

## Terms of Reference for CEDA Working Group on Early Contractor Involvement in Dredging and Offshore Projects

### Introduction

In an effort to better understand and manage project risk, ensure more secure project outturn costs, reduce project costs, increase delivery efficiency, better program delivery and engage best practice and innovation, parties are turning to, amongst other mechanisms, Early Contractor Involvement (“ECI”) procurement models.

The general principle is that the Owner to a project obtains, via varying routes, input from Contractor/s prior to the commencement of the physical work. The high-level benefits to the Owner being that it has the value of the Contractor’s experience and expertise in delivering similar projects, and/or innovation in utilising new methods and technologies. The Contractor has the benefit of understanding, and shaping, the overall product in terms of design development, site investigation, planning and, importantly, pricing.

### Objective

The [CEDA Dredging Management Commission](#) (DMC) will set up a working group to prepare a guidance paper on this topic, to be aimed at all key parties to a contract.. The DMC proposes the following Terms of Reference (ToR) for the working group. The ToR was formally established at the latest DMC meeting.

The task of the working group will be to draft a CEDA guidance paper on ECI models suitable for the dredging and offshore sector. The aim of the paper is to both raise awareness of the related factors within the industry and also to provide informative guidance which can be utilised and referenced by parties when procuring works, selecting and entering into such ECI arrangements. The paper should provide the relevant information in an easily accessible format, and to be of interest and relevance to as wide a range of parties as possible.

It may be appropriate and possible to link this guidance paper, along with other existing CEDA information and guidance papers, to the CEDA Checklist for Successful Dredging Management and others.

### Scope

Issues to be addressed include:

- Practical issues surrounding the “how” (following PIANC paper on “what”) – managerial, contractual, behavioural, etc.:

### Understanding Dredging

- Liabilities and responsibilities
- Incentivisation and compensation
- Indemnification
- Novation/IP protection
- Transparency in procurement
- Open book principals
- Termination/cessation of process (stage 1 and stage 2)
- Code of Conduct/Behavioural Charter

### **Deliverables**

The working group will prepare a guidance paper, possibly including a schedule setting out the key points and advice paths for ease of use and reference by users. If possible, and appropriate, the document will be linked to the CEDA Checklist for Successful Dredging Management and other guidance papers.

Length of the document: 5 to 10 pages, including schedule and possibly case studies.

### **Membership**

The working group will be comprised of an international group from the DMC and the wider CEDA membership as appropriate, and may also include input from industry institutions (e.g. PIANC, ICE, FIDIC, IADC) or other experts, and will include:

- Experts with experience in dredging and offshore works;
- Experts in procurement and delivery of ECI programmes; and
- Different stakeholders: authorities, client/owners, contractors, consultants.

### **Timetable**

The initial working group will aim to meet in September 2022. In the meantime, CEDA secretariat can publish a call for membership. The working group is expected to deliver the guidance paper between 9 and 12 months following that first meeting.

### **Related documents**

Including:

- IADC publication on EPC
- CEDA Checklist for Effective Project Management
- PIANC guide to EPC
- Others to be determined