

Welcome!

25. Juni 2025

Innovative Krankenhausplanung – „Rückblick, Aufbruch Zukunft gestalten“

Integrierte Projektabwicklung (IPA) mit
Mehrparteienverträgen

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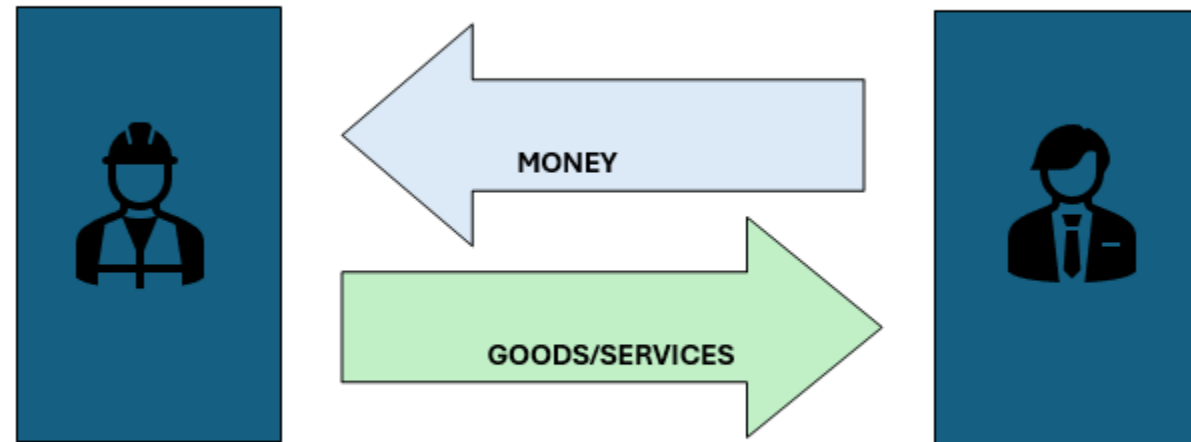
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1. Analysis of bilateral contractual relations

Analysis of bilateral contractual relations

Relationship of Exchange



Analysis of bilateral contractual relations

- Major factor effecting Contractor client relationship is contract – Bi lateral agreement
- Bilateral contracts = Adversarial relationship
- Nature of bilateral contractual relationship: In order to maximize its own profit, Contractor will deliver as little as possible to meet the contractual requirements
- Employer interest exactly the opposite!



Analysis of Bilateral Contractual Relations

Limitations of traditional project
delivery models for complex
construction projects

But: Purchase contract is also bilateral relationship?

- Example – Purchase of a car is a bilateral contract. Purchase price is agreed in exchange for car.
- However, purchaser knows exactly what it is getting when signing the contract as the finished vehicle can be described in 100% detail with 100% certainty
- No room for delivering less than what was agreed

Construction projects (particularly major projects) are:

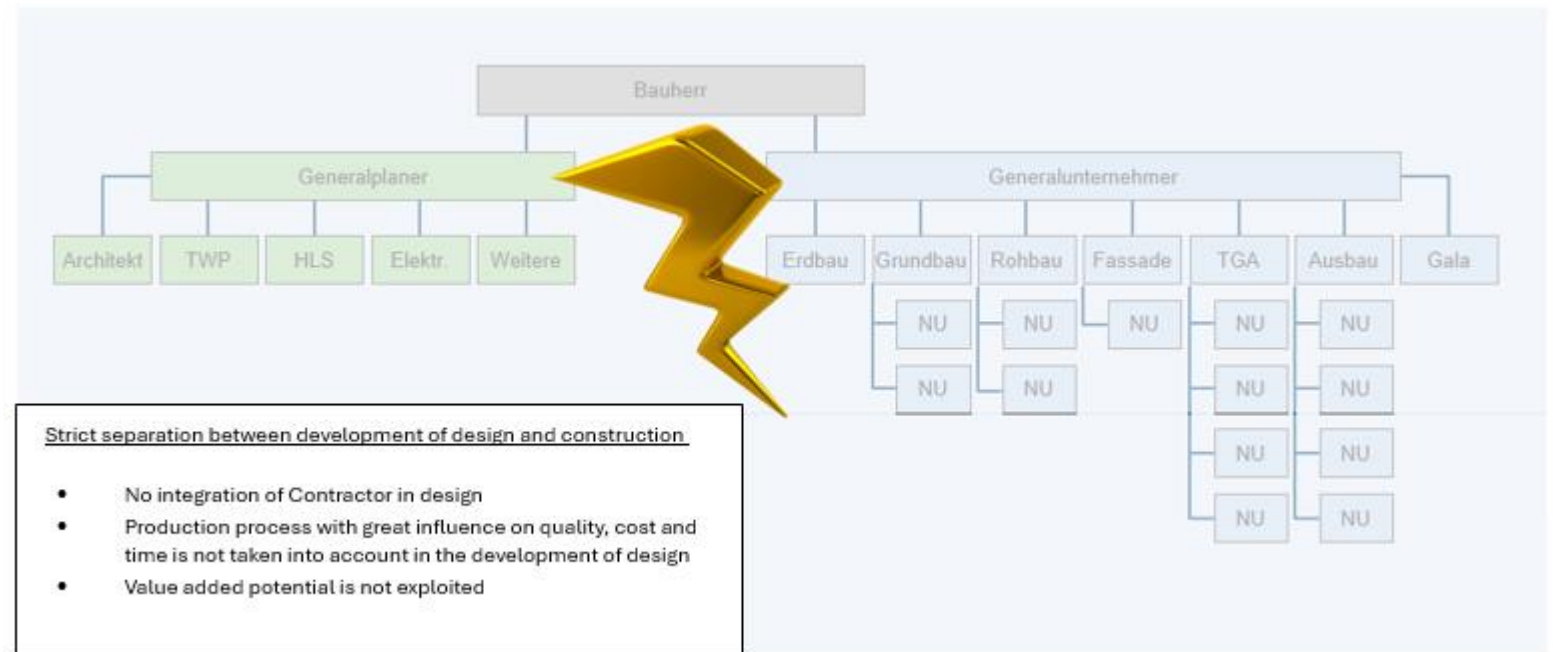
- Unique
- Have not yet been developed.

Process of development starts prior to construction and it is impossible to describe the “product” in 100% detail **even after detailed drawing are done**

Substantial “grey area” and room for interpretation

Analysis of Bilateral Contractual Relations

Limitations of traditional project delivery models for complex construction projects



Analysis of Bilateral Contractual Relations

Limitations of traditional project delivery models for complex construction projects

- No incentive for value added
- The objectives of the respective bilateral contract are being pursued in the individual economic interest of the parties involved.
- Financial resources are rigid after conclusion of contract
- Potential to innovate is not leveraged by collaboration between all project participants
- Hierarchical organisation structure complicates communication, decision making and risk management
- Collaboration hindered

2. International developments

International developments

The Latham Report -
"Constructing the Team" |
1994

Latham identified inefficiencies in the construction industry and condemned existing industry practices as:

"Against each other"

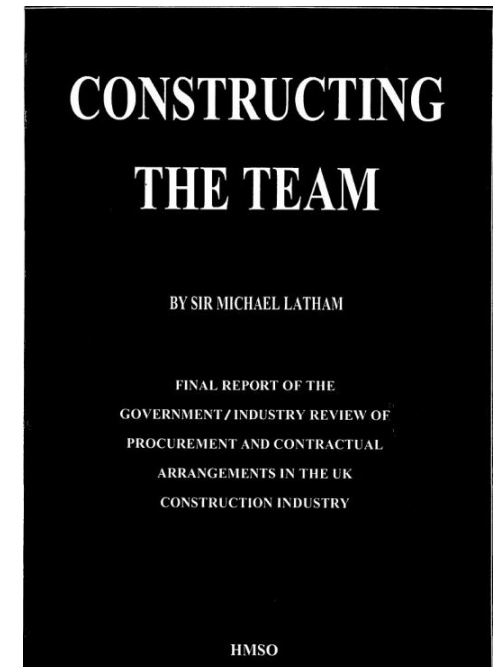
"Ineffective"

"fragmented"

"incapable of meeting customer requests"

"lack of respect for one's own employees"

- Project Partnering Contract (PPC 2000)
- Framework Alliance Contract (FAC1)
- New Engineering Contract (NEC)



International developments

The Egan Report -
"Rethinking Construction" |
1998

Partnering as a key element of the Egan Report

Common goals

Way to resolve disputes

Continuous improvement

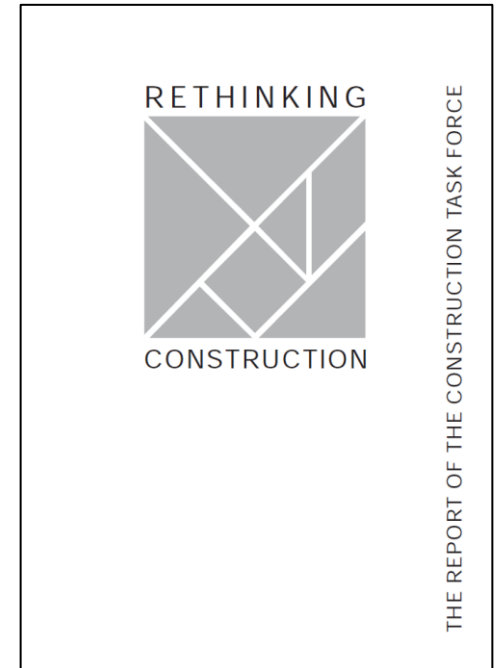
Measuring progress

Sharing profits

The best practice guides on partnering

(Trusting the Team, etc.) show that:

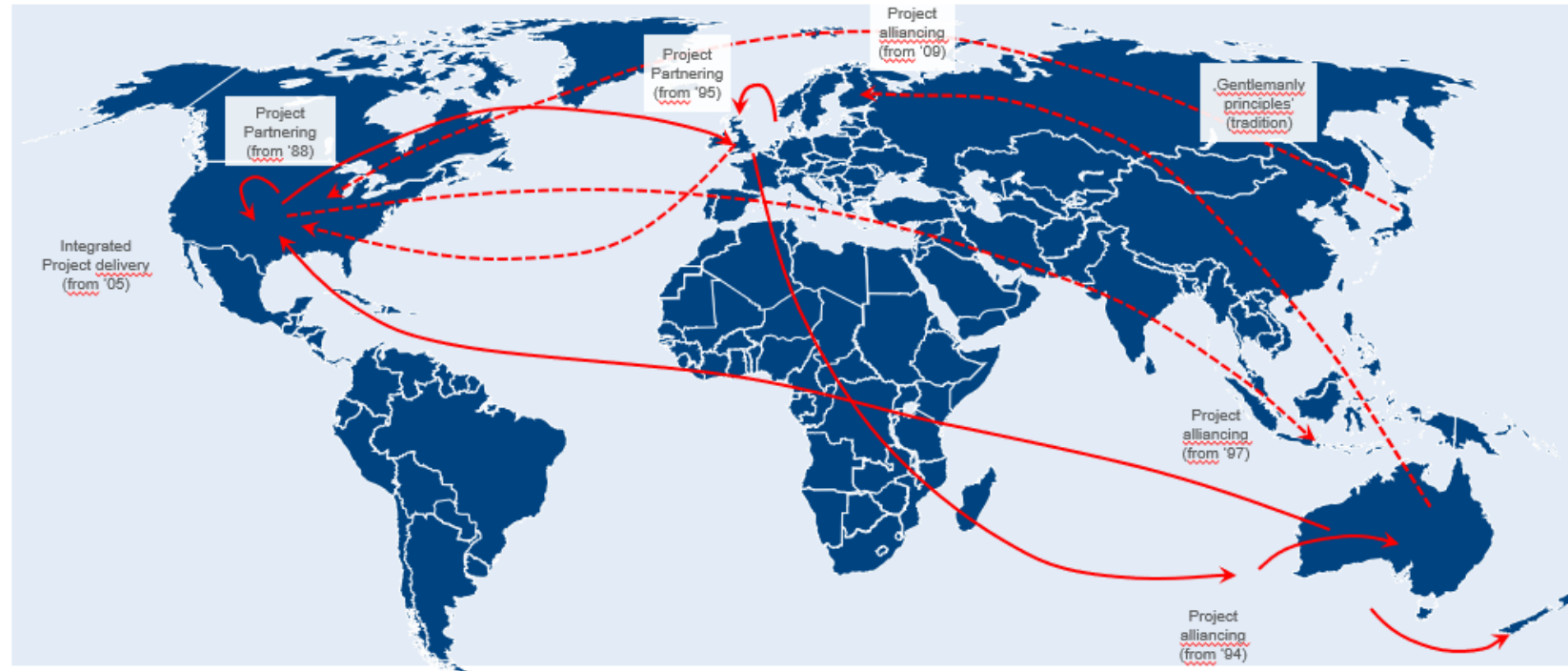
30% savings are common and up to 50% cost reduction and
80% time savings are possible.



International developments

Multi-Party Contracts (MPV)

Overview Developments
Abroad



Quelle:

Lahdenperä 2012, Making sense of the multi-party contractual arrangements of project partnering, project alliancing and integrated project delivery. In: Construction Management and Economics (30), S 57-79.

International developments

Background Australian
Alliancing

Development and history

Early 1980s – U.S. Army engineers rethought solutions to litigation and unproductivity in the construction industry

1998 - First Partnering Model (without contractual agreement or legal enforceability) to prevent litigation

Early 1990s – Introduction of alliancing, especially in oil and gas fields in the North Sea

1992 - British Petroleum entered into separate agreements with gain-pain-share elements in addition to individual contracts

1997 - Application in more than 100 infrastructure projects

Quelle: Breyer et al. Alternative Vertragsmodelle zum Einheitspreisvertrag für die Vergabe von Bauleistungen durch die öffentliche Hand, in: Zukunft Bau, ein Forschungsprogramm des Bundesministeriums des Inneren, für Bau und Heimat; In Pursuit of Additional Value. A benchmarking study into alliancing in the Australian Public Sector.

International developments

Background Australian Alliancing

Development and history

1994-1998 – Further development of alliancing principles

Government of Australia deliberately promoted the use of PAs through guidelines, such as National Alliance Contracting Guidelines

Crucial to success:

The PA team must be integrative and cooperative

The focus must be on project-wide solutions

The commercial agreements must be aligned with the success of the project

The agreed target costs must be chosen correctly

2006 – Alliancing became a common project delivery method due to market developments, revision of principles

Quelle: Breyer et al. Alternative Vertragsmodelle zum Einheitspreisvertrag für die Vergabe von Bauleistungen durch die öffentliche Hand, in: Zukunft Bau, ein Forschungsprogramm des Bundesministeriums des Inneren, für Bau und Heimat; In Pursuit of Additional Value. A benchmarking study into alliancing in the Australian Public Sector.

International developments

Background Australian
Alliancing

Standard contract template?

Basically project-specific contract creation, no standard contract

Templates from public bodies:

- Victorian model "Project Alliancing Agreement" published by the "Victorian Department of Treasury & Finance"
- AAA Modell PAA „Alliance Association of Australasia Reference Model PAA“

Quelle: Breyer et al. Alternative Vertragsmodelle zum Einheitspreisvertrag für die Vergabe von Bauleistungen durch die öffentliche Hand, in: Zukunft Bau, ein Forschungsprogramm des Bundesministeriums des Inneren, für Bau und Heimat.

International developments

Background Australian
Alliancing

Criticism

- Selection processes
- gain/pain model
- No-dispute Clause
 - lack of "performance incentives" and therefore lack of accountability
 - Cutting off legal recourse
- Inconsistent legal agreements and contract models
- Lack of expertise in project management, alliance advisers and coaches
- Public procurement law must be adapted

Quelle: Breyer et al. Alternative Vertragsmodelle zum Einheitspreisvertrag für die Vergabe von Bauleistungen durch die öffentliche Hand, in: Zukunft Bau, ein Forschungsprogramm des Bundesministeriums des Inneren, für Bau und Heimat.

International developments

Background IPD

Basic principles

Key elements IPD:

- Early involvement of the main contracting parties
- Shared risks and rewards
- Multi-party contract
- Shared decision-making and control
- Disclaimers between main contracting parties
- Jointly developed and agreed project goals

Quelle: Breyer et al. Alternative Vertragsmodelle zum Einheitspreisvertrag für die Vergabe von Bauleistungen durch die öffentliche Hand, in: Zukunft Bau, ein Forschungsprogramm des Bundesministeriums des Inneren, für Bau und Heimat

International developments

Background IPD

Development and history

- Building Information Modeling (BIM)
- Lean Management
 - Starting point 2003 first project
 - 2006 first publications
 - 2007 Publication of guidelines for the project delivery model
 - 2007 ConsensusDOCS 300: First Standard Multi-Party Contracts
 - 2009 AIA C191-2009: AIA's own contract series

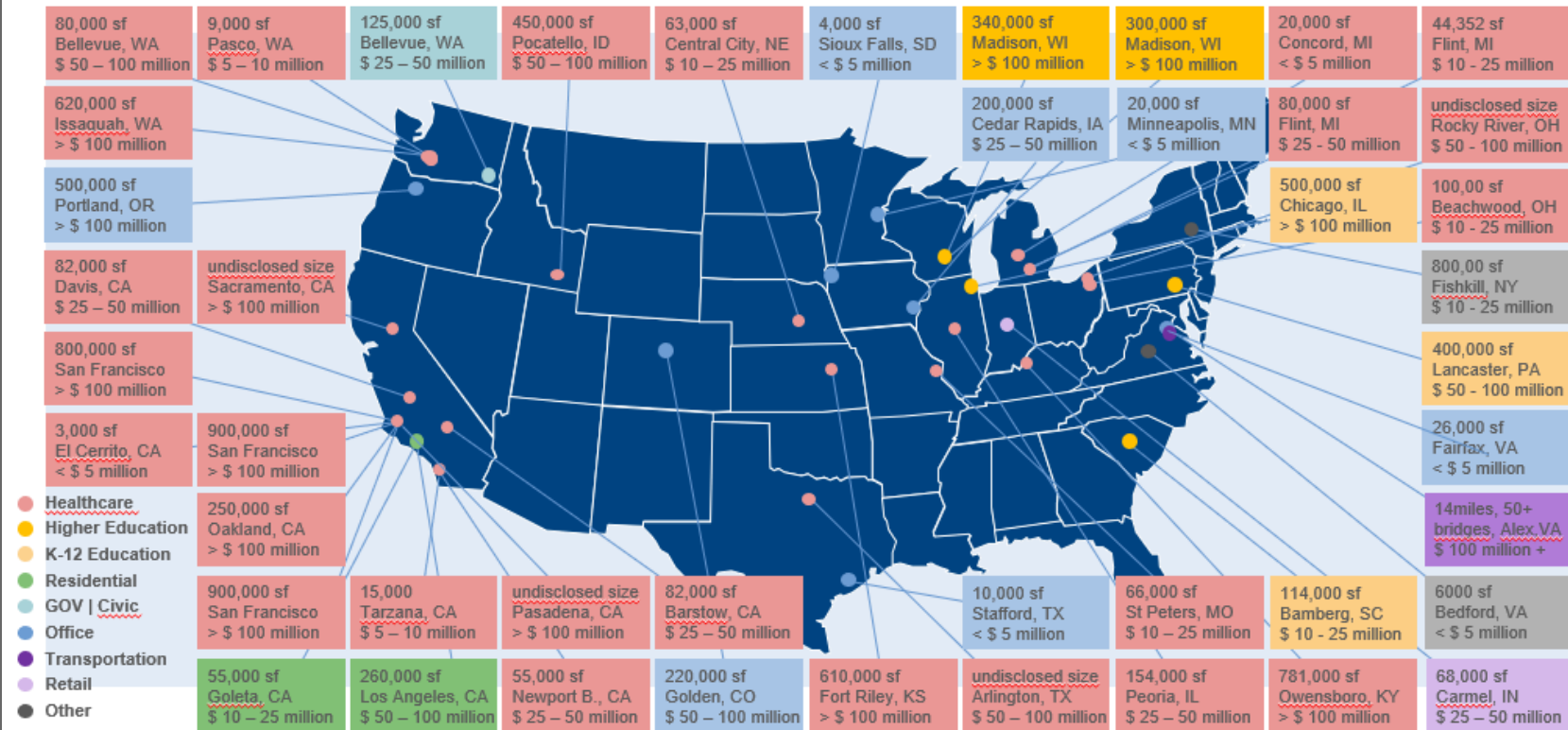
Quelle: Breyer et al. Alternative Vertragsmodelle zum Einheitspreisvertrag für die Vergabe von Bauleistungen durch die öffentliche Hand, in: Zukunft Bau, ein Forschungsprogramm des Bundesministeriums des Inneren, für Bau und Heimat

International developments

Multi-party contracts

Project Alliancing in the USA - Overview of IPD Projects as of 2010

(Founding of the Lean Construction Institute in 1997, first IPD projects from 2003)

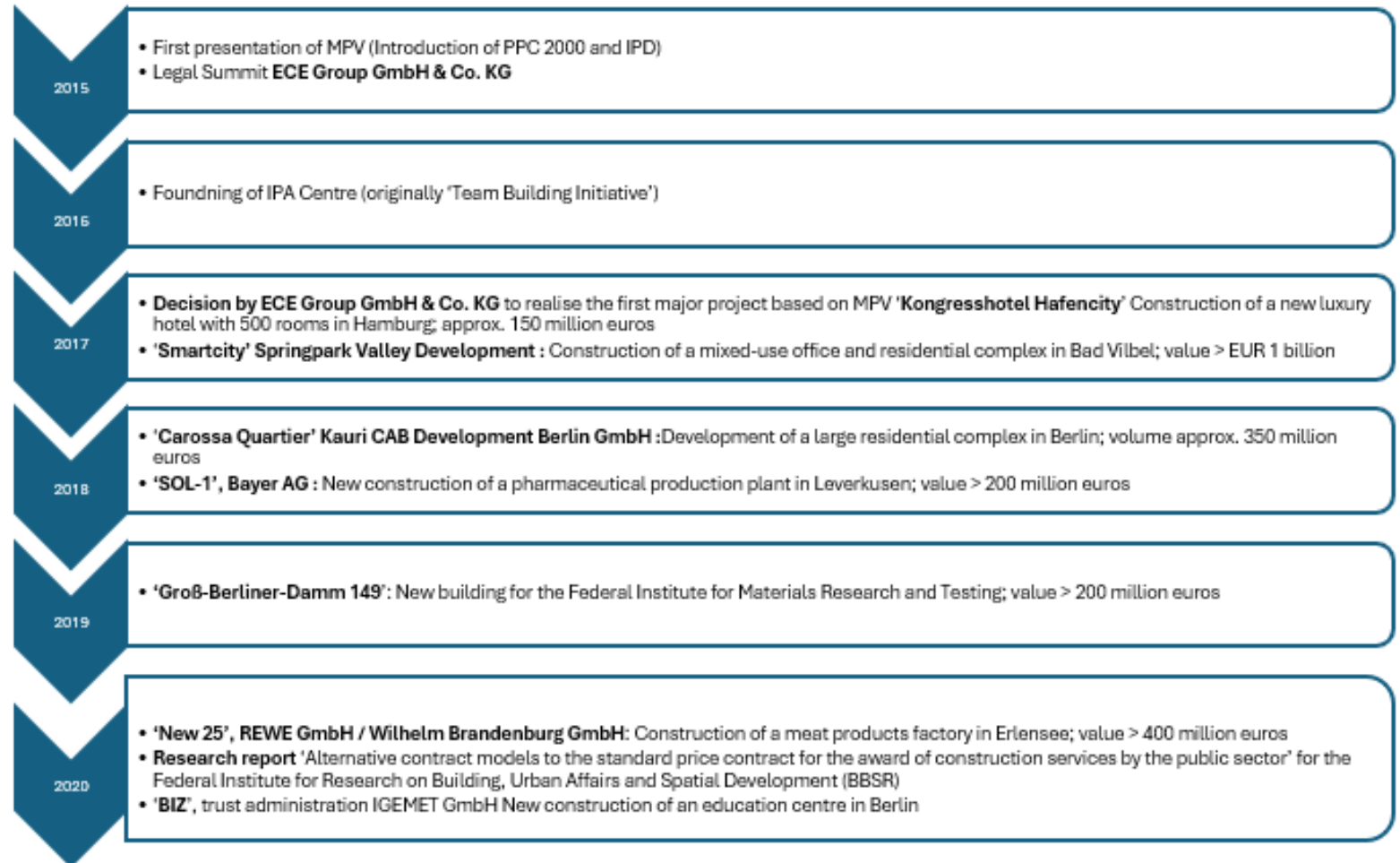


3. Development of IPA Germany

Development of IPA Germany

Multi-party contracts

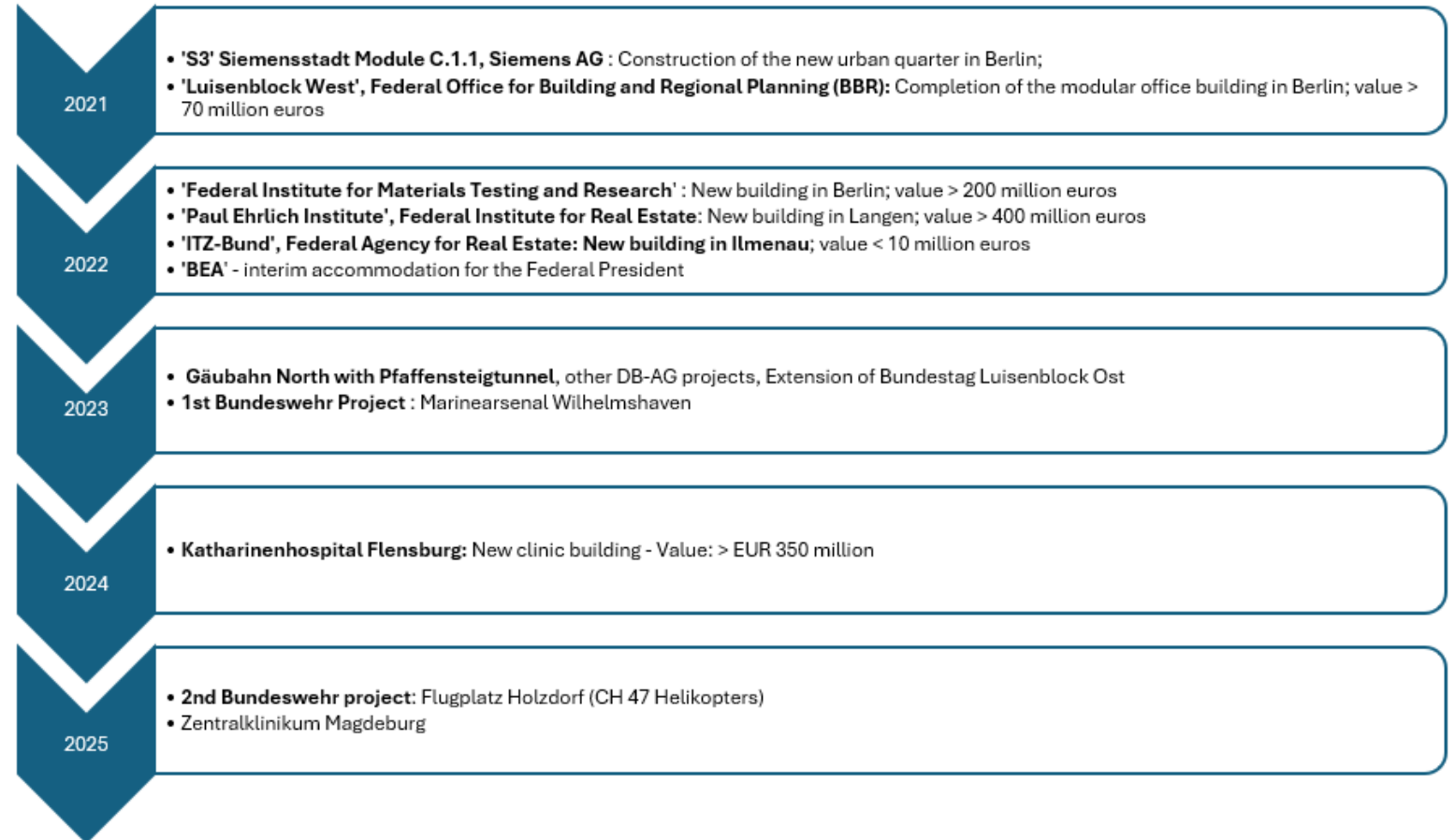
Milestones in the development of multi-party contracts



Development of IPA Germany

Multi-party contracts

Milestones in the development
of multi-party contracts



Development of IPA Germany

Siemensstadt, Germany

Siemens Real Estate - Implementation of the Siemensstadt Square Berlin-Spandau project:

The first sub-project of Siemensstadt will be handled on the basis of a multi-party contract drafted by Breyer Rechtsanwälte PartmbB. The firm is currently involved in a total of 11 ongoing IPA multi-party contract projects and is expanding its position as an industry leader in IPA multi-party contracts with the support of Siemensstadt Square.



Development of IPA Germany

Bundesbau signs multi-party
contract for major project in
Berlin-Adlershof

The Bundesbau Baden-Württemberg (BBBW) is building a new building for the Federal Institute for Materials Research and Testing (BAM) in Integrated Project Management (IPA) in the Berlin-Adlershof Technology Park.

On 25 April 2023, the BBBW signed a multi-party contract in Berlin together with the partners for the planning and execution of the major project. The contract for the new building with the Federal Institute for Real Estate as the client is around 200 million euros. The IPA team is supported by the consulting firms Yukon Projects GmbH, ECE Group Services GmbH & Co. KG and Breyer Rechtsanwälte PartmbB.

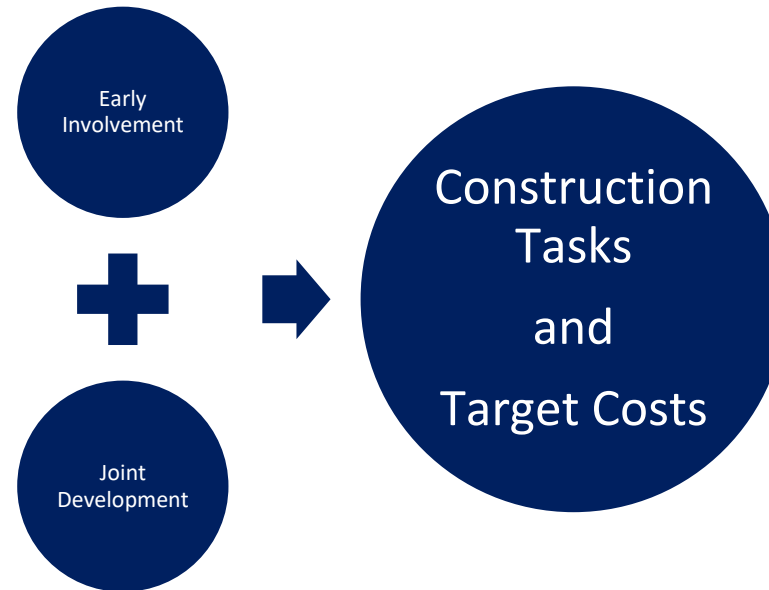


4. Multi-Party Contracts (MPC): Project Flow – Phase Models

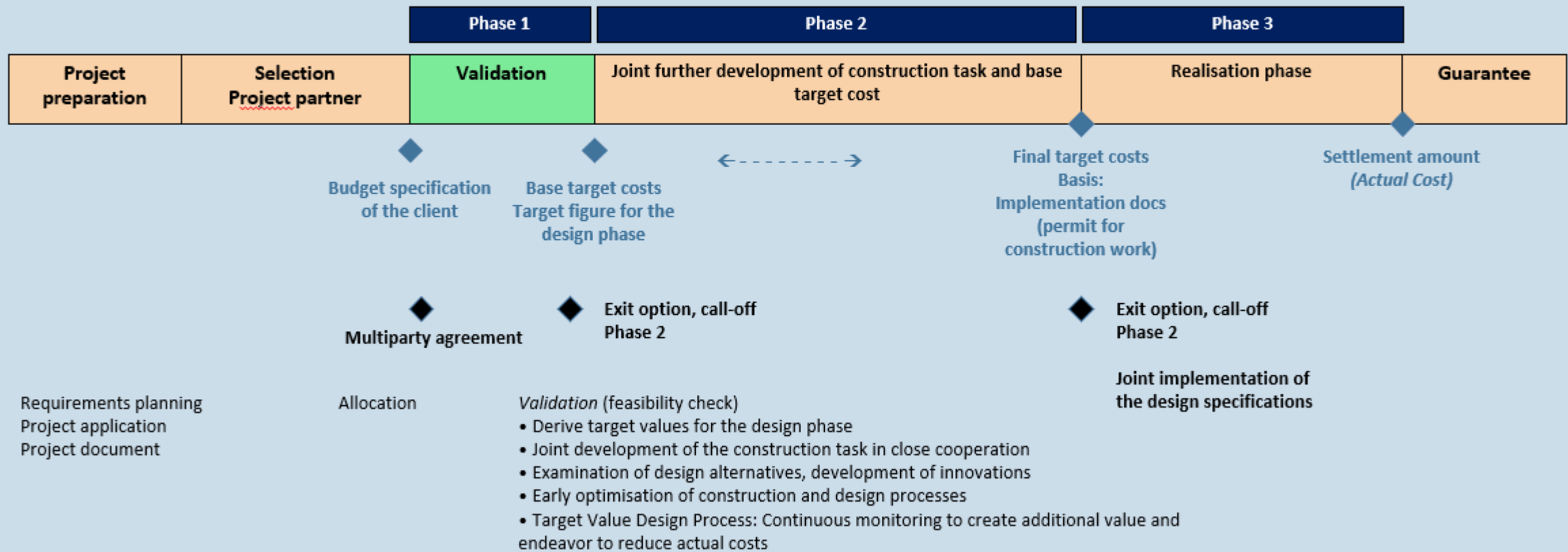
Project Flow – Phase Models

Multi-party contracts 2-
phase model vs 3-phase
model

Phase model of project
execution



Early involvement and joint development of the construction task and target costs

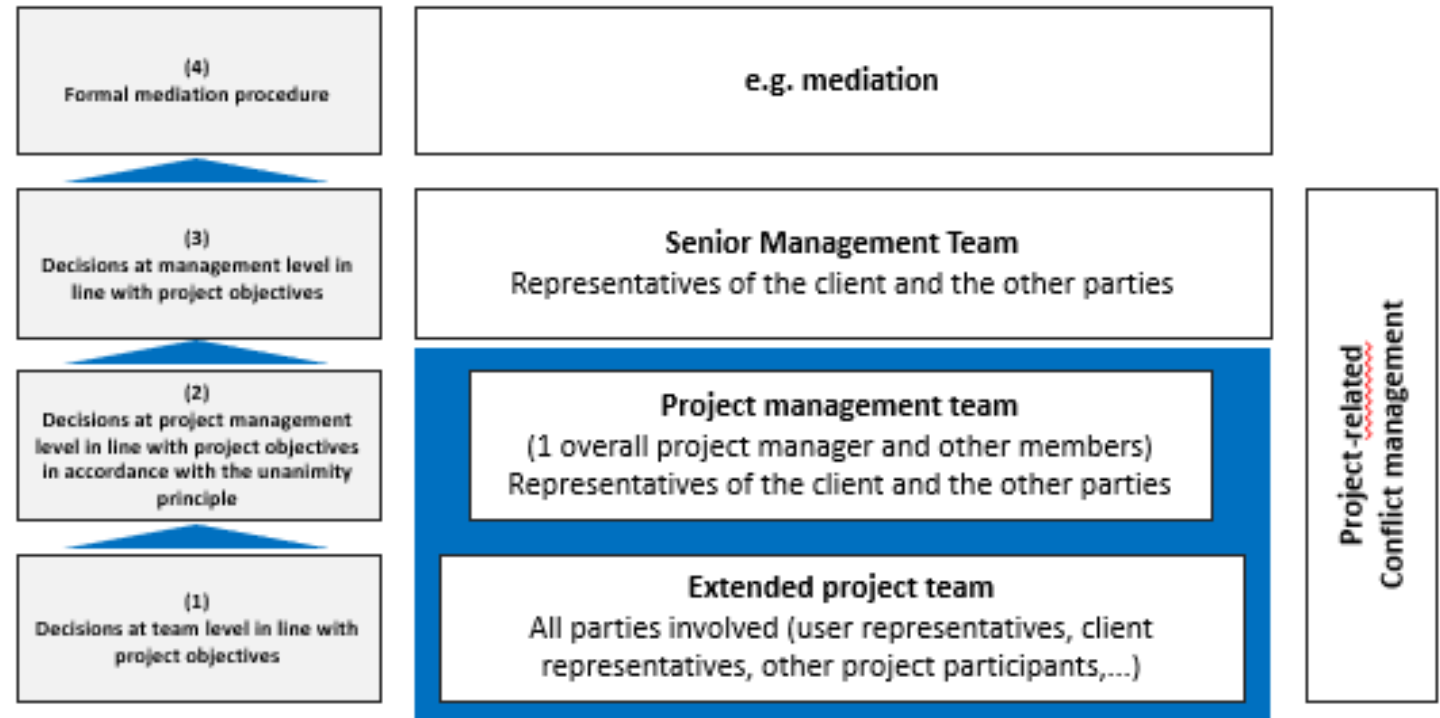


5. Organization Decision-Making

Organization Decision-making

Multi-party contracts

Project organization,
decision-making, escalation
and conflict management



6. Remuneration

Remuneration

Multi-party contracts

Remuneration Model - Objective

- Primary goal: Alignment of the economic interests of the project participants with the achievement of the project goals
- This means that collaboration and decisions in the sense of "Best for Project" are in the economic interest of those involved
- Those involved should have an economic incentive to communicate problems and risks at an early stage
- The participants should have an economic incentive to develop proposals for good solutions and to proactively participate in finding solutions
- Those involved should have an economic incentive to act in a solution-oriented manner when problems arise and not to switch to confrontation or defence strategies

Remuneration

Multi-party contracts

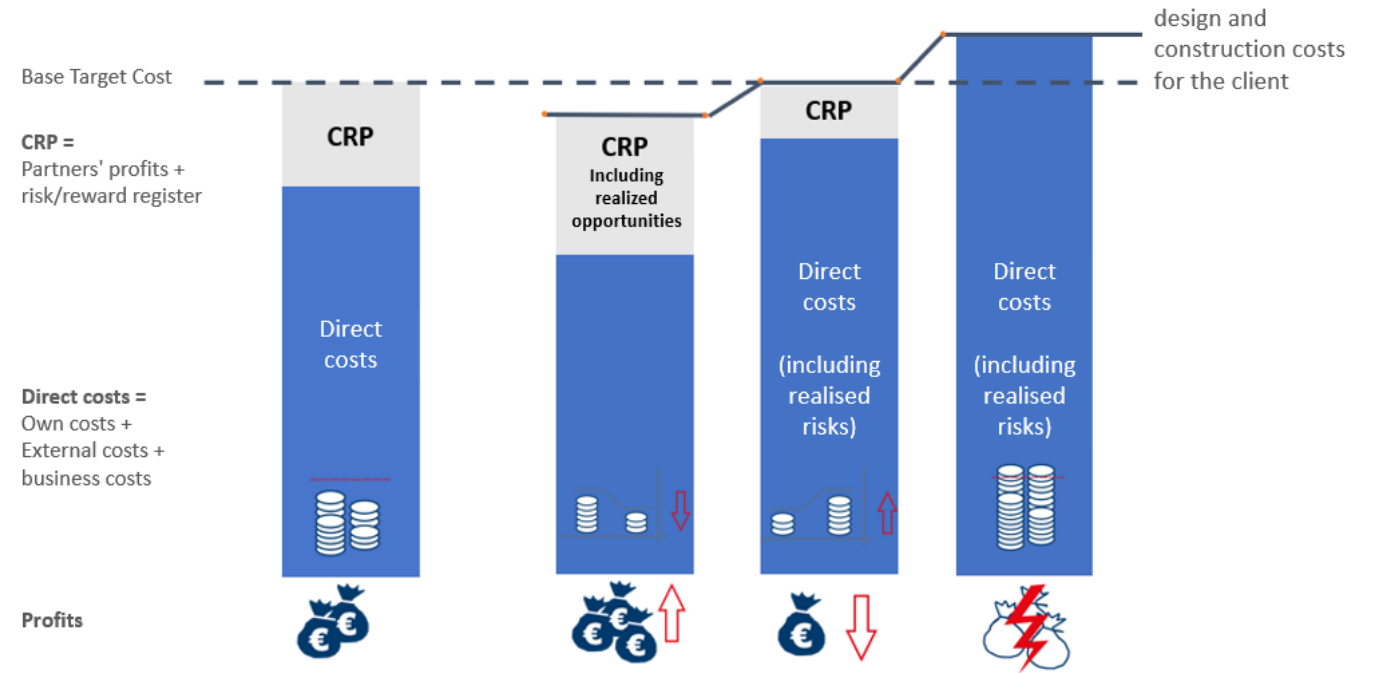
Compensation Model - Basic Principles

- The expenses of the parties involved are reimbursed on proof
- The profit shares of the participants are fixed at the beginning depending on the volume of services
- **Joint development of the building task (construction target)**
- Profit sharing of project participants based on actual costs and value creation targets

Remuneration

Multi-party contracts

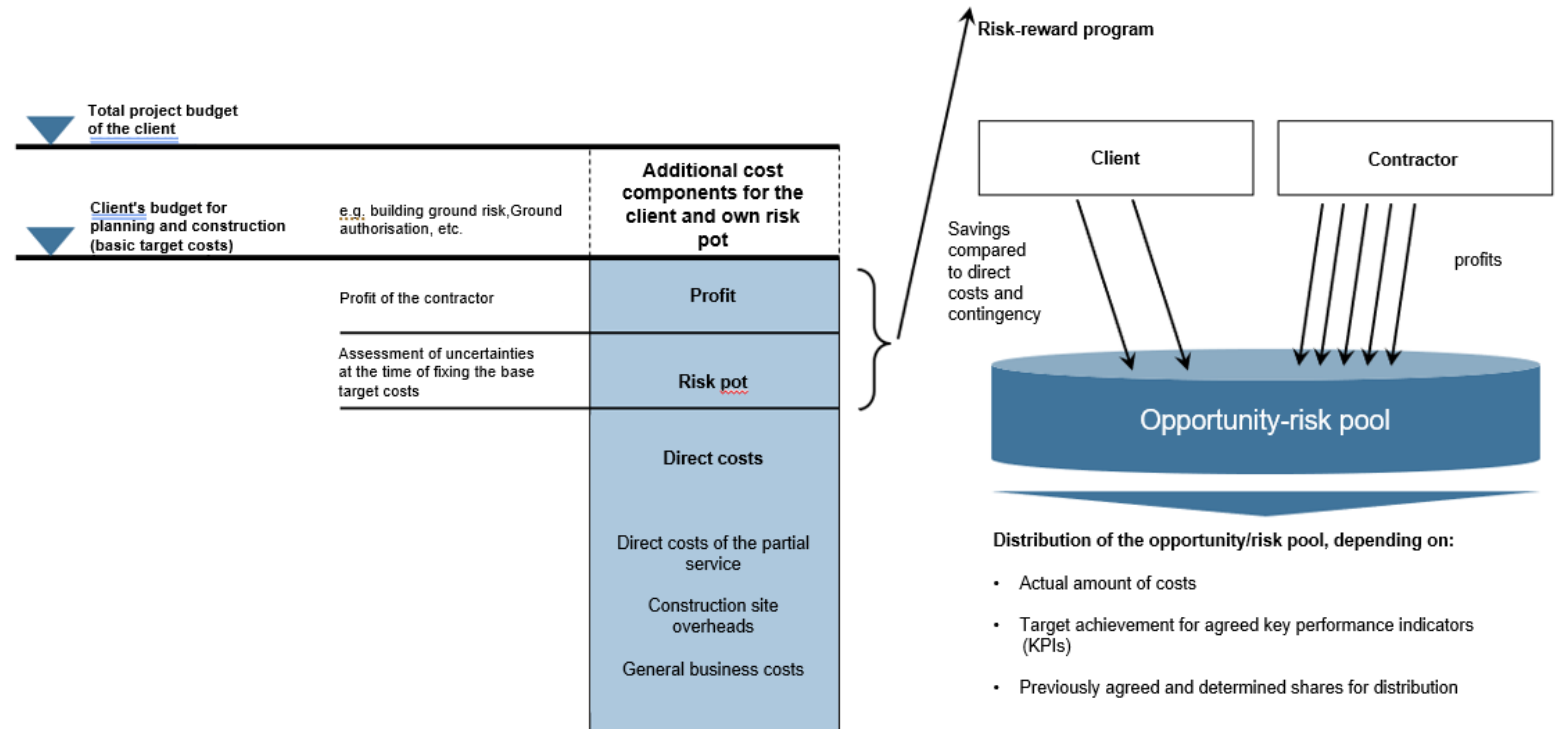
Compensation Model – Simplified Schematic Representation



Remuneration

Multi-party contracts

Remuneration model – basic structure



Remuneration

Multi-party contracts

Risk management - an
integral part of cooperation

- Through economic incentives, the integrated organization and the use of collaborative methods, continuous risk management is carried out with the aim of:
 - Risk identification
 - Risk analysis / assessment
 - Risk treatment (avoid, reduce, insure)
 - Joint bearing of calculable residual risks

7. Culture

Culture

Multi-party contracts

Culture – Values and principles of cooperation

- Equal status of the participants
- Transparency, openness and honesty
- Trust
- Respectful and appreciative interaction with each other, reliability, mutual understanding of the goals and values of the other project participants and constructive conflict culture
- Readiness for continuous learning
- Collaboration through integrative action and willingness to support Common project goals take precedence over individual interests
- Willingness to achieve ambitious project goals through innovation and reduction of waste (operational excellence)
- Good communication
- "Entrepreneurial action" in the sense of the project / the project as a joint enterprise

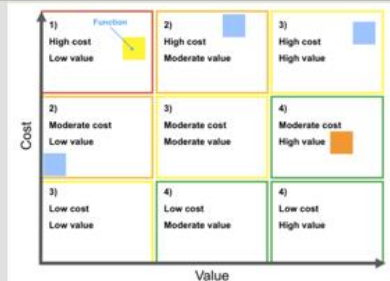
8. Methods

Methods

Multi-party contracts

Methods - Lean
Management – Building
Information Modeling

Target Value Design (TVD)



Co-Location



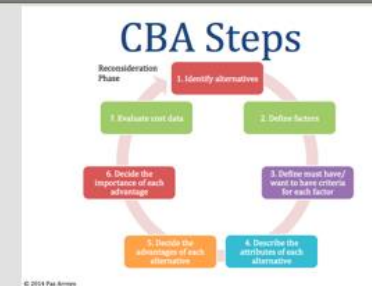
Big Room



Last Planner System



Choosing by Advantages (CbA)



BIM



Methods

Multi-party contracts

Methods - Lean
Management

Target Value Design (TVD)

Value-added planning methodology, in which the design of the project is compared with the client's value creation goals (conditions of satisfaction) in short cycles

Co-Location | Big Room

Establishment of shared office space for collaborative work on tasks by project participants, improving communication and team building

Building Information Modeling (BIM)

Planning based on a digital building model to better coordinate planning, avoid loss of information, increase transparency, etc.

Last Planner System (LPS) and Cycle Planning and Control

Lean construction methods for construction scheduling and control to achieve greater stability in the processes and improve the productivity of the project participants

Thank you!

Danke