



### **Purpose**

Decisions arising from contract and performance issues often lead to disputes between Mn/DOT and contractors. These disputes may result in claims for additional compensation and extension of contract time.

One form of mitigating disputes is partnering. This document provides guidelines on using partnering on construction projects.

### **What is Partnering?**

Partnering is an informal or formal team-building concept that involves Mn/DOT, the contractor, and possibly third party partnering expert to facilitate the process. Partnering typically includes regularly scheduled meetings (monthly, quarterly) between the contractor staff and Mn/DOT staff. Partnering meetings may also include third party stakeholders such as local units of government and utilities.

Partnering is most effective when issues are brought forward during the early stages. All parties must be willing to openly discuss the issues and work to resolve them at the lowest level.

### **Partnering Facilitators**

Successful partnering is often dependant on the skills and qualifications of the third party partnering facilitator. The facilitator primary job is to assist with identifying the issues and developing action plans for resolving the issue. The facilitator is not a mediator or arbitrator and should not be used for dispute resolution.

A certified list of partnering facilitators is available on Mn/DOT's consultant services page (See Construction Contract Dispute Resolution Services Certified List).

### **What types of partnering is available?**

Two types of partnering special provisions are available.

- Large Project Specification – Use of formal third-party facilitator with regular scheduled partnering meetings.
- Small Project Specification – Development of dispute resolution ladder, with provisions to include third-party facilitator if desired by both parties.

Both sample special provision are posted on Mn/DOT Innovative Contracting Website.

### **When Should Partnering Be Used?**

Formal partnering (large project specification) is recommended on all projects with an estimated construction cost of \$100 million or greater.

Informal partnering (small project specification) is recommended on all projects with an estimated construction cost between \$50 and \$100 million.

### **Who Should I Contact With Questions?**

Contact the Innovative Contracting Director with questions regarding partnering.