

BS 8534:2011



BSI Standards Publication

Construction procurement policies, strategies and procedures – Code of practice

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Summary of pages

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Foreword

Publishing information

This British Standard is published by BSI and came into effect on 31 August 2011. It was prepared by Technical Committee CB/500, *Procurement*. A list of organizations represented on this committee can be obtained on request to its secretary.

Relationship with other publications

This British Standard is complementary to BS ISO 10845-1 and BS ISO 10845-2 ¹⁾, which cover construction procurement in relation to processes, methods and procedures, as well as the formatting and compilation of procurement documentation.

NOTE There are other sources, see Annex A, that provide operational guidance.

The remaining parts of the ISO 10845 series (Part 3 to Part 8) have not been adopted as British Standards. If clients wish to use them they are encouraged to check their compliance with EU procurement law. European Standards for the procurement of engineering consultancy services for building, infrastructure and industrial units are in development.

BS ISO 15686-5 deals with property life cycle costing and impacts on construction procurement, notably on major investment and Private Finance Initiative (PFI) and Public-Private Partnership (PPP) projects. However, it also impacts on the design of new buildings through clients' desire to set the right budgets and optimize their life cycle costs from a whole-life value and sustainable development perspective.

BS 8903 gives guidance to organizations and individuals on how to consider and implement sustainable practices within their procurement processes and ongoing management of their respective supply chains.

Information about this document

In May 2006 a strategic workshop was held to establish what drives value in the construction industry. It and a subsequent series of specialist workshops were sponsored by the then Department of Trade and Industry and its successor, the Department for Innovation, Universities and Skills, under the heading "Rethinking Standards in Construction" and organized by BSI and Constructing Excellence in the Built Environment. The main conclusion was that there was definite potential for a new standard on procurement, provided it used the Office of Government Commerce process (see Annex A) as a baseline.

Users might find it useful to cite BS 8534 in any BS EN ISO 9001 documentation and in their contracts. In this way, adoption of BS 8534 can be promoted.

There are a number of sections in this British Standard where a distinction is drawn between procurement by public sector bodies and other procurements (i.e. those by non-public sector bodies). It is important to do so because procurement by public sector bodies is governed by the Public Contracts Regulations 2006 (the Regulations) [1], which reflect EU Directives, see Annex B. The Regulations [1] apply to most procurements that have a value above the thresholds set out in the Regulations [1]. In procurements to which the Regulations [1] apply, the procuring body takes a number of mandatory steps and the effect of the Regulations [1] is to constrain the structure of the procurement process. Best practice for a particular procurement in the private sector not constrained by the Regulations [1] might be reflected by adopting a different structure.

¹⁾ BS ISO 10845-1 and BS ISO 10845-2 are in development.

NOTE Attention is drawn to the legal and regulatory constraints of England and devolved administrations, the rules of public procurement and any specific regulatory regimes that apply to the sectors the procurer is engaged in (e.g. energy or transportation).

Use of this document

As a code of practice, this British Standard takes the form of guidance and recommendations. It should not be quoted as if it were a specification and particular care should be taken to ensure that claims of compliance are not misleading.

Any user claiming compliance with this British Standard is expected to be able to justify any course of action that deviates from its recommendations.

Presentational conventions

The provisions in this standard are presented in roman (i.e. upright) type. Its recommendations are expressed in sentences in which the principal auxiliary verb is "should".

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

Compliance with a British Standard cannot confer immunity from legal obligations.

0 Introduction

In procurement systems such as those used by the World Bank, the United Nations Commission on International Trade Law (UNCITRAL) and the European Union, each category of procurement is dealt with separately with the provision of its own implementation guidelines or regulations. ISO took the view that this compartmentalized approach caused confusion and made procurement unnecessarily complex. Therefore, ISO 10845 (all parts) introduced an alternative approach of first developing a generic procurement system and then identifying the methods and procedures best suited to particular categories.

The objective of the ISO 10845 series is to provide a generic and standard set of processes, procedures and methods for a procurement system that is fair, equitable, transparent, competitive and cost effective. The standards apply to public or private sector client organizations in the development of their procurement systems and their principles are intended to apply down the supply chain. The main objective is the creation of a framework for the development of procurement systems that facilitate fair competition, reduce the possibilities of abuse, improve predictability of outcome and allow the demonstration of best value. In particular, ISO 10845:

- establishes basic requirements for the conduct of an organization's procurement, including integrity and the avoidance of conflicts of interest;
- creates a framework for the development of an organization's procurement policy; and
- describes generic methods and procedures for procurement, including a detailed consideration of the alternatives available, including negotiation, competitive selection, competitive negotiation and electronic auction.

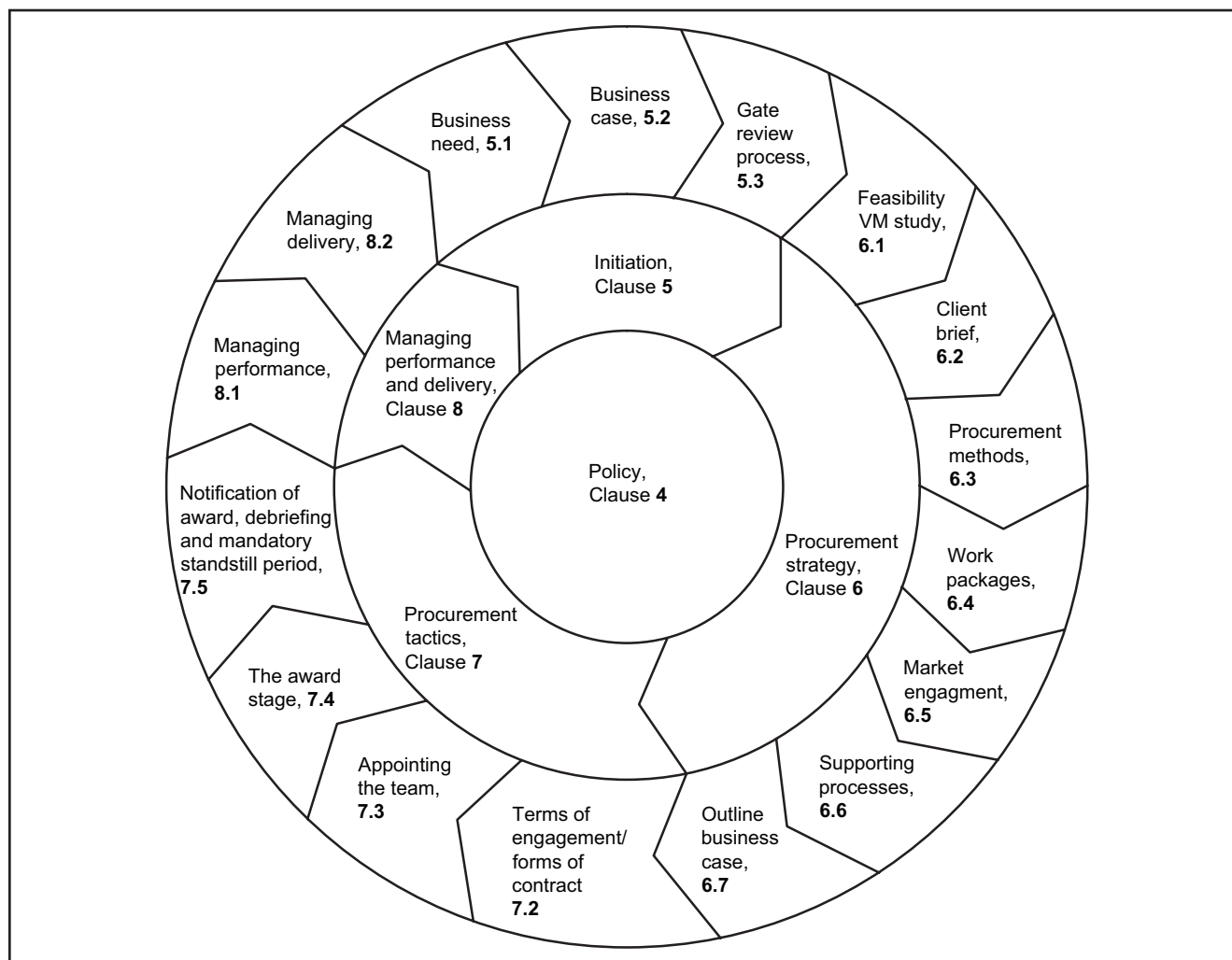
The ISO 10845 series covers operational process, whereas this standard deals with policy in establishing a procurement strategy and setting up a system.

1 Scope

This British Standard gives recommendations and guidance on the development within a public or private sector organization of policies, strategies and procedures for the procurement of construction in the built environment using the structure shown in Figure 1.

It does not cover the procurement of associated engineering services and offshore construction works or the procurement of facilities management as a stand alone service.

Figure 1 Procurement cycle



2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

BS 6079-1, *Project management – Part 1: Principles and guidelines for the management of projects*

BS 8903, *Principles and framework for procuring sustainably – Guide*

BS 31100, *Risk management – Code of practice*

BS EN 12973, *Value management*

BS ISO 10845-1:2010, *Construction procurement – Part 1: Processes, methods and procedures*

BS ISO 10845-2, *Construction procurement – Part 2: Formatting and compilation of procurement documentation*

BS EN ISO 9001, *Quality management systems – Requirements*

PAS 91, *Construction related procurement – Prequalification questionnaires*

3 Terms and definitions

For the purposes of this British Standard, the terms and definitions given in BS ISO 10845-1 and BS ISO 10845-2 and the following apply.

- 3.1 base cost**
estimated cost of the element without any risk allowance included
- 3.2 built environment**
any building, structure or external works
- 3.3 business case**
objective of the procurement in terms of what the procuring organization seeks to achieve
NOTE The business case is intended to be iterative and developmental. A good business case can take maximum advantage of early involvement of designers, contractors and suppliers.
- 3.4 business need**
overall purpose in relation to the client's business
- 3.5 client brief**
formal statement of the objectives and functional and operational requirements of the finished project
NOTE The purpose of the brief is to provide a firm foundation for the initiation of the project.
- 3.6 construction procurement strategy**
plan of action for funding, organization, management, selection and payment of supply chains for the design, fabrication and which may include the operation of constructed facilities to achieve a desired objective
- 3.7 contracting authority**
bodies whose procurements are governed by the Regulations [1]; the application of construction procurement regulations is set out in Annex B
- 3.8 initial business case**
statement from the procurer that sets out the policy framework and the purpose of the procurement
- 3.9 outline business case**
business case that results from taking the initial business case to the design and supply chains for advice about how best to meet the needs of the procurer
- 3.10 procurement policy**
policy which details the overarching strategic principles and objectives for procurement of construction projects; spanning the whole project life cycle from identification of needs through to the end of the useful life of an asset
- 3.11 project insurance**
consolidated policy for all insurable project risks on a project specific basis
- 3.12 risk allowance**
sum calculated as part of a formal risk analysis to allow for identified risks

3.13 stakeholders

groups or individuals who are directly involved in the project and/or are affected by it

NOTE They might also include top management, operational staff, trade unions, suppliers, business partners and members of the public as end-users.

3.14 sustainability

provision for the environmental, social and economic factors that construction projects impact on

NOTE If the projects are managed with sustainability in mind from the outset, they can play an important part in meeting sustainability targets. There are many definitions of sustainability. A widely used and internationally accepted definition of sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (see Brundtland [2]).

3.15 value for money (VFM)

optimum combination of whole-life cost and quality to meet the user's requirement

NOTE This means that awarding contracts on the basis of lowest price tendered for construction works might not provide the best value for money. Long-term value over the life of the asset is a much more reliable indicator. It is the relationship between long-term costs and the benefit achieved that represents value for money.

3.16 value management (VM)

structured approach to the assessment and development of a project to increase the likelihood of achieving the objectives at optimum whole-life value for money

4 Policy

The procurer should develop and document a procurement policy which includes, as a minimum consideration, appropriate provisions for:

- a) those items listed in BS ISO 10845-1:2010, 4.3;
- b) issues of bribery and anti-competitive practice;
NOTE 1 Attention is drawn to the Prevention of Corruption Act [3] and the Bribery Act [4].
- c) conflict of interest;
- d) dispute resolution;
- e) methods of identification and management of risk;
- f) issues of payment and financial management;
- g) issues of stakeholders in particular funds and their impact on procurement and third party rights;
- h) cost management to include best value, key performance indicators (KPIs) and incentivization;
- i) corporate social responsibility;
- j) health and safety;
NOTE 2 Attention is drawn to the Health and Safety at Work etc. Act [5].
- k) environmental sustainability; and
- l) intellectual property.

The procurer should consider the best practice available on these topics (see Annex A) in arriving at its policies. This should be recorded and publicized on the procurer's website or otherwise made available to all tenderers.

In addition to these specifically identified topics where best practice is identified, arriving at its procurement policy, the procurer should include its response and position to:

- 1) public procurement rules;
- 2) sector based constraints;
- 3) Housing Grants, Construction and Regeneration Act [6];
- 4) tax and VAT position;
- 5) planning; and
- 6) Building Regulations [7].

NOTE 3 Further details on these topics are set out in Annex B, Table B.1.

5 Initiation

5.1 Business need

5.1.1 General

Once the potential need for a project has been identified, careful strategic planning should be undertaken to identify the key issues and delivery options in relation to procurement. This planning should first examine whether procurement is in fact necessary. The skills, capabilities and resources available to the organization should then be assessed. Reference should be made to BS 6079-1 for guidance on project management.

In particular, when determining the business need for procurement:

- roles, responsibilities and accountabilities within the organization should be defined (see 5.1.2);
- objectives and outcomes should be clearly set out (see 5.1.3);
- the need for expert advice should be ascertained (see 5.1.4);
- the scope and purpose of the project, and its contribution to the organization's strategic objectives should be documented (see 5.1.5);
- all stakeholders should be identified (see 5.1.6);
- a value management (VM) study should be carried out to establish business and stakeholder needs, in both the short- and long-term, and to set objectives (see 5.1.7).

5.1.2 Roles, responsibilities and accountabilities

The roles, responsibilities and accountabilities for the delivery of both the procurement programme and the proposed procurement project should be defined and documented.

The leadership team should set a clear policy direction and demonstrate support for, and commitment to, the management of all procurement activities by issuing and maintaining a procurement policy. This policy should be communicated to all relevant personnel.

Relationships with other internal client departments such as procurement, finance and legal should be clarified and taken into account within the structure of the procurement process.

5.1.3 Objectives and outcomes

The business objectives and outcomes that the proposed procurement project has to fulfil should be identified, taking into account the project's position within the overall business strategy.

These should be documented before the project commences and reviewed at regular intervals, e.g. prior to significant stages of commitment, throughout the project life cycle.

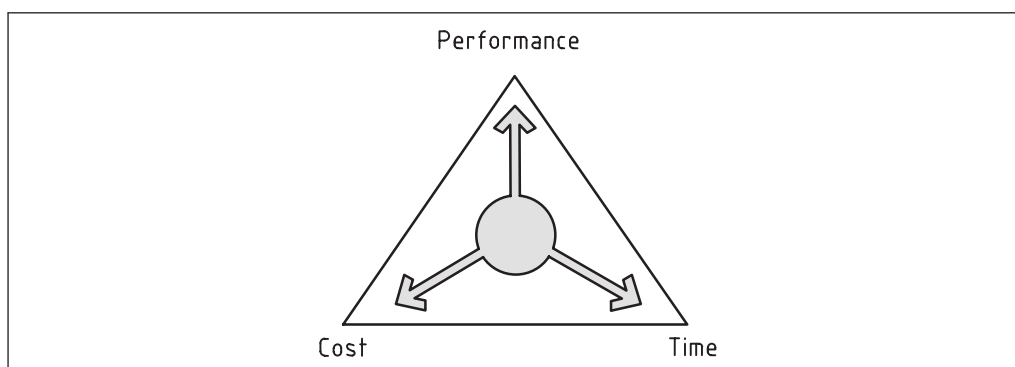
NOTE 1 Clearly stated objectives and outcomes are essential in justifying investment and building the business case. The review process then allows the organization to confirm that the project is continuing to meet the assumptions made in the business case.

At this early stage, the factors of time, cost and performance (see Figure 2) should be assessed and the project's priorities defined in relation to the priorities of the organization and any stakeholders. This figure illustrates the sometimes difficult trade-offs that should be considered by clients between these three primary variables. At the outset, clients should define the priorities for a project in relation to these three variables, particularly in relation to their business, customer and operational priorities and define which can remain flexible.

NOTE 2 For example, for major event facilities, while cost and performance cannot be flexed with ease, time is paramount. On the other hand, performance might be of greater importance than time and cost on a research and development project.

Corporate social responsibility and/or participation goals such as training, equality and diversity, local employment, opportunities for the unemployed, opportunities for SMEs, etc. should be identified at this stage and should be reflected in objectives and outcomes as appropriate. This should apply throughout the supply chain.

Figure 2 Time, cost and performance triangle



5.1.4 Expert advice on how to meet the business need

The procuring organization might not have the skills and capabilities recommended to deliver the best approach or might not have the resources available at the right time to commit to the project; external expertise should be used to assist in assessing the business need.

Depending on the extent, capability and availability of the procuring organization's team, professional external advice may be required from any or all of the following:

- funding advisers;
- legal advisers;
- insurers;
- media and public relations specialists;

- planning and environmental consultants;
- health and safety advisers;
- architectural and engineering designers; and
- project management/construction procurement specialists.

5.1.5 Scope and purpose of the project and its contribution to strategic objectives

The scope and purpose of the proposed project should be appropriately documented in order to demonstrate a shared understanding by the key stakeholders of the proposed achievements and benefits. The scope and purpose of the proposed project should contribute to the organization's overall policies, strategies and priorities.

5.1.6 Identify all stakeholders

It should be ensured that key stakeholders, as individuals or groups with significant influence over the project, are identified and involved. Strategies should be developed for dealing with all of the diversity and influence of the stakeholders.

NOTE Protection of all relevant stakeholders' interests through third party rights provision may be considered with a legal adviser. Some stakeholders (in particular funders) might require collateral warranties rather than third party right protection.

5.1.7 Carry out a value management study and set objectives

At this early stage:

- a) a VM study should be carried out to identify business/stakeholder needs, both short- and long-term, see BS EN 12973;
- b) objectives should be set, including sustainability, health and safety and design quality that match the VM study; and
- c) performance indicators should be agreed against which the project can be measured throughout its life cycle that match the objectives.

Sustainable construction should deliver enhancement of the quality of life to those who use or are affected by the facility, see BS 8903, with particular reference to waste, recycling, environmental issues and carbon emissions.

Health and safety matters arising in the construction, occupation, maintenance, alteration and disposal of the facility should be understood and eliminated or mitigated. Clients should ensure that health and safety issues are assessed and documented at every stage of the life cycle. Clients' accountability for the impact a project has on health and safety should also be taken into account. Principally, they should appoint a competent CDM coordinator and ensure adequacy of information, management arrangements, time and resource to allow safe delivery.

NOTE Attention is drawn to the Construction (Design and Management) Regulations 2007 [8] (see Annex B, Table B.1).

The proposed project should have a final evaluation to confirm strategic fit with key business objectives before proceeding to the next stage of business case development.

5.2 Business case

A business case should justify the procurement activity and expenditure, and establish whether the investment is worthwhile in value for money (VFM) terms.

The business case should be continually revisited at key points in the procurement life cycle, to ensure that the project's original aims, objectives, user requirements and benefits continue to be met.

A strategy for long-term maintenance of the business case should be established early in the design stage; most of the cost of running, maintaining and repairing a facility is fixed through design decisions made during the early part of the design process, see BS 7000-4 ²⁾.

NOTE 1 Money spent on a good design can be saved many times over in the construction and maintenance costs. An integrated approach to design, construction, operation and maintenance with input from contractors and their suppliers can improve health and safety, sustainability, design quality; increase buildability, drive out waste, reduce maintenance requirements and subsequently reduce whole-life costs.

A key part of any whole-life cost assessment should be to assess the sustainability aspects of the facility.

NOTE 2 In some areas there are clear links between whole-life costs and sustainability, such as the direct costs of energy usage.

Even if the project team does not operate and maintain the facility, it should be designed for convenient, cost-effective and safe operation and maintenance.

Value management should be carried out at regular stages in the project. At this stage it should be used for the following:

- establishing what value means in terms of business benefits and priorities;
- identifying and agreeing business needs;
- identifying and evaluating options for meeting business needs (a construction project might be one such option);
- selecting and agreeing the best option to meet business needs, confirming whether or not a project is required; and
- defining clearly and agreeing the project objectives through stakeholder buy-in.

High-level options for meeting the business need should be explored and assessed in principle for their affordability and achievability. A high-level programme should be established for the project. A risk assessment should be carried out and the risks captured in a risk register which should include the risk of time overrun, see BS 31100.

The project programme is an important project tool and should be under constant scrutiny. The programme should be properly developed from the outset and some risk-based assessment for programme contingency or float should be made.

NOTE 3 For many projects the biggest risk is adherence to the programme.

NOTE 4 Effective risk management can assist a business to achieve its objectives by:

- *reducing the likelihood or consequence of negative events;*
- *identifying opportunities that would have a positive consequence;*
- *identifying and understanding complex multiple cross-organizational risks;*
- *supporting cost control;*
- *developing best value through reviewing all options;*
- *providing visible and auditable governance across all levels of an organization;*
and

²⁾ Under revision.

- *protecting reputation and stakeholder confidence.*

Researching previous similar projects and identifying appropriate lessons to apply to the present project is recommended.

In setting the project budget, the initial budget estimate and all subsequent budget estimates should allow for all costs in connection with the project: in-house costs, consultancy costs, land costs, legal costs, operation and maintenance costs, design and construction costs, concession payments where applicable, and decommissioning costs. The budget should also include a risk allowance based on a quantified risk assessment of the risks in the risk register and a provision for VAT.

Each element of a cost estimate should comprise two components: the base cost and the risk allowance.

The budget should be managed throughout the course of the project within a change control management process.

NOTE 5 Change is almost inevitable in any project and can be imposed from either internal or external sources.

Change should be dealt with through having change control procedures in place which may be instigated to assess and implement change as soon as it is identified.

NOTE 6 These ensure that all implications of the change are addressed: cost, programme and interfaces.

The high-level business case should set out the business needs as identified by the VM study. It should describe the objectives of the project and the alternative options to meet them. For each option it should set out the base cost, the risk analysis and the calculated allowances for identified risks, all on a whole-life cost basis, including treatment of the asset at the end of the contract. At this stage, a funding strategy to cover both capital and whole-life/revenue costs is recommended.

Estimates for cost and time to achieve the required quality should not be over-optimistic. The business case should confirm and provide justification of:

- strategic fit;
- project objectives;
- project benefits;
- deliverability including timescales;
- affordability including the impact of project cash flow on the procuring organization's liquidity; and
- options.

This high-level business case should justify investment in the project and should be taken forward for preparation of the procurement strategy.

5.3 Gate review process

Projects go through a number of phases or work stages which should be structured to enable the viability of a project to be tested and for it to be monitored and controlled as it progresses.

The structure should provide a "project life cycle" and help identify which key decisions and activities are required at which stage.

Clients should understand and record their inputs to their projects in the context of this life cycle. In developing a procurement strategy, clients should identify their own particular objectives and determine how they want to prioritize work stages depending on the degree to which they have pre-established approaches for funding and management of their projects. The amount of emphasis that should be placed on the planning and development stages is also influenced by the degree to which the client's procurement strategy sets design as an up-front client-led activity or subset of a supplier-led design-and-build approach.

NOTE 1 *Experience suggests that the planning and development period is the most valuable in achieving a successful project outcome; helping clients to define what they really want, what they can afford and with what risk.*

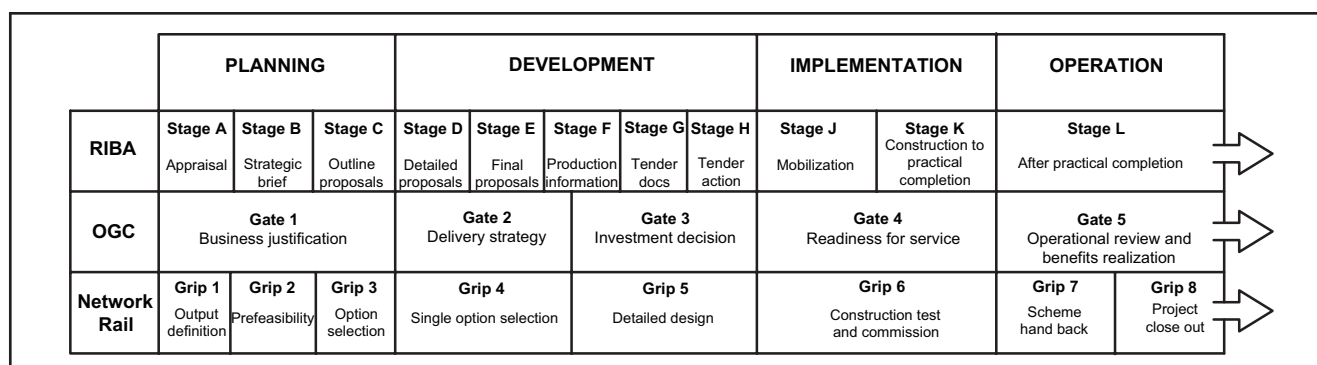
NOTE 2 *The importance of having planned work stages through to project completion is recognized by many leading organizations in construction, including:*

- *Royal Institute of British Architects (RIBA): "Plan of work stages" stages A–L (RIBA [9]);*
- *Office of Government Commerce (OGC): "Gateway approvals" gates 1–5 (Office of Government Commerce (see Annex A), Office of Government Commerce gateway process (see Annex A));*
- *Network Rail (NWR): "Guide to railway investment projects (GRIP)" stages 1–8 (Network Rail [10]).*

These are shown in Figure 3.

A gateway process should be used to help reduce overall project risk by examining the project at critical stages in its life cycle to provide assurance that it can progress successfully to the next stage.

Figure 3 **Planned working stages**



6 Procurement strategy

6.1 Feasibility/VM study

A feasibility study should be carried out at this stage to confirm that the high-level options identified in 5.2 still meet the objectives of the project before they are taken forward to a more detailed VM study.

NOTE *Time and effort spent on the design in these early stages might potentially save significant amounts of money later on.*

The VM study should be carried out at this stage to investigate and evaluate the options in more detail to meet the business needs and confirm that a project is required. The risks associated with each option including the cost of managing them through avoidance, design/reduction, acceptance, share or transfer should be identified.

In developing a procurement strategy to deliver the chosen option, the strategy should define the objectives of the project and how these are to be achieved taking account of the risks, constraints and funding. A procurement strategy should be used to achieve the correct balance of risk, project controls set by the client and funding for a particular project.

The procurement route should deliver the procurement strategy and include the contract strategy that can best meet the client's needs. An integrated procurement route should ensure that design, construction, operation and maintenance are considered as a whole and that the delivery team work together as an integrated project team with clear exit strategies, see 8.2.5.

In helping to formulate the procurement strategy, clients should:

- state clearly their objectives;
- undertake market engagement;
- know how the industry works and collect market intelligence; and
- know the main and the specialist suppliers.

The following factors should be assessed as they can influence the procurement strategy:

- the project objectives;
- any constraints identified such as budget, funding, performance and the programme for delivery;
- risks;
- the client's experience and qualifications to manage the project, see 5.1.4; and
- the length of operational service required from the facility.

The procurement strategy at this stage should include the following:

- the basis for seeking tenders, e.g. full design and then construct, design and build;
- work packaging: the number of contracts and work breakdown between contracts;
- publicity to attract the right level of interest from the market;
- the attitude to risk allocation and contingencies; and
- the roles and responsibilities, e.g. health and safety.

6.2 Client brief

COMMENTARY ON 6.2

There can be different approaches in formulating the client brief. In some cases clients might have business-related or functional performance-related objectives and they might be open to how these can be realized. It is sometimes seen as an advantage to leave as much as possible open to allow development of creative or innovative solutions from those suppliers with skills or experience that clients do not possess. In such cases a performance specification approach is useful.

In other cases clients might have a clear vision of how they see the project manifesting. They might have completed similar projects and want many of the features of these incorporated. Consequently it may be more appropriate for a detailed design to be prepared.

At this stage the client should start developing the client brief in order to define project goals for the success and values identified by the client's vision for the project. The client brief should flow directly from the context, content, priorities and parameters outlined in the business case. It should outline prioritized client objectives and provide a clear expression of client ability to absorb risk or intent to transfer risk.

The brief should be in sufficient detail to enable the project team to execute the specification and detailed design of the work and is therefore an essential reference for the team.

The project brief should:

- accurately reflect the requirements for the project;
- form a basis on which to initiate the project;
- indicate how the acceptability of the finished product might be assessed; and
- take account of health and safety, sustainability and design quality issues.

Typically the brief should be tailored to the requirements and environment of each project and should contain where relevant:

- a) executive summary;
- b) background;
- c) project definition, explaining what the project should achieve, containing:
 - 1) project objectives;
 - 2) project scope;
 - 3) outline project deliverables and/or desired outcomes;
 - 4) any exclusions;
 - 5) constraints, including budget and timescale;
 - 6) interfaces with other projects;
 - 7) a description of how this project supports strategic objectives; and
 - 8) the reason for selection of the chosen option;
- d) client's quality expectations (including health and safety, sustainability and design quality);
- e) acceptance criteria;
- f) any known risks;
- g) key milestones; and
- h) key stakeholders and other stakeholders.

6.3 Procurement methods

6.3.1 General

The procurement strategy should identify how and when suppliers are brought onto the project by the procurement method chosen.

NOTE 1 Attention is drawn to sector specific regulations, which can influence the method of procurement, e.g. in the power or rail industries.