key project assumptions and risks. Agreeing the TOC requires active participation by all participants in the alliance as there is a natural tension between the owner wanting to ensure they have lowest reasonable cost and the non-owner participants (NOP) wanting to minimise their risk exposure and provide opportunity for cost savings.

Value for Money (VFM): The best value procurement outcomes based on a balanced judgement of financial and non-financial factors, taking into account: the total benefits and costs over the life of the goods, services or works procured; environmental, social and economic factors and any risk related to the procurement.

Value Management: A disciplined method of identifying areas of potential cost saving, for considering design options and to assist in the selection of the best value solution. It helps identify where the conflicting criteria of minimum cost, maximum quality, best performance and minimum delivery time can be addressed and balanced.

Variation: In a construction context, a variation is a change to the project from what a contractor was obliged to deliver as part of the contracted documents. These changes could be for a number of reasons – unforeseen site conditions, the change in client brief.

Vision Statement: A simple statement of main objectives. Required for early consensus to start the feasibility and budget checks and as a constant reference point throughout the project.

Whole-of-life (or lifetime or lifecycle) costs: The costs over the 30 to 60 year lifetime of the building or project. This includes running and maintenance costs and the costs for people working there.

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6.3 Footnotes

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6.4 Consultation

THE FOLLOWING GOVERNMENT DEPARTMENTS AND PEAK INDUSTRY BODIES OFFERED VALUABLE FEEDBACK IN THE DEVELOPMENT OF THESE GUIDELINES, COMMENCING IN 2013:

ACT Government Architect

Association of Consulting Architects Australia

Australian Institute of Architects, Victorian Chapter

City of Melbourne

City of Port Phillip

Creative Victoria

Department of Education and Training

Department of Health and Human Services

Department of Justice and Community Safety

Department of Environment, Land Water and Planning

Department of Premier and Cabinet

Department of Transport

Department of Treasury and Finance

Development Victoria

Infrastructure Victoria

New South Wales Government Architect's Office

Northern Territory Government Architect's Office

Office of Projects Victoria

Parks Victoria

Queensland Government Architect

South Australian Government Architect

Victorian Planning Authority

Western Australian Government Architect

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