

# **The Relationship between Transparency, Public Private Partnerships and Delivery Outcomes in Major Transport Infrastructure.**

**by Allan F Teale**

Thesis submitted in fulfilment of the requirements for  
the degree of

**Doctor of Philosophy**

under the supervision of

Professor Sara Wilkinson

Professor Heather MacDonald

University of Technology Sydney  
Faculty of Faculty of Design, Architecture and Building

August 2022

## **CERTIFICATE OF ORIGINAL AUTHORSHIP**

I, Allan Francis Teale, declare that this thesis is submitted in fulfilment of the requirements for the award of PhD, in the Built Environment DAB at the University of Technology Sydney.

This thesis is wholly my own work unless otherwise referenced or acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

This document has not been submitted for qualifications at any other academic institution.

\*If applicable, the above statement must be replaced with the collaborative doctoral degree statement (see below).

\*If applicable, the Indigenous Cultural and Intellectual Property (ICIP) statement must be added (see below).

This research is supported by the Australian Government Research Training Program.

Signature:

Production Note:  
Signature removed prior to publication.

**Allan F Teale**

**Date: 19/04/2023**

## Abstract

Transparency, inclusion, and stakeholder participation have become buzzwords that are regularly related to in the literature relating to contemporary planning in major public infrastructure procurement. However, the concept can be defined and administered differently by different governing authorities in different countries. The term will be defined differently depending on the government authorities or academic writers' unique and distinct fundamental philosophical positions. One of the heralded principles of government authorities reasoning in using Public–Private Partnerships in infrastructure procurement is that it is claimed that the PPP model of delivery offers a more open, transparent, inclusive, and accountable delivery process than that of the traditional model. This study outlines the differences in the application of the internal governance structures of two different first-world neo-liberal governments and their chosen models of PPP in Infrastructure procurement in the province of British Columbia, Canada, and the state of Oregon in the USA. The study rigorously investigated the approach adopted to transparency, stakeholder inclusion, and participation in the procurement and delivery processes of major public road infrastructure projects and how transparency was addressed in infrastructure over three case study projects in the two governing authorities. It researches each of the governing authority's approaches to transparency, stakeholder inclusion and consultation, the role of communities as stakeholders, and the differing role and position of that of First Nation communities in the consultation and delivery of infrastructure projects that impact their traditional lands.

This study argues that greater transparency and stakeholder inclusion is essential throughout the procurement and delivery project cycle to ensure that the interests of the public are protected in the decision-making process of the procurement and delivery of public infrastructure. In-depth, the approach to transparency, the inclusion of the community as stakeholders in the procurement process and the recognition of First Nation communities as integral stakeholders in projects is explored in terms of its application in the projects beyond their stated positions in government literature, outlining the barriers to them.

Keywords

Public-Private Partnerships, infrastructure procurement, stakeholder participation and inclusion, First Nation communities.

## Acknowledgements

I am indebted to many people at the University of Technology Sydney for allowing me the opportunity to undertake this journey of enrichment, both academically and culturally. My sincere appreciation goes to my principal supervisor, Professor Sara Wilkinson and Professor Heather McDonald, for their support, patience and commitment they both afforded me throughout this research. Their belief, insight and guidance assisted in the development of my research skills, and your ability is beyond my comprehension. This journey has involved two pathways that were challenging but extremely rewarding. One was to fulfil the research objectives of my thesis, and the other was to connect to First Nation communities culturally both in Australia and beyond our borders. Thank you for making both possible.

I also thank my colleagues at the UTS Jumbunna Institute for Indigenous Education and Research for the opportunity and to undertake this research. The support from Professor Michael McDaniel, Professor Larissa Behrendt, Maree Graham and the many staff members of the unit have made this journey possible; they continually pushed me to give Indigenous people a voice that needs to be heard. They encouraged my development both academically and culturally, and I thank them tremendously.

Also, my sincere gratitude goes to the many other people who assisted and engaged with me in my academic pursuits and my recognition of my cultural heritage and obligation to First Nation communities. The strength of the University towards Indigenous Australians is a resounding drum that is getting louder in our communities through the connection of people such as close colleague, supporter and mentor Paul Van Der Kallen, Dr Campbell Drake, Professor John Evans, Michael Day, Deborah Szapiro and Professor Martin Loosemore. Together they continually engage with communities throughout New South Wales, delivering better outcomes for Australia's First Nations peoples. This would not have been possible, I believe, without the University's vision for engaging with First Nation communities. I also acknowledge the editorial assistance of accredited academic editor Dr Terry Fitzgerald.

To my wife of many years Kate, this journey would not have been possible without the support and patience of you and our two wonderful daughters Mollie and Claire. I hope I can repay you all for your support and dedication to me and for the discovery of my culture in the process. In closing:

**Always was and Always will be Aboriginal Lands.**

## Table of Contents

<b>Abstract.....</b>	<b>3</b>
<b>Acknowledgements .....</b>	<b>4</b>
<b>Chapter 1 Introduction to the thesis.....</b>	<b>8</b>
<b>1.1 Introduction to the chapter.....</b>	<b>8</b>
<b>1.2 Background .....</b>	<b>8</b>
<b>1.3 Research questions.....</b>	<b>11</b>
<b>1.4 Definitions of key elements of the thesis .....</b>	<b>11</b>
1.4.1 Public-Private Partnerships.....	12
1.4.2 Transparency .....	13
1.4.3 Stakeholder participation.....	14
<b>1.5 Research design and methodology .....</b>	<b>15</b>
<b>1.6 Outline of thesis structure .....</b>	<b>17</b>
Chapter 1: Introduction to the thesis .....	17
Chapter 2: Literature review .....	17
Chapter 3: Methodology .....	18
Chapter 4: The case studies .....	18
Chapter 5: Analysis and results .....	19
Chapter 6: Conclusion.....	19
<b>Chapter 2 Literature review.....</b>	<b>20</b>
<b>2.1 Introduction.....</b>	<b>20</b>
2.1.1 Background on government and private sector relationships.....	20
2.1.2 Community participation .....	23
<b>2.2 Evolution of New Public Management .....</b>	<b>24</b>
2.2.1 Historical context .....	24
2.2.2 Progressive era .....	25
2.2.3 New Public Management model approach.....	26
<b>2.3 New Governance.....</b>	<b>28</b>
2.3.1 Understanding New Governance .....	28
2.3.2 New Governance framework.....	29
<b>2.4 Transparency.....</b>	<b>32</b>
2.4.1 Introduction .....	32
2.4.2 Transparency as the basis for bureaucratic decisions and enhancing accountability. ....	36
2.4.3 Transparency in governance politics and the state .....	40

2.4.4 Transparency in a neoliberal view .....	42
2.4.5 Transparency and its role in planning.....	43
2.4.6 Information equals better governance.....	45
2.4.7 Transparency and the role of freedom of information.....	46
2.4.8 Transparency and the public-private partnership model.....	47
2.4.9 Corruption as an obstacle to transparency in PPPs .....	50
2.4.10 Importance of transparency to stakeholders .....	51
<b>2.5 Government and PPPs .....</b>	<b>52</b>
2.5.1 Introduction .....	52
2.5.2 Traditional infrastructure delivery .....	53
2.5.3 Evolution from traditional procurement to the PPP delivery model .....	54
2.5.4 Accountability in the public-private partnership model .....	55
2.5.5 Accountability through transparency and public control .....	56
2.5.6 Public-private partnerships .....	56
2.5.7 Government and private sector roles in PPPs. ....	59
2.5.8 Concerns with PPPs.....	60
2.5.9 Transport infrastructure and PPPs.....	60
<b>2.6 Stakeholder participation in PPPs .....</b>	<b>61</b>
2.6.1 Introduction .....	61
2.6.2 Stakeholder participation.....	62
2.6.3 The importance of the community as a stakeholder.....	65
<b>2.7 The First Nation community role as a stakeholder .....</b>	<b>67</b>
2.7.1 Introduction .....	67
<b>2.8 Research gaps .....</b>	<b>70</b>
<b>2.9 Conclusion .....</b>	<b>70</b>
<b><i>Chapter 3 Methodology.....</i></b>	<b><i>72</i></b>
<b>3.1 Introduction.....</b>	<b>72</b>
<b>3.2 The research question.....</b>	<b>72</b>
<b>3.3 The research paradigms and the methodology .....</b>	<b>73</b>
3.3.1 The rationale for a qualitative research methodology.....	74
<b>3.4 Research design .....</b>	<b>78</b>
3.4.1 The enquiry strategies .....	80
3.4.2 Rationale for using the case study approach.....	82
<b>3.5 Issues with qualitative case study research .....</b>	<b>83</b>
<b>3.6 Enquiry strategies, data collection and data analysis .....</b>	<b>84</b>
3.6.1 Case studies and justification for the selection.....	84

3.6.2 Enquiry strategies .....	85
3.6.3 Interview process: in-depth qualitative.....	87
3.6.4 Data analysis .....	91
<b>3.7 Reliability, validity and ethical considerations .....</b>	<b>92</b>
3.7.1 Reliability.....	92
3.7.2 Validity.....	93
3.7.3 Internal validity .....	94
3.7.4 External validity .....	95
3.7.5 Construct validity.....	95
3.7.6 Ethical considerations.....	96
<b>3.8 Summary .....</b>	<b>97</b>
<b><i>Chapter 4 Case Studies.....</i></b>	<b><i>99</i></b>
<b>4.1 Introduction.....</b>	<b>99</b>
<b>4.2 Port Mann/Highway 1 Improvement Project.....</b>	<b>99</b>
4.2.1 Background and description.....	100
4.2.2 The Port Mann Bridge.....	101
4.2.3 Project objectives.....	102
4.2.4 Project procurement bid process final delivery outcome.....	104
4.2.5 Project partnership consortium .....	106
4.2.6 Community consultation.....	107
4.2.7 Project risk distribution and construction schedule .....	108
4.2.8 Project finance and project tolling.....	108
4.2.9 Conclusion to Case Study 1 .....	108
<b>4.3 Case Study 2: The Sea to Sky Highway improvement project.....</b>	<b>109</b>
4.3.1 Background and description.....	110
4.3.2 Project objectives.....	111
4.3.3 Project procurement bid process and final delivery outcome. ....	112
4.3.4 Project Partnership Consortium .....	114
4.3.5 Community consultation.....	115
4.3.6 Project risk distribution and construction schedule .....	116
4.3.7 Project finance and project tolling.....	118
4.3.8 Conclusion to Case Study 2.....	118
<b>4.4 Case study 3: The Willamette Passage Bridge, Oregon .....</b>	<b>119</b>
4.4.1 Background and description.....	119
4.4.2 Project objectives.....	121
4.4.3 Project procurement bid process and delivery outcome. ....	122
4.4.4 Project construction schedule and project outcomes .....	125
4.4.5 Community consultation.....	126

4.4.6 Conclusion to Case Study 3 .....	127
4.5 Case study summary .....	128
<b>Chapter 5.....</b>	<b>129</b>
<b><i>Findings and discussion.....</i></b>	<b><i>129</i></b>
5.1 Introduction to the chapter .....	129
5.2 Summary of six key themes.....	129
5.3 The Changing role of the state.....	131
5.4 The balance between disclosure and confidential negotiations .....	137
5.5 Building and rebuilding public trust.....	140
5.6 Defining disclosure differently.....	145
5.7 The position and role of community consultation.....	148
5.8 The position and role of First Nations as a community stakeholder .....	151
5.9 Summary and conclusion.....	153
<b>Chapter 6 Conclusion .....</b>	<b>161</b>
6.1 Introduction.....	161
6.2 The need for the research.....	161
6.3 The case studies .....	162
6.4 The research question .....	162
6.5 Discussion of the findings.....	164
6.5.1 How is transparency constructed amongst and for different stakeholder groups? .....	167
6.5.2 How does the experience of First Nations communities differ from other local communities?.....	170
6.5.3 Is there evidence that more robust engagement improves infrastructure projects?.....	173
6.5.4 What roles do First Nation communities play in negotiating the term and conditions of public-private partnerships? .....	175
6.6 Further areas of research.....	183
6.7 Final deliberations.....	183

## Table of figures

Figure 1.1 The four stages of this research.....	16
Figure 2.1 The transparency action cycle.....	39
Figure 2.2 Short and long routes to accountability.....	40
Figure 2.3 Typical public-private partnership structure.....	65
Figure 3.1 Six phases of the research process.....	82
Figure 3.2 A visual description of the strategy of enquiry for the study.....	83
Figure 4.1 Location of the Port Mann/Highway 1 Project, British Columbia.....	103
Figure 4.2 The Port Mann Bridge in British Columbia.....	104
Figure 4.3 Location of Sea to Sky Highway, British Columbia.....	112
Figure 4.4 Location of Willamette Passage Bridge, Oregon.....	122
Figure 4.5 Willamette passage Bridge and I-5 Interstate.....	123

## Table of tables

Table 2.1 Key project documents for project transparency.....	49
Table 2.2 Dimensions of transparency and the process of public-private partnerships.....	54
Table 2.3 Objectives and Contributions of Primary Stakeholders.....	66
Table 2.4 Arnstein’s ladder of citizen participation.....	67
Table 3.1 The interview list.....	91
Table 4.1 Project goals and bridge features.....	105
Table 4.2 Competitive selection process summary.....	108
Table 4.3 Project commitments delivery timetable.....	110
Table 4.4 Ministry of Transport’s objectives.....	113
Table 4.5 Competitive selection process and timelines.....	115
Table 4.6 Evaluation process guidelines.....	116
Table 4.7 Risk allocation table.....	118
Table 4.8 Project payment summary (US\$ millions).....	127
Table 4.9 Summary of case studies.....	128
Table 5.1 Partnership Shared Legacies.....	156
6.1 Stakeholder engagement and participation.....	167

## Appendixes

Appendix A Human Research Ethics Committee (UTSHREC) HREC 2013000663. ....	200
Appendix B Information letter to interviewee .....	201
Appendix C Community Stakeholders Questionnaire .....	202
Appendix D Contractors and Government stakeholders Questionnaire.....	204
Appendix E Interviewee Consent Form .....	206

# Chapter 1

## Introduction to the thesis

### 1.1 Introduction to the chapter

This chapter introduces the research, which examines the impact that Transparency has in the governance model of Public-Private Partnerships, the collaboration of stakeholders and the emerging role of First Nation communities in the provision of public infrastructure. Specifically, the thesis examines the governance structure of two different regional government authorities' projects and their approaches to Transparency, openness, engagement, and inclusion in their PPP model in the delivery of public transport infrastructure. The processes that have been adopted to determine the research problem, aims and objectives of the research are described. The chapter outlines the background and rationale for the research before describing the structure of the thesis. The research design and methodology are briefly explained.

### 1.2 Background

All governments have a responsibility to provide public goods and services to the community and broader society, and this often involves the procurement and delivery of new infrastructure to the market place (CEDA 2005; Lal 1997). Governing authorities are responsible for supplying various programs and services for the broader community, which includes the provision of energy grids, public transportation networks, sanitation systems and water supplies for the societal benefit of the greater community and the private business sector (Lal 1997; UNIDO 2008). Governing authorities also have a responsibility to provide goods and services deemed to be in the national interest, which include national recreational parks and national security through an established defence force and many other administrative services (Ostrom & Ostrom 2018). These goods and services to the community and businesses are financed partly through the collection of taxes.

Furthermore, goods and services may be privatised or provided by way of a contractual arrangement such as a Public-Private Partnership (PPP). The provision and delivery of these public goods and services through the PPP adds no financial burden to the governing authority's balance sheet but adds a stimulus to their economy (Ostrom & Ostrom 2018). In the last two decades, to combat and assist the burden of cost to the government in the delivery of services and goods that are provided in areas of greater population densities such as highways and roads,

there has been wider adoption of the user-pays approach. This has been by way of fares and tolls for the provision of goods and services to aid the governing authorities' budgets (Fay & Yepes 2003).

From the early 1980s onwards, many governments in the so-called 'developed' world adopted a Neoliberal management approach in the procurement of services and infrastructure. It was during this period that the Australian Governments introduced a tighter fiscal policy seeking budget surpluses and the reduction in the public debt burden. This approach to governing management has been referred to as 'New Governance' (incorporating the New Public Management (NPM) system identified by academics (Hood 1995; Pollitt, Van-Thiel & Homburg 2007; Rhodes 1996)). This study analyses the approach adopted in this management system, which proclaimed that it would provide greater transparency through increased stakeholder inclusion and engagement in its approach to the PPP governance model adopted in projects. Some academics recognise NPM as being the catalyst of change for the introduction and engagement of the private sector model of management control into the public sector arena (Hood & Heald 2006; Pollitt, Van-Thiel & Homburg 2007; Rhodes 1996). Those controls included the introduction of performance indicators and benchmarking, the reformation of public sector employment strategies in line with those of the private sector model, and the introduction of the PPP model of procurement, which also introduced private sector management model techniques and instruments into the infrastructure procurement process (Hood & Heald 2006; Pollitt, Van-Thiel & Homburg 2007).

In recent years Canada, the USA, Australia, South Africa, the United Arab Emirates, Japan, and other European and developing countries have approached the increased demand for public infrastructure through the adoption of the PPP delivery model (IPA 2007). In Australia, PPPs have been adopted as the preferred delivery vehicle by State and Federal governments in their procurement of public infrastructure to deliver and satisfy the growing pressure on the public purse (IPA 2007). With the ever-increasing population growth and the greater density of urban communities combined with ageing infrastructure, many governments listed above have adopted the PPP model for the replacement of their aging infrastructure stock in meeting the demand pressures on transport and services in both the business and public sectors in the community (IPA 2007).

Governments recognise the importance of developing and improving efficient, integrated user-friendly public transport networks as they are the key drivers in a buoyant and prosperous society. They recognise that it is their responsibility to meet the increasing community

expectations of governments in the improvement of existing networks, and the procurement of these new public transport infrastructure. There has been an increase in the use of PPPs as the government preferred vehicle of choice in the delivery of services and transport infrastructure (Siemiatycki 2015). However, the PPP model of delivery, with the engagement of the private sector in infrastructure procurement, has raised questions relating to the governments' levels of transparency disclosure and stakeholder engagement in new public transport infrastructure project delivery, and the procurement of new public infrastructure (Siemiatycki 2007). Siemiatycki (2007) explains how this occurred in the \$2 billion Canada Line, a new rail link that was delivered before the 2010 Olympics from Vancouver to Richmond Spurling International airport. He claimed that strategic information was not disclosed due to its deemed commercial in confidence status. Many local stakeholders that included businesses, unions, and local politicians complained they were not engaged meaningfully, in the planning process, due to the unavailability of strategic project documents. This position adopted by the governing authorities points out the gap between the formal adoption of the project principles towards transparency and the adoption and use of those principles to guide the practice in projects.

As such, it is important that governments develop strategies and incorporate processes that create greater transparency in projects by increasing the involvement of project stakeholders and the citizenry in projects. This develops greater trust through creating greater access to broader areas of project data for both the public and private stakeholders (Grimmelikhuijsen 2010; Sen 1999; Siemiatycki 2007). Siemiatycki (2007). Grimmelikhuijsen (2010) further states the importance that governments have an elemental value of democratic responsibility to communities, and as a vehicle, accomplish other critical democratic goals such as; strengthening accountability, trust and good governance, as these are essential elements for minimising corruption in public projects (Grimmelikhuijsen 2012b). With the greater accountability there is the opportunity that, better-informed individuals can have an understanding of a project procurement process and have the opportunity to relate better to the process of government, and have an understanding of their process to fully grasp the project outcomes and support or oppose the choices made on them, and better help form the context in which they create their political views towards where they work, live, socialise and engage with environmental issues that may be impacted by proposed new public infrastructure (Birkinshaw 2006).

Internationally, governments such as Australia, Austria, Denmark, Finland, Israel, Germany have recognised the importance of transparency (Relly & Sabharwal 2009). These countries have acknowledged the importance of transparency and its function and role as an essential element of the process when engaging openly with communities and informing them of their role in the

process of democratic participation in the government decision-making processes. But often, the governments face the challenge to deliver on these acknowledged needed outcomes in their processes, which is the more significant challenge to governments. The delivery of a transparent engagement process by governments with the greater community encourages the development of greater trust by the communities in their governments. This greater trust is only achieved by ensuring that the government distributes accurate information to the community, private companies, and the press in a timely and easily accessible manner. It is also essential to ensure that all stakeholders are engaged in new public transport infrastructure procurement and delivery in a transparent, inclusive, engaged, and open approach to create and enhance greater trust in the governing authority. (Bertot, Jaeger & Grimes 2010; Cuillier & Piotrowski 2009; Quinn 2003; Siemiatycki 2007).

On the other hand, Flyvbjerg, Bruzelius & Rothengatter (2003) have raised concerns about transparency when PPPs dominate the procurement and delivery of public infrastructure. They highlight a fundamental problem with the limited transparency in the planning and tendering stages of significant public transport infrastructure projects: a tendency for misinformation and a potential bias towards the selection of development partners of infrastructure projects based on power and the significant potential profits involved in these developments.

### **1.3 Research questions**

The overarching research question is:

“How does transparency and greater stakeholder inclusion and participation in PPPs affect the outcomes of major transport infrastructure projects?” The overarching research question has four associated research objective questions:

1. How is transparency constructed amongst and for different stakeholder groups?
2. How does the experience of First Nations communities differ from other local communities?
3. Is there evidence that more robust stakeholder engagement and inclusion improves PPP infrastructure project outcomes?
4. What role do First Nation communities play in negotiating the terms and conditions of public-private partnerships and their inclusion in projects?

### **1.4 Definitions of key elements of the thesis**

With the growing need to update and improve transport infrastructure in many developed countries, this study was based on three project case studies of two neoliberal jurisdictions in two

countries, one being the province of British Columbia in Canada and the other being the state of Oregon in the United States of America. With the increasing use of PPPs globally in the provision of new public infrastructure, there is a substantial body of literature relating to the use of PPPs and their adoption by governments in the procurement of infrastructure. The literature review of this thesis focuses on the impact that greater transparency in the governance models of PPPs has on project outcomes through greater stakeholder inclusion and engagement in the project decision-making process of projects, and the emerging role of First Nation communities have in new public infrastructure projects.

An introduction to the critical elements of this research is provided below, with a detailed critical analysis in the literature review in chapter 2.

### **1.4.1 Public-Private Partnerships**

In this thesis, the term PPP is the acronym adopted for Public-Private Partnerships; however, it has different definitions and acronyms in sections of the literature. Often in the UK, PPP are referred to as Private Finance Initiatives (PFI) and in the USA and Canada, as P3's. A PPP is a contractual arrangement formulated between the public entity (Government) and a private sector partner. In major transport infrastructure procurements, a consortium is usually created of private investor stakeholders, partnering to deliver public infrastructure projects. In the PPP model, governments have sought to transfer their risk exposure in the project delivery to the private investor consortium from the public entity. Furthermore, depending on the contract structure, the private sector partner may recover a return on their project investment through the management and collection of tolls or a combination of contract payment and tolls, or merely a contract payment over a given period; commonly twenty-five to fifty years. The PPPs private sector partner may be granted control of the concession under the terms of the contract to operate the infrastructure for the contractual term agreed in order to gain a profit return from their investment in the project (Bovaird 2004; Hodge & Greve 2007; Martin et al. 2013; Trebilcock & Rosenstock 2015). In the 2008 publication of the Organisation for Economic Cooperation and Development (OECD), PPP is defined as:

an agreement between the government and one or more private partners (which may include the operators and the financiers) according to which the private partners deliver the service in such a manner that the service delivery objectives of the government are aligned with the profit objectives of the private partners and where the effectiveness of the alignment depends on a sufficient transfer of risk to the private partners. (OECD 2008, p. 12)

In British Columbia Canada, a PPP, known as a P3, is defined by Partnerships BC as being:

A public private partnership is a legally-binding contract between government and business for the provision of assets and the delivery of services that allocates responsibilities and business risks among the various partners. (2003)

Moreover, in Australia, the Federal Government has defined a PPP; “as being a long-term agreement between government agencies and private firm(s) by which the private sector is paid by the government to supply infrastructure and services” (AustGov 2008). This introduction of the private investor consortium assists the government in its responsibilities to deliver safe and appropriate transport infrastructure and services into the public domain (Hodge & Greve 2010; M 2015).

#### **1.4.2 Transparency**

In Chapter 2, the literature review highlights the complexities regarding transparency, establishing its importance in establishing a democratic, open, and inclusive approach to governance. Furthermore, transparency is outlined in the literature as a critical component in the New Public Management model. In the new Public Management model, the doctrine of public accountability and best practice doctrines have been adopted in a move from an emphasis on policy-making towards management skills, introducing a framework that categorises transparency to the direction, timing and the content of information disclosed (Hood 1995). Hood (1995) explains the following are essential elements of transparency required in the public system; greater stakeholder engagement, a high level of stakeholder participation, stakeholder inclusion and, finally; accountability. Transparency in projects is enhanced through more effective communication and involvement of stakeholder groups. Hood & Heald (2006) reviews the role that the community has, and how community members are defined as stakeholders in the decision-making process within PPPs. Florini (2007) adds to the argument that greater disclosure allows for greater inclusion and engagement of community and stakeholders, in projects. As they have fundamental rights to the knowledge of projects in a democratic state, greater disclosure assists in deterring corruption, aids in the decision-making processes of projects, with the input of local knowledge, and the opportunity to build public support for the project policies (Vishwanath & Kaufmann 2001).

Therefore, ultimately greater transparency ensures that organisations and individuals in the public service are accountable in their position in public office through an open and accessible system

that allows reliable economic, social, and political information readily available to the citizenry in a timely manner. This availability, disclosure and the sharing of information enables “ the public to make informed political decisions, improve the accountability of governments, and reduce the scope for corruption”. (Vishwanath & Kaufmann 2001, p. 41). As noted by Hood, Fraser & McGarvey (2006) it appears that good corporate governance and democratic accountability is being undermined by poor transparency by both the private sectors and public sectors in PPPs. They argue further that there needs to be greater disclosure in PPP projects focused on a more transparent approach to the accountability arrangements of both the public and private partners of the partnership. This is significant that the process that is adopted by both the public and private partners in the audit and evaluation of PPP projects is open and transparent, if not it will further lead to the community’s distrust of the governing authorities in their position in PPPs (Hood, Fraser & McGarvey 2006; Power 2000).

### **1.4.3 Stakeholder participation**

This research reviewed the engagement, involvement, and role of stakeholders in three PPP case studies and their selected governance model adopted in three different projects. The approach was supported through a review of the literature of these critical elements and project documentation outlining the importance of stakeholder participation and inclusion in projects. Siemiatycki (2010) points out the importance of the role of the community stakeholder group in projects and their support and involvement in maintaining stakeholders’ values throughout the duration of a project. Noting that a critical element in improving transparency and project outcomes is ensuring that “strategies for improving the quality of community engagement and ongoing public participation in the decision-making, with the aim of trust between stakeholders” (Siemiatycki 2010, p. 56) is maintained throughout the project duration. Projects which have low levels of community support and participation may experience the undermining of the project, which may place it at risk, it is pointed out that participation is not only the supply of selected information disbursed by the governing authority but also the active voice of the stakeholders in the many processes of the project (Gupta 2010; Islam 2006; Siemiatycki 2010).

In stakeholder groups, the literature regularly refers to the community as a singular entity. It fails to include how communities are constructing differently through cultural, religious and ethnic origins, these elements establishes the community as more significant than the one defined group as outlined in the greater literature. Freeman et al. (2010), Martin (2003) and Larson (1992) broadly define communities as one stakeholder group. However, there has been little academic debate on the position, role and priorities of First Nation communities and their status as an individual stakeholder group. There is uneven recognition that First Nations communities are

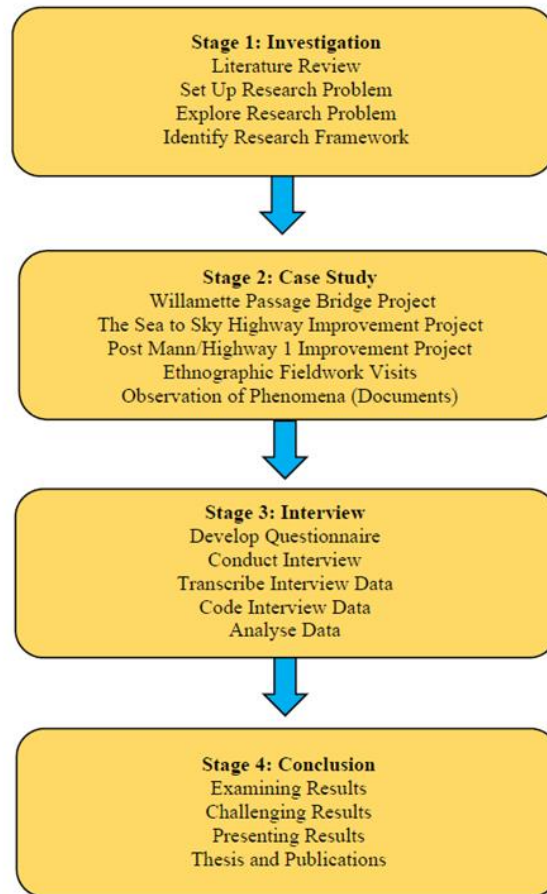
considered nation status in the United States of America. Throughout the CANZUS countries (Canada, Australia, New Zealand and the United States), First Nation communities are reclaiming their rights to country and their rights to self-determination by the fostering of a form of Indigenous nationhood (Cornell et al. 2005; Jorgensen & Timeche). The literature points out that Indigenous governance describes First Nation people as pre-existing and as the traditional owners, despite the introduction of colonial settlements (Campbell 2015). This view of First Nation community rights as custodians is expressed clearly in the United Nations Declaration of the Rights of Indigenous Peoples (UNGA 2007).

### **1.5 Research design and methodology**

This research undertook a comprehensive literature review as a way of refuting or substantiating, the approaches undertaken towards the inclusion of stakeholders and level of transparency in the governance model of PPP project procurement and delivery practices. This approach was undertaken with three case studies in two adjoining neoliberal countries, Case Study 1: The Sea to Sky Highway Project; Case Study 2: The Port Mann Highway 1 Project in British Columbia Canada and The Willamette Passage Bridge Project in Oregon in the United States of America. This approach included interviews with project stakeholders and the government officials who provided data on each of the case study projects. The selection process of interviewees was based primarily on the interviewees' involvement with the case study PPP projects in their capacity either as a member of the community, government representatives, all private sector consultants engaged in projects (who had extensive knowledge of the project location) or, in the delivery of the public infrastructure.

Figure 1.1 shows the four stages undertaken in the approach to this research that guided the investigation of the research question. The methodology designed for this thesis, enabled the investigation of the research questions.

#### **Figure 1.1 The four stages of this research**



The research uses a qualitative approach that focuses on Yin's (2003) qualitative case study investigation methods:

- Observation of phenomena through the examination of each of the individual case study sites and available associated project documentation, observed and reviewed to gain a clear understanding of the approach to transparency adopted and utilised in each of the project governance models by each of the governing authorities in each of the case studies. The observed project outlines provided straightforward project structured guidelines of the governing authorities approach to and levels of open and engaged stakeholder project inclusion, detailing the avenues available to each of the stakeholder groups access to project information.

The interviews were carried out with the project stakeholders comprising the construction team, the governing authorities, the design team and the non-First Nation and First Nation community stakeholder representatives. This approach in the interview process delivered detailed data through semi-structured in-depth discussions on the levels of stakeholder inclusion and engagement in the project decision-making processes

of each of the project case studies and the impact they contributed to in the project delivery outcomes.

There was an exhaustive undertaking of field research incorporating a comprehensive level of participant observation, which was essential in understanding the levels of stakeholder participation, engagement and access to project documentation granted to stakeholders by each of the governing authorities in each of the selected case studies. These observations were necessary to understand better each case study governing authorities' approach to project stakeholder engagement and their openness to transparency. In each case study, the project governing authority's management team explained their approach to stakeholder inclusion, engagement, access to project information and involvement in each case study project.

## **1.6 Outline of thesis structure**

The thesis has six chapters:

### **Chapter 1: Introduction to the thesis**

This section comprises an introduction to the research, describing the rationale and background to the study, explaining the key elements, PPPs, transparency, stakeholder inclusion and participation in each of the case studies governance models. It outlines the research question, objectives, the research design and methodology and the structure of the thesis.

### **Chapter 2: Literature review**

The critical review of literature covers transparency in each of the governing authorities' models of PPPs in the procurement and delivery of public sector transport infrastructure and the role of stakeholders in the decision-making process of the projects. It reviews and highlights the importance and definitions of transparency, governance and management structures, public-private partnerships, stakeholder inclusion and defining community participation and the role of First Nation communities in the projects.

The chapter begins by reviewing the move from the progressive period of management to the new public management approach to governance adopted by governments in their delivery and management of major infrastructure projects and communities in many developed and developing countries. It critiques the reasoning why governments have adopted PPPs in their procurement and delivery of new infrastructure, allowing the transfer of project risks (initial construction cost, the ongoing maintenance and operational costs, and removal of the burden of the costs from the government balance sheets) from the public partner to the private partner

consortium. This is one of the main reasons why the PPP project delivery model is preferred to the traditional internal hierarchal government method of project delivery.

The chapter reviews the role of First Nation communities in the PPP process understanding their position as custodians with rights to their traditional lands. The literature investigates how they are an independent stakeholder group to that of the non-First Nation community groups not part of the greater community, and how the governing authorities observed them in their governance models of their chosen PPP model in each of the case study projects.

Finally, the chapter will also point out the research gaps in the literature outlined for further future research investigation.

### **Chapter 3: Methodology**

This chapter presents the overall methodology and research design adopted in this research study. It explains the justification for the methodological approach best suited for the research, which was to examine the impact that greater transparency through stakeholder inclusion and participation has on the governance structure of three public-private partnerships (PPPs) in the delivery of major transport infrastructure through a case study methodology. This research investigates how stakeholder input and involvement were incorporated as part of the governance structure and its impact on project transparency in each case study project. Furthermore, reviewing the benefits that greater involvement of stakeholders and the community had in the decision-making processes of each of the PPP case studies. It also analyses the positions and impact that First Nation communities had as stakeholders in their level of inclusion in the decision-making processes in each of the PPP projects. and also, their role as an independent stakeholder group distinct from others in the greater community. The chapter presents the methods used for data collection and analysis. It explains the methodology of Dadirri, an Indigenous methodological approach, and how it assisted the author in understanding and managing the range of cultural sensitivities that form part of this study.

### **Chapter 4: The case studies**

This study is designed as an “embedded multiple case study” (Yin 2014, p. 62) comprising three projects, two located in British Columbia, Canada, the Port Mann/Highway 1 Improvement Project and the Sea to Sky Highway Improvement Project. The third project in Oregon, USA, is the Willamette Passage Bridge Project. Both the US and Canada have similar attitudes towards infrastructure procurement and have adopted the use of Public-Private Partnerships (PPPs) in the procurement and delivery of public transport infrastructure projects. The case study research reviewed the governing authorities’ and inclusive approach to stakeholder participation adopted

in each case study and their adopted methodology towards transparency and the inclusion of the project stakeholders and community groups in the projects.

### **Chapter 5: Analysis and results**

In this chapter, the analysis of the data collected from the case studies compares the levels of stakeholder participation, inclusion, and their approach to transparency through the varying management practices adopted by each governing authority in each of the three selected case study projects. Chapter 4 outlined the approach to procurement undertaken in each of the case studies - the Port Mann Highway 1 Project, the Sea to Sky Highway and the Willamette Passage Bridge project - including location and the PPP models adopted by the public authorities with the private consortium. The data collected for this thesis can be categorised as primary and secondary data. The primary data collection was through semi-formal, face-to-face interviews with key members of the different stakeholder groups involved in, or affected by, these projects. These stakeholder groups included government representatives, construction and design representatives, and First Nation and non-First Nation community members. Along with the community stakeholders, each stakeholder group is considered an expert in their field or has a strong commitment to maintaining the interests of their communities. The secondary data included documents issued by the government and industry, as well as academic research. Because the government documents represented the views of the various governments, they may have contained information that conflicted with the primary data.

### **Chapter 6: Conclusion**

The final chapter presents the overall conclusions that can be drawn from this research. The rationale for the research and the research gaps presented along with the research question and the four objectives. The chapter concludes on the research design and methodology developed for this thesis to answer the research questions and objectives. The key findings of the three case studies are discussed, and the conclusions in respect of the research objectives are stated. The research question is answered, and concluding statements are made with respect to the four research objectives. The limitations that apply to this study are discussed. Finally, the chapter concludes with recommendations for further research.

The next chapter discusses the literature review to examine issues involved in PPP procurement compared to the traditional procurement method, levels of transparency and stakeholder and community participation.

# Chapter 2

## Literature review

### 2.1 Introduction

The thesis aims to examine the approach taken by two different provincial and state jurisdictions to create and maintain greater transparency to deliver significant transport infrastructure using a public-private partnership (PPP) model. This chapter reviews the literature on the research topic to investigate relationships between the diverse stakeholder groups associated with each case study project's governance transparency and to identify the research gaps of the study area. This chapter has three main sections. The first section explores the role of government and private sector relationships; the second section looks more into these relationships by focusing on transparency between the two sectors, while the third section engages with the role of community participation. The study also investigates the stakeholder relationships and how roles and levels of stakeholder involvement are differentiated in the decision-making processes and delivery of major transport infrastructure. The research also investigates the role of communities, particularly First Nation communities have in the delivery process and determines, through empirical research, the role of First Nation communities in the PPP model.

This literature review supports the objectives of the research, which are to examine the approach to governance transparency between government, private contractors and community stakeholders and their levels of inclusion and participation in PPP projects.

#### 2.1.1 Background on government and private sector relationships

The association that has developed between the private sector and the government for the support and delivery of public infrastructure and services has existed for many centuries. In the early 1980s, this relationship was recognised and identified as public-private partnerships (Hodge, Greve & Boardman 2010). During the early 1980s, many first-world governments adopted a neoliberal approach to their governance model to solve the core public goods and services problems in delivery that then existed. At this time, there was a transition away from the previously embedded Keynesian model, centred around fiscal discretionary and monetary policy, industry incentives and the role of big government, towards adopting a neoliberal form of governance.

The neoliberal approach aims to encourage a free-market system, with limited government intervention, while introducing new reforms to promote freedom and eroding the previous role of protection and supplier of needs to the community to a role to ensure the health and well-

being of the market (Harvey 2007a). Neoliberalism, when viewed from a political and economic perspective, stresses the importance of individual responsibility, free markets, and a non-interventionist approach to governance. This approach to governance has led to the creation of the state as a leader through its policies and controls that change “the power of labour, deregulate industry, agriculture and resource extraction and liberate the powers of finance both internally and on the world stage” (Harvey 2007a, p. 1) to achieve economic development and human well-being. Harvey (2007b) argues:

Neoliberalism has, in short, become hegemonic as a mode of discourse, and has pervasive effects on ways of thought and political-economic practices to the point where it has become incorporated into the common-sense way we interpret, live in and understand the world. (2007b, p. 145)

Harvey (2007a) explains further how the adoption of neoliberalism has led to a change in the social balance throughout the world that had come into being after World War II and had seen “labour be accorded a much larger share of the economic pie” (p. 15). The adoption of neoliberalism in the early 1980s, first by the Thatcher government in the UK and, the Reagan-led government in the United States and then by many other world governments, introduced an approach that has been pragmatic in its style and approach to policy and economic doctrine. As a result, governments began to be directed away from the involvement and control of the market. Harvey (2007b) explains this period as a form of ‘shock therapy’:

The process of neoliberalism has, however, entailed much ‘creative destruction’, not only of prior institutional frameworks and powers (even challenging traditional forms of state sovereignty) but also of divisions of labour, social relations, welfare provisions, technological mixes, ways of life and thought, reproductive activities, attachments to the land and habits of the heart (p. 3).

Neoliberalism may value the “market exchange as an ethic in itself, capable of acting as a guide to all human action and substituting for all previously held ethical beliefs”, which also highlights the importance that “contractual relations have in the marketplace (Harvey 2007a, p. 3). Given the many broad interpretations of neoliberalism, Harvey (2007b) explains:

Neoliberalism is in the first instance a theory of political economic practices which proposes that human well-being can best be advanced by the maximization of entrepreneurial freedoms within an institutional framework characterized by private property rights, individual liberty, free markets, and free trade. The role of the state

is to create and preserve an institutional framework appropriate to such practices.  
(2007b, p. 145)

The adoption of neoliberalism in governance models has seen the development of partnerships in which the private sector works together with the government in the processes of design, finance, and construction in the operation of large infrastructure projects that they have traditionally been the overseer of the projects, adopting their role as the decision maker in the project procurement process, ultimately their primary responsibility of the government in the delivery process. Often called public-private partnerships, these partnership models involve complex agreements between the government and private sectors. In the literature, also referred to as private finance initiatives in the United Kingdom and as P3s in Canada and the United States of America (Harvey 2007a). This thesis adopts the term public-private partnership (PPP).

This literature review outlines the approach taken by governments towards this management structure and its impact on greater transparency and stakeholder participation and inclusion in the governance models in the procurement and delivery of transport infrastructure. This new approach to governance management has been termed New Governance by scholars (Hodge & Greve 2007; Hood 1995; Rhodes 1996). An integral component of New Governance has been the New Public Management model of management, which introduced the private sector as a partner in infrastructure delivery through the use of PPPs in infrastructure delivery, in a role that was previously primarily the government's responsibility. Procurement and delivery of infrastructure through PPPs also allows governments to utilise the skills and expertise in "management practices, organisational structures, strategic planning or governance" (Martin & Halachmi 2012, p. 190) perceived to be possessed by the private sector partner.

The use of PPPs in major infrastructure procurement and delivery is based on the belief that the introduction of the private sector offers a better accountability framework than the traditional public sector models for procuring large-scale transport infrastructure projects. They have become politically popular because of the promoted benefits of on-time and on-budget delivery. The proponents of PPPs argue that the construction and delivery of infrastructure can commence earlier through this model, as the private partner bears the cost, although this is not always the outcome. A significant benefit to governments is that the project's cost is absent on the government's balance sheet, but instead is repaid through the contractual arrangement over the contract term, which in some significant road infrastructure project may be more than 50 years (Akintoye & Beck 2009; Mia, Estrada & Geiger 2007; Van den Hurk & Siemiatycki 2018)

This approach to procurement and delivery leverages the advantages of each partner to achieve more transparency and better project outcomes. The PPP model of delivery is well suited to complex infrastructure project problems that require diverse kinds of expertise (Martin & Halachmi 2012). However, in this new process, the boundaries of the relationships in the projects between the governors and those governed have become blurred over time (Stoker 1998).

The PPP model may also be explained as the process of infrastructure delivery that involves society and the private sector in the supplying and delivering of services and infrastructure (Bovaird, 2010). Pollitt, Van-Thiel & Homburg (2007) explains further how through this involvement of society, there has “been a shift from an internal orientation towards bureaucratic rules to an external orientation towards meeting citizens’ needs and wishes. New devices have been introduced to improve the role of the role of representative democracy, both regarding the early consultation with citizens and representation of citizens’ views”(Pollitt, Van-Thiel & Homburg 2007, p. 3) It recognises both the citizens and government as forming a working collaboration in the public interest, with the community now more than just “the voters and government as trustees” (Berner, Amos & Morse 2011, p. 133).

### **2.1.2 Community participation**

As pointed out by Wang (2001), community participation has the ability to reduce citizen cynicism and builds stakeholder consensus towards government while enhancing the government’s administrative decision-making processes. With the rapid implementation and project delivery that occurs through the PPP model, community interests and concerns are often overlooked, especially the taxpayers’ knowledge of the total project cost. Wang (2001) also suggests that a community’s greater public participation and knowledge in projects may not necessarily lead to its willingness to contribute additional finances for their provision of services.

Arnstein’s (1969) ladder of citizen participation outlines the importance of community input and participation, the degree and level of citizen empowerment and the impact it can have on the processes of a project. The arguments put forward in Arnstein (1969) ladder give the assumption that with “greater levels of involvement increases effectiveness. Based on her arguments, a collaborative and participatory approach to policy development produces more just and equitable outcomes and is more functional than a top-down method of decision making (Hawkins & Wang 2012, p. 12)”. Hawkins and Wang (2012) also illustrate how both theoretical and empirical research supports the importance of community participation and that “stakeholder collaboration, communication, and participation have now emerged as characteristics and

essential elements of local governance”(p. 12), and a key component to successful project implementation:

Municipal government interacts with a diverse set of local organisations for economic development, environmental protection, and to achieve social equity goals. The term “governance” is often used in reference to these formal and informal interactions among government, individual associations and organisations. (p. 8)

The importance of community involvement in the decision-making processes of the project is highlighted by Siemiatycki (2007), who stresses the importance of disclosing essential information that allows community members to make informed decisions. Siemiatycki (2009) also points out that a short-term concern regarding PPPs is the minimised community participation input to the project planning stages. Moreover, in the delivery stages, transparency and public participation are two of the most critical elements on which to evaluate the implications of the project delivery (Siemiatycki 2009).

This literature review continues as follows. Section 2.2 describes the evolution of New Public Management. Section 2.3 outlines the change from the pre-progressive period to progressive public administration through to New Public Management. Section 2.4 outlines New Governance, including discussion of the new governance framework in general and then examines issues that New Public Management raises about the role of democracy through claims of legitimacy and transparency. Section 2.5 discusses the concept of transparency and the impact of greater transparency in PPPs in delivering transport infrastructure. Section 2.6 reviews government and private sector partnerships, traditional procurement, and PPP procurement for infrastructure. Section 2.7 outlines stakeholder roles and participation in projects. Section 2.8 identifies the gaps in the literature, and Section 2.9 is the conclusion to the chapter.

## **2.2 Evolution of New Public Management**

### **2.2.1 Historical context**

The New Public Management model was an innovative approach to government developed from an earlier management system known as the progressive public administration approach to management. The progressive method of management evolved through opposition to politically motivated groups such as Tammany Hall (1790–1960) in New York City, in the United States. The urban political struggle in the early stages of the progressive era (circa 1890-1920) was a conflict between public impulses for good government and the existing corrupt alliances of the politicians’ party machine and their special interest groups. This municipal reform movement

gained strength throughout the United States and enabled the public interest to triumph in city after city. The aim of the municipal reforms in New York between 1880 and 1935 was to eliminate the corruption associated with party politics by removing the opportunity for elected officials to deliver benefits to themselves, colleagues, friends, or family. This was to be through the introduction of civil service exams and other barriers to nepotism (Frant 1993). The reformers, as they were known, sought to modify the political system, the structure of government, and the election of officials (Hays 1964). While introducing more significant market incentives has led to innovation and enhanced productivity when developing new markets, the introduction of substantial incentives in government can result in political opportunism, in which political representatives may seek private gain through their position in the public administration (Hays 1964).

### **2.2.2 Progressive era**

The progressive era sought to improve administration efficiency and constrain the self-interest that is delivered through partisan politics and local decisions. This management style introduced the city-manager form of local government that removed politicians from involvement in the daily running procedures of the government organisation “executive authority is vested in a manager who is appointed by a board made up from the elected officials” (Frant 1993, p. 996). Frant (1993) questions how much things have changed with the introduction of the elected CEO, with the politicians only one level removed from the bureaucracy. How do the appointed manager and heads of departments deal with requests directed from the elected body? Frant (1993) points out the belief “that the link between governance structure and rule structure is individual incentives and that these incentives do not necessarily lead to selecting the most efficient combination” (Frant 1993, p. 1005) in governance structures.

Hood (1995) explains that the progressive public administration method of management, as it has directed its attention to two fundamental doctrines, adopted in their management schemes:

One of those doctrines was to keep the public sector sharply distinct from the private sector in terms of continuity, ethos, methods of doing business, organisational design, people, rewards, and career structure. The other doctrine was to maintain buffers against political managerial discretion by means of an elaborate structure of procedural rules designed to prevent favouritism and corruption and to keep arms-length relations between politicians and the entrenched custodians of particular public service “trusts” (p. 94).

Hood (1995) outlines the reversal of these two cardinal doctrines of progressive public administration with the introduction of the New Public Management model of management, that is, it changed “by removing differences between the public and private sector and shifting the emphasis from process accountability emphasis towards a greater element of accountability in terms of results” (p. 94).

An essential element in this new results-oriented process to management, with its emphasis on greater accountability, was the audited accounting practice that reflected trust in the market and the private business management methods and reduced the perceived trust in public servants and professionals, whose activities now needed to be more transparent and display the actual costs of the management process. These originated from “the language of economic rationalism and promoted by a new generation of ‘econocrats and accountocrats’ in high public office” who were wanting greater transparency for all involved stakeholders (Hood 1995, p. 94).

### **2.2.3 New Public Management model approach**

With the introduction in the early 1980s of the New Public Management models there was a change in emphasis from policymaking to management skills and from process to output. This competition-based approach to the provision of public services delivery saw the introduction of a more viable management system that prioritised contract provisions. Hood (1995) surmises that the demise of progressive public administrations might have been hastened by a “public administration built around data handling and networking” that assisted in reducing the direct costs to industry through the introduction of new areas of accounting (Hood 1995).

As pointed out by Pollitt, Van-Thiel & Homburg (2007) the New Public Management model introduced many western governments to the development of performance indicators and benchmarking, personnel reforms aimed at ‘normalising’ public sector employment on private-sector models, the placing of executive bodies at arms’ length from ministries, establishing PPPs and introducing new management techniques and instruments.

New Public Management also proposed changes to the public sector’s previous accounting methods. “Some OECD countries introduced these changes during the 1980s, and they were central to the rise of New Public Management and its associated doctrines of public accountability and organisational best practice” (Hood 1995, p. 93). The public had become cynical, believing that politicians used their positions to enrich themselves, their friends and their family interests and that reliance on private sector contractors invariably led to services being delivered at a higher cost and a lower quality, due to corrupt influences in the awarding of

contracts or pressures exerted from organised crime (Hood 1995). While there were different phases in the development of New Public Management,

The idea of a shift in emphasis from policy making to management skills, from a stress on process to a stress on output, from orderly hierarchies to an intendedly more competitive basis for providing public services from fixed to variable pay and from a uniform and inclusive public service to a variant structure with more emphasis on contract provision, are themes which appear in most accounts (Hood 1995, p. 95).

New Public Management, as explained by Pollitt, Van-Thiel & Homburg (2007), introduced a more decentralised approach to management than the method previously used in the classic public administration system. New Public Management achieved this decentralised approach by separating policy from the administration, by removing hierarchical controls and introducing divisional structures, and by developing contract-like relationships with market-type mechanisms that included vouchers, competitive tendering, and outsourcing. There was a need for more considerable attention to “public managers and their management skills; and new management techniques for the public sector like HRM, benchmarking and results orientated planning and control” (p. 3).

Hood (1995) reports that many commentators have associated New Public Management with seven elements of change related to speculative ideas of accounting. Four of those elements relate to “the issue of how far the public sector should be distinct from the private sector in its organization and methods of accountability” while three elements relate to “how far managerial and professional discretion should be fenced in by explicit standards and rules” (Hood 1995, p. 95).

The third element of change, is a move to developing standards for the “performance of public sector organisations,” (Hood 1995, p. 97) that can be measured including “the range, level and content of services to be provided, as against trust in professional standards and expertise across the public sector” (Hood 1995, p. 97). These doctrines of New Public Management link to the recurrent debates on the manner, conduct and behaviour of public administrations, and

how far the public sector should be insulated and clearly separated from the private sector in matters of handling business and staff, and how far business should be conducted by professional discretion rather than by pre-set rules or standards, are

issues which go to the heart of most doctrinal disputes in public administration (p. 97).

Significant changes have accompanied the evolution of the New Public Management model, with the move away from a structure of internal regulations to an approach of meeting community needs and wants (Pollitt, Van-Thiel & Homburg 2007). The introduction of new devices has strengthened the role of representative democracy, both in citizen consultation in the preliminary stages of projects and in ensuring that the citizens' views are part of the decision-making process of public projects. The management of resources within government has also seen relevant laws modernised and changed to foster a stronger focus on achieving results rather than as previously, pre-determined procedures (Pollitt, Van-Thiel & Homburg 2007). Rhodes (1996) also notes the linking between New Public Management and governance, as "steering is central to the analysis of public management and steering is a synonym for governance" (p. 655).

This section has outlined the development and introduction of the New Public Management model and its significant orientation towards achieving results rather than adhering to systematic methodologies. This model has a greater focus on outputs rather than on a process, with a more considerable emphasis on management skills rather than policymaking. It provided the context for the introduction of the New Governance model. The next section describes the introduction of New Governance and the changes from the traditional hierarchical structure of governance to the New Governance model.

## **2.3 New Governance**

### **2.3.1 Understanding New Governance**

The New Governance paradigm places government as one of many players in governance, depending on which state/provincial or municipal level is under consideration. Driving this innovative approach to governance is the aim to deliver more efficient results while encouraging governments to become more customer-oriented in their operations, that is, giving (better) value for (less) money. As Kjaer (2004) points out, the governance debate is about more than the structure of organisations; it is also about the approach taken towards management and the rules of the game. To compensate for increasing inefficiencies in the traditional accountability mechanisms of management, the New Governance management approach has introduced greater participation by the citizenry in the governance process. The inclusion and involvement of citizens in conjunction with traditional government accountability has led to greater transparency, openness, and accountability. As Kjaer (2004) points out, "governance is about managing the rules of the game in order to enhance the legitimacy of the public realm.

Legitimacy may be derived from democracy as well as from efficiency” (p. 15). However, Hajer (2003) argues that these arrangements may take place within an institutional void: “there are no generally accepted rules and norms according to which policy-making and politics are to be conducted” (p. 175).

The role of government has changed with the introduction of the New Governance model. Governance is not just about how the government sector interacts with the private sector, but also how it incorporates the state’s role, responsibility, and ability to deliver services to both public and private actors in an inclusive transparent and open format. According to Swyngedouw (2005), this change in the institutional role of the state has led to greater involvement of civil society actors in the governance process and seen the “rearrangement of the relationship between state, civil society and market, simultaneously reorganise the arrangements of governance as new institutional forms of governance beyond-the state are set up and become part of the system of governing, of organising ‘the conduct of conduct’” (p. 1998). His expression ‘beyond-the-state’ refers to the approach by governments to the change in the power dynamics in governance through the formation of new networks, and through these networks “transferring the competencies (and consequently in instantiating the resulting changing geometrics) and in arranging these new networked forms of governance” (p. 1999).

### **2.3.2 New Governance framework**

According to the New Governance, the political authority should be subject to a broader range of democratic decision-making and control. The primary message is that the importance of governmental bureaucracy has been significantly diminished. In contrast, the importance of networks and democracy has expanded and successfully replaced governmental bureaucracies (Harmon & Mayer 1986; Stoker 1998). The New Governance framework offers a useful perspective on how neoliberal governing strategies have evolved to enable economic growth. Harvey (1989) states:

The managerial approach so typical of the 1960s has steadily given way to initiatory and entrepreneurial forms of action in the 1970s and 1980s. In recent years, in particular, there seems to be a consensus emerging throughout the advanced capitalistic world that cities taking an entrepreneurial stance to economic development have positive benefits (p. 4).

Harvey (1989) goes further and discusses how in the early 1970s local authorities in Britain and cities like New Orleans in the United States, had taken up the challenge to develop an entrepreneurial approach to attracting business investment to their local areas of responsibility.

Moving away from the previous managerial practices approach to management, successive central governments promoted this entrepreneurial approach to upgrade performance and competition and increase the return on industrial investment. Harvey (1989) explains that this change occurred due to the impact of the recession of 1973, when deindustrialisation, widespread unemployment and a tight fiscal economy impacted on both local and national governments. This change was a catalyst for rising neoconservatism and led to governments focusing on market rationality and privatisation. Additionally, there was a decline in the

Powers of the nation state to control multinational money flows, so that investment increasingly takes the form of a negotiation between international finance capital and local powers doing the best they can to maximise the attractiveness of the local site as a lure for capitalist investment (Harvey 1989, p. 5).

The New Governance methods focused on more significant local development and employment growth, with government incentives needed when there was inter-urban competition for investment shaping the outcomes of communities (Harvey 1989).

A different interpretation of New Governance was introduced by Rhodes (1996), who argues that “governance refers to ‘self-organizing, interorganizational networks’ [that] complement markets and hierarchies as governing structures for authoritatively allocating resources and exercising control and coordination” (p. 652). Rhodes (1996) concludes that these networks have developed based on trust and joint agreement and have taken the place of management reforms purely based on the element of competition. He further points out that governance is “citizens regaining control of government through their participation in networks as users and governors” (p. 666), thereby creating a post-modern public administration where all players are involved in and empowered by the decision-making process and collective action. Stoker (1998, p. 17) further explains how governance describes the approach by governments in their management styles that have seen the traditional boundaries diminished gradually between the government and the private sector partners:

The essence of governance is its focus on governing mechanisms which do not rest on recourse to the authority and the sanctions of government ... governance is ultimately concerned with creating the conditions for ordered rule and collective action. The outputs of governance are not, therefore, different from those of government. It is rather a matter of a difference in the process. (p. 17)

And as Rosenau (cited in Stoker 1998) indicated:

To presume the presence of governance without government is to conceive of functions that have to be performed in any viable human system... Among the many necessary functions, for example, are the needs wherein any system has to cope with external challenges, to prevent conflicts among its members... to procure resources... and to frame goals and policies to achieve them. (p. 17)

Developing these further Jessop (2004) describes how governing occurs less through the hierarchies of bureaucracy, but more through self-organising networks or 'heterarchy'. In addition, these new macro-social changes in governance activities, most notably the increase of societal complexity and growing interdependencies, impact across economics and politics. This approach to governance accompanies globalisation and regionalisation with strategies defined by permeable boundaries between organisations in the public and private sectors. This interdependence of the public and private sectors has seen a blurring of the boundaries and responsibilities between such entities not only for economic but also for social issues (Stoker 1998).

Olsen (2004) reflects on the following questions:

Is bureaucracy an organisational dinosaur helplessly involved in its death struggle? Is it an undesirable and nonviable form of administration developed in a legalistic and an authoritarian society and now inevitably withering away because it is incompatible with complex, individualistic, and dynamic societies? Are, therefore, the term bureaucracy and the theoretical ideas and empirical observations associated with it, irrelevant or deceptive when it comes to making sense of public administration and government in contemporary democracies? (March & Olsen 1983; , p. 1).

Olsen (2004) further points out that the proponents of New Governance consider the bureaucratic approach to be archaic and obsolete but argues that such anti-bureaucratic sentiments maybe just another round in a logical struggle over the choice of the most desirable form of government administration. The government is in an ongoing "contest for control of the size, agenda, organisation, competencies, moral foundations, staffing, resources and outcomes of the public sector" (p. 1). Instead, Olsen believes "bureaucracy is a rational tool for the commands of elected leaders" (p. 3), reliant on rules and commands to be followed as directed by officeholders who are the "trustees of an impersonal, rational legal order" (Olsen 2004, p. 3).

Administration is based on the rule of law, due process, codes of appropriate behaviour, and a system of rationally debatable reasons. It is part of society's long-term commitment to a *Rechtsstaat* and procedural rationality for coping with conflicts and power differentials. Bureaucracy, then, is an expression of cultural values and a form of governing with intrinsic value. Rationality and justice are characteristics of the procedures followed to reach an outcome and not the outcome itself.

Bureaucrats are supposed to obey, and be the guardians of, constitutional principles, the law, and professional standards. They are imagined using their professional expertise and experience to illuminate all aspects of public policies and 'speak truth to power'. They are supposed to have autonomy in applying the law to individual cases without the involvement of elected politicians and organised interests. (p. 3)

Kjaer (2011) explains the critical differences between the old and new forms of governance, with the old form of governance adopting the traditional idea of steering by governments in hierarchical formats that were structured from the top down. The new form has introduced a degree of power and control through its adoption of governance through networks in the social and economic framework of governments. During this period with the adoption of the New Governance model, governments changed their perspectives on governance, moving away from the traditional hierarchies to more democratic approach, that included greater participation of the various stakeholders and the public, private and community sectors (Kooiman 2003; Rhodes 1996).

The following section discusses the importance of transparency in the development of good governance and its vital role in accountability in the New Public Management model.

## **2.4 Transparency**

### **2.4.1 Introduction**

This section highlights the importance of transparency in establishing a democratic, inclusive approach in the New Public Management model in the use of PPPs. Participation, a cornerstone of democracy, is also considered an essential step towards the creation of accountability and greater transparency with the adoption of the PPP model for the procurement and delivery of transport infrastructure. This section explores transparency as a more comprehensive concept examining how transparency in projects is enhanced through more meaningful communication and involvement of stakeholder groups. It reviews the role that the community has and how community members are defined as stakeholders in the decision-making process in PPPs.

There are consistent views on the importance of transparency. Florini (2007) defines transparency in a democracy as the disclosure of information about the public sector's approach in its methods of working in the public interest. This approach to disclosure then ensures transparency in the public sector and its accountability. Florini (2007b) argues:

Disclosure is demanded because people believe it will improve governance in a variety of ways – by enabling people to enjoy a wide array of basic rights, deterring corruption, improving decision making, enabling actors to coordinate their actions, building public support for needed policies, and even serving as a direct regulatory tool. (p. 145)

In its fundamental definition transparency is the disclosure of information, but in the public arena, there are complexities attached to transparency. It is essential to determine not only how data is communicated, but also how data is revealed, what are the obstacles to greater transparency, and what remedies are in place to overcome those obstacles. The first stage identified in the accountability structure is the transparency through which the public sector allows scrutiny of its procedures by the government. Florini (2007) argues that the role of government is to protect and represent the public interest. And this gives the public the right to investigate to ensure that the government is doing so. This approach to transparency can introduce stakeholder involvement through two-way communication in the early stages of a project, which may include stakeholder feedback to deliver a more efficient project outcome (Florini 2007).

Hood and Heald (2006) and Nelson (2003) go further than Florini (2007) by introducing and discussing a transparency framework that categorises transparency to the direction, timing and the content of information disclosed. The disclosing of content, and its timing, may also lead to a non-transparent position when viewed from another perspective. Hood and Heald (2006) describe transparency in the following formats, upward versus downward transparency, inward versus outward transparency, event versus process, nominal versus effective, and transparency in retrospect versus transparency in real-time. They also point out the critical and essential contribution of transparency in ensuring crucial legitimacy towards policy design, construction and project implementation (Hood & Heald 2006). Nelson (2003) also argues further that access to information is, therefore, a prerequisite for public accountability and access to recourse gives transparency its sense of significance by providing channels through which people can pursue recourse to decisions or appeal against them.

Transparency is viewed frequently as a contested concept between public and private sector stakeholders concerned with ensuring accountability in the public sector. In the PPP model framework, one of the four components considered is transparency. Flyvbjerg, Holm & Buhl (2003) explain that there is a fundamental problem with transparency in the planning stages of major transport infrastructure, as there is a pervasiveness of misinformation and there may be a bias towards the selection and development of an infrastructure project because of the associated power, and the significant potential profits involved. Therefore to curb occurrences such as the acceptance of potentially misleading cost estimates and then the understating of costs in the planning stages, thus causing economic detriment of the community, it is essential to maintain the “mechanisms of accountability we commonly use in liberal democracies”(Flyvbjerg, Holm & Buhl 2003, p. 86)

While also arguing for the need for more transparency between government, private and community stakeholders, Siemiatycki (2007) introduces the need for confidentiality, based on the private sector’s legitimate concerns about the possible disclosure of their commercial-in-confidence data during the bid process in PPP projects. Creating a more inclusive strategy in decision-making processes and providing project stakeholders with the project data in the preliminary planning phases of project development, can help in project design, growth and effectiveness. At the same time, Siemiatycki (2007) explains, that the appointment of an independent watchdog by the government can protect the public interest by increasing the transparency in the PPP project model. With these independent watchdogs, to oversee sensitive areas of project material, it helps to build greater public confidence in the projects. The Ministry of transport has now adopted the inclusion of these measures in their approach to transparency in PPPs to all project procurement projects in British Columbia, Canada (BC 2011).

With these diverse rationales for the need for accountability in disclosure, Gupta (2008) further defines “transparency as a moral and political imperative is closely associated with goals such as being accountable, inclusive and legitimate democratic governance” (p. 1). For instance, in setting the level of disclosure in something as simple as enhancing the state-led compulsory laws or something comparable but more complicated, “avoiding state-led mandatory regulation” (p. 2). Gupta points out that

the implications for accountability, legitimacy and effectiveness of ‘governance by disclosure’ will differ ... [and] rather than taking transparency for granted, the claim that transparency is an essential and unproblematic handmaiden to legitimate, democratic and effective government requires continued critical scrutiny. (p. 2)

Regarding continuing critical scrutiny, Gupta (2008) argues that there are two assumptions. She describes how the first assumption relates “to the procedural nature of governance-by-disclosure initiatives” (p. 3), and the second assumption relates “to the central role of information” (p. 3). Building on this is the belief that in governance, the approach to the process is essential and that empowerment is through access to information. Gupta (2008) has conceptual thinking similar to that of Rhodes (1996), in that there are core assumptions that link these differences and “that both of these assumptions need to be subjected to critical scrutiny via comparative analysis” (Gupta 2008, p. 2).

Gupta (2008) further explains that transparency is a crucial component in a democratic government's approach to governance and is an essential element in many fields as diverse “as human rights, monetary policy and security” (Gupta 2008, p. 1). Importantly transparency has “a moral and political imperative is closely associated with goals such as accountable, inclusive, legitimate and democratic governance” (p. 1). Scholars have discussed the importance of disclosure and information flows, and their “central claim is that the state needs to be transparent about their behaviour to enhance regime effectiveness” (p. 1) enhancing their standing in the community as a democratic regime. Gupta (2008) explains:

governance by disclosure is concerned with establishing procedures (for information generation, dissemination, or usability) instead of mandating specific outcomes. This assumption is that agreeing upon procedures will contribute to attaining desired (and also largely procedural) goals. (p. 3)

Gupta (2008) further strengthens her arguments, which again relate to Rhodes' (1996) involvement of a network of stakeholders, to declare that this “empowerment necessarily implies a change in the nature of existing power relationships between actors. However, under what conditions and in what ways does this information empower?” (Gupta 2008, p. 4). Gupta explains further the importance of the source of information in that “not only the credibility (perceived soundness) but also the salience (perceived relevance) and legitimacy (perceived fairness) of scientific information is key to its influence” of the supplied information data (Gupta 2008, p. 5).

In the following subsections, the review explains the importance of information in delivering transparency in governance, highlighting those guidelines are necessary for information to create greater transparency and accountability in governance. It further reviews the understanding of transparency and its effect from a democratic, neoliberal perspective and the impact it has on better governance in the planning of major transport infrastructure.

#### **2.4.2 Transparency as the basis for bureaucratic decisions and enhancing accountability.**

Information is considered a critical component in the process of governance (Islam 2003). However, the importance of “what information is produced, disseminated and analysed” (p. 3) is usually dependent on the method adopted in presenting incentives to both the public and private sector areas that may benefit from them. Further to this, Islam (2003) tells us there is a link between information flow, economics and politics:

Information is a critical ingredient in efficient, well-functioning markets, both economic and political. More information allows better analysis, and better monitoring and evaluation of events which are significant for people’s economic and social well-being. It allows economic and political decision-makers to evaluate opportunities and manages risk better. (p. 1)

The wide distribution and availability of data through the media not only assists better governance, but it also allows the public to judge their governments’ decisions on policy from the available data (Islam 2003). Gupta (2008) argues that access to information through the media highlights the importance of empowerment through communication by and to all stakeholders. Similarly, Djankov et al. (2003) point out the importance of the power of information distributed through the media and that the distribution of data needs to be unbiased. The importance of competition in the media should occur through having media that is publicly funded as well as private media outlets to enhance the quality and transparency of the information being distributed. Because of the different views provided, private and independent media suppliers offer an alternative to the government publicly funded media suppliers, reducing the bias that can appear to have been corrupted through political manoeuvring and interference by incumbent politicians towards candidates for public office, and the supply of goods and services (Djankov et al. 2003).

Transparency, therefore, rests on the preconditions that “information is freely available and directly accessible to those who will be affected by decisions and that enough information is provided in easily understandable forms and media” (Kim et al. 2005, p. 649), which means that choices can be made then implemented in a method that is consistent with the laws and regulations of the governing body. Transparent governance implies that the governance system is an open system, with thorough, “clear processes and procedures and easy access to public information for citizens” (Kim et al. 2005, p. 649). Ultimately, this ensures that individuals and organisations in public service will be accountable for handling the public’s resources on their behalf or holding a position in public office (Olsen 2005).

The importance of transparency has seen the many levels of governance, from community-level initiatives up to the federal government sector, introducing reforms to create greater transparency (Kosack & Fung 2014). This new governance approach has a greater level of transparency, and information disclosure has created an understanding of how

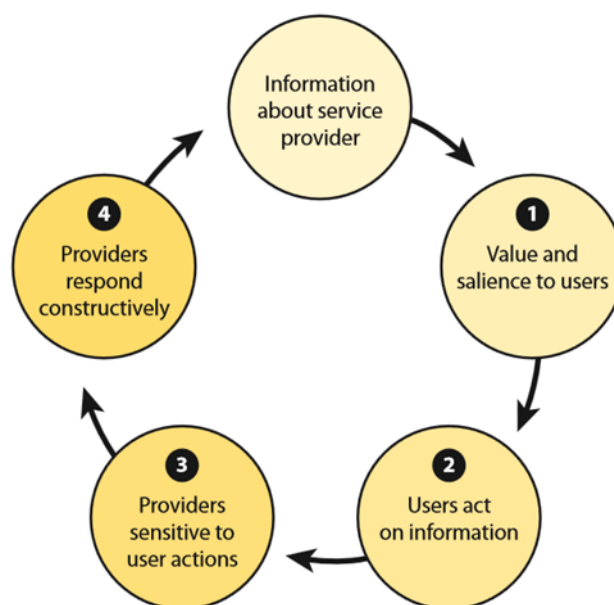
government institutions, policies and programs empower citizens to hold officials responsible for their spending and performance, thereby reducing corruption and mismanagement of public resources and leading, eventually, to more accountable, responsive, and effective governance. (Kosack & Fung 2014, p. 66)

As pointed out by Kosack & Fung (2014), targeted transparency policies are effectively developed through a structure comprising three schema *Action Cycle*, *Short and Long Routes of Accountability* and as they explain, *Confrontation or Collaboration*. The Action Cycle has four criteria for a successful strategy for transparency in the provision of products and services:

- 1) ensure that information provided is “salient and accessible to at least one group of information users” (p. 70),
- 2) ensure the information “causes users to change their decisions and actions” (p. 71),
- 3) ensure that these “new actions affect providers in ways that they find salient and consequential” (p. 71), and
- 4) ensure that “providers respond constructively” (p. 71).

Figure 2.1 summarises transparency action cycle.

**Figure 2.1 The transparency action cycle**



Source: Kosack & Fung (2014, p. 71)

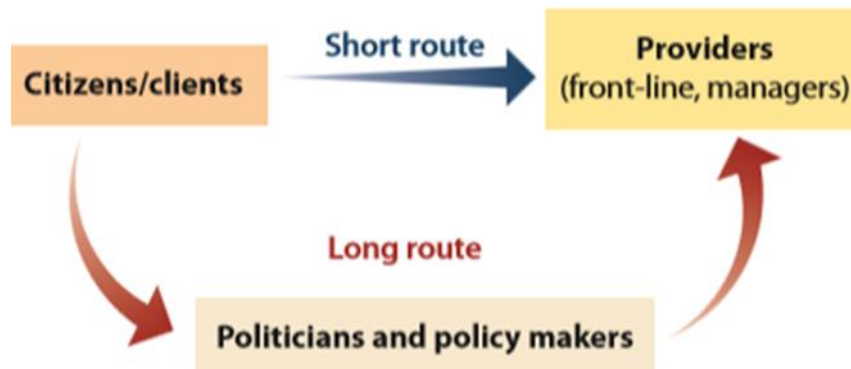
Also explained by (Fung, Graham & Weil 2007) is the importance of the ability of citizens to see, decipher and comprehend new information and integrate this information into choices regarding products and services. The target companies must understand and react to the consumers' responses to reduce risks, improve services, minimise corruption to further a policy goal. Third parties may simplify complex information enabling all stakeholders to understand the disclosed information. These essential elements must be in place for a transparency program or policy for it to work, as they "seek to mobilize private decisions and market forces" (Weil, Graham & Fung 2013, p. 1411).

Kosack & Fung (2014) give their outline to achieve a program of greater transparency in their transparency action cycle the stages, and the drivers that are required to do so. This approach to transparency will occur when the citizens are willing to seek change to improve aspects such as the quality of service provided; this system will fail by ignoring the information provided through greater access, transparency, and disclosure. Importantly, users of the services offered must want to see change; it is the community and users' role to exert pressure on the providers or policymakers to ensure behavioural change occurs.

The second schema, as noted, pointed out and described by Kosack & Fung (2014), are the short and long routes to accountability (see Figure 2.2) as outlined in the 2004 World Bank Development Report (Bank 2004a), which describes the transparency processes in this schema as associated with better public service for individuals or citizens. "In the short route, citizens engage with those who are supplying the public services directly" (Kosack & Fung 2014, p. 72). As many changes are required to improve the delivery of services and goods, governments often introduce incentives to encourage the change sought by citizens. In the long route, the political power of citizens is used to petition policymakers and local "politicians to improve the quality of service delivery" (p. 72). With the implementation of higher transparency strategies and disclosure of data, citizens have the authority to deal directly with or hire assistance from politicians, the media or civil society to put pressure on suppliers to enhance their procedures through the direct targeting of suppliers to guarantee control over the supply of products and services. The enlisting of outside support refers to the 'long route' where collaboration was not successful in implementing reforms or improvements in a preferred way. The two routes available to citizens and clients are also heavily influenced by the supply location of the service or goods. In certain localities, competition cannot be the driver of change through the opportunity

of choice if the citizen or client does not have the opportunity of choosing a supplier (Bank 2004b).

**Figure 2.2 Short and long routes to accountability**



Source: Kosack & Fung (2014, p. 72).

The third schema identified by Kosack and Fung (2014) is incentives and dispositions, or “willingness” (p. 73) The efforts of the interested policymaker, politician worker or citizen may be hindered in their efforts to improve “public service” due to the lack of “resources, know-how, relationships or merely the official authorisation to do so” (p. 73) which would allow their involvement. Similarly, policymakers, reform-minded officials or politicians may have alliances or relationships with supporters of their position. They may be more resistant to change as it may be an impact on the supporting providers.

The use of transparency to improve services can, therefore, be either collaborative or confrontational. Collaboration relies on problem-solving between the authorities, providers, and citizens. Where the actors involved use the available information to “develop a joint action plan for improving services’ including specific actions to be taken and who is to be responsible” and ensure that the delegation of these actions to the person best positioned to meet that responsibility (Kosack & Fung 2014, p. 74).

However, in the environment where officials or providers are unwilling to improve public services and goods through a better governance plan, Kosack and Fung (2014) point out an explanation of transparency confrontationally:

Rather than providing the basis for joint problem solving, it instead must empower beneficiaries and other citizens to confront indolent, inept, or predatory providers and officials. This is the confrontational model. It is associated with a different

family of transparency techniques—such as complaint hotlines, citizen charters, and social audits—that aim to expose corruption and malfeasance. (p. 75)

As explained earlier, in the short and long routes to accountability, successful transparency may combine elements of both the collaborative and confrontational approach models. Where “successful transparency programs are likely to follow the path of least resistance through the short and long routes of accountability, collaborating with allies and confronting those who stand in the way of service improvements” (p. 75).

The following section outlines the importance of transparency for stakeholders and New Governance, and in the delivery of infrastructure through PPPs.

### **2.4.3 Transparency in governance politics and the state**

As pointed out by Kearns & Paddison (2000) that “political decentralisation has been championed on the need to be responsive” to maintaining and protecting minimum standards needed in the response to the “differences in political demand-making between localities, outcomes which have fostered variation and innovation” these trends have been strengthened by new approaches in the political arena (p. 846). Local authorities have needed to adapt to this increasingly competitive world environment in which governance is being transformed “from the welfare state model towards the economic development model” (p. 845), with elected officials developing more entrepreneurial roles in contrast to the previous local welfare role. Elected officials must now compete in an entrepreneurial way with other localities to attract development and investment in their communities and to create a distinctive local culture for their cities. Having a more comprehensive range of actors included in governance models is a critical component of local democracy, which matters because the involvement of more actors and their associated networks delivers a greater voice to the democratic process. Local democracies expect governments to “talk the language of social inclusion” and be open and accountable through a process of consultation that gives a voice to those otherwise excluded (Kearns & Paddison 2000). In democracies, as March & Olsen (1995) have also pointed out, “citizens’ confidence in their institutions of government is a core criterion, and a challenge is to develop institutions and actors to flourish in the face of changing environmental pressures” (cited in Olsen 2006, p. 8)

However, Olsen (2006) argues differently regarding transparency, in that you achieve greater transparency through the bureaucratic organisation, which is the “institutional custodian of democratic-constitutive principles and procedural rationality, even if in competition with other institutions” (p. 18). The traditional approach to governance is based on the democratic accountability of the bureaucratic state that centralises control and manages the regulatory

apparatus for accomplishing the tasks of the officials and government (Olsen 2005). Even so, within the bureaucratic organisation, accountability has become diffused and fuzzy because the boundaries between organisations, networks and the citizenry have become more permeable and led to a blurring of the roles of the state (Olsen 2006; Stoker 2006).

This blurring of roles has seen the values and expectations of those societies impinge on urban governments (Kearns & Paddison 2000). Citizens judge a government's legitimacy by its ability to deliver projects and its judicious and efficient use of the taxpayers' resources. Thus, Olsen (2005) notes:

Management by contract and result replaces management by command... Citizens are a collection of customers with commercial rather than a political relationship to government, and legitimacy is based on substantive performance and cost efficiency and not on compliance with formal rules and procedures. (p. 6)

In a democracy, we aim to have a citizen's voice in the decision-making process. For Scharpf (1997), a democracy should

be understood as a two-dimensional concept, relating to the inputs and to the outputs of the political system at the same time. On the input side, self-determination requires that political choices should be derived, directly or indirectly, from the authentic preferences of citizens and that, for that reason, governments must be held accountable to the governed. On the output side, however, self-determination implies effective fate control. Democracy would be an empty ritual if the political choices of governments were not able to achieve a high degree of effectiveness in achieving the goals, and avoiding the dangers that citizens collectively care about. Thus input-orientated effectiveness are equally essential elements of democratic self-determination. (p. 19)

Hood (2001) has two differing points of view regarding transparency. The first is the rule-of-law focus, which follows Jeremy Bentham's rule-of-law theme – the belief in the central and recurring principle of “transparent management or publicity” (p. 864) for public management. The second argument is that increasing the levels of disclosure is a method for developing a higher level of corporate governance, especially when considering the private sector as institutional economics. Hood (2001) describes the relevance of transparency from an economic view as:

Transparency is likewise a key element in Econocratic doctrines for public policy to minimise transaction costs in the economy and in visions of open executive government as a necessary entailment of democracy and legality. Transparency is central to contemporary discussions of both democratic governance and public service reform, since open access to information and elimination of secrecy is taken to be a condition for the prevention of corruption and promoting public accountability. (p. 863)

Hood (2001) points out that transparency has limits when it undermines the “social functions of ignorance in upholding institutions” (p. 867) or obstructs the development of coalitions between diametrically differing political groups whose beliefs usually would be foreign to each member of this coalition. Further transparency may incorporate elements that are incompatible with one another, where “making laws or legal documents clear to citizens or consumers may make application of the law by the courts less predictable or consistent, by removing the arcane language the latter understand” (2001, p. 867).

The next section describes the changes that have occurred in the adaption of a neoliberal approach being adopted by many first-world nations in their governing structures.

#### **2.4.4 Transparency in a neoliberal view**

Neoliberalism is seen primarily as a project of change in the political values in governing structures away from the previous Weberian-influenced approach to governance. This new approach embeds market values and structural reform within not only the treasury but also the social and political aspects of governmental management (Rodan 2004). According to Rodan (2004), there are different understandings of the forms of transparency by those who believe in the neoliberal economic structure:

In particular, there is a distinction to be drawn between those that limit their transparency advocacy to the provision of information with an immediate instrumental relationship to the market and to the enforcement of pro-market regulations, and those that embrace a more expansive notion of openness relating various liberal civil society and political institutions to the market. (p. 2)

In the first view, neoliberalism sees transparency as an essential instrument for institutionalizing economies that reinforces the methods and implementation of the legislative processes in the efficient discipline of government, private policymakers, and bureaucrats is the primacy of market regulations (Rodan 2004). The World Bank (1992) has explained that the government’s

role requires systems of accountability that support the running of the government and provide the systems and guidelines for those they serve. In ensuring that the systems work, there must be an adequate supply of, and the opportunity for the retrieval of information, lest the rules be unknown, accountability low, and communities uncertain. Therefore, “accountability, publicly known rules, information, and transparency are all elements of sound development management. Moreover, institutional frameworks needed to provide these public goods must be managed efficiently” (Reconstruction 1992, pp. 6-7).

In the second view, neoliberalism promotes the value of measuring transparency “whether directly or indirectly – by its market utility” Rodan (2004, p. 23). In doing so, it promoted internationalisation as natural and focused on how to improve the market system and make the system function better (Rodan 2004).

The background and importance of understanding the neoliberal philosophies is the drive to achieve transparency and accountability which are elements grounded in the New Public Management model. Governments must aim to achieve transparency in projects as an essential component in the procurement and delivery of significant infrastructure projects and be considered a minimum prerequisite when there is private sector investment in public sector infrastructure projects. The transparent disclosure of information about the project and the policies related to it will assist private partners in assessing project risks and this, along with their analysis, forms the basis for their decision to proceed or not to proceed in partnership with the public entity in projects (Drabek & Payne 2002).

#### **2.4.5 Transparency and its role in planning**

As introduced through the New Public Management structure for governments, transparency is apparent in the planning process of major infrastructure projects and their participatory nature. It is characterised as an instrumental component in development planning. Sen (1999) explains the vital role of participation through greater transparency and the involvement of citizens in public policy. Transparency can empower the broader population, and influence, the types of development planning they value and the impact of these on their community as a whole: “Having greater freedom to do things one has reason to value is (1) significant in itself for the person’s overall freedom, and (2) important in fostering the person’s opportunity to have valuable outcomes” (p. 18). Guarantees of openness required disclosures, governments must give the rights to data, and the creation of confidence to the people, and their freedom to engage in government discussions are made explicit.

Sen (1999) outlines what he calls transparency guarantees to develop the community's trust in the government's partnership with the private sector in the delivery of public infrastructure, "Transparency guarantees (including the right to disclosure) can thus be an important category of instrumental freedom. These guarantees have a clear instrumental role in preventing corruption, financial irresponsibility and underhand dealings" (p. 40). The access and participation of groups and other stakeholders in the production of information contribute to the growth of citizens' liberties. This greater freedom is driven by the removal of what Sen (1999) describes as "unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states" (p. 3).

The type of information sought through disclosure will vary from the perspective of which stakeholder is requesting the information. Restraint of freedom occurs when denying the citizenry of their civil liberties and their rights to be involved socially, politically and economically in the life of the community by the ruling authorities (Sen 1999). The general public seeks and demands disclosure on how the public sector is allocating their public commitment and their funding towards projects. However, in a neoliberal governance strategy, pressures that are exerted by community stakeholders on the public sector for full disclosure cannot be applied to private sector stakeholders, who may insist on confidentiality about what they considered to be their trade secrets.

As outlined by Siemiatycki (2006), this stance taken by the private stakeholder and the governing body clashes with the perspective that transparency must be the method of exchanging data between stakeholders at all levels of involvement in a project, if released into the public realm. It is argued by the private sector stakeholder, that the release of confidential material may impact on the private sector stakeholder's personal intellectual property and their bid proposal. This position regarding confidentiality can also raise the citizenry stakeholders' fears of corruption in PPPs. Siemiatycki (2007) points out also that project transparency can be maintained through the appointment of an independent "watchdog" assessor in the Design-Build Fund and Operate projects by the infrastructure planners and the private sector. This appointment would guarantee that the governing bodies and the private stakeholder's confidentiality claims were genuinely transparent and thereby reduce the citizenry's fear of corruption (Siemiatycki 2007). Sen (1999) points out the importance of how greater transparency develops a greater level of trust and how vital transparency in disclosure is in that "transparency guarantees deal with the need for openness that people can expect: the freedom to deal with one another under guarantees of disclosure and lucidity" (Sen 1999, p. 39).

#### **2.4.6 Information equals better governance.**

James Madison, who was one of the founding fathers of the USA, described information as an essential cornerstone of democratic governance in his letter to William T. Barry, an early American statesman (cited in Ginsberg et al. 2012):

A popular government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which the knowledge gives. (p. 1)

Fundamental economic data and its ease of access as well as the legal framework implications that surround its availability can impact the calibre of the governance outcomes. Islam (2003) discusses how the restrictions on information by the media might affect the flow of information and, in turn, can impact the quality of governance. He refers to the restrictions that are created by the introduction by governments through freedom of information acts and similar legislation that introduce “the modalities by which citizens or private bodies can obtain information which resides with public entities” (p. 4). He also argues that through the introduction of freedom of information acts, we might expect better quality governance for several reasons.

Most importantly, with more widely available economic data, governments have the opportunity to make more informed decisions and govern better. A leader’s ability to perform well in the economic sphere would drive government support, which then would contribute to the government’s term in power (Islam 2003). Islam (2003) also argues that greater availability of government data, especially economic data, allows the public to judge their government’s skill in adopting an informed policy through a sound transparent assessment of that data. When governments take this approach to transparency, they are more accountable to the citizenry through making the citizenry better informed; the citizens can then analyse and where necessary demand better performance and greater transparency in the actions from their governments (Islam 2003).

The introduction of the internet in the mid-1990s has enhanced the delivery and accessibility of official information to society. This process has embraced the name e-governance. For Dawes (2008), e-governance comprises the use of information and communication technologies (ICTs) to support public services, government administration, democratic processes, and relationships among citizens, civil society, the private sector, and the state (p. s 86). Through this new medium, governments have promoted the idea that greater accessibility has created greater openness to the community and private stakeholders to the government and thus greater

transparency. The internet has enabled easy access to goods, services, and information, and developed a higher level of expectations by both the public and private stakeholders for service delivery. This access to and interaction with the government has also enabled stakeholders to gain easier access to online government customer service (Ho 2002).

Grimmelikhuijsen (2012a) notes a local government example of greater transparency in council minutes, that provide a near-literal transcription of the councillors' decision-making deliberations in council meetings. For Grimmelikhuijsen (2010), this raises the following question: Does greater transparency through e-governance deliver greater trust in local government or disappointment to the public with the actual decision-making process? (p. 7). Grimmelikhuijsen (2010) also argues a government creates greater transparency by increasing the citizens' trust in it; this requires it to create greater access to broader areas of data which need to be opened and made accessible to public and private stakeholders. Such transparency is a democratic value, as transparency is viewed as "an essential element for a high-performing and trustworthy government. From a democratic perspective, the demystification of government, including political and incremental public decision-making processes, is a necessity" (p. 31).

Hiller & Bélanger (2001) explain that "the five stages of e-government include information, two-way communication, transaction, integration and participation" (p. 4). These stages provide additional functionalities in the delivery of information and services. Nasi & Frosini (2010) go further and have recommended that to ensure a government adopts transparency and ease of access, the government must:

1. meet the legal requirements to instil confidence and trust in the government.
2. gain individual confidence and trust by addressing privacy concerns.
3. gain confidence and trust and business by encouraging participation in the marketplace and creating efficiencies.
4. work with state and local governments and agencies to develop standardisation and shared privacy standards.

The next subsection examines how governments have implemented data freedom legislation to increase transparency and openness in their governance framework.

#### **2.4.7 Transparency and the role of freedom of information**

Governments promote freedom of information legislation to give the public and, community stakeholders access to information that is not previously publicly accessible, and to enable scrutiny of government activities by those not directly involved in the decision-making processes

of those government activities (Anderson-Smith 2008; Pietro 2013). Greve & Hodge (2012) argue, however, that the restrictions governments impose on specific information contradicts the openness they actively promote. Governments will often exclude specific information about a project in the belief that this exclusion of data is intended to safeguard their critical interests and they will informally adopt strategies which counter greater openness and transparency, such as “spinning” in the media.

Roberts’ (2006) analysis of the introduction by governments’ of their freedom of information acts shows the development of tighter, more centrally controlled management of sensitive government information, not a new culture of openness and greater transparency. Roberts (2000) also notes three ways that the Canadian federal and provincial governments have undermined the Freedom of Information Act. Reducing non-essential spending by governments, which can cause delays in the distribution of the requested information; selling or subcontracting of services to a third party who may not be required to comply with the act unlike the requirement of the government, would be expected to do so, as well as to create economic barriers that place the information out of the reach of specific stakeholders (Roberts 2000). The restraining of spending also represents “an attempt to adjust the institutional arrangements that regulate policymaking in ways that favour political executives, senior officials, and some well-organised sectors of industry” (p. 309). Also, data is often considered commercial in confidence or may be excluded on the grounds of national security problems.

The next subsection describes the role of government transparency when adopting a PPP model for the procurement and delivery of major transport infrastructure.

#### **2.4.8 Transparency and the public-private partnership model**

This subsection examines the PPP model as a process to procure public infrastructure and outlines the structures governments use to develop transparent and accountable frameworks, and the steps they take to protect the public interest. It reviews the methodology adopted for protecting the public interest while ensuring transparency and public access to project information at any point during the life of the project.

Grimsey & Lewis (2004) point out that proponents of the PPP model state that it offers a more accountable and transparent planning process than the traditional procurement model. However, Siemiatycki (2006) argues that the private sector partners have reduced the level of transparency by requiring confidentiality agreements that are designed to protect trade secrets and intellectual property. Grimmelikhuijsen (2010) points out that greater transparency may also introduce levels

of political discontent when the citizenry becomes aware of the behind-the-scenes actions of governments. According to Pietro (2013):

Transparency is just an input, and the whole accountability system needs to be effective in practice for it to have a real positive impact. Like some medicines, too little can be worse than nothing. Without broader institutional support, transparency can breed cynicism, disenchantment and discontent in citizens, instead of rebuilding and fostering democratic practices. (p. 61)

As well, Flyvbjerg, Bruzelius & Rothengatter (2003) highlight the importance of making all related project documents available to all project stakeholders to maintain and ensure transparency. This process should be open and transparent, assessed by an independent arbitrator, and be publicly peer-reviewed. Table 2.1 summarises these potential documents and their content.

**Table 2.1 Key project documents for project transparency**

The Document	Outline
Basic Policy Document	This is the initial and initiating document in which the government identifies all issues associated with the proposed project and sets out a strategy for how to deal with them, particularly the process for formulating performance specifications and involving the public.
Draft Performance Specifications Report	This is a document prepared by consultants, commissioned by the government, to identify all issues related to the formulation of performance specifications, and which develops a first proposal for how to set the performance standards. This document, when published, should cover: <ul style="list-style-type: none"> <li>a. the services and infrastructure to be considered during appraisal.</li> <li>b. technical specifications from a performance point of view.</li> <li>c. location of additional, associated infrastructure, for example, access links</li> <li>d. financial and economic requirements.</li> <li>e. environmental requirements.</li> <li>f. safety requirements.</li> <li>g. (g) other requirements.</li> </ul>
Pre-Feasibility Study	This is a document prepared by consultants, commissioned by the government, and which is close to a full-scale feasibility study, excluding considerations and detailed design alternatives. The assessment of economic viability should include all related investments and operational costs, for example additional, associated infrastructure incurred for the core project. The document, when published, should cover: <ul style="list-style-type: none"> <li>a. preliminary identification of a few basic alternatives</li> <li>b. preliminary design of these alternatives, including cost estimates</li> <li>c. market study (travel demand forecasts for transport infrastructure)</li> <li>d. preliminary identification of supplementary investments required, including cost estimates</li> <li>e. preliminary economic and financial viability evaluation</li> </ul>

The Document	Outline
	<p>f. preliminary risk analysis using the MLD principle (Most Likely Development), break-even and worst-case scenarios.</p> <p>The study aims to assess the financial and economic viability of alternative solutions to the problem. If at this stage, it seems highly unlikely that such solutions would be viable the process should then stop. If the study concludes that there could be merit in the project, preparation should proceed.</p>
<p>Consultation Document 1 (Performance Specifications)</p>	<p>This document should justify why the government considers that preparation should proceed and be based on the findings of the pre-feasibility study. It includes a list of performance specifications relevant to the project. Circulation of the document together with Consultation Document 2 (see below), provides the basis for consultation in the form of a remit process, feedback from stakeholders and civil society groups and public hearings. Input from the process should be used to revise performance specifications where relevant. The Consultation Document should also be the first means of communication with the regulatory bodies responsible for granting required permits. If, after this process, it appears the performance specifications are unachievable, or if the project is politically unfeasible in other ways, the process stops here.</p>
<p>Consultation Document 2 (risk management, operations, regulations, subsidiary financing)</p>	<p>This document should make proposals for risk management, the future operations of a possible project, the level of non-guaranteed private financing required, the type of economic regulatory regime to be applied, estimates of additional costs for supplementary investments, and proposals for the financing of these costs with a justification. The document should also be used to allow the public to identify risks. Non-experts, unencumbered by professional paradigms, often see risks missed by experts. For remit procedure, see Consultation Document 1 above.</p>
<p>Final Performance Specification Document</p>	<p>This document should be submitted to the regulatory authorities to obtain preliminary clearance, and where possible, preliminary permits to build the proposed infrastructure, if it is decided to proceed with the project.</p>
<p>Decision Document</p>	<p>This document should contain recommendations on all major policy issues (performance specifications, risk management, regulations, financing of subsidiary costs, operations, and possible tender procedures), and identify all the essential conditions that a future operator must comply with during the project. This document should also include, where relevant, draft legislation. Used for making decisions by Cabinet and Parliament on whether to proceed or not with the project. If significant changes in the project have occurred between Consultation Documents 1 and 2 and the Decision Document, the latter may be the object of another round of remit procedure and public hearings. Information produced by this process and by earlier hearings should then be submitted to Cabinet and Parliament together with the Decision Document.</p>
<p>Information Document</p>	<p>This is the final significant document to be prepared by the government and should be issued either after negotiations have concluded with a selected concessionaire, or when the state-owned enterprise has completed negotiations for finance. The operator chosen can initiate preparation of final designs to obtain final permits from regulatory authorities and bids from contractors.</p>

The Document	Outline
	The Information Document provides the public with full information on the approach adopted to address the conditions in the Decision Document. As the negotiated contracts cannot be revealed (as they are commercial documents), the government can allow the Auditor General to audit the Information Document before it is released to ensure accountability.

Source: The Project Development Process (Flyvbjerg et al. 2003, pp. 130-132)

#### 2.4.9 Corruption as an obstacle to transparency in PPPs

An obstacle to developing greater transparency in projects, as argued by Pietro (2013), is where there is information withheld or less salient information is released into the public realm. To address this barrier to greater transparency, there is a need to ensure that more concise and relevant project information is available to the public realm. That information can sometimes be misleading or biased, and therefore of less benefit than no information, particularly to those who may lack the ability to engage with and challenge the governing authorities about their methods of information disclosure. An adequate legal framework and the power to impose penalties will assist in the rebuilding of citizens' trust in their governments' ability to deal with related corruption. The United Nations Development Program is one of many international development organisations that has outlined a program to combat corruption through greater transparency (Diop nd). It views the PPP model as prone to corruption through the use of private sector stakeholders to deliver capital intensive public infrastructure, and it recommends that greater transparency with this model is required in the procurement of public assets (Diop nd).

In PPPs, partners in projects are chosen based on their efficiency as well as the contract price (Tanzi 1999). Tanzi explains further that the importance of achieving greater transparency and accountability is to ensure that the private sector partner is not just misusing the public resources for their personal gain. Misuse of the public interest for the personal gain of the private party can lead easily to corruption in government departments (Bovaird 2004). The organisation Transparency International describes corruption as a misuse of invested power for gain and rates countries throughout the world on a corruption perception index from 0 (highly corrupt) to 100 (clean of corruption). For example, Australia's rating declined from 85 in 2012 to 77 in 2017, Canada's rating declined from 84 in 2012 to 82 in 2017 and the USA's rating improved from 73 in 2012 to 75 in 2017 (International 2018).

Vishwanath & Kaufmann (2001) highlight the growing recognition that the mechanisms of transparency are essential in sustaining welfare and development in both the economic markets and in the political institutions. The openness of a government to more extensive sharing of

official information assists the public stakeholders to make informed political decisions while reducing the opportunity for corruption to occur. Transparency has a significant role in “increasing the flow of timely and reliable economic, social and political information” (p. 42) to all stakeholders. Vishwanath & Kaufmann (1999) further point out that a lack of transparency will result when access to information is restricted or denied, irrelevant to current issues, and is misrepresented, inaccurate, or untimely. Krawchenko & Stoney (2011) also highlight that it is essential that the public has access to relevant project documents and information in a timely manner, as the public is ultimately responsible for paying for the projects.

Freedom of information acts and similar legislation in developed and developing countries, along with the decentralisation of power in government and the promotion of e-governance through the introduction of the internet, have also helped reduce corruption in public entities by reducing the need for personal interaction between public and private stakeholders (Florini (2007).

#### **2.4.10 Importance of transparency to stakeholders**

Transparency is considered “a tool for enhancing the accountability of governments” (Cucciniello & Nasi 2012, p. 1) by curbing corruption in public administration and making information on the performance of those that are governing more readily available to the citizenry. Hood & Heald (2006) discuss the development through a transparent approach to governance; governments have the opportunity to gain the respect of the citizenry and develop a higher level of trust, credibility and legitimacy in government and their processes. Although transparency is a crucial element in New Governance, “transparency is more often preached than practised, more often invoked than defined, and indeed might ironically be mystic in essence, at least to some extent” (p. 3).

Table 2.2 explains how stakeholders may be included in a project through the project phases and give examples of greater transparency and involvement in the New Governance construction and services delivery vehicle, the PPP (Greve & Hodge 2012).

**Table 2.2 Dimensions of transparency and the process of public-private partnerships**

	<b>Fullness of disclosure</b>	<b>Accessibility of documents</b>	<b>Timeliness of information availability</b>	<b>Mechanisms available for recourse and influence</b>
<b>Phase 1</b>	Example: Disclosure in the pre-contractual phase (process)			
<b>Phase 2</b>		Example: Accessibility of the contract (event, institution)		
<b>Phase 3</b>		Example: Accessibility to information on operating PPP company (process)		
<b>Phase 4</b>			Example: Timeliness of information of performance of PPP (event)	
<b>Phase 5</b>				Example: Influence on future of PPP project after performance review (event)

Source: Greve and Hodge (2011, p. 9).

## **2.5 Government and PPPs**

### **2.5.1 Introduction**

PPPs have been popular with governments for their ability to transfer the management of the risk to the private stakeholder. Shifting the risks of the project away from the government partner of a project to the private consortium partner has become a popular process in infrastructure procurement, even though it requires a profit incentive to the private partner to protect itself against that risk. The government argues that through the transfer of risks, private entities have an incentive to maximise efficiency, but a clear delineation of property rights needs to be created in the contract process (Bovaird 2004).

An additional aim of the government sector when procuring infrastructure through the PPP model is that it can be a method in the reduction of the debt burden appearing on the government balance sheets. In some forms of PPPs, the public sector can share the risks between the partnership partners over the long life of the contract, in contrast to the traditional construction approach, where apart from the construction risks borne by the private contractor, all other risks were the government sector's responsibility (Hodge 2004; Lawther & Martin

2005). The PPP model is an essential element in the New Public Management approach to management. Many governments around the world have reasoned that the PPP model will deliver infrastructure more efficiently by providing the strength of monitoring and accountability, with a more robust business and investor confidence (Hodge 2004; Siemiatycki 2015).

This next section explains how infrastructure delivery has changed from the traditional procurement method of design-bid-build to greater use of the public-private partnership model, and the implications for transparency and community engagement.

### **2.5.2 Traditional infrastructure delivery**

At the start of the 1950s to the late 1960s, there was a vast increase in infrastructure development around the globe. Altshuler (2003) refer to this period as the “The Great Mega Project Era” (p. 8). In the United States, the renowned public official Robert Moses in New York referred to as the master-builder of New York was responsible for initiating significant works in parks, parkways, bridges, tunnels, hospitals, prisons and other public infrastructure throughout the state. Altshuler (2003) points out that US President Eisenhower was similar to Moses except that his push was for the development of transport infrastructure in the form of the inter-city freeway system, which saw the introduction of the federal Interstate Highway and Defence Act of 1956. This new act had an extreme impact on the resources available for the delivery of transport infrastructure but was supported through the introduction of increases to the taxes on fuel and associated motor vehicle products (Altshuler 2003).

Initially, the procurement and delivery of major transport infrastructure were through the traditional procurement approach known as “design-bid-build” (Siemiatycki 2006, p. 138). This form of procurement has variations in the way in which the design originated. The design may be carried out either as an in-house project or through a tender project in collaboration with private consultants. The government agency manages a competitive bidding process in the marketplace for the infrastructure construction, followed by a selection process to select the successful tenderer who has met the tender criteria and as such can meet the design and time guidelines. The funding of the infrastructure project is solely the responsibility of the government. The government achieved this through the public raising of debt or in some instances, raising a bond. After construction, the project is wholly owned and operated by the government. The government is the responsible stakeholder for the infrastructure and pays all ongoing costs associated with the infrastructure and collects any income from the project such as tolls or public transport fares (Siemiatycki 2006).

For Flyvbjerg (2007b), the decision-making process is a process of important in the assessing of the viability of major public projects such as transport infrastructure, as is the empirical risk data that is obtained regarding the projects, which are essential elements needed to assist in formulating the traditional cost-benefit analysis which is used in justifying the viability of projects. When using taxpayers' money, the government must act transparent and be responsible for the assessment of the project in the greater public good. The principal decision-making tool, for that governments use, in the evaluation of new infrastructure, is the cost-benefit analysis, the cost benefit analysis tool allows the government to weigh up the costs and benefits of any project, from an economic or whole-of-society perspective, not just a financial perspective.

From the early 1990s, governments were increasingly considered to be inefficient, which resulted in a growing antipathy towards them, taking on further debt for significant infrastructure. Governments saw the outright privatisation of infrastructure as one solution to reducing debt, which resulted in selling off public assets such as energy, telecommunications, public housing and transport (Siemiatycki 2010). Deregulation followed to encourage competition between new market entrants to reduce costs. However, a backlash developed against this new activist form of government and generated dissatisfaction from community stakeholders, with costs now being driven by financial factors rather than the previous approach of societal and political considerations. Potential partners entered a limited competition process to gain selection as the preferred partner in a project, and the community saw that "once selected there is no competition in the provision of service to the public at large" (Siemiatycki & Farooqi 2012, p. 287) PPPs provided the opportunity to transfer the demand risk to the private sector, with PPP concessions often having a clause in the operating contracts that prohibit competition by government-controlled transport divisions (Bowman 2002 cited in Siemiatycki & Friedman 2012).

### **2.5.3 Evolution from traditional procurement to the PPP delivery model**

This subsection describes the evolution of the PPP model in preference to that of the traditional procurement approach in the procurement and delivery of significant public infrastructure.

As has been pointed out by Flyvbjerg, Bruzelius & Rothengatter (2003), after deciding the method of procurement, the importance of selecting the right process and mode of implementation is paramount for the success of a project. They also outline the importance of stakeholder involvement in the initial stages of project design on pragmatic grounds. A deliberate participatory approach of including the public and stakeholders delivers democratic decisions about the involved risks of the project.

Flyvbjerg (2007a) points out that even with the undertaking of a cost-benefit analysis, it may be influenced by misinformation on the costs, benefits and risks involved:

A major problem in the planning of large infrastructure projects is the high level of misinformation about costs and benefits that decision-makers face in deciding whether to build and the high risks such misinformation generates. (p. 578)

Flyvbjerg (2007a) also explains there are three types of factors considered as the causes of inaccuracies in forecasting: “technical, psychological and political-economic” (p. 583). Technical issues contributing to the problems of cost overruns include the poor forecasting techniques used by government officials or their consultants, inadequate data, the occurrence of “honest mistakes, the inherent problems in predicting the future, lack of experience on the part of forecasters, and so on (p. 583). The psychological factors relate to what psychologists describe as “planning fallacy and optimism bias” (p. 583), which contribute towards the cost overruns and benefit shortfalls. The political-economic impact refers to the ways planners and the project promoters mislead the project process optimistically, regarding the beneficial benefits of a project while being conservative in the estimation of the potential costs. Of the three factors, the psychological and political-economic factors are the most commonly experienced in most empirical cases, which leads to questioning the use of cost-benefit analysis as a suitable decision-making tool (Flyvbjerg 2007a).

#### **2.5.4 Accountability in the public-private partnership model**

A crucial factor in the procurement and delivery of significant infrastructure on behalf of public sector stakeholders, is the development of a clear understanding of the reasoning behind the chosen procurement delivery model, whether it be the PPP model or the traditional procurement model. Flyvbjerg, Bruzelius & Rothengatter (2003) point out the perceived argument for the PPP model is that it has the governance structure that can combat the shortcomings and the apparent shortfalls in the traditional procurement model’s inherent weaknesses, with a more transparent approach to accountability. Flyvbjerg, Bruzelius & Rothengatter (2003) outline and identify four key instruments to establish a process and institutional framework for the procurement and delivery of significant infrastructure projects. Those necessary four instruments are: “transparency; performance specifications; explicit formulation of the regulatory regime, and clear identification – and where relevant, elimination – of policy risks before decisions are taken; the involvement of risk capital” (p. 110).

A further benefit in the use of PPPs is that they bring together the two approaches towards accountability: the generation of the market drives the private sector, and the public sector

maintains its accountability through transparency in its disclosure in the use of public monies (Flyvbjerg, Bruzelius & Rothengatter 2003).

### **2.5.5 Accountability through transparency and public control**

Flyvbjerg et al. (2003, p. 593) explain how “two basic types of accountabilities define liberal democracies: (1) public sector accountability through transparency and public control, and (2) private sector accountability via competition and market control”. They argue that the relevant institutions should embed the following practices to achieve accountability,

- A cost-benefit analysis carried out by a neutral party, and an independent body should analyse the forecasting for infrastructure projects and benchmark against comparable forecasts.
- It is essential that in publicly funded projects, the benchmarks and the peer reviews and all relevant information on the project should be made available for public scrutiny.
- Professional and even criminal penalties enforced against those that are continually negligent in their adopted methods in forecasting known and misleading forecasts.

These processes may overcome a significant problem in accountability, which is when planners and other influential stakeholders are not concerned about the outcomes of forecasts. As they do not deem it sufficiently necessary to get forecasts right; so “planners therefore do not help to clarify and mitigate risk, but instead generate and exacerbate it” (p. 592). The influential actors and planners have become part of the problem, not a solution. Decisions to build infrastructure based on the forecasts provided by the planners and proponents of the project, in the planning stage these adopted methods have been exposed as usually highly inaccurate through the data collected from earlier megaprojects. Poor forecasting and underestimation of project costs have become the standard practice over time by planners and proponents of projects leading to the occurrence of misjudgement during the decision-making process. These continual underestimations of the costs in public infrastructure projects is a catalyst for greater transparency in the methods adopted in the selection and approval processes of significant public infrastructure (Flyvbjerg 2017; Flyvbjerg, Holm & Buhl 2002).

### **2.5.6 Public-private partnerships**

The term public-private partnership covers a variety and range of partnerships that have developed between the government (public) sector and private consortiums for the procurement and the delivery of services and infrastructure. Bovaird (2004) defines public-private partnerships as “working arrangements based on a mutual commitment (over and above that implied in any

contract) between a public sector organisation with any other organisation outside the public sector” (Bovaird 2004, p. 200). Further pointed out by Bovaird (2004) is that private stakeholders in public-private partnerships need to develop a more societal responsibility in their corporate approach to their position in partnerships to gain public and community trust in working in the public realm.

There has been a long involvement of PPPs in government infrastructure procurement and service provision. Hodge and Greve (2007) note that they have existed for many hundreds of years in a more straightforward format. For example, in Francis Drake’s fleet of 197 vessels which successfully fought to victory against the Spanish Armada in 1588, 82 per cent of the vessels were owned by privateers contracting to the English Admiralty. Canada’s privately funded transcontinental railway was achieved through the exchange of land grants to privateers with exclusive and indefinite operating rights over the landholdings along their corridors. Australia, like Canada and the United Kingdom, has used private contractors in the supply of infrastructure throughout its history in simple forms of PPPs such as the Snowy Mountains Hydroelectric Scheme. In Europe, the construction of the Channel Tunnel is another example of the use of a PPP (Hodge & Greve 2007).

Hodge and Greve (2007) highlight two elements that are relevant and important. The first is finance: How are public and private actors engaged financially in public-private partnerships? The other element is organisational: How tightly organised are public actors and private actors?

A different set of categories of PPP are presented by Bovaird (2004, p. 202):

sectoral basis, where partnerships have third sector organisations and civil society associations, along with private businesses, with both businesses and the third sector; relationship basis, described as a loose network, collaborative power sharing and contractual relationship; economic basis, where there is a supply side, a demand side or a mixed result demand/supply side partnership; policy area, where the policy objectives of partnerships are involved such as promoting of economic productivity, the empowering of clients and the disadvantaged, and the tackling of social inclusion; and scope, as vertical, horizontal and mixed partnerships. (p. 202)

In PPPs, the stakeholders have varied and different objectives. The public sector partner’s role is one of knowledge, authority and as a leader in their field of expertise, to ensure that the private sector partner meets the contractual arrangements while using public monies effectively and efficiently.

Linder (1999) describes six distinctive perceptions of PPPs that exemplify its neoliberal roots.

1. PPPs as management reform

PPPs are perceived as being innovative in that they adopt management methods used by the private enterprise in focusing on market discipline to ensure gains in efficiency. “The core presumption is that the skills needed to find new markets, enhance productivity, and stay ahead of the competition can also improve the way government works” (p. 43).

2. PPPs as problem conversion

The task of government managers is to attract private sector investment to deliver the traditional public sector goods and services that were outside their scope and their skills and their operating budgets. Public service officials have needed to be inspired to move away from just contracting the project service out and looking at the value created benefits through private business growth equity-based commercial transactions. “The government manager assumes the role of an investment broker, putting deals together and attracting entrepreneurs and private capital to cooperative ventures on a project-by-project basis” (p. 44).

3. PPPs as moral regeneration

PPPs are believed to encourage the move towards market-inspired traits of character, self-reliance, initiative, hard work and integrity. Neoliberal ideologies are expected to morally regenerate government officials by changing their acceptance of traditional management practices.

4. PPPs as risk shifting

Linder (1999) explains that a purpose of PPPs is as a fiscal strategy adopted by governments to balance the budget by transferring the financial costs and risk of a project from the government (public sector) to the private sector partner. The transfer of risk can occur through the set-up of special lease-purchase arrangements, where the financial risks of a project may become the responsibility of the private contractor on project completion for a pre-agreed contract period.

5. PPPs as restructuring public service

Linder (1999) outlines how in theory, partnerships can relieve the administrative procedures in the public sector side of the partnership and can assist in transforming the workforce from the traditional public sector workforce approach to discipline to a private-sector workforce, disciplined by the labour market. Partnerships by their contractual nature, in theory, have the power to control political decisions about the rights and management structure of the public sector workers.

## 6. PPPs as power-sharing

Linder (1999) explains that a PPP may be structured to distribute control horizontally between the partners where previously control had been concentrated in a downward approach from government. This power-sharing may alter business-government relationships by removing the adversarial approach that was the traditional approach through an ethos of cooperation and trust in a typical command and control situation.

### **2.5.7 Government and private sector roles in PPPs.**

The rise of the public-PPP model has changed the government's role in the procurement of infrastructure and services delivery. The state has moved from its previous position of provider and deliverer to that of a facilitator. The government focuses on developing an investment-friendly environment, providing the land needed for new infrastructure and ensuring the legal structure and policy framework is more likely to guarantee robust and secure returns in the public interest (Miraftab 2004).

According to Flyvbjerg (2007a), when involving the private sector in projects that requires significant capital investment; public hearings, citizen juries and similar industry and community bodies need to be engaged to allow the voicing of both criticism and support of forecasts by stakeholders and civil society. Through the traditional method involving the taxpayers' money, infrastructure delivery sees government representatives are held responsible and accountable for the expenditure required. Also, the pressure of political-economic factors in the assessment process of projects means that planners and promoters have historically strategically and deliberately overestimated the project's potential benefits. At the same time, the cost is often underestimated to increase the likelihood of the approval of their selected project in a competitive tender. With the responsibility for the expenditure of public monies falling on the public sector, government officials can improve the forecasting of costs, decision-making outcomes and ensure a more accurate assessment of projects (Flyvbjerg, Holm & Buhl 2005).

Bruzelius, Flyvbjerg & Rothengatter (2002) point out that ethical decision-making includes better methods and concise information and improved institutional arrangements that promote transparent accountability in project procurement. Stakeholders can also use the knowledge and experience gained from completed infrastructure project investments when forecasting future project developments. The challenge is to ensure that such information can initiate change in the "power relations that govern forecasting and project development. Better forecasting techniques and appeals to ethics will not do here; institutional change with a focus on transparency and

accountability is necessary" to develop a more concise approach in project forecasting (Flyvbjerg 2007a, p. 593).

### **2.5.8 Concerns with PPPs**

The PPP model of project delivery outlines how parties can achieve a common outcome. Thus, the arrangement moves past the principal-agent relationship that is the dynamic of a contractual relationship. The main aim of the PPP is as a cross-sectional relationship that requires all actors to bring synergistic commitment and competence to the project so that "the whole being more than the sum of its parts" in a project delivery process (Brinkerhoff & Brinkerhoff 2011, p. 3). Concerns with PPPs include the participation and transparency levels that occur through the various project stages and the impact on the project's policies (Brinkerhoff & Brinkerhoff 2011).

Bovaird (2004) also highlights concerns with PPPs, such as the fear of staff losing their positions, or inadequate employment conditions compared to the previous conditions enjoyed by public service employees. However, when changing from the public sector to the private sector, some employees experience a more amicable arrangement in a better working environment. As well, politicians may be concerned about not being in control of policy and related service management, such that their reluctance to share power is driving them, rather than seeing an opportunity to "widen the realm over which power is exercised" (Bovaird 2004, p. 204). There is also the fear by citizens and customers of the provided services that their inclusion is just to generate profits rather than part of the traditional public service societal inclusive culture. Voluntary and other non-government organisations may fear becoming little more than a service provider, working within the public sector organisations and losing their autonomy and ability to be critical and independent of the government's policies and practices (Bovaird 2004).

### **2.5.9 Transport infrastructure and PPPs**

PPPs have created opportunities to deliver transport infrastructure that embellishes both the elected government's position and the technical skills and knowledge of private stakeholders in the public's view (Hodge & Greve 2005). Duffield (2005) describes how the PPP model adopted in Australia evolved into two categories the first- and second-generation partnership models. The primary function of Australia's First-generation partnership models was primarily initiated through the public sector's need to learn from the private sector's experience in the provision of finance while being able to transfer the risk. In the second-generation partnership models, the public sector has sought to maintain control of its core services in the new transport infrastructure projects and transfer the project risk to the private sector partner. When looking to involve the private sector, the public sector partner would be seeking to upgrade service delivery,

increase innovation in project delivery process and generate better value for money outcomes from the project (Duffield 2005).

According to Hayford (2006) "One of the key value for money drivers in a PPP transaction is the transfer of risks to the private sector" (p. 18). This process can produce outcomes that demonstrate better project delivery and value for money outcomes for the public sector partner and the citizenry in a competitive marketplace. One of the key attractions in using PPPs in the procurement and delivery of major public transport infrastructure is the opportunity of the public sector to transfer the project risks to the private sector partner. But the transfer of the project risk is at a price, and "attempts to transfer risks which the public sector is better placed to manage than the private sector can damage the value for money position"(p. 18). Governments are responsible for ensuring that the partner allocated a particular risk is best suited to manage those risks. It is also the government's responsibility to select the project procurement model that will deliver the best value-for-money outcome for the citizenry (Hayford 2006).

Also, Vining & Boardman (2008b) have pointed out that the implementation of Canadian infrastructure procured and delivered by PPPs, also known as P3s, requires that all components assess costs and be analysed. For example, the questions must be asked: Have "social costs, including production costs," and all contracting costs together with externality costs associated with managing external suppliers (including construction)" been included in the project analysis? (p. 34). The viability and the potential of PPPs are traced easily back to the cost-benefit analysis. However, the analysis may sometimes exclude transaction costs such as negotiating, monitoring, and potentially renegotiating the contracts with private partners, and the social and environmental costs incurred by the government during the negotiation stage of a project (Vining and Boardman 2008).

## **2.6 Stakeholder participation in PPPs**

### **2.6.1 Introduction**

The involvement of stakeholders is considered an essential element for creating greater transparency and accountability in the PPP model. The involvement of stakeholders in the project facilitates the two-way flow of information between different stakeholder groups in the project. Siemiatycki (2010) highlights the importance of community support and involvement in maintaining stakeholders' values throughout the duration of a project and ensuring that "strategies for improving the quality of community engagement and ongoing public participation in the decision-making processes of projects, with the aim of developing trust between stakeholders" (Siemiatycki 2010, p. 56) Projects which have low levels of community support

and participation may experience the undermining of the project, which may place it at risk. Siemiatycki (2010) also points out that participation is the supply of selected information disbursed by the governing authority and the active voice and participation of community stakeholders in the many processes of the project.

Within PPPs, stakeholders will have different reasons and objectives for being involved in a project. Freeman (1984) defines stakeholders as "any group or individual who can affect or is affected by the achievement of the organisation's objectives". "Primary" stakeholders in a project can include the financiers, the service providers, the employees, the public partner, and the different community organisations that have a vested interest. For Savage et al. (1991) the primary stakeholders are the groups with formal, official, or contractual arrangements that directly impact the project's direct economic impact. At the same time, the secondary stakeholders are those that have no direct involvement in the PPP's economic activities but are influenced by or can influence the outcome of the project.

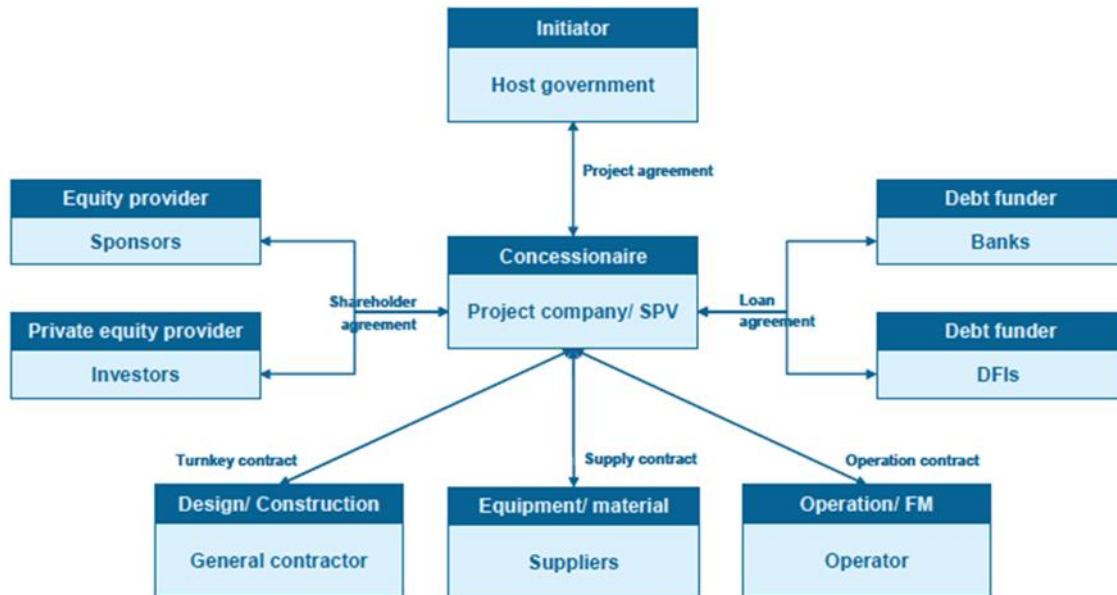
As explained by Freeman (1984), there are difficulties in maintaining the many different stakeholder relationships required in a project. These relationships may influence the potential on-time delivery and completion of projects. Larson (1992) explains that a change in governance to allow greater stakeholder involvement will assist in the development of relationships and mutual interdependence, rather than having an administrative authority driven by price controls. This relationship occurs in a range of ways, such as through collaboration and at times, hostile confrontation (Hardy & Phillips 1998). Stakeholder involvement in the public realm also has the additional challenge of managing stakeholders' expectations in the political environment. The long-term arrangement of the public sector partnering with a profit-seeking private entity often limits the government's ability to address the public interest in the PPP project delivery. For example, public opposition to a project can hinder a project's development and expose it to risk (Siemiatycki 2010).

### **2.6.2 Stakeholder participation**

Participation is considered an integral component in the decision-making stages of adopting the PPP model for a project. Irvin & Stansbury (2004) believe that greater citizen participation leads to positive outcomes. Some governments have supported greater citizen participation and inclusion in projects, to gain greater acceptance of a project by the community. They have structured participation as a marketing process to guide citizens to a preferred decision that the administrator would have made in the project's model selection process.

PPP projects involve important necessary contractual arrangements among the participants. Alfen et al. (2009) have identified whom they point out as the principal PPP stakeholders and their contributions. As shown in Figure 2.3, a PPP is a complex network of relationships (Alfen et al. 2009).

**Figure 2.3 Typical public-private partnership structure**



Source: Alfen et al. (2009)

Table 2.3 briefly summarises the following stakeholders' roles (Alfen et al. 2009):

The *project executing organisation* – “the project organisation or agency perceives the need for infrastructure and determines if the project is suitable to be delivered and financed by the public-private partnership model” (Alfen et al. 2009, p. 24).

The *project company* – the project sponsors, will generally form a Special Purpose Vehicle to be the project's concessionaire which is capitalised by the sponsors through equity funding, and their relationship explained in detail in a shareholder's agreement.

The *lending banks* – most public-private partnerships are funded in no small extent by commercial debt, which is funded by way of a non-recourse or limited recourse basis which means they look at only the project's assets and revenue stream, but not to additional sources of security for repayment.

The *development finance institutions* – they have similar objectives to the banks, but also have the mandate to encourage financial and social progress in the country they operate.

The *contractor, operator and other suppliers* – they are responsible for the construction and operation of the project and are usually a sponsor of the project, and are employed by the Special Purpose Vehicle in accordance with a turnkey or contract arrangement (Alfen et al. 2009).

**Table 2.3 Objectives and Contributions of Primary Stakeholders**

<b>Objectives</b>	<b>Contributions</b>
Project Executing Organization Efficiency gain Leverage of government budget. Acceleration of the project Better service quality Compliance with requirement and regulations	Concession/licenses Service fee
Sponsors Adequate rate of return Strategic capability	Equity Competence and experience
Investors Maximizing of return	Private equity Monitoring of quality Financial competence
Development finance institutions (DFIs) Loan repayment Support of development goals	Debt Monitoring of quality Financial competence
Construction contractor Sufficient margin	Required construction work Turnkey fixed-price contract

Source: Alfen et al. (2009)

The stakeholders involved in a PPP infrastructure project may include the political decision-makers, the company management and staff, consumers and the community, investors and strategic consultants. All of them may be driven by their different interests (Bank 2008).

As Andersson (2008) points out, meaningful community participation in PPP projects is a crucial component that adds to their timeliness, efficiency, legitimacy, and accountability. An integral element is to reconcile, prioritise and incorporate the issues raised in meetings by the varied project stakeholders. Appropriate outcomes will happen when greater levels of transparency are adopted in projects between the varied stakeholder groups, a forum for participation, the required levels of project information, and the opportunities to participate effectively in the decision-making processes, of the project (Andersson 2008).

Ng et al. (2012) also emphasise the importance of including the community in the early decision-making stages of significant public projects' planning process as it develops trust and cohesion between the project stakeholder group.. Arnstein's (1969) ladder of citizen participation, as

shown in Table 2.4, describes the levels of citizen engagement and participation in administrative and policy processes.

**Table 2.4 Arnstein’s ladder of citizen participation**

8. Citizen Control	The have-not citizens obtain the majority of decision-making seats, or full managerial power.	Degree of Citizen Power
7. Delegated Power		
6. Partnership		
5. Placation	Enables them the right to negotiate and engage in trade-offs with traditional powerbrokers.	Degree of Tokenism
4. Consultation	This is simply a higher level of tokenism because the ground rules allow have-nots to advise but retain for the powerholders the continued right to decide.	
3. Informing		
2. Therapy	When they are proffered by powerbrokers as the total extent of participation, citizens may indeed hear and be heard. But under these conditions they lack the power to ensure their views will be heeded by the powerful.	No Participation
1. Manipulation		

Source: Arnstein (1969)

### 2.6.3 The importance of the community as a stakeholder

The value and importance of stakeholder involvement through project inclusion and participation is acknowledged widely in the literature. It adds to improving policy outcomes in service delivery by introducing a broader range of ideas, insight, and responses (McGuire & Agranoff 2007). This position highlights a gap in the literature: the extent that the community's definition fails to include how communities differentiate from each other in their cultural, religious, and ethnic origins. The community is greater than the one designation as outlined in the literature.

Hibbard (2016), Lane (2006) and Lane & Hibbard (2005) point out that there is a positional change occurring towards First Nation communities in acknowledging their rights and achieving land justice and community goals through greater inclusion and participation in the decision-making processes of projects that impact their traditional land holdings. This change that is occurring is leading to remedying the long-standing tensions and repairing the relationships between the First Nation community members and the non-First Nation community members in post-settler societies and nation-states such as Australia, Canada, and New Zealand and having a voice in matters over land and planning activities of the state (Hibbard 2016; Lane 2006; Lane

& Hibbard 2005). Lane (2006) argues further that this new position and voice and the inclusion in the decision-making process is crucial for “(i) protecting indigenous interests by engaging planning activities of the state, (ii) the successful acquisition of land through legal land claim processes, and (iii) helping indigenous communities achieve their goals by implementing effective community-based planning processes” (Lane 2006).

The literature also neglects the impact of community inclusion in the decision-making processes in infrastructure delivery by a PPP. Noble and Jones (2006) describe a cultural distance between stakeholders, explained as the barrier developed between stakeholders that are unknown to each other:

The private sectors have distinctive cultures that lead them to exhibit different values, concerns and accountabilities, pursue different objectives, and place emphasis on different aspects of risks and benefits. (pp. 900-1)

Noble and Jones (2006) description highlights their understanding of cultural differences between different stakeholder groups, but not within a stakeholder group. Each stakeholder has different values and pursues different objectives through this cultural divide of the communities. For Clarkson (1995), greater community stakeholder involvement has significantly impacted project policy development.

Through colonising First Nations lands, there has been constructed imaginary of place. The image created in pre-settlement Australia was of an empty, sparsely nomadic existence of place, devoid of meaning and structure until the actions by the colonisers created their occupied and civilised place. This imaginary ignored the sixty-five thousand plus years of Indigenous Australians’ occupation of the Australian landscapes and many cultural and spiritual places. The rights, interests and voice of First Nation peoples’ have been long excluded from the decision-making processes and the spatial politics of nation-building and the development of policies towards self-determination. We have in recent times seen this position change towards inclusion and participation in projects of Australia’s First Nations peoples have at times been a voice and have influenced the decisions being made over their country (Howitt, 2001), but for the main, Australian landscapes, institutions, governing processes remained colonial products. Native title’s challenge to such geographical imaginaries has opened Australia to both transformational and divisive realities and opportunities (Agius et al. 2007).

The consolidation of these small gains that First Nation people have fought for through such momentous moments as the Mabo case, which “defined native title as deriving from the customs

of Indigenous Peoples, rules of evidence are applied in relation to evidence of these practices” (Behrendt 2002, p. 2). Behrendt (2002) argues that to deliver inclusive practices into the channels of a country

It will require a legal system that recognises Indigenous rights, a legislature that seeks to strengthen and protect those rights (not truncate and erode them), a bureaucracy that can develop responsive and effective policies to deal with Indigenous issues and a public that has overcome its psychological terra nullius. It is easy to feel daunted by how far we are from achieving those things. But in working towards things that seem impossible, we will find the spirit of Eddie Mabo (p. 6)

The Eddie Mabo case highlights the small steps forward that First Nations peoples are making to gain recognition as custodians of their traditional lands and its assets through their historical and spiritual connection to their lands and ensuring that they are being included as a voice in the decision-making process of infrastructure projects that impact those lands.

For Martin (2003), this greater engagement of community stakeholders and their pressure on bureaucracies as decision-makers should lead to a more robust and better-informed community.

## **2.7 The First Nation community role as a stakeholder**

### **2.7.1 Introduction**

Freeman (2010), Martin (2003), Larson (1992) and others broadly define communities as one stakeholder group. However, there has been little academic debate on First Nation communities’ position, role and priorities and their status as the traditional and historical custodians and landowners as a separate individual stakeholder group, distinct to that of the greater non-First Nation community. Throughout the CANZUS countries (Canada, Australia, New Zealand and the United States), First Nation communities are reclaiming their rights to country and their rights to self-determination by fostering a form of Indigenous nationhood (Cornell 2015). The literature points out that Indigenous governance describes First Nation people as the pre-existing traditional landowners, despite the introduction of colonial settlements (Campbell 2015). This view on the right of First Nation community rights in their position as custodians is expressed clearly in the United Nations Declaration of the Rights of Indigenous Peoples. NDP points out in article 5 (UNGA 2007):

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to

participate fully, if they so choose, in the political, economic, social and cultural life of the State. (p. 4)

The colonisation of traditional lands of First Nation communities has seen the dispersion of indigenous people, whether by force or by their own decision. This approach has led to the colonisers' failure to recognise the First Nations Indigenous communities' historical responsibilities and cultural connections as custodians of the land. Instead, the colonisers have attempted to assimilate the communities into their land ownership model and their continued dispersal off their lands and the removal of their rights as the traditional owners and custodians of the traditional and cultural lands.

In recent decades First Nation communities have begun to reclaim their position in governance as an independent voice and not just a part of the greater community. Pointing out First Nation communities' sovereignty over their lands differentiates them from the greater community and their role and position in the governance discussion. Throughout many first world countries, governments and territories have recognised this new stand for their rights to be viewed as an independent, autonomous community group. Along with First Nation's claims to their ancestral lands and other rights: "These claims reflect the centrality of land to their culture and religion as well as their aspirations for self-determination and economic self-sufficiency" (Lane & Hibbard 2005, p. 172).

Rangan & Lane (2001) point out the importance of inclusion and participation to First Nation communities who want the responsibility and role to "shape policy development and management of resources" over their traditional lands (p. 148). Rahnema (2010) has explained that participation must be more than meeting First Nation communities. They should be led through the decision-making process when introduced to any projects that impact the community members and their community lands. They should have an active voice in programs that may affect their lives and cultural rights as the custodians of their land holdings (Rahnema 2010). First Nation communities need to have a position of autonomy throughout any project consultation and delivery process to fulfil their obligations to the First Nation community both culturally and financially. As most First Nation communities have experienced generations of trauma through colonisation, the recognition of ownership of their ancestral tribal lands is an essential first step towards greater autonomy, along with the maintaining of traditional laws and protocols (Campbell 2015). The regaining of their sovereignty over their traditional lands has created a distinct position. They are now recognised as an individual community group,

demanding representation, with a role and a place in the consultation process of project partnerships (Cornell & Kalt 1998).

Matunga (2013) explains how First Nation communities have a long history of indigenous planning in that:

The central tenets of indigenous planning are essentially community/kinship and place based. It is a form of planning whose roots and traditions are grounded in specific Indigenous peoples' experiences linked to specific places, lands and resources. In other words, planning within, for, and by the particular Indigenous community for the place they call theirs. (p. 5)

For First Nation peoples, "self-determination and its attendant social, economic, cultural, political, and environmental aspirations needed to be more explicitly codified" (Matunga 2013, p. 14). The recognition of this has led to the development of Indigenous planning processes, practices and tools that enable internal self-definition and expression while maintaining an external relationship with the settler state and their more recent planning system.

In this research study, the First Nation communities involved in the PPP projects are the Squamish, Musqueam, and Tsleil-Waututh Nations from British Columbia regions in Canada and the Kalupuyan Nation from Oregon in the United States. Campbell (2015) has pointed out that the introduction of greater self-determination has allowed the Squamish First Nation community to achieve a position of financial and cultural independence. (Matunga 2013) Explaining further how the resurgent role of Canadian First Nation communities has been through their "distinct tradition, history, contemporary identity, and practice as indigenous planning while at the same time developing the tools to advocate, negotiate and mediate" with the provincial authorities and mainstream community (p. 14). In this Thesis, the Nations of the Squamish, Musqueam, and Tsleil-Waututh Nations from British Columbia regions in Canada and the Kalupuyan Nation from Oregon in the United States throughout this Thesis will revert from nation to project stakeholder with no disrespect to the nationhood of the First Nation Communities.

By adopting this attitude to planning, the Squamish First Nation people have gained an independent voice and a position as a recognised project stakeholder beyond just being members of the Squamish community. Campbell (2015) tells us that communities' greater self-determination has seen the creation and development of partnerships between the Squamish Nation and the British Columbia government in the management of lands, cultural education, and employment ventures on the sovereign lands of the Squamish Nation.

Cornell and Kalt (1998) foresaw the return of sovereignty and self-determination to the Canadian First Nations as a political and organisational opportunity for their communities to rethink, restructure and reshape their future. Furthermore, to be the decision-makers of their affairs, with authority to exercise their sovereignty through the development of new partnerships. The First Nation communities in Quebec and British Columbia, are now considered a voice at the table in the consultation processes within the forestry industry in those provinces (Wyatt 2008).

This study seeks to highlight the gap in the literature regarding the role of First Nation communities as a significant nation group; by differentiating their voice in the decision-making processes of community-impacting transport infrastructure from those of the wider community.

## **2.8 Research gaps**

This review has revealed the following three gaps in the research literature. First, there appears to be a shortfall between the theories and practices promoted by some governments regarding community inclusion and participation in projects' decision-making processes. Open and transparent community participation is described and promoted but is undermined by bureaucratic governance and the reliance on freedom of information acts.

Second, there is an insufficient acknowledgement of how First Nation communities are differentiated from the wider community and how each has strengths and weaknesses that affect their participation levels in the PPP model.

Third, more knowledge needs to be gained about how indigenous communities define their role and frame themselves as stakeholders. This study outlines how the First Nation community members are a separate stakeholder group and have a definitive project position. Their inclusion is an essential element in a transparent governance structure in the PPP model.

## **2.9 Conclusion**

This chapter has provided context on the use of the PPP model to deliver significant transport infrastructure by explaining the history associated with the introduction PPP model in infrastructure delivery and identifying the critical roles of stakeholder involvement and transparency in the PPP governance model adopted in projects. It explained the importance of stakeholder participation, recognising how cultural differences in the broader community and their impact on the role they play in the delivery of the infrastructure projects. Most importantly, this chapter highlights First Nation communities' potential to contribute to the multiple relationships that put together a PPP. It thus assists in answering the research question: 'What

roles do First Nation communities play in negotiating the term and conditions of public-private partnerships?'

Chapter 3 presents the research techniques used to trace the relationships in this study. It discusses the methodological approach undertaken in this thesis, and it reviews the research design, the methods adopted in the data collection and the analysis method adopted in the study.

# Chapter 3

## Methodology

### 3.1 Introduction

The main objective of this study is to examine the impact that greater transparency has on the governance structure of public-private partnership (PPP) models in the procurement and delivery process of major transport infrastructure, through a case study methodology. This methodology included investigating how stakeholder input and involvement were incorporated in each of the case study projects and the benefits of greater involvement of stakeholders and community in the PPP model. In addition, it involved researching the positions that First Nation communities had in the discussions and their impact on the project, and their roles as a stakeholder group distinct from others in the greater community.

This chapter presents the comparative case study research methodology adopted in this study. It sets out the research design and outlines the strengths of qualitative research and why it is well suited for the research question. It also presents the methods used for data collection and analysis. The chapter introduces and explains the methodology of Dadirri, an Indigenous approach, and how it assisted the author in understanding and managing the range of cultural sensitivities that form part of the study. It explains how the Dadirri approach is adopted in a research study when engaging with Indigenous participants.

The chapter has eight sections. Section 3.1 gives an overview of the chapter. Section 3.2 presents the research question. Section 3.3 outlines the research paradigms and the rationale for using a qualitative methodology. Section 3.4 explains the adopted strategies and the research design. Section 3.5 explains the issues that arose when adopting a qualitative case. Section 3.6 describes the qualitative interview process and the collection and analysis of the data. Section 3.7 describes construct validity, reliability, and the ethical considerations of the study and Section 3.8 is the chapter summary.

### 3.2 The research question

This study's research paradigm and methodology reflect the nature of the research question and the goals and outcomes sought. Chapter 1 introduced the research question and explained that the research's motivation is to understand whether greater transparency in PPPs for transport infrastructure may be dependent on greater stakeholder involvement, and whether both may improve the delivery of such projects. With vast amounts of public finance required for transport infrastructure, the community's involvement as a stakeholder in the decision-making

process and transparency levels between the stakeholders was integral to formulating the research question. The primary research question developed and introduced in Chapter 1 is "How does transparency and greater stakeholder inclusion and participation in PPPs affect the outcomes of major transport infrastructure projects?" There are four associated research questions:

1. How is transparency constructed amongst and for different stakeholder groups?
2. How does the experience of First Nations communities differ from other local communities?
3. Is there evidence that more robust engagement improves infrastructure projects?
4. What roles do First Nation communities play in negotiating the term and conditions of public-private partnerships?

### **3.3 The research paradigms and the methodology**

The research paradigms adopted for a study include the theory, general organising framework, main issues and particular models for answering the research question (Neuman 2011). The methodology encompasses the methods used in the study, as well as the rationale for the collection and analysis of data. Neuman (2011) points out the three approaches that can be undertaken in a research methodology are "positivist social science, interpretive social science, and critical social science" (Neuman 2011, p. 96). Usually, the approach is either a positivist or interpretive methodology paradigm. This research uses the interpretive paradigm. The research relied on case studies and a literature review for exploratory and descriptive research analysis to evaluate the empirical evidence collated from the data collection and its impact on established theory. As, described in the literature, the interpretive research paradigm emphasises the text's close and detailed reading. Text can mean a conversation, written words or pictures, to acquire a profound and deep understanding of meanings embedded within the text. This approach allows the researcher to absorb or get inside the viewpoint presented in the text and develop an understanding of how it relates to the researched subject.

This methodological approach is well suited to the research topic because each of the case studies located in British Columbia, Canada and Oregon in the United States approached transparency using a different model for the delivery of the transport infrastructure projects. The interpretive research paradigm was best suited for this study of transparency to identify the differences adopted by each case study's governing authorities. When using the interpretive research paradigm, it is essential to identify the factors, variables and appraisal methods that each

case study used to select the model to create greater transparency and involvement of stakeholders in the decision-making process (Neuman 2011).

### **3.3.1 The rationale for a qualitative research methodology**

The research objective was to identify the different approaches to transparency and examine the levels of stakeholder involvement in each of the PPP models in each of the case studies. The research chosen design for this study was a qualitative multi-case study model. The qualitative approach also incorporated the use of the Indigenous research methodology, Dadirri.

Dadirri has its meaning from the spoken language of the “Ngangikurungkurr people of the Daly River area of the Northern Territory and means listening to one another’, but listening in contemplative/reciprocal relationships (Stronach & Adair 2014, p. 122). (Atkinson 2002) further points out that Dadirri

therefore, is a process of listening, reflecting, observing the feelings and actions, reflecting and learning, and in the cyclic process, re-listening at deeper and deeper levels of understanding and knowledge-building. Dadirri means listening to and observing the self as well as, and in relationship with, others. (p. 19)

Dadirri was an essential part of the research approach in this study. It assisted the author in understanding and dealing with cultural sensitivities, and in building deep levels of trust required with the First Nation (Indigenous) stakeholders. The adoption of the Dadirri methodological approach and developing greater trust between the author and First Nation stakeholders gave a voice to First Nation stakeholders through the extraction of their rich data for this study (Atkinson 2002). The Dadirri methodology was essential to understand the varied stakeholders' meanings in their interviews; this methodology helped the author gain the position of all stakeholders' beliefs and sensitivities towards each of the case study project.

Atkinson (2002) discusses how the indigenous methodology Dadirri can be adopted to assist researchers to understand and manage a range of cultural sensitivities and argues its importance in data collection when engaging with First Nation communities in projects.

The case study model design is best suited when the methodological design focuses on the ‘how’ or ‘why’ form of questioning (Yin 2003). Yin (2016, p. 9) points out how, in case study research design:

Qualitative research differs because of its ability to represent the views and perspectives of the participants in a study. Capturing their perspectives may be a

major purpose of a qualitative study. Thus, the events and ideas emerging from qualitative research can represent the meanings given to real-life events by the people who live them, not the values, preconceptions, or meanings held by the researchers. (Yin 2006, p. 9)

The supporters of transparency put forward arguments on how and why transparency is an essential component of a democracy. Greater transparency in the public realm enables the governing authority to establish an informed relationship with its citizenry. This greater transparency and citizenry engagement leads to greater government legitimacy and accountability, strengthening and increasing their position in preventing corruption. (Coglianese et al. 2004). The research questions sought to inquire and define current situations examining how and why social phenomena work. This approach required an in-depth description of any social phenomenon that may have occurred in the case study projects.

Yin's (2014) argument was important towards qualifying the use of multiple case studies in this study. As he explains that multiple case studies are used either to "(a) predict similar results (a literal replication) or (b) predict contrasting results but for anticipatable reasons (a theoretical replication) (Yin 2014, p. 57). With this understanding, a qualitative methodology adopted which included Dadirri as it enabled a detailed review of the research topic and the opportunity to obtain a thorough and in-depth knowledge of the data collected in each case study. Merriam (1991) qualifies the importance of the qualitative research; explaining that "the qualitative study is a particularly suitable methodology for dealing with critical problems of practice and extending the knowledge base of various aspects" (Merriam 1991, p. 54). These qualities can be aligned with the complexity of the research relating to PPPs.

The chosen methodological approach to the research is well suited to examine the issues related to the how and why questions of the study and the broader consequences, in an institutional context, of the policy and regulatory frameworks developed by the governments in the case study projects. This research study draws from three selected PPP case studies, chosen to generate data on the fundamental questions relating to public policy and why provincial or state governments approach stakeholder engagement as they do. This research approach has allowed the study of the significant differences or similarities in the approaches taken by each case study governments in their PPP model and stakeholders' involvement and the treatment of transparency in infrastructure projects.

Data collection occurred from the major stakeholder groups that were either involved in the delivery or were impacted by the delivery of the new infrastructure projects in the case study

communities. An essential component of the study was the ability to collect the related data provided from the involved stakeholder groups to enable a direct comparison of the personal interactions that occurred. The collected data included the approach that each stakeholder group adopted towards transparency in each of the governance models undertaken by each of the case study jurisdictions.

This study has focused on the impact of the adopted approach to the transparency of the governance model that each regional government had undertaken in their interaction and involvement with stakeholders and the greater society, towards a more inclusive, accountable and transparent governance system.

Yin (2016) points out that a single definition will not give a correct outline of qualitative research and highlights his five distinguishing elements relating to qualitative research:

- 1) studying the meaning of people's lives, in their real-world roles; 2) representing the views and perspectives of the people in a study; 3) explicitly attending to and accounting for real-world contextual conditions; 4) contributing insights from existing or new concepts that may help to explain social behaviour and thinking, and
- 5) acknowledging the potential relevance of multiple sources of evidence rather than relying on a single source alone. (Yin 2016, p. 9)

Regarding Yin's (2016) five points, the qualitative approach to research is well suited to this study. The observation process and the semi-structured interviews undertaken with the project stakeholders in both the state of Oregon and the province of British Columbia enabled the collection of rich data. The interviews with the community stakeholders gave personal insights into the impacts and benefits of the infrastructure built in their communities. These insights and views were not always available from the literature, but through observation and trust-building, the author built a strong relationship with the stakeholders. These relationships were strengthened by contact before and after the interview process. This approach led to more open and inclusive interviews and the production of full and rich data.

Yin (2012) also points out how qualitative research provides the research community with opportunities to develop new concepts in their research approach. Explaining that "studies devoid of concepts, whether existing or new or devoid of any interpretations at all, would resemble diaries or chronicles but not qualitative research" (Yin 2016, p. 11). Yin's explanation clearly defines the critical advantage of research using the qualitative case study methodology approach. Informal semi-structured interviews encourage the development of trust between the

interviewee and interviewer, which generates a rich source of data on their viewpoints and experiences which may have been absent in any literature on the project.

Snape and Spencer (2013) also point out:

Qualitative methods are used to address research questions that require explanation or understanding of social phenomena and their contexts. They are particularly well suited to exploring issues that hold some complexity and to studying processes that occur over time. (Snape & Spencer 2013, p. 5)

Gummesson (2006) also argues that qualitative research has the potential to allow the researcher to investigate confused and complicated types of research issues. While offering the researcher the opportunity to address the "complexity, context and persona and their multitude of factors, relationships and fuzzy phenomena; conventional statistical methods fail in all these aspects" (Gummesson 2006, p. 167).

Denzin and Lincoln (2008), defining their interpretation on what the qualitative methodology approach implies, point out that

the qualities of entities and on processes and meanings that are not experimentally examined or measured (if measured at all) in terms of quantity, amount, intensity or frequency" ... [and] qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry. (Denzin & Lincoln 2008, p. 14)

These approaches to using and understanding the literature were critical when reviewing the data from the case studies. It also assisted in understanding the differences in the approach to transparency adopted by the governments of each of the case study sites. The government and academic literature explained the many government policies of the different governments, highlighting the PPP model's complexity highlights and how often these differences are depicted globally in the different academic and government literature. After a close examination of the governance models, this research found that there are some significant differences between countries in their approaches to their governance structures in PPP Projects and their approach to transparency. Moreover, the different governing authorities had a different understanding of what signifies transparency in their infrastructure procurement model.

In general, the case study approach has an advantage when 'how' or 'why' questions are asked about a contemporary set of events (Yin 2009).

According to Schramm (1971):

The essence of a case study, the central tendency among all types of the case study, is that it tries to illuminate a decision or set of decisions: why they were taken, how they were implemented, and with what result. (p. 6)

In this study, interviews with the stakeholders revealed their real-life experiences of involvement in or exclusion from the project had strengthened the validity of the data collection process.

### **3.4 Research design**

Creswell (2009) has described research design as that part of the research process that encompasses the plans, the analysis, the procedures and the broad data collection methods of a study. Crotty (1998), outlines what the research methodology is employed for, and how researchers justify their choice of methodologies and methods. Crotty (1998, pp. 2-3) further breaks down this approach into four simple questions:

1. What methods do we propose to use?
2. What methodology governs our choice and use of methods?
3. What theoretical perspective lies behind the methodology in question?
4. What epistemology informs this theoretical perspective? (pp. 2-3)

The methods are the process adopted in this research and describe “the concrete techniques or procedures we plan to use. There will be certain activities we engage in so as to gather and analyse our data” (Crotty 1998, p. 6). These include the interview process, and the style of the interviews adopted so that they “not just talk about participant observation but will describe what kind of observation takes place and what degree of participation is involved” (Crotty 1998, pp. 6-7). Researchers will not only be “identifying themes in the data but will show what [they] mean by themes, how the themes will emerge, how they are identified, and what is done with them” (Crotty 1998, p. 7).

The methodology is the adopted “strategy or plan of action this is the research design that shapes our choice and use of particular methods and links them to the desired outcome’ (Crotty 1998, p. 7). One such method is an ethnographic enquiry, which "seeks to uncover meanings and perception on the part of the people participating in the research, viewing these understandings

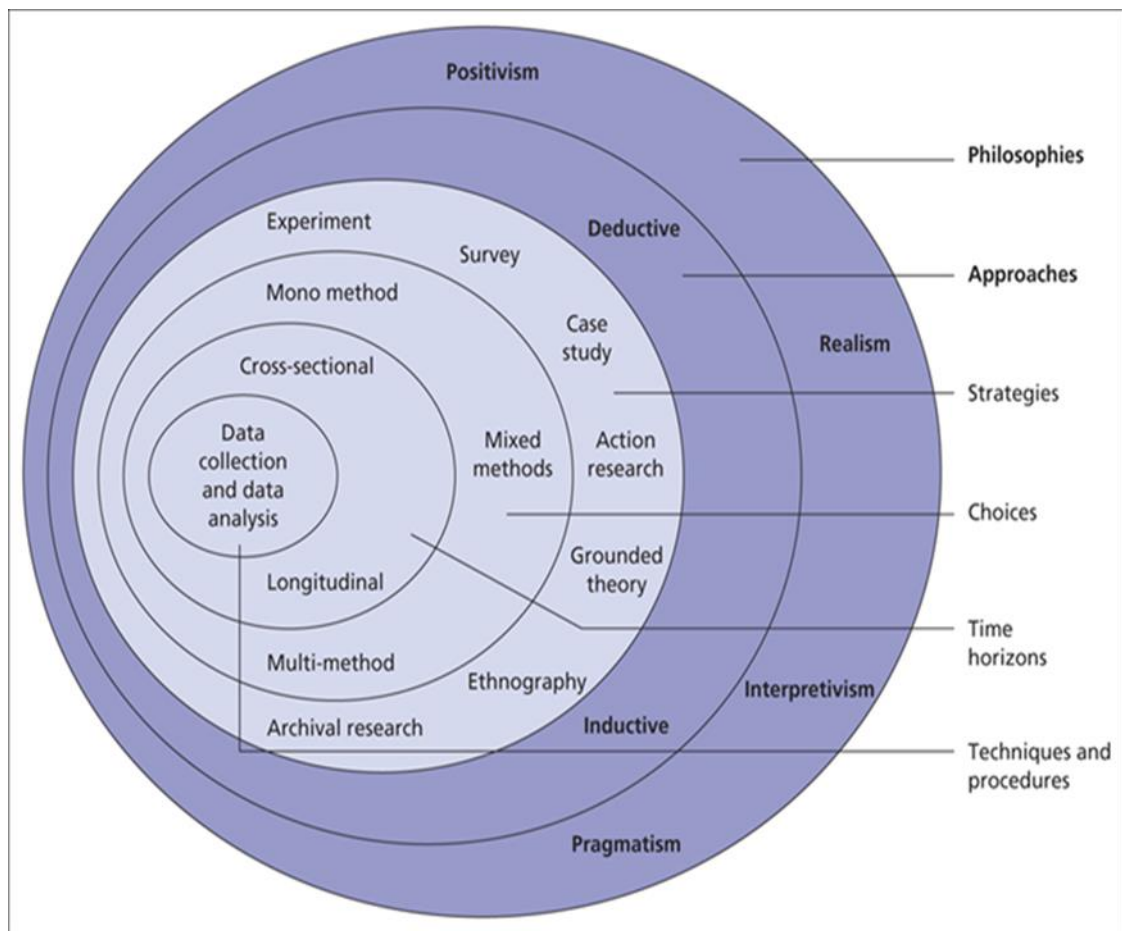
against the backdrop of the people's overall worldview or culture" (Crotty 1998, p. 7). In my interviews I endeavoured to ascertain, and then assess participants world views or culture through my open questioning which enabled them to express their perceptions and beliefs. In this way ethnographic approaches were adopted. It is the objective of the research to develop a stance such that the author's view is representative of the perspective of that of the participants in the research study (Crotty 1998).

The theoretical perspective supports the adopted methodology and "provides a context for the process and grounds its logic and criteria" (Crotty 1998, p. 7). The research study may incorporate an approach that adopts various assumptions included in the methodology, chosen in the study's theoretical perspective.

The final element discussed by Crotty (1998) is epistemology, which "involves knowledge ... and embodies a certain understanding of what is entailed in knowing, that is, how we know what we know" (Crotty 1998, p. 8). Crotty (1998) explains that there are various epistemologies, one being objectivism, which "holds the meaning, and therefore meaningful reality, exists as such apart from the operation of any consciousness" (Crotty 1998, p. 9). Another is constructionism: "In this understanding of knowledge, it is clear that different people may construct meaning in different ways, even in relation to the same phenomenon" (Crotty 1998, p. 9).. The final variation is subjectivism: "Meaning does not come out of the interplay between subject and object but is imposed on the object by the subject" (Crotty 1998, p. 9).

This study researches each case study project's approaches to transparency and stakeholder participation. It was essential to undertake a rigorous, in-depth literature review to achieve a robust design in the study to determine the critical elements required to ensure the design would meet the desired study requirements. Saunders, Lewis & Thornhill (2009) put forward their six phases or strategies of the research process, represented in what they call the 'research onion': time horizons; methodological choices; research philosophies; techniques and procedures (data collection and analysis) and research approaches. Figure 3.1 is the illustrated version of their research onion.

**Figure 3.1 Six phases of the research process**



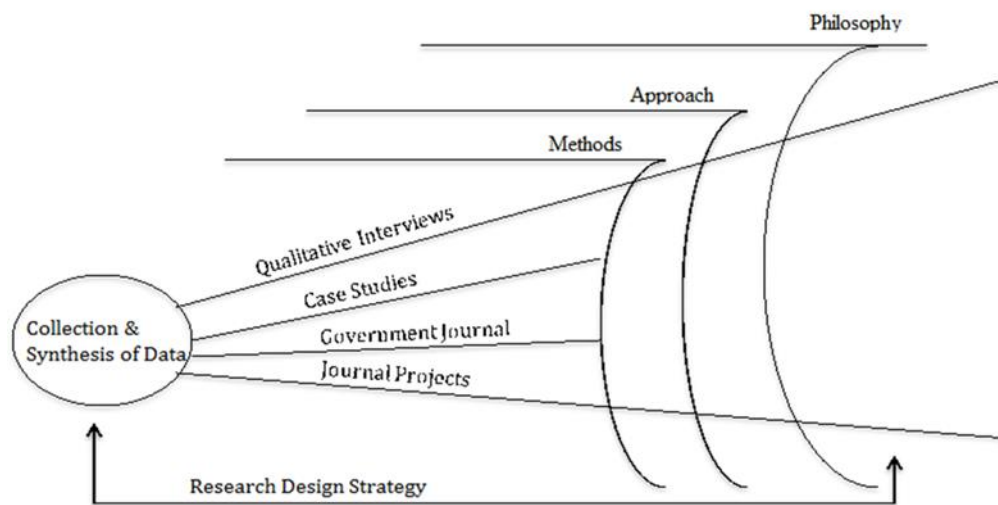
(Source: Saunders, Lewis & Thornhill 2009, p. 188).

The Saunders, Lewis & Thornhill (2009) ‘research onion’ shows the comprehensive research process with more in-depth elements and gives a clear outline of the critical elements required for a research study. This study adopts the approach from the essential elements outlined by Crotty (1998) and certain elements of the in-depth, comprehensive research onion approach of Saunders, Lewis & Thornhill (2009).

### 3.4.1 The enquiry strategies

Given the study's research framework, it was essential to ensure that the interview questions, the government, and industry produced project journals, progress reports, and the academic project literature available on each of the projects provided rich, informative project data. Through the literature study, some areas covered in the academic literature conflicted with the governing authorities published project literature, which made it more complicated to answer the research questions. It was essential to determine what data were required yet not available in the literature and what strategies would most effectively obtain that data. Figure 3.2 is a visual description of the method of enquiry for the study.

**Figure 3.2 A visual description of the strategy of enquiry for the study**



(Adapted from Saunders, Lewis & Thornhill 2009).

Figure 3.2 outlines the approach taken in formulating enquiry strategies used in this study. Reviewing the project literature developed an understanding of the gaps in the data that needed to be addressed to answer the research questions. A questionnaire was designed to determine appropriate dialogue when dealing with the different stakeholder groups. To test the questionnaire, a mock interview process with colleagues who have vast experience in commercial project management took place to test the interview questions' robustness and performance. From this mock interview, the draft questionnaire was refined to its final form and then forwarded to the interviewees' list that the author developed through personal and professional networks in preparation for the upcoming interviews.

The interview process was necessary to understand the complexities involved in explaining and interpreting human actions and thoughts as they happen. For studies adopting a social phenomenology strategy of enquiry, it is essential that the data collected maintains the meaning and perspective of those that are studied. According to Aspens (2009):

empirical phenomenology proceeds from the assumption that a scientific explanation must be grounded in the meaning structure of those studied. This means that the actor's perspective is central in the analysis. A further assumption is that the social world is socially constructed, an argument which is accepted in contemporary social science. Finally, empirical phenomenology acknowledges the central role of

theory in research, as well as the role of unintended consequences. (Aspers 2009, p. 1)

The phenomenological approach was relevant when reviewing the type of data collected to formulate a clear review of each case study's governance model and its approach to transparency and stakeholder inclusion and participation in its projects.

### **3.4.2 Rationale for using the case study approach.**

This section outlines the rationale for using the case study approach in this study. The case study method has been adopted in many different disciplines (Yin 2012). It captures and can understand past events, people or movement through a disciplined, detailed descriptive analysis. Yin (2009) presents the following definition of a case study strategy: how it is essential to understand that the correctly adopted case study strategy will give not only a well-developed study plan but will also highlight this form of study from other research strategies and studies. According to Yin (2014):

A case study is an empirical inquiry that investigates a contemporary phenomenon (the case) in depth and within its real-world context, especially when the boundaries between phenomenon and context are not clearly evident. (p. 18)

Adopting this approach has allowed the direct comparison of each case study's approach to transparency and stakeholder inclusion and participation when using PPPs to procure and deliver significant transport infrastructure. The interviews with the different stakeholder groups in each project provided significant insights towards the extent to which their project PPP case study operated in a transparent and participatory manner. Each government had produced literature outlining its policy towards transparency, which was a vital element of this research study. A value of case study research is that it assumes that "context and other complex conditions related to the case(s) being studied are integral to understanding the case(s)" (Yin 2012, p. 4).

This approach to data analysis is best suited for this study. It helps gain a clear, in-depth understanding of any real-life phenomenon while still embracing the elements and features within the research. First, the case study process investigates the established framework from the collected and reviewed literature related to the real-life context projects. Second, in the approach to data collection in real life, it is often difficult to separate the phenomenon from the context of the research investigation, so it is essential to consider the other technical characteristics of case studies:

The case study inquiry copes with a technically distinctive situation in which there will be many more variables of interest than data points, and as one result relies on multiple sources of evidence, with data needing to converge in a triangulation fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis. (Yin 2009, p 18)

Third, there is the introduction of multiple sources of evidence, such as interviews with contractors, governing officials, project managers and private and community members; reports associated with the projects and the government approach to transparency; public and private construction management reports; and the statutory guidelines on PPPs from each of the governing authorities.

From this synopsis, the analysis is viewed not as an experiment focusing only on a few variables, as it would be in a laboratory experiment. According to Creswell (2007):

Case study research involves the study of an issue explored through one or more cases within a bounded system (i.e. a setting, a context) ... [and] developing an in-depth description and analysis of a case or multiple cases.... Case study research is a qualitative approach in which the investigator explores a bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information (e.g. observations, interviews, audio-visual material, and documents and reports), and reports a case description and case-based themes. (p. 73)

This research study satisfies Yin's (2009) and Creswell's (2007) guidelines for case study analysis.

### **3.5 Issues with qualitative case study research**

Yin (2014) identifies three areas relevant to this study, that are contentious for those concerned about the case study approach to enquiry. First, there is a concern about the rigour of the case study approach when researchers do not strictly follow systematic procedures or allow equivocal evidence to influence the direction of the findings and conclusions. Second, there is confusion between case study research and teaching case studies. Yin (2014) explains that in case study research, it is essential that the researcher works hard to report all evidence fairly and correctly, avoiding personal bias in the reporting. Third, there is concern about generalising from case studies, which is a rare occurrence in science: "They are usually based on multiple sets of experiments that have replicated the same phenomenon and under different conditions" (Yin 2014, p. 20).

Flyvbjerg (2006) explains that the perceived problems with case study research expressed by some scholars are due to the following five misunderstandings towards the approach of the research methodology:

(i) theoretical knowledge is more valuable than practical knowledge; (ii) one cannot generalise from a single case, therefore, the single-case study cannot contribute to scientific development; (iii) the case study is most useful for generating hypothesis, whereas other methods are more suitable for hypothesis testing and theory building; (iv) the case study contains a bias towards verification; and (v) it is often difficult to summarise specific case studies' (p. 219).

Flyvbjerg (2006) acknowledges the importance of case study research. Although not rejecting research forms that rely on large random samples, he sees them as a necessary robust and sound form of social science research methodology. He argues further that conventional wisdom towards case study research enquiry is 'wrong or misleading'. Explaining that despite the difficulty or undesirability towards summarising case studies, it can be strongly argued that the case study method certainly contributes to the cumulative development of knowledge.

The case study approach for identifying core issues was considered the most suitable model for this study of transparency in each of the three PPP projects. It would provide flexibility and allow the comparison of different outcomes and perspectives put forward by the many diverse stakeholders.

### **3.6 Enquiry strategies, data collection and data analysis**

#### **3.6.1 Case studies and justification for the selection**

This research has focussed on three highway projects in the neighbouring countries of Canada in the province of British Columbia and the USA in the state of Oregon. The two countries have become mainly dependent on the PPP model in delivering significant public Infrastructure. The governments of Canada and the USA use the PPP model at both the state and national government levels to update and replace aging and unsafe Infrastructure.

The three Case studies outlined in chapter 4 are three projects from the north-eastern state of Oregon in the USA and the province of British Columbia in Canada. In the state of Oregon in the USA, one project, the Willamette Passage Bridge Project, was the most extensive and final component in the US\$1.3 billion Oregon Bridge Delivery Program undertaken by ODOT; it was one of the most significant undertakings of highway infrastructure in Oregon in more than 50 years. The Willamette Passage Bridge Project is a part of the national highway project, which

forms a section of Interstate Highway 5 (I-5) (ODOT 2014). Of the two case study projects in the adjoining province of British Columbia, Canada, one was the Sea to Sky Highway Improvement Project, and the other was the Port Mann Highway Improvement Project. The British Columbia projects were required to improve safety on the Sea to Sky Highway Project for the upcoming 2010 winter Olympics (British Columbia & Partnerships 2005), and the Port Mann Bridge and Highway 1 improvement project was initiated to upgrade the travel commute of the aging Port Mann Bridge crossing of the Fraser River Vancouver. The bridge and the highway corridor form an integral part of the Trans-Canada Highway Road system for trade commodities to reach the port of Vancouver (British Columbia 2012). The study considers three public infrastructure projects, two from the province of British Columbia, Canada, and one from Oregon, USA. The availability of rich data through access to government representatives, elected officials and community leaders was essential in selecting the case study locations in Canada and the USA. Also importantly, they are both first-world countries with a similar neoliberal approach to governments, located on the Pacific rim with similar socio-economic structures, and have a history of Infrastructure procurement using the PPP delivery model. The government of British Columbia, Canada literature promoted their open government approach and proclaimed transparency and inclusion in its public infrastructure procurement process through the PPP delivery model (British Columbia n.d.). This approach by the government of British Columbia formed a benchmark for the study. The project was selected for comparison in Oregon due to the government's undertaking to use the PPP model in their public infrastructure procurement and delivery. It was also crucial that the selected projects stated the engagement of First Nation communities in their project outline and description.

### **3.6.2 Enquiry strategies**

The initial part of the study occurred in April 2015, with follow-up visits to the case study locations in November 2016 and August 2017. As the research involved First Nation communities, trust development was an issue with elders of some of the First Nation community groups. The development of trust between the First Nation communities required more significant time to develop a level of trust, which required a third visit to the First Nation communities in August 2017.

The case studies selected were located in Canada and the USA, both having neoliberal governments and similar attitudes in their use of PPPs in the procurement and delivery of major transport infrastructure. The primary data used in the research was collected through semi-structured interviews with stakeholders. Secondary data included government publications,

professional trade journals, publications by institutional and professional bodies, scholarly articles, textbooks, and conference articles.

The primary data collection occurred during the field research visits and follow-up communications with each of the projects' different stakeholders. The research benefitted from the increased level of trust developed between the author and stakeholders over the follow-up communications and the second and third research visits. The initial interviews were established through the authors' professional network, contacts through the Rotary International network, industry contacts and the assistance of senior government officials in each of the case study locations; all assisted in the arrangement of the interviews and access to the key personnel of each project. This access was beneficial to ensure the collection of the rich data required for the study.

The third research trip involved the development of greater trust with First Nation communities; this, as explained, was achieved through the adoption of Dadirri which assisted greatly towards their more significant input to the research data through the trust relationship that had developed between the author and the communities. This field trip ensured a more detailed understanding of the First Nation community levels of participation and the openness adopted by each jurisdiction towards the disclosure of project information. With this greater trust, the First Nation community members outlined the approaches taken towards them as project stakeholders and how in their opinion, they felt it differed from the approach that was adopted towards the non-First Nation community and other project stakeholders.

During the field trips, the author observed the study project sites and met with stakeholder groups at each location. This undertaken approach allowed observation of how each of the stakeholder groups felt towards their involvement in the project, and the communication levels between them and the other stakeholders.

Yin (2009) points out that case study evidence may be collected for research projects from six sources:

documents, archival records, interviews, direct observation, participant-observation and physical artefacts. Using these six sources calls for mastering data collection procedures. Throughout, a major objective is to collect data about human events and behaviour. This objective differs from (but complements) the typical survey objective of capturing perceptions, attitudes, and verbal reports about events and behaviour (rather than direct evidence about the events and behaviour). (p. 98)

In discussing these six sources, Yin (2009) says it is important to remember that in any collection of data, some determining principles are paramount when undertaking a research study that incorporates the use of the case study methodology, including,

the use of (a) multiple sources of evidence (evidence from two or more sources, converging on the same facts or findings), (b) a case study database (a formal assembly of evidence distinct from the final case study report), (c) a chain of evidence (explicit links among the questions asked, the data collected, and the conclusions drawn). Incorporation of these principles into a case study will increase its quality substantially. (Yin 2009, p. 98)

### **3.6.3 Interview process: in-depth qualitative**

An interview format may be described as structured, semi-structured or unstructured (Saunders et al. 2012; Yin 2016). Yin (2012) explains how all interviews develop interaction between the interviewer and the interviewee. The interviewer has a structured and scripted behaviour and demeanour throughout the interview in a structured interview format. According to Yin (2016),

First, the researcher will use a formal questionnaire that lists every question to be asked. Second, the researcher will formally adopt the role of an interviewer, trying to elicit responses from an interviewee. Third, the researcher, as the interviewer will try to adopt the same consistent behaviour and demeanour when interviewing different participants. (p. 141)

In comparison, semi-structured interviews and unstructured interviews are commonly labelled qualitative approaches to interviewing. They use open-ended questions, at all times trying to avoid one-word answers, engaging with the interviewee to deliver the answers to the questions in their own words in an engaged topical discussion (Yin 2016). The flexible format of the unstructured interview, also known as the open-ended interview, allows the interviewees to express their reality and review the situations questioned. Rather than give structured answers to specific questions.

For some case studies, the participants construction of reality provides important insights into the case. The insights gain even further value if the participants are key persons in the organizations, communities, or small groups being studied, not just the average member of such groups. (Yin 2012, p. 12)

DiCicco-Bloom and Crabtree (2006) also point out that "semi-structured in-depth interviews are the most widely used interviewing format for qualitative research. And can occur either with an individual or in groups ... [whereas] the individual in-depth interview allows the interviewer to delve deeply into social and personal matters" (DiCicco-Bloom & Crabtree 2006, p. 315). In contrast, a group interview, such as a focus group allows the interviewer to get a broader range of experience on the subject topic. In this research, the individual interviews generated more open and personal responses from the interviewees, which may not have been possible in a group interview format.

Interviews are a form of data collection commonly used in case study research projects. Kumar (2011) identifies five advantages that occur when using the interview process: "1) the interview is more appropriate for complex situations; 2) it is useful for collecting in-depth information; 3) information can be supplemented; 4) questions can be explained; and 5) interviewing has a wider application" (Kumar 2011, p. 142). In this study, interviews provided the core data about the transparency and stakeholders' involvement in each case study project. The information available in the public realm on the research topic was limited and presented the image that jurisdiction wanted portrayed in the public realm as open, inclusive, and transparent towards community and private stakeholders. Interviewing allowed the author to gain in-depth project knowledge that is not readily available in the public realm. The vast knowledge held by the project employees was crucial for obtaining data on the documents and the contractual relationships that exist between the public and private stakeholder groups in each of the projects. This vital data was accessed more easily by the author by forming strong relationships with these employees during and after the scheduled interviews.

Prior to the interviews taking place, there was no clear understanding of what differences existed in the approaches taken in each of their case study projects. Each project's key personnel included project managers employed by the contractors, government project managers, government coordinators, contract designers, and community groups. Many of the interviewees were initially recommended by government representatives and contractors known to the author. The consent authority forms for the interviews are attached in Appendix C.

A total of 23 interviews were conducted face-to-face across the three case study project locations or in the offices of the governing authorities in British Columbia and Oregon. The following table, 3.1 is a list of the interviewees from each project, noting the project, the organization the interviewee was from, their position or role, the interview location, and the interview date. For privacy reasons, the names of those interviewed have been omitted from the list. But each

interviewee's project and title or position is listed to recognise their status and demonstrate the validity of the data collected. The conducted interviews were semi-structured and varied in duration from one hour to three hours each. The questions presented to the interviewees were open-ended. This adopted approach to the interviews was to seek the interviewees' understanding of stakeholder participation levels, access to information, and levels of transparency of the project. And also, the degrees of involvement in the decision-making processes that occurred throughout the projects.

**Table 3.1 The interview list**

<b>Project</b>	<b>Organisation</b>	<b>Position or Role in Organisation</b>	<b>Location of Interview</b>	<b>Date of Interview</b>
Willamette Passage Bridge	Hamilton Constructions	Construction Manager	Tacoma Washington State, USA	April 3 <sup>rd</sup> 2015
Willamette Passage Bridge	Oregon Department of Transport	Project Manager	Springfield Oregon State, USA	April 7 <sup>th</sup> 2015
Willamette Passage Bridge	Community Member	Community advisory committee	Springfield Oregon State, USA	April 7 <sup>th</sup> 2015
Willamette Passage Bridge	Community Member	Community advisory committee	Springfield Oregon State, USA	April 7 <sup>th</sup> 2015
Willamette Passage Bridge	Community Member	Community advisory committee	Springfield Oregon State, USA	April 8 <sup>th</sup> 2015
Willamette Passage Bridge	Community Member	Community advisory committee	Springfield Oregon State, USA	April 7 <sup>th</sup> 2015
Willamette Passage Bridge	OBEC Bridge Engineers	Director/Design Manager	Eugene Oregon State, USA	April 8 <sup>th</sup> 2015
Willamette Passage Bridge	Hamilton Constructions	Project Construction Manager	Springfield Oregon State, USA	April 8 <sup>th</sup> 2015
Willamette Passage Bridge	Hamilton Constructions	Project Community Liaison Manager	Springfield Oregon State, USA	April 8 <sup>th</sup> 2015
Willamette Passage Bridge	Oregon Department of Transport	Project liaison Manager	Portland Oregon State, USA.	April 9 <sup>th</sup> 2015
Willamette Passage Bridge	First Nation Community	Elder First Nation Community Liaison	Springfield Oregon State, USA	April 9 <sup>th</sup> 2015
Canadian PPP delivery Academic	Professor Toronto University	PPP Specialist	Toronto Canada	April 10 <sup>th</sup> 2015
Canadian PPP delivery Academic	Manager SCETI Saskatchewan University	Specialist in Canadian PPP's	Saskatoon University Saskatchewan	April 13 <sup>th</sup> 2015
All PPP Project deliveries in Canada	Director Partnerships BC	Government PPP Procurement Manager	Vancouver B.C. Canada	April 16 <sup>th</sup> 2015
Port Mann/Highway 1 Improvement Project	Ministry of Transport BC	Concession Manager Port Mann Highway 1	Coquitlam B.C. Canada	April 17 <sup>th</sup> 2015
Port Mann/Highway 1 Improvement Project	Flatiron Constructions	Construction Manager	Vancouver B.C.	April 20 <sup>th</sup> 2015
Sea to Sky Highway 1 Improvement Project	Ministry of Transport BC	Concession Manager Sea to Sky Highway 1	Coquitlam B.C. Canada	April 20 <sup>th</sup> 2015
Sea to Sky Highway 1 Improvement Project	MLA Sea to Sky Highway Corridor	Govt. Minister Liaison during the project	Whistler B.C. Canada	30 <sup>th</sup> Nov. 2016

<b>Project</b>	<b>Organisation</b>	<b>Position or Role in Organisation</b>	<b>Location of Interview</b>	<b>Date of Interview</b>
Sea to Sky Highway 1 Improvement Project	Mayor of Squamish (present)	Community Liaison with contactor/Govt.	Squamish B.C. Canada	December 1 <sup>st</sup> 2016
Sea to Sky Highway 1 Improvement Project	Mayor of Squamish (previous)	Community Liaison with contactor/Govt.	Squamish B.C. Canada	December 1 <sup>st</sup> 2016
Sea to Sky Highway 1 Improvement Project & Port Mann/Highway 1 Improvement Project	First Nation Chief	First Nation Community Liaison with contactor/Govt	Squamish B.C. Canada	December 2 <sup>nd</sup> 2016
Port Mann/Highway 1 Improvement Project	First Nation Legal & Community Liaison Officer	First Nation Community Liaison with contactor/Govt	North Vancouver B.C.	December 2 <sup>nd</sup> 2016
Port Mann/Highway 1 Improvement Project	Ministry of Transport BC	First Nation Liaison Lands and Community Projects.	Coquitlam B.C. Canada	April 20 <sup>th</sup> 2015

Source: The author.

Semi-structured interviews were used in this research because the procurement of transport infrastructure and the PPPs' transparent governance approach are complex and require in-depth information. This approach to the interview process allowed the interviewees to discuss and clearly understand the questions in the interview process (Greener 2011). The interviews were held at each of the case study locations, or the project contractors' office or the government departments associated with the case study. During the interviews, the author clarified the questions when necessary and explained specific terminologies. This approach also assisted in the development of the construct validity of the research. If further clarification was needed after the interviews, the author contacted interviewees via Skype, email, or the second or third data collection trip.

Digitally recording the interviews ensured that all interviewees' actual words were retained in the precise format and tone as spoken by the interviewee, throughout the interview. Interviews were later transcribed before being reviewed for correctness against the original on-site recordings. To maintain correctness in the interview's tone and meaning was maintained through the complete interview, frequent reference to the interview recordings occurred during their transcription. However, Yin (2014) points out that conversations are not a substitute for active listening during a research study. In recognising the importance of active listening throughout the interviews, the taking of appropriate notes occurred to support the interviews' recording to assist in the transcription of the interviews and later data analysis. All data collected was stored on a password protected secure server, on an external, password protected, hard drive or, on the author's personal computer which were with the author or, secured in his office in accordance with the UTS Human Ethics approval.

### 3.6.4 Data analysis

This section explains the format and approach for analysing the collected data from the case study projects. The collected data were obtained primarily from the in-depth, semi-structured interviews; documentary data; relevant news release; and websites related to the projects. The collected data collected from the interviews and the literature will be analysed through a manual thematic analysis process. The use of Endnote software assisted in the analysis of the project literature.

The analysis process was designed to ensure and maintain the integrity of the research data's theoretical and internal validity. For each case study, thematic analysis was undertaken to identify "pattern, processes, commonalities, and differences" (Miles & Huberman 1994, p. 9). This process led to the identification of the dominant and less dominant themes generated from stakeholder perceptions, sentiments, and beliefs, which had emerged from the semi-structured interviews. The thematic analysis of the data from the semi-structured interviews allowed the direct representation of the participants' perceptions, experiences, and points of view regarding their project, rather than the corporate, organisational, or political views presented by industry consultant experts and government observers.

The interviewer is also aware that interviewees may have had biased beliefs that impacted the thematic analysis. Care was taken to avoid these challenges when managing the data to ensure that accuracy was maintained and avoid misinterpretations and responses that were biased because of an individual's commercial affiliation or official position. Morse and Richards (2013) explain that rigour and integrity in qualitative research is achieved only if the researcher asks the right questions and ensures an appropriate research design. Understanding that what is discussed is affected by the degree of trust developed between the participant and the researcher, thereby building a solid theory base on an exemplary verification process. They argue that the researcher's quality of decisions through the research design, processes, and application stages ensures the consistency and rigour in the research.

Using the previously stated approaches to the data analysis helped triangulate and critically interpret the collected data to improve reliability, predictive value, and validation (Fielding & Fielding 1986). Yin (2009) points out that in qualitative research the research study design's quality is assessed by four tests: "1) reliability, 2) internal validity, 3) external validity, and 4) construct validity" (Yin 2009, p. 53). The next section discusses validity and reliability, along with ethical considerations.

## 3.7 Reliability, validity and ethical considerations

### 3.7.1 Reliability

Zikmund et al. (2013) point out the importance of reliability and how it 'is an indicator of a measure's internal consistency. Consistency is the key to understanding reliability.' (Zikmund et al. 2013, p. 305). Tashakkori and Teddlie (1998) also point out that in order to achieve reliability when undertaking research through the case study approach, it would be essential for the researcher to spend time in the field. This time in the field encourages the development of trust and the chance to understand the interviewees' culture and assists in the precise analysis of information and helps avoid misinformation. Observations conducted in the field need to be done so with diligence, so the researcher can readily identify and relate characteristics or aspects of the social scene to questions being asked (Tashakkori & Teddlie 1998). Merriam (1995) argues further that the critical issue for researchers adopting qualitative research methods is "not whether the results of one study are the same as the results of a second or third study, but whether the results of the study are consistent with the data collected" (p. 56). Merriam (1995) also points out that the following three methods can lead to outcomes that achieve greater consistency in reliability:

1. Triangulation. The use of multiple data collection methods and other forms of triangulation can lead to dependability or consistency (as well as internal validity).
2. Peer examination. This strategy provides a check that the investigator is plausibly interpreting the data; that is, someone else can determine whether the emerging results appear consistent with the data collected.
3. Audit trail. This strategy, suggested by Guba and Lincoln (1981), operates on the same premise as an auditor verifying the accounts of a business. So that an audit to take place, the investigator must describe in detail the data collection, how categories were derived, and decisions made throughout the enquiry. Goetz and Lecompte (1984) suggest that the audit trail should be so detailed "that other researchers can use the original report as an operating manual by which to replicate the study" (cited in Merriam 1995, p. 56).

Yin (2014) argues that the incorporation of a case study protocol will increase case study research reliability by guiding the researcher through the data collection process and that the protocol is an integral component when conducting research by way of multiple case studies. Yin (2014) further points out that "a case study protocol should have four sections" (pp. 85-86). As applied in this study, these four sections are:

1. An overview of the case study. This first element was explained by email and in some instances by telephone to the interviewees from the government, contractors, and community representatives.
2. The University of Technology Sydney Human Rights Ethics Committee approved the data collection procedures before the commencement of interviewing to ensure human subjects' protection. Research participants received a copy of the notice of approval prior to their interviews.
3. The refined interview questions provided before the interviews focused on the subject matter required for the research and delivered to the interviewees well before the scheduled meeting.
4. The interviewee received a guide for the case study report. A clear outline and explanation of the data's use and provided with other documents associated with the research to the interviewees (Yin 2014).

Yin (2014) explains further the importance of adopting a case study protocol:

First, it keeps you targeted on the topic of the case study. Second, preparing the protocol forces you to anticipate several problems, including the way that the case study reports are to be completed. This means, for instance, you will have to identify the audience (s) for your case study report even before you have identified the study. Such forethought will help to avoid mismatches in the long run. (p. 86)

Throughout this research study, the case study protocol was used in the collection of data. Communication with the interviewees well in advance of interviews is a basic requirement when dealing with many community groups and First Nation community stakeholders. These communications and the forwarding of the interview questions for review before the interviews assisted in developing the required relationship of trust. This process also allowed participants to gain precise knowledge and a clear outline of the project case study. This approach encouraged them to focus on the project questions relevant to their personal experiences.

### **3.7.2 Validity**

Validity in a qualitative research study reflects the plausibility, trustworthiness, authenticity, defensibility of findings and credibility created in the research (Miles & Huberman 1994).

Reliability refers to the degree of consistency of the measurement of concepts that originally intended to be measured and that the measurements are free of any occurring random errors.

(2011) explains that in qualitative research the “concept of validity refers to a situation where the findings of your study are in accordance with what you designed it to find out” (Kumar 2011, p.

172). It also incorporates the replicability of the study's design and methods. A vital check of the research's validity is to answer the question: Will the research provide the opportunity for other researchers to obtain similar results to the outcomes of this study and repeat a similar research project?

Several steps were taken throughout this study to maintain its validity and ensure its reliability, particularly in selecting the research participants. The interviewees were recognised and introduced to the author through the author's professional and personal networks. Some of those selected from the government departments declined interviews due to time availability, but they nominated colleagues of a similar position and management standing in the government department. As a research study examining the involvement and participation of stakeholders, it was important that the interviewees include those who would benefit from the good governance and transparency throughout, following the construction of the infrastructure projects.

### **3.7.3 Internal validity**

De Vaus (2001) points out that internal validity is the extent to which the research design procedure enables the researcher to arrive at unambiguous conclusions based on research results. He further points out that how the setup of a study has a large impact on the elimination of alternative explanations for the findings, and that the more that these alternative interpretations are eliminated the more the internal validity of the study is increased: "By developing, a full, well-rounded causal account, case studies can achieve high internal validity" (De Vaus 2001, p. 234). De Vaus (2001, p. 234) explains further that when we view "particular casual factors in combination with other casual factors we can assess both the relative importance of particular causes and the way in which various causes interrelate" (p. 234).

Yin (2009) points out and suggests four analytic techniques that assist in achieving results in case study internal validity, "pattern matching, explanation building, time series analysis, logic models and cross-case synthesis" (Yin 2014). These links are "the links among the research questions, the data to be collected, and the strategies for analysing the data – so that a study's findings will address the intended research questions" (Yin 2016, p. 83) and may be used as techniques in either multiple case studies or a single case study. Internal validity looks to "establish a causal relationship, whereby certain conditions are believed to lead to other conditions, as distinguished from spurious relationships" (Yin 2009, p. 40). According to De Vaus (2001), "By developing a full rounded causal account, case studies can achieve high internal validity" (p. 234).

### **3.7.4 External validity**

External validity refers to what extent to which findings in a study may be generalized beyond that particular research study, regardless of the specific research method adopted for the study. External validity often referred to in two formats of generalization: statistical and analytic generalisability (theoretical) (Yin 2009). Statistical generalization is achieved using representative random samples, and analytic generalisability is generalizing from a study to a theory. Yin (2009) also points out that the form of the original research question may help or hinder the preference for seeking generalizations, that is, striving to achieve external validity: "Case studies, like experiments, are generalizable to theoretical propositions and not to populations or the universes" (p. 15). Yin (2009) also further explains how the case study methodology has similar objectives to an experiment's objectives. Still, the investigations' goal is the expansion and generalization of theories, not to enumerate frequencies.

The approach adopted in this research ensured that the study maximized external validity through the use of analytic generalization and multiple case studies. The research aim in this study was to corroborate, reject, advance, or modify the relationships and theoretical concepts adopted for this study. External validity was drawn from the data collected and analysed from each of the case studies. Under similar conditions adopting these same processes should lead to the same research outcomes.

### **3.7.5 Construct validity**

This research study's construct validity was achieved through the collection and analysis of data from multiple sources. Denzin and Lincoln (1994) refer to construct validity as the degree to which the study has investigated that research it has claimed to have investigated and led to the accurate observation of reality. Yin (2009) describes construct validity as "identifying correct operational measures for the concepts being studied" (p. 40).

Cho and Trent (2006) argue that "validity in qualitative research involves determining the degree to which researchers' claims about knowledge correspond to the reality (or research participants' constructions of reality) being studied" (Cho & Trent 2006, p. 319). In this study, the author took precautions to comply with this statement. Of most importance was the selection of the participants for the semi-structured interviews. Those selected for the interviews were key stakeholders of each of the PPP project case studies. They included government officials, design and construct senior personnel, community action groups, and First Nation communities. The number and variety of interviewees enabled the comparison of their opinions with one another in each case study, which assisted in eliminating bias and ensured construct validity. Lincoln &

Guba (1985) argue that validity and reliability in qualitative research are terms more commonly referred to in their application in quantitative research, whereas in qualitative research they advocate “the concept of trustworthiness to achieve the rigour in qualitative research” (p. 84). Further arguing, that the rigour and integrity of a qualitative research project are maintained by verifying sound research processes, extracting reliable data, creating substantial direct research questions, and building solid research theory (Morse & Richards 2013).

With the use of multiple sources of evidence, the developing of "converging lines of enquiry" (Yin 2016, p. 87) created a process of triangulation. The triangulation technique employed in this study enhanced its construct validity and facilitated the generalisation of its findings (Patton 2002; Yin 2016).

### **3.7.6 Ethical considerations**

Throughout the research study, the approach to ethical issues was crucial in establishing both the research study's ethical integrity and the integrity of the author (Saunders, Lewis & Thornhill 2009). Concerns about this qualitative research study's ethical integrity focused on three considerations: the informed consent of respondents, confidentiality, and the consequences of the research (Brinkman & Kvale 2009).

For this research, the author gained approval from the University of Technology Sydney Human Research Ethics Committee (UTSHREC) on 23 October 2014 (approval number HREC 2013000663). This ethics approval was for a period of five years, and a copy is Appendix A.

Patton (2002) points out the importance of informed consent protocols and confidentiality:

Informed consent protocols and opening statements in interviews typically cover the following issues: What is the purpose of collecting the information? Who is the information for? How will it be used? What will be asked in the interview? How will responses be handled, including confidentiality? What risks and/or benefits are involved for the person being interviewed? (p.407)

Research participants informed the interviewer of their consent to be involved before the undertaking of the semi-structured interviews. Before the author's initial field trip, the interviewer forwarded the Information letter to interviewees Appendix B, interview questions noted as Appendix C for the Community Stakeholders and Appendix D for the contractors and Government stakeholders. to the participants. Consent was gained verbally before the interviews during the field trips to the case study locations, and each interviewee signed a consent form Appendix E in the interviewer's presence.

All the interviews except one were face-to-face interviews, and they were all digitally recorded. The one interview by telephone and digitally recorded was due to the interviewees' remote location. In most cases, the interviewees did not concern themselves about confidentiality during the recording of the interviews, but the interviewer obtained permission from the interviewees for the unrestricted recording. The consent granted by the interviewees was for the use of the collected data in the research study and any future publications. The interviews were generally between one hour to two hours in duration.

In sum, all interviewees from the stakeholder groups gave their consent to collecting the interview data freely and in writing. The interviewer informed the interviewees that they would remain anonymous throughout the thesis and any future publications unless prior written approval to use their names and position in publications was provided by the interviewee. Their data information would be collated and used as evidence for this study and potentially in future research papers. There were no apparent ethical concerns raised by any of the stakeholder groups at any time throughout the research. The interviewer also organised appropriate times with each of the case study project's stakeholder groups to ensure a suitable time allowed for each interview and ease of access to the interview locations.

### **3.8 Summary**

This chapter has outlined the qualitative case study research methods that were adopted to investigate the peculiarities in the collection and analysis of the research data. The case study methodology was selected for this research project as it was best suited for the analysis of the project, the impact of greater transparency in the governance models of the chosen case study PPP projects made in each governing authorities approach in the procurement and delivery of their significant public infrastructure projects. To maintain standards of quality throughout the research, the tactics suggested by Yin (2012), Creswell (2007), Denzin & Lincoln (2008) and others are incorporated to ensure the validity and reliability of this study's findings.

This study uses case studies chosen from the province of British Columbia in Canada and Oregon in the USA to research the impact that different approaches to transparency and stakeholder participation have on a large-scale public infrastructure project. Aspects investigated included transparency, PPP procurement, community participation, and First Nations communities' role in the decision-making process. This chapter of the study concludes with a discussion of the approaches to ensure validity and the study's ethical conduct.

Chapter 4 presents the three case studies and the outcomes to the research questions. Two case studies located in the province of British Columbia in Canada are the Sea to Sky Highway Project

and the Port Mann Highway One Project. And one case study project from Oregon in the USA, is the Willamette Passage Bridge project.

# Chapter 4

## Case Studies

### 4.1 Introduction

This chapter offers three 10-page descriptions one for each of the Case Study Projects that will provide a context and background of each project. More specific details of each project will be provided in Chapter 5 in the presentation of themes and analysis.

As explained in Chapter 3, the methodological approach used in this research was a comparative case study design that incorporated data collected from interviews, the literature review, and the public realm (Creswell 2007; Merriam 1991; Yin 2014). “A case study is an empirical inquiry that investigates a contemporary phenomenon (the ‘case’) in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be clearly evident” (Yin 2014, p. 16). This approach was well suited to this research study, which seeks to compare ‘real-world’ cases with different conditions in each of the governing authorities’ chosen governance models.

This study is designed as an “embedded multiple case study” (Yin 2014, p. 62) of three projects, two located in British Columbia, Canada, and one in Oregon, USA, both regions that had neoliberal governments at the time of this research. Furthermore, both have similar attitudes towards the use of Public-Private Partnerships (PPPs) in the procurement and delivery of major public transport infrastructure projects. The case studies explore the differences adopted by these regions’ governments in their approach towards transparency and the inclusion and the levels of participation of the First Nation and non-First Nation communities in each of the projects.

The rest of the chapter is structured as follows: Section 4.2 discusses Case Study 1, The Port Mann/Highway 1 Improvement Project in British Columbia Canada; Section 4.3 discusses Case Study 2, The Sea to Sky Highway Improvement Project, in British Columbia Canada; Section 4.4 presents Case Study 3, The Willamette Passage Bridge Project, in Oregon USA; and Section 4.5 summarises the chapter.

### 4.2 Port Mann/Highway 1 Improvement Project

This section examines the rationale related to the British Columbia Ministry of Transport’s objectives and decisions that led the government to proceed with the Port Mann/Highway 1 Improvement Project on the highway corridor between the city of Vancouver and the township

of Langley in British Columbia (British Columbia 2011, p. 5). It also looks at the selection process that was undertaken and overseen by both the British Columbia Ministry of Transportation and the government corporation, Partnerships BC.

#### **4.2.1 Background and description**

The Port Mann/Highway 1 Improvement Project is an integral component of Canada's Pacific Gateway Program, which was announced in 2005 by the British Columbia government and promoted as the preferred Asian trade Gateway into and out of North America and also a key access route to world markets. The Pacific Gateway Program was an alliance formed between British Columbia, Alberta and Saskatchewan, Canada, and a consortium of private partners. The partnership had an initial joint commitment of C\$22 billion towards infrastructure improvements to the Trans Canada transport system (British Columbia 2011).

The British Columbia Government's Pacific Gateway Transportation Strategy 2012–2020 reported that there had been definitive growth changes in export markets due to the Pacific Gateway Transportation Strategy's upgrades to the TransCanada transport system. Previously in 2001, almost 70% of total exports from Canada were to the USA. The improved road and rail network delivered through the Gateway program upgrades have led to the more accessible and efficient transportation of Canadian and North American products through the Canadian transport corridors, ports, and air terminals. By 2012, the traditional American market represented less than 50% of British Columbia's exports, with a marked increase in exports to the growing markets in the Asia Pacific region (British Columbia 2012).

The Gateway program expectations were to attract a further C\$25 billion worth of investment towards infrastructure by the year 2020. This new commitment to funding in the province was expected to aid in creating approximately 17,000 new jobs and boost the economic activity through new infrastructure in the mining, forestry, agri-food, energy, tourism and international education sectors (British Columbia 2011).

The Port Mann Highway 1 corridor, along with Highway 15, are the transport corridors that act as the principal east-west trucking transport routes, between Canada and the USA. Canada's government has invested in this new expansion program to increase its share of the North American container traffic through Vancouver to 20% of the Asian traffic flow by the year 2020. The Port Mann Highway 1 project played a significant role in achieving this goal through the South Fraser Perimeter Road which connects to the Delta Port and the Fraser Surrey Docks. With the growth in activity through the Pacific Gateway program, there was an expected increase

in the GDP and job availability in the region of British Columbia (British Columbia 2011).

Figure 4.1 shows the location of the Port Mann Highway 1.

Figure 4.1 Location of the Port Mann/Highway 1 Project, British Columbia



(Source: [www.gov.bc.ca](http://www.gov.bc.ca))

#### 4.2.2 The Port Mann Bridge

Figure 4.2 shows the new Port Mann Bridge. The original Port Mann Bridge was constructed in 1964 and had been an essential part of the Trans-Canada Highway Road system crossing the Fraser River between Surrey and Coquitlam. With the escalation in world demand for Canada's products of its abundant natural resources, British Columbia experienced increased pressure on its road and transport network to service both the increased movement of products to the transport hubs, to meet the growing market demand and the associated rise in the population growth through this demand growth of the city of Vancouver. The expanded competition for the road networks from resource deliveries and commuter networks impacted heavily on the already burdened river crossings. The original Port Mann Bridge had the highest daily volume crossing per lane of all river crossings in Greater Vancouver, with congestion lasting up to 13 hours per day. Such volumes of traffic led to the authorities proposing the new bridge crossing as part of the Pacific Gateway program (British Columbia 2012).

**Figure 4.2 The Port Mann Bridge in British Columbia**



(Source: MMM Group).

At the time of the initial bridge construction in the early 1960s, the bridge serviced Vancouver's population of 800,000. By 2006, the greater Vancouver population had increased to 2.5 million. After three years of consultation the government decided on replacing the bridge through a competitive Public-Private Partnership submission process and implement and incorporate self-funding through a toll system. The initial project estimated construction cost would be \$C2.5 billion (British Columbia 2012).

#### **4.2.3 Project objectives**

The BC Ministry of Transportation and Infrastructure (MOTI) conducted a feasibility study to determine the project's objectives and assess the measures required to return good mobility to this significant transport corridor of the Greater Vancouver region. During the community consultation sessions, MOTI presented a pre-design concept to the community members of the proposed new bridge crossing to replace the original 1960's constructed bridge. The presentation outlined key recommendations objectives to address the increasing corridor congestion. These recommendations and objectives included reducing the ramp queues, reaching back onto the highway, and expanding the merge link accesses to and from the highway. The project objectives also included the construction of the new bridge, which would be on completion, was the

second-longest cable-stayed bridge in the Western Hemisphere, with a span of more than two km over the Fraser River between Coquitlam and Surrey near Vancouver. The new bridge introduced some new transit priority measures. Also, it allowed the reintroduction of public transit to a corridor that was too congested to support reliable service for the past 20 years, with the future possibility of light rail and rapid transit expansion across the bridge (British Columbia 2011). The project construction also included the widening of 37 km of highway, the upgrading or building of 32 interchanges and access points along the Highway 1 corridor. The major components and project goals/objectives are shown below in Table 4.1.

**Table 4.1 Project goals and bridge features**

<b>Project goals</b>	<b>Bridge features</b>
1	Reduce travel times for trips along the corridor and increase travel time predictability
2	Reduce congestion at entry and exit points to Highway 1
3	Reduce travel times for trips across the corridor and improve connections within and between communities.
4	Improve access to and egress from the corridor for goods movement
5	Facilitate the introduction of transit service along the corridor and the improvement of transit service across the corridor.
6	Expand High Occupancy Vehicles (HOV) and pedestrian networks along or in the vicinity of the corridor.
7	Improve safety for vehicle operators and passengers, cyclists and pedestrians.
The pre-design concept for the Port Mann Highway 1 improvement Project included the following features.	
1	Added capacity to the Highway 1 corridor.
2	Extending the westbound and eastbound HOV lanes on Highway 1.
3	Transit priority measures, including the introduction of bus service through trans-EQ jumpers and extended HOV lanes.
4	Significant cycling and pedestrian infrastructure improvements.
5	Ability to accommodate future light rail rapid transit expansion across a new Port Mann Bridge.

Source: Project Report: Achieving Value for Money Port Mann/Highway 1 Improvement Project

#### **4.2.4 Project procurement bid process final delivery outcome.**

Through the directives of the Ministry of Finance all proposals adopted the following in-principal guidelines outlined in the Capital Asset Management Framework (CAMF), which is a requirement in all public sector project procurements (British Columbia 2011, p. 9):

- Fairness, openness, and Transparency.
- Allocation and management of risk.
- Value for money and protecting the public interest.
- Competition.

The project procurement guidelines in British Columbia have a requirement that all new projects in excess of \$C50 million must be considered as a public-private partnership (British Columbia 2011).

##### **4.2.4.1 Considered procurement options.**

On behalf of the province, Partnerships British Columbia and the MOTI analysed which procurement model of procurement through a PPP would be suitable financially to deliver the best value for money (VFM) in the procurement and delivery of the new Port Mann Highway 1 Project. The PPP models considered were the following:

- Design Bid Build (DBB)
- Design Build (DB)
- Design Build Finance Operate (DBFO)

##### **4.2.4.2 Preferred partnership model of delivery option**

The preferred procurement model selected was determined to be a variation of the DBFO model. The selection process adopted a best VFM option for the province known as the Public-Sector Comparator (PSC) (British Columbia 2011). “The PSC is an estimate of the hypothetical whole-of-life cost of a public-sector project if delivered by government” (Australian Government 2008, p. 7). Industry Canada points out that “Public sector comparators (PSCs) are key to making the case for P3s since they are the benchmark against which P3s will be measured.” (Fussell, Beresford & Mellanby 2009, p. 59) They should occur “early on in the planning process at the highest level because of their importance in determining if a P3 actually produces value for money” (Fussell, Beresford & Mellanby 2009, p. 60).

The variation to the DBFO model in the Port Mann Highway 1 Improvement Project was that the province of British Columbia would regulate tolls applied to the new infrastructure project.

Also, if tolls exceeded the expected collections, the mechanism allowed for the sharing of these revenues to ensure the protection of the public interests while allowing a reasonable return to the private partner.

Partnerships BC and the MOTI concluded that the DBFO procurement model was best suited to accomplish the replacement of the ageing Port Mann Bridge and improve its connecting highway corridors. A DBFO contract is defined as where the “government signs a long-term deal with a private party that agrees to take over the design, building, financing and operation of the infrastructure” (Fussell, Beresford & Mellanby 2009). The government of British Columbia argued that the analysis of the DBFO contract would deliver a solid VFM to the taxpayers of BC and benefit the province through the transfer of the expected risks in the project to the private partner in the project procurement process (British Columbia 2011).

#### **4.2.4.3 Private partner selection process**

The British Columbia government corporation, Partnerships BC, were engaged by the MOTI to coordinate a competitive selection process in two phases: Request for Qualifications (RFQ) and Request for Proposals (RFP). This selection process was an intensive local, national, and international search for a suitably qualified project partner. Partnerships BC invited three contractors from the initial RFQ to submit their bid proposals for the final RFP evaluation stage (British Columbia 2011).

The RFP evaluation stage carried out by a panel of experts, commissioned by Partnerships BC assessed the submissions in two phases. Phase 1 was the technical stage, responding to the needs of design, construction, maintenance, and the project's future ongoing operation. Phase 2 involved the pricing methodology and financing of the project to be undertaken by the project partner. Upon completing the RFP, the release of the successful private partner's selection and the successful tender was the Connect BC Development Group. This announcement occurred in August 2008, with an agreement in principle signed in January 2009. (British Columbia 2011).

#### **4.2.4.4 Review of partnership structure**

The original recommendation and agreement was to proceed with the DBFO model were terminated after weeks of negotiations when the province could not agree to conditions with the preferred tenderer. Negotiations were terminated by mutual consent on 24 February 2009. On 27 February 2009, the province entered into a Design-Build (DB) partnership agreement with Kiewit/Flatiron General Partnership to utilise many aspects of the initial failed DBFO contract

with the Connect BC Development Group (British Columbia 2011). Table 4.2 summarises the competitive selection process timeline (British Columbia 2011, p. 12).

**Table 4.2 Competitive selection process summary**

<b>Procurement Stage</b>	<b>Timing</b>	<b>Outcome</b>
Request for Qualifications	May 22, 2007, to June 15, 2007	The project was marketed locally, provincially, and nationally. Submissions from six respondents were evaluated a short list of three teams was announced August 7, 2007. Connect BC Development Group Gateway Mobility Partners Highway 1 Transportation Group
Request for Proposals	Issued August 7, 2007. Technical Submittals- February 29, 2008 Final submittals- May 30, 2008	The three shortlisted teams submitted proposals. This stage included extensive workshops and topic meetings.
Selection of Preferred Proponent	August 19, 2008	After evaluation of the proposals, Connect BC Development Group was selected as preferred proponent.
Agreement-in-Principle	January 28, 2009	The parties agreed to work to finalize terms of the agreement.
Negotiations Impasse	February 27, 2009	An agreement cannot be reached, and the province announces plans to proceed with the project using traditional financing.
Design-Build-Agreement	March 17, 2009	The province entered a fixed-price, design-build agreement with Kiewit/Flatiron General Partnership to design and build the Project.

Source: Partnerships BC & Government British Columbia.

#### **4.2.5 Project partnership consortium**

The private partner project consortium team and their responsibilities were as follows:

**Construction:** Kiewit/Flatiron General Partnership (Kiewit/Flatiron) were responsible for the Port Mann Bridge and Highway 1 corridors construction elements of the project.

**Design:** H5M, a design team, were responsible for the onshore design component of the Port Mann Highway 1 project; and Ty Lin International, a specialist cable-stayed bridge design team, were responsible for the design of the Port Mann bridge crossing (British Columbia 2011).

#### **4.2.6 Community consultation**

Chapter 3, the methodology chapter, outlines the importance of community consultation with both First Nations and Non-First Nation communities. The British Columbia governments' consultative approach adopted in the Port Mann Highway 1 project was outlined clearly during the interview process with the project's Concession Manager. It involved group presentations, public open houses displaying the project design, locally based community presentations, and an active web-based project link providing regular updates about the project.

During the initial consultation period, the local governments of Surrey, Burnaby and Vancouver objected to the design of the project proposed by the government of British Columbia. The Surrey and Burnaby local governments and sections of the community sought a more significant investment in public transport initiatives rather than the creating of greater highway and bridge capacity. This increase in bridge capacity would lead to increased congestion on the road system. A public consultation process carried out by the local governments of Surrey and Vancouver showed the local communities were against the replacement bridge program but supported more significant investment in public transit in line with the province's Liveable Regions Strategic Plan (Burnaby 2007; GVRD 1996; Kux 2016).

The Mayor of Burnaby pointed out the resident concerns, stating that the proposed project would encourage urban sprawl and discourage the use of public transport, that the subjects included and the scope of the consultation was too narrow, and there was insufficient opportunity for the community input into the consultation about the project (Burnaby 2007; Surrey 2007).

In an interview with this author, the British Columbia Ministry of Transport's First Nations Manager, Gateway Program Officer, explained the methodology that had been adopted in the Port Mann Highway 1 project. The representative also explained the consultation process undertaken with the projects neighbouring First Nation communities. The representative explained and outlined the main benefits and project outcomes that impacted the local First Nation communities. Moreover, how these outcomes were delivered to the community through the project works and the limited enhancement of the highway's cultural and environmental improvements carried out in lieu of the impact of the highway corridors on the lands of the Musqueam peoples. An example of those works was the revitalisation through the reintroduction of wildlife access to the Wilson Farm area of Colony Farm Regional Park in Port Coquitlam BC.

#### 4.2.7 Project risk distribution and construction schedule

The original DBFO contract saw the distribution of risk responsibility primarily retained by the province. The DB partner, however, was be responsible for the risk related to development delivery and for meeting key construction landmarks and performance indicators for payment. These commitment dates are outlined in Table 4.3 (British Columbia 2011).

**Table 4.3 Project commitments delivery timetable**

<b>MILESTONES</b>	<b>DATE</b>
Construction start	March 2009
New Port Mann Crossing opens with 8 lanes and tolling begins (will provide all movements to and from the bridge that are currently available)	December 2012
Substantial completion	December 2013
Final completion including removal of existing bridge	December 2014

Source: Partnerships British Columbia (2011) and Government of British Columbia (2012)

#### 4.2.8 Project finance and project tolling

With the Port Mann Highway 1 project converted from the original DBFO contract to a DB contract with the Kiewit/Flatiron General Partnership worth C\$2.46 billion, the government created the Transportation Investment Corporation who oversaw all aspects of project delivery (British Columbia 2011).

#### 4.2.9 Conclusion to Case Study 1

The Port Mann Highway 1 project became one of the most capital-intensive developments in the province of British Columbia Canada. The project had an overall project cost of C\$2.46 billion. Initially, the project was to be a DBFO public-private partnership. However, the provincial government could not come to terms with the preferred bidder due to the hard economic times at the time of entering into the procurement contract with the province. The DBFO contractual negotiations ceased, and the province commenced moving forward with a DB form of PPP project model for the replacement bridge infrastructure and highway corridor improvements. The government established the Transportation Investment Corporation (TI Corp). It charged TI Corp with the responsibility for the collection of road tolls that would recover the capital investment of the project and pay for the ongoing maintenance of the new bridge infrastructure and highway corridor upgrades (British Columbia 2011).

The expectations presented to the surrounding communities regarding the government's project was that the project would be self-funded through the toll collection. The government also promoted the social benefits to the transient travellers and the residents in the neighbouring

communities by reducing travel times and vehicle operating costs, and the improved safety and living standards for the residents of Greater Vancouver (British Columbia 2011) .

The communities impacted directly by the new bridge infrastructure included Vancouver, Burnaby, Coquitlam, Surrey, and Langley, which included the traditional First Nation communities of the Katzie, Kwantlen, Kwikwetlem, Musqueam, Squamish, Tsleil-Waututh Nations. The collection of tolls on the Port Mann Bridge Highway 1 Project that were introduced from the 18th of September 2012 were removed on 1st September 2017 through an election promise to the public by the incoming elected National Democratic Party. With the removal of the tolls, the debt repayment and ongoing maintenance of the project became a burden to the British Columbia provincial governments debt (British Columbia 2017; Mills 2018).

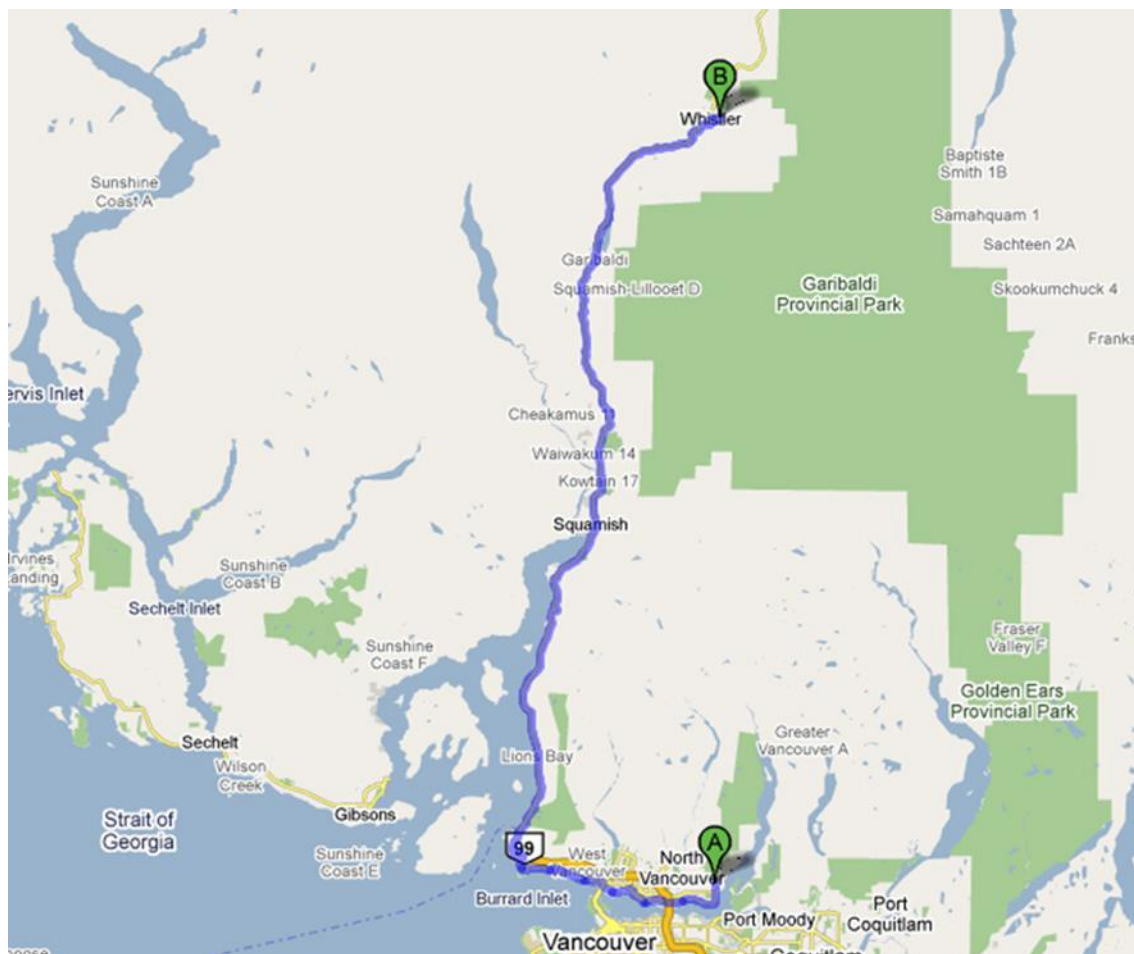
In this case study, questions arose from the study findings of the benefits of the methods adopted in the engagement, consultation, and inclusion of the community in the approach to the government's governance in their management of this PPP project.

The next section will outline the Sea to Sky Highway Improvement Project, which is the second case study used in this research.

### **4.3 Case Study 2: The Sea to Sky Highway improvement project**

This section examines the Sea to Sky Highway improvement project, reviewing the reasons the Ministry of Transport and Infrastructure (MOTTI) proceeded with the project, and the selection process of the private partners. The project was a vital component of the 2010 Winter Olympic Games bid proposal and an essential element in the provincial road safety improvement program. It involved the road corridor between West Vancouver, Horseshoe Bay, Lions Bay, Squamish and Whistler (see Figure 4.3) (British Columbia 2005).

**Figure 4.3 Location of Sea to Sky Highway, British Columbia**



Source: [www.sfu.ca](http://www.sfu.ca)

#### **4.3.1 Background and description**

The Sea to Sky Highway improvement project was a PPP carried out on a section of Highway 99 in British Columbia, Canada. The Sea-to-Sky Highway is a 95-kilometer stretch of Highway 99 that connects West Vancouver and Whistler. This section of Highway 99 was referred to locally as the Highway of Death (Jones 2001) and formed part of the major north-south roadway corridor in British Columbia, Canada. The highway connected initially to US Route 99, from which the name originated. The original roadway from the US border to the junction of Highway 97 had a length of 409 kilometres (British Columbia 2005; Lawther 2015).

The project for the highway upgrade had distinct Design-Build Fund Operate (DBFO) and Design-Build (DB) contract components. In 2003 the British Columbia Ministry of Transport commissioned the plan to widen and improve better road access and safety along the Sea to Sky Highway corridor. The project included the construction of 48 new bridges and overpasses along the project corridor and other safety measures. The government anticipated that outcomes from

the project would be “reduced crash-related costs (C\$400 million); reduced vehicle operating costs(C\$25 million); reduced travel times (C\$240–C\$500 million” from the highway improvements (Lawther 2015). The project was completed by 2009 to improve road travel safety for spectators attending the 2010 Winter Olympic Games (British Columbia 2005). The safety upgrades and improvements were also seen as necessary to accommodate the general increase in traffic usage occurring on the highway corridor due to the present and future population growth expected in the region through the better and safer road access of the project upgrades (Lawther 2015).

In January 2003, the British Columbia Treasury board approved a budget of C\$600 million for the capital improvements of the Sea to Sky Highway project. The Ministry of Transport then entered into a DB contract to deliver a refurbished 830-metre-long test section on the proposed highway corridor to the south of Lions Bay (British Columbia 2005).

#### 4.3.2 Project objectives

In 2003 the Ministry of Transport had set a project deadline to complete all highway improvement project works by 2009. An integral part of the project objectives of the project was to accommodate safer road usage for future population growth for both the local First Nation and the wider non-First Nation communities; the encouragement of economic development through the increased permanent residential and recreational housing, and provide a more comfortable travel experience along a safer Highway corridor from West Vancouver to Whistler (British Columbia 2005). Table 4.4 lists the Ministry of Transport’s objectives.

**Table 4.4 Ministry of Transport’s objectives**

Objectives Ministry of Transports objectives are to achieve improved safety, reliability and capacity of the Sea-to-Sky Highway. The primary objectives for the Sea-to-Sky Highway Improvement Project include:	
Safety	Improve the safety of the highway, primarily through improvements to the highway design.
Reliability	Improve travel time predictability for highway users.
Capacity	Enhance the ability of the highway to accommodate community growth and other user needs.
Project Completion and Budget	With the selection of Vancouver to host the 2010 Winter Olympics, to complete the highway improvements by late 2009 within the budget.
Managed Traffic Flows During Construction	To minimize disruption and maximize predictability for road users because the improvements are being undertaken on an operating highway with no alternate route to which traffic can be diverted.

Source: Partnerships British Columbia (2011) and Government of British Columbia (2012)

The construction management plan adopted in the project allowed for the development to occur on the highway corridor simultaneously at both the North and at the South of Squamish and have “an acceptable level of traffic delays while enabling the project to be completed on schedule”, on time and on budget (British Columbia 2005, p. 6).

#### **4.3.3 Project procurement bid process and final delivery outcome.**

Because the government’s contribution exceeded C\$100 million, it is a mandated requirement to undertake a review of the project and determine if the PPP procurement model options were the better-suited method of project delivery or to use the traditional procurement method of project delivery (British Columbia 2005).

##### **4.3.3.1 Considered procurement options.**

The procurement options considered for their best VFM were DB, DBFO, and DBB. Ultimately, the project design and construction format involved two separate contracts. The first, a DB contract, this was undertaken in 2004 and 2005 on a test section of the highway corridor to learn about the highway corridor's geotechnical aspects, traffic management plans, and constructability guidelines (British Columbia 2005). The second contract a DBFO, for the remainder of the highway corridor upgrades had planned assessment criteria according to the following:

- Deliver the baseline improvements on time and to budget.
- Deliver additional highway improvements.
- Transfer appropriate risks to the private sector at reasonable prices.
- Include incentives in the contract to achieve project performance objectives maintain project schedule and budget and traffic management requirements.
- Conduct a fair, open and comparative process.
- Achieve value for money. (British Columbia 2005, p. 6).

##### **4.3.3.2 Preferred partnership model of delivery option**

The Ministry of Transport decided to adopt the Design Build Finance Operate (DBFO) model in preference to the traditional Design Bid Build (DBB) model, as outlined by the Canadian Council for Public-Private Partnerships. A DBFO PPP is where “a government signs a long-term deal with a private party that agrees to take over the design, building, financing and

operation of the infrastructure.” (Fussell, Beresford & Mellanby 2009). As explained by Partnerships BC Vice President Projects, the chosen procurement model's assessment of VFM through the use of the Public-Sector Comparator model, the DBFO model achieves greater VFM than that of the traditional DBB mode of procurement and delivery. A significant concern was time, as delays would be a considerable impact and concern for the operation of the 2010 Winter Olympics (British Columbia 2005).

#### 4.3.3.3 Private partner selection process

The project evaluation process had features that were unique to the Sea to Sky Highway Improvement Project. The MOTI replaced the usual element of a low-price competitive approach between the selected proponents with an annual affordability ceiling (AAC) for the successful private sector project partner, which was arrived at by the Ministry of Transport calculating the costs associated with a DBFO project model. The Ministry believed this approach would encourage the proponents to be competitive in their submission and it offered a more significant range of improvements to enhance their tender contract submission. Table 4.5 outlines the process that was adopted to select the private partner for the project (British Columbia 2005, p. 9).

**Table 4.5 Competitive selection process and timelines**

COMPETTIVE SELECTION PROCESS AND TIMELINES		
Stage	Timing	Outcome
Registration of Interest (ROI)	January 15, 2004 to March 3, 2004	The project was marketed internationally, and 90 companies responded to the ROI
Request for Qualifications	Mastery, 2004 to May 13, 2004	Submissions from five proponents were evaluated and 3 shortlisted teams were announced May 13, 2004: Black Tusk Highway Group Sound Highway Development Consortium S2S Transportation Group To be shortlisted, proponents were required to demonstrate experience, capability and financial capacity to meet construction schedule objectives while managing traffic flow and operating and maintaining the highway over the contract term.
Request for Proposals (RFP) and proponent consultation process	Made 26, 2004 to January 17, 2005	The 3 shortlisted teams submitted proposals.

Source: Partnerships British Columbia (2011) and Government of British Columbia (2012)

During the competitive bidding and evaluation phases of the project, there was the appointment of an independent fairness advisor whose role was to review and oversee the transparency of the bidding process: “The reviewer concluded that the evaluation and selection process were implemented impartially, fairly and without bias or discrimination” (British Columbia 2005, p. 11). The reviewer is known as the Fairness Advisor in the project assessment process.

According to the evaluation process guidelines shown in Table 4.6 (British Columbia 2005, p. 11), the assessment of the three shortlisted private partner proponents occurred.

**Table 4.6 Evaluation process guidelines**

RFP EVALUATION PROCESS	
Stage I: Mandatory Submission Requirements.	All proponents’ submissions were evaluated for completeness as described in the RFP.
Stage 2: Baseline improvements All proponents’ submissions were evaluated on a pass/fail basis against the private sector portion of the baseline improvements.	MOTI established the baseline improvements for new construction, operations, maintenance and rehabilitation to be delivered under the project and describe them in the RFP. Baseline improvements were evaluated in the following categories: <ol style="list-style-type: none"> <li>1. Project management, consultation and communications</li> <li>2. Design</li> <li>3. Construction</li> <li>4. Environment</li> <li>5. Operations, Maintenance and Rehabilitation</li> <li>6. First Nations Commitments</li> <li>7. Quality Management System Requirements</li> <li>8. Financial and Commercial</li> </ol>
Stage 3: Scored Evaluation Submissions were evaluated for their ability to deliver additional highway improvements beyond the baseline improvements to move MOTI toward its long-term corridor objectives	For the scored evaluation, proposals which could deliver all of the baseline improvements, and were within the AAC, were evaluated in the following scoring categories: <ol style="list-style-type: none"> <li>1. Safety</li> <li>2. Mobility</li> <li>3. Construction Traffic Management</li> <li>4. Handback value</li> <li>5. Environmental</li> <li>6. Commercial and Financial</li> </ol>

Source: Partnerships British Columbia (2011) and Government of British Columbia (2012)

#### 4.3.4 Project Partnership Consortium

On 2 March 2005, a consortium called the S2S Transportation Group was announced as the successful tenderer in their submission for delivering the Sea to Sky Highway Project upgrades. The formal close and finalisation of negotiations between S2S Transportation Group and the Ministry of Transport occurred on the 3<sup>rd</sup> of June 2005. The two parties then entered into a

performance-based, 25-year contract that required S2S to meet the following key performance project objectives:

- design, construct, and finance its portion of the baseline highway improvements.
- provide additional highway improvements incremental to its portion of the baseline improvements.
- operate, maintain, and rehabilitate the whole corridor; and
- receive payment from MOTI fulfilling its contractual obligations, financial incentives to achieve the project schedule, and ensure reliable service after completion. These payments comprised of availability payments, vehicle usage payments and performance incentive payments. (British Columbia 2005, p. 12)

#### **4.3.5 Community consultation**

As outlined in the study, there is a cultural divide in communities comprising First Nation and Non-First Nation peoples. Given that consent from the First Nations with a cultural, custodial connection to project-affected lands was required in order to pursue the desired road upgrades and safety improvements, the project consortium had engaged with the First Nation communities as stakeholders and formulated negotiated contractual arrangements in the project delivery. These arrangements included employment, education, and property acquisition (Campbell 2015). The contractor did not engage the non-First Nation community in Squamish as project stakeholders but regularly informed them of the derived future benefits and greater amenity of the upgrade to communities and the safety improvements of the highway corridor for both the First Nation and non-First Nation community members. The benefits advocated by the Ministry of Transport extensively during and after construction had no direct input into their choice or priority of the project concerns by the First Nation or non-First Nation community members. In the interviews, representatives from the Ministry of Transport explained how communities were part of the consultation and decision-making processes throughout the project. In meetings with non-First Nation community members, the discussion of project updates and issues, meeting outcomes and feedback were posted to the project notice boards on government and Partnerships BC websites; engagement and involvement were limited to non-existent at best. The interviewees explained they had little input in these consultation meetings; structured more like an updated information presentation than a consultation with the community seeking their input and concerns of the project in the meetings.

An official of Partnerships BC also explained how community members could obtain more information as required about the project through Freedom of Information (FOI) requests.

Partnerships BC's Vice President claimed that they maintained a high level of project transparency in the project delivery model and maintained security regarding the commercial-in-confidence matters between the private project stakeholders by appointing a fairness advisor for the contract's duration of the project negotiations. The fairness advisor is the province-appointed independent assessor representing the project stakeholders' interests during the project negotiating and submission stages of the project and would usually be a senior Queens Counsel. This appointment maintains and ensures the integrity of each of the project stakeholders' intellectual property's commercial sensitivity while ensuring the equality and fairness of the assessment process.

#### 4.3.6 Project risk distribution and construction schedule

The Ministry of Transport and Partnerships BC determined which members of the partnership were best able to handle the risks in a cost-effective management process. Table 4.7 outlines the risk allocation of the project.

**Table 4.7 Risk allocation table**

Risks relating to:	Risk Allocation		
	Public (MOTI)	Private (S2S and/or sub-contractors)	Shared
Design of highway and structures		✓	
Construction of highway and structures (risk of time and cost overruns experienced by S2S).		✓	
Majority of the risks associated with environmental factors including changes to restrictions and permitting (with the exceptions of permits that are to be acquired by (MOTI).		✓	
A significant number of the operator and maintenance risks including the risk of latent defects in the upgraded sections which are undertaken by S2S		✓	
Increases in operation and maintenance costs as a result of changes in the composition of traffic (for example, if heavier use of highway by heavy trucks was to cause more damage to the highway).		✓	
Protest or trespassed actions related to S2S construction activities (up to a predetermined limit).		✓	
Geotechnical (for example, soil below the highway surface) also condition except for specified sections.		✓	
Acquisition of property is required for highway construction - including risks related to cost and timeliness to acquire such property.	✓		

Risks relating to:	Risk Allocation		
	Public (MOTI)	Private (S2S and/or sub-contractors)	Shared
Responsibility for repairing any latent defects in work which was completed prior to the contract commencement date or for works undertaken by other MOTI contractors (for example, the work on Sunset Beach to Lions Bay).	✓		
Bringing the highway back into agreed-upon condition after the occurrence of significant natural events.	✓		
Changes in certain types of laws (generally relates to those thoughts which are targeted at S2S, or the contractor's industry can be characterised as discriminatory).	✓		
Requirement to undertake soils or other remediation as a result of the discovery of undisclosed contaminated soils	✓		
The adequacy of geotechnical information regarding matters such as conditions below the highway surface, (MOTI is responsible for the accuracy of some of the data that it provides, and S2S is responsible for interpretation of all the data provided)			✓
Unexpected site conditions at locations where MOTI has provided a benchmarking mechanism stop			✓
Requirements for moving utilities to construct the highway and structures and the risk that utility companies will not move quickly enough to meet S2S's schedule for that they will levy higher than expected charges for the relocation work.			✓
Impact of delay in proceeding with construction schedule caused by the discovery of archaeological findings during construction			✓
Increases in the future of general insurance premium cost charged by the insurance industry or the insurance required by the contract (benchmarking for future insurance premium increases)			✓
Changes in certain types of laws which are not characterised as discriminatory or targeted at S2S or S2S's industry.			✓

Source: Partnerships British Columbia and Government of British Columbia (2005)

#### **4.3.7 Project finance and project tolling**

The DBFO project funding was delivered through an annual performance payment and incentive payments to the S2S Consortium. The incentive payments were based on specific project performance standards. The performance payment schedule was structured according to three categories: availability payments, vehicle usage payments (tolls), and performance incentive payments. The approach adopted towards performance incentives was related to minimising the impact of construction on residents during the works period. The Ministry of Transport's assessment baseline for the incentive payment included such things as the closure to access ways for local communities, safety measures across the corridor, and personal injury loss evaluated against the previous 5-year total accident number recorded for the project corridor (British Columbia 2005).

#### **4.3.8 Conclusion to Case Study 2**

The Sea to Sky Highway Improvement Project had an overall cost of \$C600 million. Its aim was to improve road safety, reliability, and vehicular travel time through the Vancouver to Whistler highway corridor. The project was structured through two separate project contracts: a 25-year performance-based DBFO contract over approximately two-thirds of the project and a separate DB contract over the project's remaining test section component. (British Columbia 2005).

The project impacted the communities of Lions Bay, Horseshoe Bay, Furry Creek, Britannia Beach, Darrell Bay, Stawamus, Valleycliffe, Squamish, Brackendale, Chiyakmesh, Cheekye, Paradise Valley, Cheakamus and Whistler. The Squamish and Lil'wat First Nation communities were impacted directly by the new highway infrastructure with the resumption of their traditional custodial lands for the highway upgrades.

The DBFO project's commencement with the S2S consortium occurred in August 2005, and the construction was completed in December 2009 in time for the February 2010 Winter Olympic Games. The highway improvement project's approved budget was C\$600 million (British Columbia 2005; Lawther 2015).

The procurement and delivery of the Sea to Sky Highway project was with limited consultation with communities. The non-First Nation community members interviewed said they felt ignored and treated as a by-product in the consultation and development processes of the project, as they had little or no part in the project's decision-making process. Those community members that were interviewed in Squamish, BC, explained that the lack of community consultation and incorporation of local knowledge in the approach to the planning and delivering the upgrades led to the highway project in their community area being poorly completed, especially the safety

components required for access to and egress from the highway corridor to the community lands. The benefits delivered to the First Nation communities were explained in detail by both the Squamish Chief in North Vancouver and the Squamish Chief in the township of Squamish.

Like the non-First Nation community, the First Nation community felt they were not included in the decision-making process of the project, that they were directly looked upon and treated in a tokenistic way in the project, through the trade-off of goods and services for the acquisition of their traditional native lands for the extension of the highway corridor and its required upgrades (Arnstein 1969). Those goods and services were the provision of employment on the highway project, education, and replacement of their traditional lands acquired for the highway project upgrades (Campbell 2015). This approach is in line with the approach referred to by Hitch & Fidler (2007) and O'Faircheallaigh (2020) as Impact and Benefit Agreements (IBA). These agreements between the aboriginal communities and industry are essential in monitoring the industrial activities that are taking place on traditional aboriginal lands.

As with the Port Mann Highway 1 Project case study, the literature review raises questions about the benefits from the methods that were adopted in the engagement, consultation, and inclusion of the community in the approach to the government's governance transparency in their management of this PPP project.

The next section will outline the Willamette Passage Bridge Project, which is the third case study used in this research.

#### **4.4 Case study 3: The Willamette Passage Bridge, Oregon**

##### **4.4.1 Background and description**

The third case study was the Willamette Passage Bridge replacement project which is located in Lane County, Oregon, USA (referred to in official documents as the Willamette River Bridge).

The bridge spans the Willamette River, which winds through the Willamette Valley and connects Eugene and Springfield's Oregon communities in Lane County, Oregon. The Willamette Valley is considered one of the most fertile valleys in North America (ODOT 2014). The city of Eugene has a population of 168,916, and the neighbouring city of Springfield has a population of 62,353 (Census 2017). Figure 4.4 shows the bridge location.

##### **Figure 4.4 Location of Willamette Passage Bridge, Oregon**



Source: Google Maps

When opened in 1961, the original bridge formed an essential and integral part of the Oregon West Coast freight corridor as part of the I-5 highway system. In 2002, the Oregon Department of Transportation (ODOT) the 1961 original bridge was decommissioned by the Oregon engineers who had identified sheer cracks in the bridge structure. The discovery of the bridge's structural cracks led to vehicular traffic weight limits, resulting in the rerouting of primary heavy transport vehicles, which added an extra 321 km travel distance to the port of Portland. In 2004, the construction of a temporary bridge enabled the continued movement of freight and other vehicles along the I-5 corridor. But ODOT estimated that the continued neglect of a replacement heavy vehicle transport bridge for the I-5 transport corridor would lead to potential lost revenue of up US\$123 billion per year and the possible loss of approximately 88,000 jobs (ODOT 2014).

The construction of the new Willamette Passage Bridge was the most extensive and final component in the US\$1.3 billion Oregon Bridge Delivery Program undertaken by ODOT, one of the most significant undertakings of highway infrastructure in Oregon in more than 50 years (see Figure 4.5). Through this program, ODOT replaced 149 bridges and repaired a further 122 bridges in Oregon, USA. From the onset, ODOT's intent was that the funds would stimulate the state's economy and be commercially beneficial to Oregon's businesses, communities and employees (ODOT 2014). Figure 4.5 shows the Willamette Passage Bridge and I-5 Interstate.

**Figure 4.5 Willamette passage Bridge and I-5 Interstate**



Source: Hamilton Constructions.

To encourage both large and small companies to be involved in the supply of labour and materials to the project, ODOT created the project construction delivery into small work packages to deliver project resources to ensure that local participation occurred in the supply of goods and services to the project. Under the state's mandate the larger contracting companies were also encouraged to hire small local businesses and individuals traditionally underrepresented in highway construction labour forces, such as women and minorities. By doing this, Oregon would benefited from developing new skills in a more robust, more diverse workforce for future major highway and infrastructure construction projects. Upon assessing the Willamette Passage Bridge replacement project, the employment outcomes highlight that the states mandate on local employment in the project had been successful, showing that emerging small businesses and disadvantaged firms had equated to twenty per cent participation in the project (ODOT 2014).

#### **4.4.2 Project objectives**

The Willamette Passage Bridge was a unique project that met the challenges of a changing community conscience towards the rights and recognition of the traditional First Nation communities of the Willamette Valley region. The non-First Nation community groups sought the recognition of the Kalapuyan people as the regions traditional First Nation custodians and the cultural importance of the adjoining parklands as a meeting place to them. Also, a significant objective outcome was the prioritising local employment through engagement and consultation with the local community and cultural leaders of the Springfield and Eugene communities. Community input was one of the key priorities to be adopted by ODOT and the bridge

construction contractors for the project duration. The interviewed community representatives who were members of the design enhancement panel, explained how one of the communities' objectives was that the Oregon government recognise that the Kalapuyan people as the traditional First Nation custodians and the traditional landowners of the Willamette Valley in the construction of the new bridge infrastructure. The committee members explained that this would be a non-negotiable point in the consultation process for both state and federal authorities to move forward with the planning and construction phases of the replacement bridge project.

During his interview the ODOT project manager explained, that the primary priorities to the community outlined by ODOT were “durability of design and sustainability of construction”(ODOT 2014, p. 54). Another priority was that employment of local businesses were to be a preferred option in the supply of goods and services in the construction of the new infrastructure. Each component in the procurement of services and goods involved the prequalification of suppliers, had to have an office space located in Oregon and provide an economic development plan for maximising economic benefit to Oregon businesses and residents (ODOT 2014).

From data collected at the end of 2011, this approach to the supply of goods and services had delivered at least 19,700 jobs (direct, indirect, and induced), generated a total income of US\$1.04 billion, and provided tax revenue to the state and local governments of more than US\$80 million. It was also estimated that more than 80% of all work on the program was done by Oregon-based companies that employed Oregon residents (ODOT 2014).

#### **4.4.3 Project procurement bid process and delivery outcome.**

In the interviews for this research, ODOT's Project Construction Manager explained that the construction contract required a high level of local business involvement as an element of the governments' strategy towards job creation in Oregon (ODOT 2014). This approach to the project was evident in local contractors and suppliers' appointment to the project on merit. The process also involved active, transparent community engagement and representation in the bridge design process and ongoing construction meetings, as OBEC general manager explained. Stakeholder participation was a vital component of the project; the community representatives were actively involved in the project's decision-making processes and had a voice at the table as equal project stakeholders.

#### **4.4.3.1 Considered procurement option.**

The PPP selection processes described by ODOT's Project Construction Manager were similar to those adopted for a DBFO project delivery model. ODOT explained that they had adopted the Construction Manager General Contractor (CMGC) model of PPP delivery, similar to the DBFO model of project delivery. The CMGC delivery method is also called the construction manager-at-risk method by state legislators in some states in the USA (AGC 2007). In this form of the PPP model, the public entity contracts a project design team and a project construction contractor team. They are responsible for the provision of preconstruction and project construction. The role of the contracted construction manager in the CM/GC model throughout the project is to provide the consulting and estimating services when fulfilling the design phase of the project and during construction oversees the project as the general contractor responsible for all trade contracts while responsible for the management and construction services of the construction phase. This approach to project delivery can be adopted in either of two ways: the first way by the qualifications-based selection, where the contractor's qualifications, not the construction cost, are the deciding factor in selection. Furthermore the second way, by the best-value selection, is where the cost of the construction work has an equal weighting to the qualifications in the contractor's final selection (AGC 2007). Qualifications-based selection is used more widely than the best-value approach to selection.

#### **4.4.3.2 Project procurement bid process and planned final delivery process.**

The approach that was undertaken by ODOT, as outlined in their project evaluation report, was focused on local involvement in the project through the supply of goods and services where the required local skill services could meet the contract requirements. (ODOT 2017). The successful contract submission for the construction works to deliver the new Willamette Passage Bridge was won by the Hamilton Construction Company. Their headquarters is located in Springfield, adjacent to the new bridge construction. When interviewed, the Hamilton Construction manager pointed out how they had built up a healthy relationship over many years with ODOT and the bridge designers, OBEC (Oregon Bridge Engineering Company). The construction phase was unique as it was the first major infrastructure project to utilise the CMGC model in Oregon that the Hamilton Construction Company had undertaken.

The Hamilton Construction manager further explained challenges that occurred during the construction phase because the CMGC model required all the stakeholders to work as a single unit in the same office space; this new approach was initially problematic for all concerned. An added new dimension was the high level of community stakeholder inclusion, engagement and

input at the project progress meetings; this new community inclusion approach was initially viewed to be potentially a process that would be slowing down the project delivery process of the project (ODOT 2017).

The CMGC model also required the involvement and inclusion of the Community Advisory Group (CAG) members throughout the project. Their input was equal to that of the other stakeholders in the project. This approach was a crucial component in developing trust between the contractors, Hamilton constructions, ODOT and the community. The CAG had expressed their environmental and cultural concerns about the state and federal governments' approach to the protection of the local ecological habitat areas and acknowledging the Kalapuyan people as the traditional First Nation custodial landowners of the Willamette Valley. They also supported the installation of 'the talking stones' in the adjacent parklands; the talking stones explained the importance of the cultural history connected to the parklands adjacent to the new Bridge infrastructure. The cultural significance of the parklands was essential to be maintained to all who visited this location as a historical traditional tribal meeting and trading place of the Kalapuyan people.

The Construction Manager from ODOT, Hamilton Constructions OBEC and the CAG members all mentioned in their interviews how their involvement with the Kalapuyan people was essential for the project's success. Together, they convinced the state and federal governments to rename the new bridge the Willamette Passage Bridge, recognise the area's cultural history, and recognise the traditional custodians of the local lands, the Kalapuyan people. Artworks formed part of this recognition on the bridge structure, and elders from the Kalapuyan First Nations people provided input on an equal footing with the CAG members whom they worked with on the project towards the inclusion of the artworks and cultural recognition of the adjacent parklands.

#### **4.4.3.3 Achieving best value for money project contracting and project costs.**

As outlined in the ODOT project report, January 2007, the best-value approach was achieved by adopting the CMGC model (ODOT 2017, p. 5) The final project payments are shown in Table 4.8 (ODOT 2017, p. 5).

**Table 4.8 Project payment summary (US\$ millions)**

<b>Description</b>	<b>Estimate</b>	<b>Final Cost</b>	<b>Variance Over/(Under)</b>
Pre-Construction Phase	2.291	2.165	(0.126)
Construction (*)	177.625	146.659	(30.970)
Adjusted Contract Amount	–	148.824	–
State Force Orders	–	1.391	1.391
Contingency	0.080		0.080
Engineering (*)	1.500	12.702	11.202
Subtotal Cost	–	14.093	–
Totals	181.496	162.917	(18.579)
(*) Final Construction Cost: Combined amounts for project Adjustments, EWAs, CCOs, And Extra Work Orders			
(*) Engineering Estimated Cost: ODOT authorized amount to start preconstruction.			

Source: ODOT Willamette River Bridge Final Evaluation Report September 2017, p. 5.

#### **4.4.4 Project construction schedule and project outcomes**

The approach adopted by ODOT saw the construction primarily occur over two phases: pre-construction and construction. An element of the pre-construction phase relating to the CAG was:

Collaborate on project goals and outcomes with the final development team consisting of representatives from ODOT, FHWA, Lang County and cities of Eugene and Springfield, and the Community Advisory Group consisting of representatives from local neighbourhood associations, parks departments, park advisory committee and the University of Oregon. (ODOT 2017b, p. 4).

Important elements of the construction phase relating to the local environment were:

Innovative construction approaches in the development and delivery of the new bridge under the CM/GC model included: a) Use of the Bubble Curtain to protect the fish environment b) all equipment on site was fuelled by vegetable-based fuel rather than any petroleum-based products. c) minimising the impact on the environment by their utilisation fully contained work bridges in the construction to minimise construction impact to the environment d). Using systems allow the fish to bypass the structure or any

barriers to ensure the protection of the environment and the preserving of the fish species. (ODOT 2017).

#### **4.4.5 Community consultation**

The discussion of the importance of community consultation with both First Nations and Non-First Nation communities was in the two previous case studies. As detailed during the interviews with the CAG and the construction managers from ODOT and Hamilton constructions, ODOT also sought to ensure community participation during all levels in the project procurement and delivery process. Conciliation with and involvement of the community stakeholders in the project was an essential element in the approach insisted by ODOT. The ODOT construction manager explained how an unpopular earlier project, the West Eugene Parkway, had caused friction between the state dating back to the early 1950s. In 1964, voters in Eugene repealed the plan for a new parkway project. The government agreed to undertake an environmental impact study of the proposed Eugene Parkway. The central element of the resistance to it was the removal of the 'wetlands' habitat. The community felt the wetlands' loss was not worth the small benefit the Parkway would provide to the community and interstate road users. This debate had developed into distrust of the ODOT when undertaking significant infrastructure deliveries. ODOT now wanted to use the Willamette Passage Bridge project to regain the trust and develop greater transparency with the community, through greater inclusion and participation in the Willamette Passage Bridge project.

The non-First Nation communities of Eugene and Springfield were insistent that ODOT recognise the Kalapuyan First Nation community and they were involved culturally in the project design and delivery. The government acknowledged that these communities required that the new bridge meet transport expectations and meet cultural and environmental priorities. As already mentioned, Springfield and Eugene's communities petitioned the Oregon government to recognise the regions First Nations people, the Kalapuyan peoples, and the First Nation community, as the traditional custodians and landowners in renaming the new bridge.

The CMGC model adopted for the Willamette Passage Bridge was more than just a bridge project to the First Nation communities. It also pointed out the importance of its history and cultural connection to the area of Eugene and Springfield's Non-First Nation communities. They joined the petition to government authorities to recognise it as an essential element in the Kalapuyan First Nations' social fabric. Throughout the interviews with ODOT, Hamilton's Constructions, OBEC and the CAG members, the importance to the community and of their

cultural history was mentioned as an integral part of the success of the project. The project was delivered under time and under the budget forecast for the project, due partly to its transparency and the communities' participation, inclusion, and involvement as an equal stakeholder in the decision-making processes and project.

#### **4.4.6 Conclusion to Case Study 3**

The \$US204 million Willamette Passage Bridge Improvement project was a part of the 2003 US1.3 billion OTIA III Bridge Delivery Program. The bridge program sought to secure the continuity of the State's transportation mobility through the upgrading repairs or replacing 365 Oregon State Highway bridges and their associated highway corridors. Also, to improve the transportation of the State's products to the port of Oregon, and from there onwards to the growing markets of Southeast Asia. The Willamette Passage Bridge was one of 162 replacement bridges as part of the state's bridge replacement and upgrade project; it is located on the main state highway, Interstate 5. The project objectives were to improve road safety, reliability and create jobs for local residents and businesses and keep Oregon competitive moving forward (ODOT 2014).

The project transverses Springfield and Eugene's communities, with the Willamette River being the natural boundary between the two communities. With the support of ODOT, these communities lobbied federal and state authorities to acknowledge that, prior to 1851, the lands of the Willamette Valley were the traditional lands of the Kalapuyan people (Coan 1921) thus, recognising that the Kalapuyan people were the Willamette Valley's traditional First Nation people and the traditional custodians of the lands of the Willamette valley.

New challenges were experienced through the new CMGC model of delivery, which differed from the traditional procurement method in its approach to transparency and involvement of stakeholders throughout the project. In their interviews, the construction, design, and government stakeholders expressed their initial concern and suspicions towards this new project delivery form. There were initial barriers to developing trust through the resistance to this new procurement model, even though it had a governance structure that encouraged stakeholders to be open, transparent, and inclusive. The CMGC project model was a new approach to project delivery, but quickly the apprehension to the changes in the approach to project delivery were overcome through the advantages derived through this new open and inclusive project model of delivery were experienced.

The Willamette Passage Bridge project operated with a high level of transparency between stakeholders; this developed a more significant project commitment from both the Non-First

Nation and First Nation community stakeholders in the project delivery. This new approach to infrastructure delivery gave them a voice in the project design stage's and they were engaged in the decision-making processes through to the project delivery. These communities and the project team worked together to ensure the restoration works to Eugene's Canoe Canal and the establishment of the talking stones historical walkway as part of the cultural elements in the project procurement process. The project was started by the breaking of ground on the 9th August 2009 and completed in December 2013 at a project cost of US\$204 million (ODOT 2017).

#### 4.5 Case study summary

This chapter presents the three case studies: In British Columbia, Canada, The Port Mann Highway 1 Project and the Sea to Sky Highway procurement and delivery project; and in Oregon, USA, the Willamette Passage Bridge Project. The summarised case studies are in Table 4.9. The three case studies were chosen in order to review their different approaches to transparency and governance in their PPP models. Each of the case study interviews revealed and outlined an approach to First Nation and non-First Nation community involvement from the interviews with stakeholders.

**Table 4.9 Summary of case studies**

<b>Project</b>	<b>Location</b>	<b>Cost</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>PPP model</b>
Port Mann Highway 1	British Columbia, Canada	C\$2.46 billion	March 2009	Sept 2015	Design-Build
Sea to Sky Highway	British Columbia, Canada	C\$600 million	August 2005	Dec 2009	DBFO/ Design-Build.
Willamette Passage Bridge	Oregon, USA	US\$204 million	August 2009	Dec 2013	CMGC

The Chapter 5 will discuss the research findings and look at the outcomes and conclusions derived from the case studies.

## Chapter 5

### Findings and discussion.

#### 5.1 Introduction to the chapter

Using a case study methodology allowed comparison of the varying management practices used in each of the three case studies. Chapter 4 outlined the procurement approach undertaken in each of the case studies – the Port Mann Highway 1 Project, the Sea to Sky Highway and the Willamette Passage Bridge project – including location and the public-private partnership (PPP) formats used. There were two data sources to answer the research questions: primary data and secondary data. The primary data collection was through semi-formal, face-to-face interviews with key members of each of the different stakeholder groups involved in or affected by these projects. The secondary data collection came from documents obtained in the public realm, namely, academic literature, government publications, and journals of industry bodies.

This chapter presents the analyses of these data. The stakeholder groups included government representatives, construction, and design representatives, and both First Nation and non-First Nation community members. Along with the community stakeholders, each stakeholder group is considered an expert in their field or have a strong commitment to maintaining their communities' interests. A questionnaire was forwarded to each of the interviewees well in advance of the scheduled interviews to allow time for them to think about the issues discussed in the interviews. The time spent with each interviewee varied from one to three hours. The one-on-one interviews generated rich data, and follow-up discussions initiated through email and Skype assisted in overcoming gaps discovered in the interview data.

The secondary data included documents issued by the government and industry, as well as academic research. Because the government documents represented the various governments' views, they may have contained information that conflicted with the primary data.

#### 5.2 Summary of six key themes

The data were analysed using a thematic analysis process, which allowed for identifying patterns appearing throughout the different case studies and combining insights from the literature with the primary data. The developed themes demonstrated alignments and differences in each case study's project delivery format. There were six themes identified. Briefly introduced are the six themes then discussed in more detail in the subsequent sections.

*Theme 1: The changing role of the state*

This analysis shows the traditional roles of the jurisdictions and their employees and the changes that had occurred in project procurement and the governance context when each PPP model was adopted.

*Theme 2: The balance between full disclosure and confidential negotiations*

This theme describes the balance between government disclosure and the requirements for sensitivity or commercial confidentiality in PPP negotiations. It also allows a comparison of the approaches taken by the governments involved in each case study, and their approach to the levels of project transparency through project information disclosure, and inclusion and engagement of stakeholders in the project.

*Theme 3: Building and rebuilding public trust*

This theme focuses on the public trust of governments decisions on the implementation of PPPs in their cities, provinces and states, and the impacts of the adopted strategies on trust levels between the stakeholders.

*Theme 4: Defining disclosure differently*

This theme explores how each government approached openness and inclusiveness with all stakeholders. It also examines the impact freedom of information acts has had on stakeholder transparency.

*Theme 5: The position and role of community consultation*

This theme emerged by analysing the data collated from the academic literature and the governing authorities' publications. It relates to the inclusion of the community in the governance process.

*Theme 6: The position and role of First Nations as a community stakeholder*

This theme was developed by analysing the data related to defining First Nations communities as entities, and how their cultural positions result in them being regarded as separate communities from that of non-First Nation communities.

The following six sections discuss these themes. In particular, they look at the levels of transparency and stakeholders' inclusiveness in the governance of their respective PPP models of infrastructure procurement and delivery.

### 5.3 The Changing role of the state

The roles and participation by government representatives in infrastructure procurement and delivery varied between the province of British Columbia in Canada and the state of Oregon in the United States. This section examines changes that have occurred in their roles, particularly the effect these changes have had on transparency and stakeholder participation.

The literature review (see Chapter 2) outlines the ways many neoliberal governments have moved from a structured hierarchical governance model towards the New Governance approach to management. Essential elements that have been introduced or reinforced through the New Governance model include greater transparency, inclusiveness, accountability and organisational best practice (Hood 1995). According to Kooiman (2003), New Governance delivers a societal quality that involves changes to public and private stakeholders' roles and responsibilities. In addition, government is moving away from its traditional role as the manager of all activities in infrastructure procurement to that of the facilitator and cooperating partner in project delivery. This societal approach contrasts with governments' traditional 'do it alone', hierarchical perspectives on governance.

During the interviews, each of the key stakeholders explained their understanding of their government's role in delivering major infrastructure in each case study city. The government representative from each city explained their understanding of the bureaucratic changes that had occurred in their state or province, including those its transport department had adopted towards the procurement and delivery of major infrastructure, through PPPs. They also described the roles of government representatives throughout each project, along with their experiences and attitudes in the PPP model approach in the procurement of public infrastructure.

Partnerships BC (PBC) and the Ministry of Transport and Infrastructure (MOTT) employees described how the introduction of PPPs throughout the Canadian provinces had altered provincial employees' roles. PPPs gained strength when provincial governments needed to update aging infrastructure or supply new infrastructure without burdening the project balance sheets and ongoing budgets. The government of British Columbia introduced specific guidelines for new or replacement public infrastructure in the province. The Guidelines are outlined in British Columbia (BC 2012), that "for projects with \$50 million or more of provincial funding, a PPP will be the base case considered unless there is a compelling reason to do otherwise." These guidelines apply to all provincial ministries and departments involved in infrastructure delivery.

The concession manager of the Port Mann Highway 1 (PMH1) project explained the impact of these changes, pointing out that "the government has shifted its governance model to more of a

privatisation version over the past 30 years now". The manager further explained how this change had removed the MOTI staff's direct involvement in the day-to-day activities of construction management. She described the change that had occurred in her position and how the PPP model and the department had moved away from its previous hands-on management approach to become more project liaison managers and administrators in the project procurement process:

We aren't doers like all managers used to be, those people worked from the ground up. They had been operating equipment, and they would have only been in the position that I am in after 10 to 15 years of on-the-job management experience.

The vice-president Partnerships BC explained that as a crown corporation, its position was mandated by provincial legislation and has a board of directors whose sole shareholder is the BC Minister of Finance. Partnerships BC's role is to use its management expertise to support public sector organisations to meet their infrastructure needs through providing leadership, project and finance experience, and consistency. He confirmed that the default position when infrastructure procurement was more than \$C50 million was the "P3" (PPP) model. This new approach to infrastructure procurement has impacted directly on the roles and positions of provincial employees in BC and provided a model for other provinces:

They come to us as we are recognised as the centre of expertise for the planning and implementing the P3 models. When they come to us; we would work with them as the Owner, assisting them with the project analysis on how would you Mr Owner, deliver this project through the traditional model or how to deliver this infrastructure as a P3.

Partnerships BC then would control the RFQ and RFP elements of the procurement process, which were traditionally the separate government ministries and local municipalities' responsibilities in the procurement process. This approach to infrastructure procurement has reduced the operational roles of the MOTI in large-scale infrastructure delivery programs. As Kooiman (2003) points out, such governance develops a societal, political order between the stakeholders and the many different modes and levels of governing. The MOTI representatives in British Columbia, the construction manager PMH1 and the construction manager of Sea to Sky Highway, discussed their challenges in adapting to these new management changes. Partnerships BC now takes a senior advisory management role in the procurement process, whereas previously this would have been the MOTI's responsibility; the MOTI now has the role of the client in the PPP model. Kooiman (2003) points out the challenges for government employees in overcoming their previous roles' attachments.

In this study, the interviews with the province's employees also revealed how the relevant stakeholders' roles and powers developed from their greater openness and involvement in the decision-making process. According to Kooiman (2003), governing issues are not just private or public, but often shared; this is significant in understanding a societal approach to management. Kooiman (2003) further discusses the appropriateness of looking at the shifting of roles rather than shrinking the government's role as a stakeholder in the tasks undertaken. This shifting of roles means the government's employees need to be aware that interacting with other societal actors and reshuffling tasks does not remove their roles and render government involvement obsolete. It is simply a different role in the procurement model.

The interviews revealed the differences in understanding the levels of transparency and stakeholder involvement incorporated into how each province or state approached its infrastructure delivery. Each of the interviewed stakeholders described how they handled the changes in the management structure and its impact on their government representative's newly adopted management role in the project procurement model. The construction manager PMH1 pointed out that this management change had created different roles and positions within the MOTI and had long-term effects on the retention of knowledge and skills developed over many years through on the job training and experience. These changes had occurred through the movement from the traditional, hands-on approach to the project administration approach in projects when adopting the PPP method of delivery in infrastructure procurement.

The interviews with the stakeholders of the Willamette Passage Bridge development project revealed different challenges. They also had experienced difficulties in restructuring their roles and responsibilities in the PPP project delivery, but, as they explained, the inclusive transparent relationship approach of the Construction Manager General Contractor (CMGC) PPP model of procurement introduced significantly increased levels of stakeholder inclusion and participation. This approach was new and uncharted territory for all involved. The Project Manager from the Oregon Department of Transport (ODOT) stated:

I initially resisted the idea of sitting down with the contracting and design team and being co-located in the same office, and I thought to have us all in the same complex would have been more than enough.

This attitude highlights a significant difference from the department's previous structured and isolated procurement management approach to infrastructure delivery. As explained by the contractor and the MOTI construction manager, that approach had defined boundaries and responsibilities. It was not a whole of project approach. He further explained how project issues

were addressed as they occurred, with the project team aiming for "a best solution approach, not a who is responsible approach as the solution". In other words, all stakeholders were engaged in the project's completion, rather than attaching blame for problems that occurred. This form of governance differed significantly from the previous compartmentalised approach that had been the MOTI's long-serving model. The MOTI construction manager explained his initial personal experience to the CMGC model:

Upper management finally wore me down, and I agreed to relocate to the contractor's office, and the benefits were immediate. I mean if transparency and building trust are one of your objectives, how great it was to share a common project goal between your project colleague, the project contractor.

The discomfort and the fear that was initially experienced from working alongside the other project stakeholders developed over time into a more open and transparent project management team approach.

The Hamilton's construction manager explained that the key to the CMGC model's success was the adjustment in thinking associated with replacing the traditional 'them and us' battle. They believed that they would keep profit margins high through the open transparent disclosure that now was occurring between stakeholders, with the inclusive, collaborative team approach. He also said:

Well, I thought my management style for the project would not change or benefit from the CMGC model approach. I did not realise that the relationships benefited from it, and that made a more robust project team, with a more efficient decision-making process.

This attitude contrasted with how the Oregon state government had delivered infrastructure previously. The project managers from ODOT, OBEC, and Hamilton's Construction manager all expressed similar apprehensions towards this new form of project management. The project manager from OBEC said:

It took a little while for the trust to develop. I think a lot of people came to the table with a high level of distrust. The ODOT manager added that even us engineers were a little hard at first to feel a level of trust when you have not done anything together before like this approach in a project.

The OBEC project manager pointed out how ODOT had conciliation with the community stakeholders an essential element of the project. He explained further that through better conciliation with the community stakeholders, ODOT's primary goals wa "to improve the

community relationship through a better transparent and inclusive approach to community engagement to improve the existing damaged relationship with the communities of Eugene and Springfield through their experience with ODOT in past projects, as was noted in Chapter four of this thesis. The community also highlighted that if Land and Water Conservation Funds had purchased the land to be resumed, then the Federal Transportation Act (1966) would also affect this transaction. Section 4 (f) of this Act

prohibits the FTA and other USDOT agencies from using land from publicly owned parks and recreation areas (including recreational trails), wildlife and waterfowl refuges, or public and private historic properties, unless there is no feasible and prudent alternative to that use and the action includes all possible planning to minimise harm to the property resulting from such a use.

The ODOT project manager explained that the CMGC inclusive approach to project management had transformed Oregon's traditional stance towards infrastructure delivery. This approach developed, between the different stakeholder representatives from ODOT, OBEC, Hamilton's Constructions, consultants, and the different community stakeholder groups were unique to them during this project. Greater recognition of stakeholder involvement and input throughout the project's stages developed a higher level of trust, leading to increased transparency between the many stakeholder groups. Through the interviews, the different stakeholder groups were all in agreement that the inclusive decision-making processes of the CMGC model, challenged the state's traditional authoritative, secretive, and divisive approach to infrastructure procurement.

In their interviews, the key government officials who had participated in each case study clearly outlined the changes that had occurred in the roles of government employees. Even though the management approach taken by British Columbia contrasted with that of Portland, Oregon, in the interviews of both government representative they expressed that the approaches taken by their respective departments towards the involvement of stakeholders were transparent and inclusive. The provincial representatives interviewed in British Columbia strongly believed that access to information through the Freedom of Information Act gives the community and other stakeholders greater transparency levels. The British Columbia government's website supports this view. This approach to project management was different from that adopted through ODOT's CMGC model of delivery, yet both argued that their governance approach produced greater project transparency.

During their interviews, community representatives in Oregon explained how, as stakeholders, they expected inclusion in the project and how they were essential to its processes. They pointed out that, where possible, ODOT intended to meet the community's expectations of project design and community involvement. Representatives from the Citizen Planning Committee for the Whilamut Natural Area of Alton Baker Park pointed out:

Another good thing that ODOT did was make a decision, and we are unsure of how they came up with this decision [but the]one thing that is important to me was that ODOT treated us as equals in [the decision-making process] ... this raised our status in the community.

These representatives explained that they had a say in the project's decision-making processes and were included in the initial meetings with the ODOT when the project consultants presented the design concept plans for review and approval. The design team met with the many community groups concerned to show them the final project design and gain insight into their concerns. These concerns were addressed where possible, and meetings held to explain the outcomes regarding them. ODOT assured them that the community had access to meetings and would be granted regular escorted access to the site during the construction phase.

The community members were considered equal stakeholders and regularly invited to project meetings where objections and ideas were submitted for review. The meetings' outcome minutes were emailed to all stakeholders and posted on the project's web page. The project's openness encouraged stakeholders to be actively supportive and contribute ideas regarding the landscaping in the surrounding community lands. ODOT worked with the community towards the recognition of the traditional landowners, the Kalapuyan People, whom they acknowledged by using a traditional Kalapuyan name for the new bridge the Willamette Passage bridge, which replaced the previous Judkins Point Bridge name. Pollitt, Van-Thiel & Homburg (2007, p. 3) point out the importance of a "shift from an internal orientation towards bureaucratic rules to an external direction towards meeting citizens' needs and wishes" (p. 3). This shift appears to be the attitude adopted by Oregon's government towards both the First Nation and non-First Nation communities of Eugene and Springfield.

In summary, during the Willamette Passage Bridge project, ODOT ensured constant communication and engagement with all stakeholders, including community and private stakeholders, about the planning and decision-making processes. ODOT engaged with the project stakeholders with regular stakeholder meetings, communicating meeting outcomes and

updates through email, a website, and a community blog that it had created to keep them informed about the project and updated on its construction progress.

The Oregon government's role in the delivery of this project had changed from one that had been traditionally hierarchical and adversarial to one of greater transparency, communication, and stakeholder inclusion and engagement in decision-making processes of the project. Even so, it maintained its position of authority regarding its employees shifts in roles and responsibilities (Kooiman 2003).

#### **5.4 The balance between disclosure and confidential negotiations**

The balance between confidentiality and full disclosure is a challenge in PPP-style negotiations. Confidentiality is primarily a requirement in the selection of a successful bidder. The responsible government corporation or ministry is usually not permitted to release sensitive information that may reveal a project's strategies, delivery methods, or competing bids. Government details on each bid proposals, typically kept confidential, as are its assessment criteria and evaluation reports. The Australian Council of Auditors General (cited in Siemiatycki 2007) has expressed concern about governments' motivations that restrict access to information in relation to PPP's. Its concerns are about how government agencies often use the pretext of project documents being commercially sensitive rather than releasing them for public scrutiny of the information:

Recent experiences in Australia would indicate that government agencies are tending to use the pretext of commercial confidentiality as a shield against the disclosure of information which is commercially embarrassing to the government all which raises issues of probity.

With their structured hierarchical approach to project management, Canada's provinces display similar rigidity in their processes of confidentiality and full disclosure. Established guidelines by the Government of British Columbia for stakeholder involvement and access to information details established channels of openness, transparency and inclusiveness of the Canadian government's approach to transparency between themselves and Canadian citizens (see the open government section of the British Columbia webpage <https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information>) (British Columbia).

The vice-president of Partnerships BC revealed the methodology adopted in their project governance structure. He described how disclosure is regarded when Partnerships BC is appointed as the responsible party in contract negotiations: "I don't think there is a lot of

transparency as the project progresses. So, in BC, we do not normally publish our business cases. They stay confidential." He outlined Partnerships BC approach to commercial-in-confidence requests from stakeholders: the protection of the public's and other stakeholders' interests is by the government-appointed, independent third party known as the Fairness Advisor. Whose role is to ensure the interests of absent stakeholders are considered in matters of commercial-in-confidence. He further explained:

In Canada, we have the freedom of information, legislation; we react on a voluntary basis to what we feel the Freedom of Information standard is. ... We don't wait for the Freedom of Information request to come in, we publish, as soon as financial close happens.

Hood, Fraser & McGarvey (2006), have examined PPPs' complexities through the commercial-in-confidence principle, which restrains the release by governments of deemed commercial information about an infrastructure project's risk allocation. Also, the release of financial details on the ground that restricted disclosure about stakeholders' involvement may threaten transparency without improving inclusiveness in the decision-making process. This explanation by Hood, Fraser & McGarvey (2006) is reflected in the approach to management is adopted in British Columbia, as explained in the interviews with the management of Partnerships BC and the MOTI. This restrictive approach to the adopted management process may lead to the public projects having lower than expected levels of inclusiveness and working communication between stakeholders. This management approach is less inclusive than the model adopted by the Oregon governments as explained in the interviews with the project stakeholders in the Willamette Passage Bridge project.

Gosling (2004) has pointed out that the practice of withholding sensitive project information by claiming commercial-in-confidence is a tool used by governments and private entities to keep this sensitive information from public view. Gosling (2004) and Hodge (2006) claim further that while it is essential for the public to have a clear understanding of how to secure VFM in PPP project contracts, and to have reasonable access to the details of the services or assets to be supplied by the private sector. At times there may be a legitimate need to keep commercial information confidential to make the project tender process viable. An example would be to enable those tendering to keep their intellectual property/trade secrets confidential, especially during the bid process. This approach to the bid process would ensure that such secrets remain protected, and each tender bid proposal assessed on its merits.

Such arguments call into question the position taken by Partnerships BC regarding commercial-in-confidence information and highlight how the keeping of sensitive information secret by governments and stakeholders may reduce transparency. This need for more significant disclosure initiatives, as described by Gosling (2004), is supported by Gupta (2008, p. 2) who points out that discretion is needed when considering disclosure: "viewed through a governance-by-disclosure lens, they vary in multiple ways, including who is pushing for disclosure, about what, from whom, and to what end?" Gupta (2008) notes that information disclosure is only important when the information made available is relevant to the inquiry. Furthermore, if the inquiry is not specific, the enquirer may receive an overload of information not relevant to the initial freedom of information request.

According to the British Columbia Auditor General, stakeholders have rights to disclosure through the Freedom of Information Act (RSBC 1996). British Columbia's approach to transparency through disclosure differs considerably from that adopted by ODOT in conjunction with the community and other project stakeholders in the Willamette Passage Bridge project. Interviews with the Willamette Passage Bridge project stakeholders demonstrated their initial tensions about the project, based on previous experiences with levels of disclosure by ODOT to stakeholders in the West Eugene Bypass project. ODOT's introduction of a new PPP format initially created resistance to the project and tension between the community, the project stakeholders and ODOT. The Willamette Passage Bridge project manager explained: "I didn't realise how working with others that we could, you know, bring them along the journey, and it's about the project". He explained further how the openness and inclusive nature of the project had generated trust from the stakeholder groups over time, which then affected project outcomes:

When we have problems, it was about solving the problem what's right for the project, keeping the project moving forward, put egos to the side if we need to, you know, with some financial consideration. We will work all these details out, let's come up with a solution, not too who to lay the blame on for the problem.

He also explained how team effort, trust, openness, inclusiveness, and transparency of the CMGC model required time to develop to a point where stakeholders clearly understood their roles and responsibilities in the project governance. This approach to project governance contrasted with the traditional project delivery model's adversarial approach with limited transparency and participation of the community in the project. Each stakeholder would be

seeking to maintain their areas of responsibility, not as a team seeking the greatest return to the other stakeholders, but as separate individual groups.

The community members representing the Citizen Planning Committee for the Whilamut Natural Area of Alton Baker Park (WNAABP) explained their initial distrust of ODOT's new approach to promoting greater disclosure and inclusiveness. This community group also sought both the Kalapuyan First Nation people's recognition as the Willamette Valley's traditional landowners and the overturning of the regulations that had been introduced by the Western Oregon Indian Termination Act of 1954. In 1983, recognition was partially restored for the Kalapuyan people by the US federal government in their recognition of the Confederated Tribes of the Grand Ronde Community of Oregon. At that time, Oregon did not recognize the Kalapuyan people as the traditional First Nation landowners of the Willamette Valley. The WNAABP committee members pointed out: "One of the first things that we first struggled with a lot was ODOT and the bureaucracy, to make them recognize the Kalapuyan First Nation people as the traditional landowners of the Willamette Valley." Recognition of the Kalapuyan people as stakeholders by ODOT became a major factor in the negotiations with the Springfield and Eugene communities. As the WNAABP committee members pointed out, "We have our Indian office; we can only deal with so much in that the Kalapuyan [people] aren't recognized. So, that was one of the barriers the community wanted withdrawn." The state's recognition and inclusion of the Kalapuyan people as equal stakeholders in the project was a significant step forward in community relations and openness between the communities and other stakeholders.

The stakeholder interviews highlighted the importance of ODOT's approach to disclosure throughout the project. Koppell (2005) has pointed out the difficulties in holding someone accountable when full disclosure regarding their actions has not occurred; greater transparency and disclosure should lead to an organization being held accountable.

The interviewees' experiences display the differences between the case study state's and province's approaches to infrastructure delivery through the PPP procurement model. Disclosure in negotiations is an essential element in developing trust and transparency between the involved project stakeholders (Gupta 2008; Koppell 2005). While confidentiality and non-disclosure in projects can often be a method by governing authorities as a way of withholding sensitive project information from the public's view (Gosling 2004).

### **5.5 Building and rebuilding public trust.**

The development of trust and transparency throughout the projects strengthened these relationships and gave voice to the community (Renn, Webler & Wiedemann 1995). Trust is

crucial because it enables entities to develop a mutual mechanism to work together more effectively: “A clear understanding of trust and its causes can facilitate cohesion and collaboration between people by building trust through means other than interpersonal similarity” (Mayer, Davis & Schoorman 1995, p. 710). Rousseau et al. (1998) has developed an overarching definition of trust stating it is “a psychological state comprising the intention to accept vulnerability based upon positive expectations of the intentions or behaviour of another” (Rousseau et al. 1998, p. 395).

The level of trust in governments has been highlighted as a potential threat to their ability to govern and deliver goods and services effectively (Brewer & Hayllar 2005). In the delivery of infrastructure through PPPs, communities need to see evidence of good governance and trust that the partnership model will be accountable, transparent, have high levels of stakeholder involvement, and be responsive to community input. The process of building and rebuilding public trust is closely linked to the previous theme on disclosure. With the investment of large sums of public funds in PPPs, it is essential that the community be informed and trust the project procurement process. Through transparency, the project must promote and involve the community as stakeholders, not just serve the interests of the governing body and project procurement stakeholders (Brewer & Hayllar 2005).

The British Columbia and Oregon governments recognised the need to improve community and stakeholder relationships in PPPs in order to rebuild public trust in infrastructure projects. Furthermore, it was also recognised by the governing bodies their need to increase and improve the levels of stakeholder inclusion and participation in the decision-making processes of public infrastructure projects to deliver a more transparent outcome in the procurement and delivery of public infrastructure. (Brewer & Hayllar 2005). The communities’ primary concerns were related to a projects’ levels of transparency, inclusion, participation, and disclosure.

The interviews with the construction managers from Hamilton Construction Group explained in detail the importance placed by ODOT on the idea that the project was aimed to mend relationships between the communities of Eugene and Springfield counties and ODOT. ODOT instructed Hamilton Construction on the importance of regaining the public’s trust in ODOT, and its site manager described the positive outcomes from the initial meetings with the ODOT construction manager:

He wouldn’t come back and go well Hamilton’s did this or OBEC didn’t do this right. Given the information he had at the time this was the decision that was made and we’re moving forward.

The Hamilton Construction manager explained that ODOT was determined to develop greater trust with the community:

During the preconstruction phase ODOT was very conscientious about trying to bring the community into the process ...[and] they were trying to be as open to the community as you can without giving the community an open cheque book. Furthermore, I think there are times when you bring the community in; even though the community might not entirely understand how it works, the project benefits. They had a design enhance and steering committee, they had the citizens advisory group, you have parks on one side of the freeway, and you have parks on the other side of the freeway, they had a say in the bridge design and the enhancements to the parklands.

Residents of Eugene and Springfield Counties interviewed for this study explained how prior to their involvement in the Willamette Passage Bridge project, the levels of trust between them and Oregon's state Department of Transport were poor to non-existent because of their previous experiences with the state department. The ODOT project manager explained that all contractors had been instructed on the importance of developing an open and transparent environment, even though this had been challenging:

ODOT, they did a good job as far as you know putting it out there and having the public involved as much as they could within reason and that I think the community embraced that too.

He also described ODOT's encouragement of community involvement in meetings:

Mr Contractor, what do you think, how can you do this? And so, that was the kind of cool part, you know and stuff, because at the end of the day that encouraged the community, to kind of get a little bit of buy-in and ownership of the project. This approach developed involvement of the community as they felt that they had a voice at the table and were a part of the decision-making process of the project.

It was evident to the contractors, designers and ODOT representatives that the community was a crucial stakeholder in the development of the Willamette Passage Bridge project. The ODOT project manager clearly outlined the importance of developing an informed and open approach in dealing with requests between the project and the community concerns. He pointed out that it was impossible to fulfil all community requests, but the stakeholder groups had the availability promptly and clearly of the meeting outcomes where possible from each of the meetings. The Citizen Planning Committee members also expressed how there were clear and prompt

explanations to questions raised that the community groups had raised at the project meetings throughout the procurement process.

The introduction of greater stakeholder involvement and inclusiveness in the decision-making process of the project showed how greater transparency could stimulate openness within organisations (Hood & Heald 2006). The Hamilton Construction manager explained how "during the preconstruction phase, ODOT was conscientious about trying to bring the community into the process."

The project manager from OBEC explained how ODOT wanted

to improve the relationship with the community and they wanted to leave the project area better than when they came. Knowing that during the project construction there were going to be impacts to the park and the bicycle paths, they ensured that the repairs and replacement to the park and the pathways were to a level better than they wanted.

He reported that the community had become a significant stakeholder, even with their different social facets and various demands, and that this management method and mindset, combined with regular project communications updates, contributed to higher levels of trust between the project stakeholders:

It took a little while for trust to develop. I think a lot of people came to the table with a high level of distrust. ODOT and even us engineers, it was a little hard at first to sort of feel that the level of trust when you haven't done anything together before.

According to Birkinshaw (2006), transparency, openness, and access to information are potential remedies for the deficiencies in governments' operations that claim to be democratic but fall short in their delivery. Grimmelikhuijsen (2012a) has also explained the importance of trust by citizens in their government: while it is not necessary for its existence, it is essential for practical actions. Throughout the interviews with the contractors, ODOT and the community in Oregon, it was evident that levels of trust varied between stakeholder groups. As the interviews occurred near project completion, the interviewees explained how the Willamette passage Bridge project, which incorporated the new CMGC model of project management differed substantially from the ODOT's previous approach. With its previous approach having lower levels of inclusiveness and openness, it had eroded the confidence between the community and the county.

In the case studies in British Columbia, Canada, stakeholders raised questions about British Columbia's claimed inclusive and open approach to governance during the interviews. The First Nation and Non-First Nation communities and government representatives expressed their concern about the approach adopted by government was more towards a position tokenism, as explained by Arnstein's (1969) ladder of participation:

There is a critical difference between going through the empty ritual of participation and the real power needed to affect the outcome of the process. ... It is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic process, to be deliberately included in the future. (p. 216)

The government of British Columbia's governance model conflicted with its promoted openness and inclusiveness towards building public trust through greater stakeholder involvement in infrastructure decision-making processes. As explained in the interview with the Vice President Projects Partnerships BC, their approach to governance differed considerably to that adopted by ODOT. Partnerships BC's understanding and approach to creating greater transparency in projects is through the stakeholders and communities' ability to have access to project information at projects end; project-specific website posts; or through the application of a freedom of information request. This approach to information disclosure conflicts with Birkinshaw (2006), who argues that greater transparency and access to government operations information is a fundamental human right and should be freely available. The hierarchal approach to management and the limited inclusion of project stakeholders in the decision-making process was the theme expressed by the First Nation, Non-First Nation community stakeholders and the government representatives interviewed in the British Columbia projects. Birkinshaw (2006) points out further that transparency through greater openness and access for project stakeholders to government information are the remedies for government deficiencies in their operations and shortfalls in delivery that can increase democratic inclusion.

During interviews with the current Mayor, the ex-Mayor of Squamish and the Squamish Chiefs of North Vancouver and Squamish, they explained their role and position in the Sea to Sky highway improvement project, as at best tokenistic, rather than as included project stakeholders. The ex-mayor explained how "the input from the community was restricted to the type of district sign on the highway". Community participation lacked the engagement and involvement in the decision-making process that, according to Hood & Heald (2006) encourages greater inclusiveness and is intended to enhance project transparency and trust between community and project stakeholders.

The Squamish chiefs explained how the need of their land in the highway renewal project gave them the power to negotiate terms within their community. However, like the Non-First Nation Community members, they were not included in the highway project's decision-making processes. While they had the opportunity in this negotiation for replacement lands, the opportunity to develop business that were related to the highway construction, "Our position was evident in this loss of significant cultural landmarks such as Eagleridge Bluffs, Furry Creek and the area known as Burrard Inlet". These areas were severely affected by the highway corridor improvement and the ongoing development of the area. "The loss at of ownership to these significant areas was a burden of sorrow to the Squamish and Lil' wat peoples".

As reported in the Surrey Council (British Columbia 2017; Surry Council BC 2007) the local government representatives, the First Nation Community representatives and the non-First Nation Community members expressed concerns about the Port Mann Bridge Highway 1 upgrades. Those concerns included increased highway noise; connection points to the community; the diversion of traffic through Surrey to avoid the toll (the removal of tolls occurred in September 2017) and better access for pedestrians and cyclists through the highway corridor (British Columbia 2017; Surry Council BC 2007).

Cook, Jacobs & Kim (2010) describe how distrust of government occurs when factual documentation is not available for review by the community. For PPPs to be successful in the long term, there needs to be confidence in the integrity of all stakeholders' and their working relationships. Therefore, it is essential that government not only engages with businesses and communities in ways that maximise the public interest but also employ sound governance principles, accountability, responsiveness, transparency, fairness, and the inclusive, informed, and transparent participation of all stakeholders (Brewer & Hayllar 2005).

## **5.6 Defining disclosure differently.**

This section reviews how the governments involved in the case studies defined disclosure about projects levels of transparency with the public. It also outlines how each governing body viewed its responsibility towards disclosure and describes the apparent differences in their understandings of it.

In recent decades, the spread of freedom of information laws has seen different approaches to disclosure developed by neoliberal governments around the world. Regarded as fundamental to a working democracy is the need to have easily accessible open access to government documents in a timely and free manner. The strength of which is measured by the active involvement of the people in the government's decision-making processes and the achieving of this without a

complex system of information delivery. According to Thomas Jefferson "information is the currency of democracy" (Kierkegaard 2009, p. 3). In an ideal world, citizens would be able to retrieve information without the need to make a formal application, as it would be open and accessible to them.

Internationally recognised is that access to information is a fundamental human right under specific mandates of the Organization for Security, and Cooperation in Europe, the United Nations, and the Organisation of American States (Nowak 1996; States 1952; United Nations General 1948). A right to the freedom of expression and information reinforces the community's voice in an open society. This right may be poorly implemented or poorly funded in countries where information disclosure is missing from their constitutions and in the many countries where these laws exist (Kierkegaard 2009).

In British Columbia, the government website states:

Open information helps citizens of B.C. track the use of public funds and learn more about the way government does business. The website is one of the ways that the government is ensuring openness and transparency in its operations. (British Columbia)

The website goes further in promoting citizen engagement through opportunities to view and drive innovation and access economic opportunities through open data, open information, and open dialogue. Citizens may search the open information catalogue, the published government freedom of information request register, the government travel expenses, the government calendars, the government directly awarded contracts, and both the open and closed freedom of information requests. The website allows readers to request assistance, but it is not an interactive site that enables their direct engagement in the discussions.

The Information and Privacy Commissioner BC Investigation report (British Columbia 2013) points out concerns relating to the province's approach to open government:

Making data sets available in the manner that presently exists is not clearly in support of government transparency and accountability. At this point, tight data sets being published mostly focus on providing interesting information or spurring innovations. Their capacity to enable citizens to scrutinize government policy and decision-making is frequently indirect at best. ... Further, these programs must be informed to ensure they continue to focus on access to information principles" (British Columbia 2013, p. 45).

The British Columbia government website's promotion of openness, disclosure and transparency contrasts with the view expressed by the vice president of Partnerships BC, who, when interviewed, pointed out how there is a structured information release that may not include material deemed commercial-in-confidence or of a sensitive commercial nature. This approach means that Partnerships BC may withhold information that is regarded as confidential or commercial-in-confidence from stakeholders during the planning, construction, and delivery processes. Stakeholders may request the disclosure of information by making a submission on the project's completion through the government's Freedom of Information (FOI) Act. The vice-president Partnerships BC said that they protect the public's interest through the government's appointment of the Fairness Adviser, usually, a senior barrister, who ensures fairness and maintains a proponent's commercial in confidence or trade secret sensitivities during the bid process. As mentioned in chapter 4, the Advisor acts as an independent representative for all stakeholders during the establishment of the procurement processes to the selection of the preferred proponent for the project (Bertot, Jaeger & Grimes 2010).

According to vice-president Partnerships BC, the communities maintained their involvement through the project stages by attending community consultation meetings. The MOTI construction manager for Port Mann Highway 1 supported this view, noting that disclosure to communities and other project stakeholders was limited to project broadcasts, progress reports, and the government's project website.

The Willamette passage Bridge Project manager, the community representatives from the Citizen Planning Committee, the construction managers from Hamilton Construction, and the OBEC project manager in Portland Oregon all agreed in principle that stakeholders should be included more consistently throughout the project delivery than they had had in their previous experiences with ODOT. This development of trust and transparency throughout the project strengthened these relationships and increased the community's voice through greater inclusion and participation.

Michener & Bersch (2013) explain that while disclosure may be at the heart of transparency, it does not resolve all complex questions. The interviews with stakeholders of the case study projects exhibited differences in their understanding of transparency. The CMGC approach to disclosure that was adopted in the Willamette Passage Bridge Project encouraged greater participation of the citizenry, which, as explained by Bertot, Jaeger & Grimes (2010), is essential in a democratic society. The project stakeholders interview data disclosed how their inclusion throughout the decision-making processes through to the project completion had developed

greater trust through an inclusive transparent stakeholder engagement process, which has led to a robust and respectful two-way flow of information between ODOT, the private stakeholders and the community.

### **5.7 The position and role of community consultation**

This theme outlines the position and role of community consultation in each case study's decision-making processes. The findings from the interviews can be compared against Arnstein's (1969) ladder of citizen participation. There were two prominent community entities in British Columbia's Sea to Sky Highway project: the greater community and the Squamish and Tsleil-Waututh First Nations communities. The government's ways of dealing with each entity differed significantly, driven by its need to acquire the landholdings of the Squamish and Tsleil-Waututh First Nations communities in order to complete the upgrade in the Sea to Sky Highway project in time for the 2010 winter Olympic Games.

As has been argued throughout this thesis, transparency, participation, and inclusion are the essential elements in the public interest that run parallel with the governments' role in maintaining a good governance model in project delivery. The use of deliberative and inclusionary methods through civic engagement gives governments legitimacy in their governance approaches, as outlined by Arnstein's (1969) ladder of participation. Arnstein (1969), like Burby (2003), views the public inclusion and participation as an essential elements of accountable, inclusive, and democratic governance. For Arnstein (1969),

Citizen participation is a categorical term for citizen power. It is the redistribution of power that enables the have not citizens, presently excluded from the political and economic processes, to be deliberately included in the future. (p. 216)

For some governments, participation means a genuine involvement of community stakeholders in the governance decisions. . For others, it is a ritual that gives no power to the citizens to influence outcomes involving the community without the redistribution of power generates frustration. It allows those in authority to claim that stakeholders are involved but limit their access to higher involvement levels, and avoid the need to respond to opposition and the criticism of their decisions in the governance process (Arnstein 1969). This position occurs when the government and private contractors claim that information may be deemed to be the private stakeholder's intellectual property or otherwise be of a commercially sensitive nature.

Gupta (2008) points out that with the calls for greater transparency, it is important to ask: Who are they from? Are they mandatory or voluntary? Are they privately initiated? She supports the

need for greater scrutiny through the disclosure of information, as it can empower communities. Furthermore, governance through disclosure leads to the establishment of procedures for information generation, assimilation, accessibility, and usability, instead of the previously mandated specific outcomes. However, unscrupulous governments can use disclosure as a tool against transparency that buries the information away from the public view. This can leave the recipient overwhelmed by the volumes of information provided, "[With] too much – rather than too little – of a good thing. In the realm of transparency, this could take the form of drowning in disclosure" (Gupta 2008, p. 4).

Siemiatycki (2007) also points out how advocates of Design Build Fund Operate (DBFO) partnerships highlight procedural accountability in preventing cost overruns. The United Kingdom through their Institute for Public Policy Research (2001) commission had formulated principles for PPPs, highlighting the importance of including sufficient transparency to enable public scrutiny of the decision-making processes and "Identifying the individual and organisations answerable to its decision; and setting out procedures for citizens to file grievances and seek redress if they feel adversely impacted by a decision" (Siemiatycki 2007, p. 390)

In the Sea to Sky Highway Project, the Squamish, Lil'wat and Tsleil-Waututh First Nations and the greater community had differing forms of involvement in the project, driven by the project contractor's delivery needs, rather than goals such as inclusivity or collaboration, after Arnstein's (1969) definition. The chief of the Squamish First Nation explained that the province's need to complete the project on time, and the tight project budget were the main drivers of First nations involvement. The project required acquisition from the Squamish, Lil'wat and Tsleil-Waututh Nation of over 3000 acres of land to enable the project to happen on time and to meet the province's forecasted budget. The need for these lands encouraged British Columbia's government to negotiate with the First Nation communities, recognising the First Nations' position of power. By contrast to the position of the non-First Nation community, with little to no negotiating position with either the project contractor or the government, they had limited involvement and inclusion in decisions that affected them as a community.

The interviewees' degrees of power in the decision-making process can relate against Arnstein's (1969) ladder of participation. According to the ex-Mayor of Squamish, the non-First Nations community understood the British Columbia government's budgetary and time restraints were related to the Vancouver 2010 Winter Olympics. There was no priority given to the Squamish community members' consultation requests from the communities elected representatives. Their

participation was limited to receiving updates of construction progress, interruptions to road travel, and delays due to the construction. He said:

The [non-First Nation] communities were not involved or had any input or any form of contribution into highway construction, community access needs, or any significant improvements to community and safety. The non-first nation community felt that an opportunity in the decision-making process had bypassed them and neglected them in the consultation process.

Further, the ex-Mayor was aware that the upgrade would be beneficial to the non-First Nation community, but critically said,

Squamish is not considered as a destination [that was] important ... [for] the Olympic games ... Their voice was lost in comparison to that of the North Vancouver and the Whistler communities.

He also said that on one occasion when reporting back after a meeting between the community and the contractors, "I explained to my staff, the biggest decision we had to make on behalf of the community was what the construction material would be for the new Squamish [township] sign." He also reported that greater upfront consultation between the community, the province and the contractor could have addressed community safety needs as well as the requirements of the upcoming Winter Olympic Games.

Such participation represents a form of tokenism (Arnstein 1969) In contrast, the Squamish, Lil'wat and Tsleil-Waututh First Nations power over their land gave them a negotiating position that Arnstein (1969) calls citizen control. An executive of the Squamish First Nation community explained how before meeting with the government to negotiate land acquisition, they and the Lil'wat people discussed how they could benefit best from the upcoming Olympics and the associated highway upgrade. This approach enabled the First Nations peoples to engage with the province through the creation of a management plan, not a treaty:

We worked on getting jobs, we worked on getting training and getting accommodation, and we worked on what is called the Legacy Lands.

As well, during this time, the Squamish First Nation peoples' position assisted their development of Xay Temixw, describing the sacred land use-plan. The non-First Nation community of Squamish had no such position to negotiate from and were not considered as equal stakeholders with a voice in the highway development process.

Following Arnstein's (1969) table, (see Chapter 3 the Methodology chapter of this study) the consultation with the Squamish, Lil'wat and Tsleil-Waututh Nations may be seen as a partnership. This partnership allowed the province to achieve the desired goals for the highway construction and also engagement opportunities for the First Nation communities. The First Nations' representatives negotiated replacement lands, education, and employment of their community members in the project. But it was the need to complete the project, rather than a consciousness of transparency and inclusive participation in the project, by the governing authorities and the contractors, that created greater participation of these communities.

### **5.8 The position and role of First Nations as a community stakeholder**

The interviews show that the First Nation communities were acknowledged differently in each of the case study location. While they were recognised stakeholders in both Oregon and British Columbia, the government dictated their roles in each case study project by government requirements, not their community voice status. Cornell et al. (2005) explain that more significant self-rule and involvement drive greater empowerment and recognition of cultural and historical rights. In other words, community institutions capable of self-governance have the ability to "reclaim power over their own affairs, reorganise relationships with other governments, rebuild the institutional capacity are effective self-governance, and move vigorously toward improved and self-determined economic and community welfare" (p. 5).

Interviewees discussed how non-First Nation authorities had historically removed or eroded essential cultural elements important to First Nation communities for determining their rights and positions. As Hibbard (2016) and Porter (1996) point out in the US context, introducing what they refer to as the Euro-American structure of governance, which was a way to control native American Indian people, and limit their rights to self-determination, the management of their lands and, in the process, assimilate them into the greater American community for their benefit. The US Congress in 1968 passed the Indian Civil Rights Act in an attempt to repair the earlier damage done through the assimilation doctrine of the native population into the general society. As an independent nation, the governance issue for the Indian Nations has since been to have a government-to-government relationship, with the powers to create laws and manage their affairs through self-government (Hibbard 2006). Their goal has always been "how to maintain or regain control over resources, especially land; how to maintain particular sets of social relations and more or less distinct cultural orders; and how to have some measure of political autonomy" (p. 88).

In their interviews, the First Nation and non-First Nation community members, and the government officials in each case study location described the roles the First Nation communities appeared to have in the decision-making processes. These differed between each of the case studies. The Port Mann Highway 1 project, as explained by the concession manager and the First Nations community liaison officer, would be best described as tokenism, as defined by Arnstein (1969): The communities voice was heard but were not part of the decision-making process as a stakeholder in the project. A concession by the government discussed the opportunity to involve the first nations towards rehabilitating lands. It appeared to be a token trade-off involving their input but not their involvement in the project procurement process.

The theme that discussed through the interviews was the level of community engagement. The Squamish, Lil'wat and Tsleil-Waututh First Nations people of North Vancouver and Squamish townships explained that they were engaged in the project because the project needed their lands. From the perspective of Arnstein's (1969) ladder of participation, the First Nation communities held a position of partnership that enabled them to "negotiate and engage in trade-offs with traditional powerbroker" (Arnstein 1969, p. 217).

The interviews with the First Nation people and the community group members in Portland towards the inclusion in the case study projects in Oregon of the Kalapuyan people's voice contrasted with the First Nation community members' interviews in Canada and their position in the case study project. Their agenda was for the recognition and involvement of the Kalapuyan people in the project. This point of view was supported by the ODOT, OBEC and Hamilton Construction representatives, who confirmed the non-First Nation community's firm recognition of the Kalapuyan people as the region's traditional landholders. This First Nation community stakeholder groups held positions of power when negotiating that may be explained in terms of Arnstein's (1969) ladder of participation. Elements of designated power and control existed, equally the non-First Nation community still sought to be in a partnership arrangement in the project. The strengthening of the non-First Nations communities position occurred as the contractors and ODOT engaged with the community to mend the damaged relationship between ODOT and the community through earlier ODOT infrastructure projects. When viewing their position from Arnstein's (1969) ladder of participation, the non-First Nation communities held a position of partnership that enabled them to "negotiate and engage in trade-offs with traditional powerbroker" (Arnstein 1969, p. 217)

## 5.9 Summary and conclusion

This chapter has presented the six themes relating to stakeholder participation and inclusion and its impact on transparency in transport infrastructure procurement through the use of PPPs. These themes are the changing role of the state; the balance between disclosure and confidential negotiations; building and rebuilding public trust; defining disclosure differently; the position and role of community consultation; and the position and role of First Nations as a community stakeholder.

These themes evolved from a thematic analysis of the literature and interviews with British Columbia and Oregon research participants. In British Columbia, the roles of both the First Nation and non-First Nation communities driven by the project requirements, not the need for greater transparency. The non-First Nation community stakeholders described their position as a non-involvement: they had no input into the decision-making process, instead only receiving progress reports, safety alerts, and information about closures and openings of the roadways.

Because the State required the Squamish, Lil'wat and Tsleil-Waututh First Nation communities lands for the Sea to Sky Highway project, this enabled the First Nation communities to occupy a position of power to negotiate with the governing authorities for better education, more effective protection of sacred sites, replacement lands for the lands that had been resumed, and employment for their communities located and impacted along the Sea to Sky project corridor. They were engaged in the project in providing employment, business opportunities, and increased education opportunities, these concessions provided by the crown formed part of the Shared Legacy Agreement.

**Table 5.1 Partnership Shared Legacies**

1	<b>Lands for Economic Development.</b> The province to provide 300 acres in Fee Simple, in one lot or several lots selected by the Nations. The ownership of the lands and all surface resources will be transferred to the Nations.
2	<b>Skills and Legacy Project.</b> <b>The province will contribute \$2.3 million towards the establishment of a skills and training Legacy over a three-year period.</b>
3	Squamish and Lil'Wat naming and Recognition Project. The provincial and federal agencies responsible for education, culture and tourism working together to promote and maximize the outcomes of this project and first nation communities. The province will contribute \$500,000 towards the project.
4	Squamish and Lil'Wat Cultural Centre The province will contribute \$3.0 Mill towards the new cultural centre, which will be built and located in the Whistler Resort Municipality on a 3.9 acre leased parcel of land.
5	Shared ownership of New Athletic Facilities.

	The two Nations with the stakeholders of a Legacies Society will manage, operate, and own the Nordic Centre (estimated investment \$102 million); Sliding Centre (estimated investment \$55 million); Athletic Centre for ongoing training and accommodation for future events (estimated cost of \$13 million) future events. The centre will also be aimed at giving the opportunity to First Nation youth to train in world-class facilities.
6	Endowment Fund. A fund of \$110 million to be set up by the Province and the Government of Canada to assist in the running of the New Athletic Centre and Facilities listed above in Legacy 5
7	Olympic Legacy Housing for Nations. The province will provide \$6.5 million to construct 50 moveable houses that will be used for the games period, but ownership of the homes will be transferred to the First Nation Communities at the completion of the games.
8	Economic Opportunities. The Bid corporation guarantees contracting opportunities for the Nations not limited to projects such as Trail clearing, environmental works trail legacy construction, supplying materials and labour site restoration and other potential business, contracting and training opportunities.
9	Aboriginal Youth Sports Legacy The creation of a \$3 million Indigenous youth legacy endowment fund for all Indigenous youth in British Columbia, Canada.

Source: Partnership Creating Shared Legacies from the 2010 Olympic and Paralympic Games (November 22, 2002).

This approach to the inclusion of the First Nation communities did not originate from the perspective of creating greater transparency about the project, but as outlined earlier, as a trade-off for the resumption of their lands as an essential requirement for the 2010 Winter Olympic Games (Campbell 2015). This involvement included them in the project, but as explained by the Chief of the Squamish people in North Vancouver, it was driven by the needs for a passageway over their custodial lands.

From the interviews with the community stakeholders associated with the Willamette Passage Bridge project in Portland, Oregon, a theme emerged that contrasted sharply with the governance approaches adopted in British Columbia. Each of the interviewees in Portland expressed their outcomes, similarly, developing the theme of involvement, engagement and participation and the desire to make a change towards developing relationships and greater transparency. The engagement of community groups and recognising the First Nation community's custodianship of their traditional lands was a strong theme discerned from the collected data.

### 5.10 Conclusions

The analysis shows that in Oregon, the project stakeholders' approach to governance and transparency was strongly inclusive. This inclusive approach was not the case in British Columbia. Where inclusion was driven by the project's needs, not by the desire to develop greater transparency and inclusion, their approach to openness was structured and formalised through the freedom of information laws, rather than community and project stakeholder involvement and participation in the project decision-making processes.

The findings of this research study also show that in the Willamette Passage Bridge project in Oregon transparent governance and the inclusion and participation of stakeholders in the procurement process met the expectations of the community and the state authorities.

### **5.1.1 Findings from the thematic analysis**

The thematic analysis chapter presented the six themes relating to stakeholder participation and its impact on transparency in the governance of transport infrastructure procurement through the use of PPPs. A thematic analysis was adopted to analyse the data. This data analysis included the stakeholder interviews, carried out including the indigenous research method of Dadiri in the data collection. The analysis included a review of the literature on the three North American case studies. Six key themes emerged from this data collection.

Theme 1: The changing role of the state

Through the analysis of the chosen case studies, I found that the governing authorities had moved away from the traditional hierarchical approach of project management to the New Governance model of project management. As pointed out by academics, the New Governance model of management is promoted to introduce or reinforce greater transparency, inclusiveness, accountability, organisational best practice while also delivering a societal quality that involves changes to public and private stakeholder's roles and responsibilities (Hood 1995; Kooiman 2003). The two governing authorities introduced governance models in the case studies that impacted the role of the state differently in BC Canada to that in Oregon, USA.

In BC, the state PPP employees were no longer the project and construction manager of the project but were primarily project facilitators. As explained by management, they no longer had any direct involvement in the day-to-day activities of construction management. Their position had moved to that of the project client. Their role as the project manager was completed once the successful bid contract was accepted and completed. MOTI Project manager pointed out that their role in projects had changed, with the shift in the governance model over the past thirty years to more of a privatisation model than the traditional hierarchal project delivery. The state's role had become one of contract facilitator and administrator of the project, ensuring that the contract conditions, timelines, and scheduled payments were met.

In contrast to the British Columbia governance model, the state's position as a project manager in Oregon had also changed. Their approach to governance and transparency in their PPP model introduced a new structure to ODOT's approach to inclusion and engagement of project contractors. The inclusion of community stakeholders had changed the role of the state

employees in the project. The PPP model and the process undertaken by ODOT in the project was more inclusive of the community stakeholders and transparent during the project procurement and delivery process. As explained in the interviews, the barriers were removed between the state employees, the contractors, and the community. The governance approach was directed to seeking joint remedies to a project issue rather than who was responsible for the problem. The ODOT manager explained that this was an uncomfortable position in the project working in the same office side-by-side to the contractors. In time, the project stakeholders recognised the benefits of the CMGC PPP model and the ODOT initiatives towards community inclusion and engagement in the project, which delivered greater transparency between the stakeholders and provided a societal benefit to the community.

## Theme 2: The balance between full disclosure and confidential negotiations

This theme outlined the balance between government disclosure and its requirements for sensitive or commercial confidentiality in the PPP contract and design negotiations. It also allows a comparison of the approaches taken by the governments involved in each case study, and their governance-related to disclosure and inclusion of stakeholders, the community being one of those stakeholders. The traditional hierarchal process to disclosure through a structured application (such as the FOI act) to access confidential material (in B...C...) created barriers between the stakeholder groups. This approach reduced the trust between the stakeholder groups through their exclusion from project information deemed by the governing authorities to be confidential and sensitive. Their only access to the data was through the FOI process. The community stakeholders interviewed pointed out that the requirement to file a FOA created a lack of trust in the governing authority. When a large selection of material is categorised as confidential, the perception of many is that government has something to hide. It was evident in the discussions that their rights to access project material through the FOI process were limited. As pointed out by Siemiatycki (2007), governments have adopted the practice of using “commercial confidentiality as a shield against the disclosure of information which is commercially embarrassing to the Government or which raises issues of probity” (2007, p. 391).

This approach differed significantly from the approach adopted by ODOT in Oregon, USA. The project and community stakeholders interviewed in the Oregon project pointed out how their initial mistrust of the governing authority changed with their inclusion and participation in the project procurement process. Openness fed the perception that neither public nor private partners had anything to hide this project was the only project to provide close-of-project financial summary. This engagement developed greater confidence in the community stakeholder

groups in Oregon than those in BC. The Oregon community groups were engaged and included in the decision-making process adopted in the project by ODOT.

### Theme 3: Building and rebuilding public trust

This theme focused on the public trust of the government decisions on the implementation of the case study PPPs. Each state adopted a different methodology for inclusion and community engagement in the case study projects. British Columbia's approach to information disclosure was perceived as withholding sensitive or embarrassing information from the public's view, thus raising questions about whether the state was trustworthy, and sincerely protecting public interests (Gosling 2004). Many academics have outlined the importance of trust and how greater open and transparent governments give confidence in governments to govern and deliver essential goods and services (Brewer & Hayllar 2005; Gupta 2008; Koppell 2005).

It was clear from the interviews that the approach adopted by ODOT in their CMGC delivery model was intended to build greater trust in the governing authorities in Oregon. The interviewees explained that their initial mistrust of the government changed as they experienced this openness. Being included stakeholders with the right to participate in discussions throughout the project developed great trust between the governing authority in Oregon and the public.

### Theme 4: Defining disclosure differently

This theme explored how each jurisdiction approached openness and inclusiveness of all project stakeholders. Stakeholders pointed out that the Sate's approach to dataset disclosure is inadequate at best, and:

the manner that presently exists is not clearly in support of government transparency and accountability. At this point, the types of datasets being published largely focus on providing interesting information or spurring innovations. Their capacity to enable citizens to scrutinize government policy and decision making is frequently indirect at best. I believe there is a framework for moving forward to build that content in and have provided guidance for that purpose. Further I believe more emphasis must be placed on data literacy and de-identification if government want open data to remain the flagship of its initiative (British Columbia 2013, p. 45).

In the Case Study in Oregon, USA, the approach from the commencement of the project was inclusive of the public community groups. The method by Oregon even engaged the public in the design of the new Willamette Passage Bridge infrastructure. Their approach to disclosure and engagement of the public contrasted with the barriers and hierarchal approach adopted by the

government and their corporation for PPP delivery Partnerships BC. The engagement and open process adopted by ODOT delivered project savings as explained by the construction contractor was assisted through the public's engagement in the project. Hamilton's Construction manager explained they "took ownership" their voice was heard, which reduced project delays. The stakeholders explained that the CMGC PPP model adopted by ODOT and their desire to include and engage with community groups created greater public trust in the government through the interviews. In contrast to the BC model, they believed their voice was part of the decision-making process, where the public felt isolated and had limited knowledge and engagement in the project.

As further pointed out by academics and reports of the governing authorities, the distrust of governments grows when the disclosure of sought-after factual information is unavailable for review by the public. A government must employ principles when engaging with communities and businesses. Those principles include sound governance principles, accountability, responsiveness, transparency, fairness, and the inclusive, informed, and transparent participation of all stakeholders (Brewer & Hayllar 2005; British Columbia 2017; Cook, Jacobs & Kim 2010; Kierkegaard 2009; Surry Council BC 2007).

#### Theme 5: The position and role of community consultation

This theme emerged through analysis of the data collated from the academic literature and government publications and through the interviews with the different community groups. It relates to the levels of inclusion of the community stakeholders' and their position in the governance process.

From the analysis of the collected interview data, the position adopted by each of the governing bodies in their approach to community consultation differed significantly. The adopted methods of each governing authority can be compared against Arnstein (1969) ladder of participation. The community's involvement through consultation in the Oregon project decision-making process played a vital role in the procurement process (Arnstein 1969). This approach to community consultation was pointed out firmly during the interview with the community groups of the Willamette passage Bridge project.

In BC that State had limited engagement with the community and citizens lack the power to influence the outcomes in the decision-making process. The State claims that stakeholders are involved but can avoid any opposition or criticism. The consultation process was framed as a project information update.

## Theme 6: The position and role of First Nations as a community stakeholder

This theme developed through the stakeholder interviews analysis, and the academic and government literature related to defining First Nations communities as a separate entity to the non-First Nation communities. The literature analysis and stakeholder interviews also identified how First Nation community members' cultural positions resulted in them being identified as a separate community entity to that of the non-First Nation communities. Through data analysis, I discovered that the position and role of First Nation communities as stakeholders differed in each of the case studies. However, in both jurisdictions, the role of First Nation communities in projects was viewed differently in their position as project stakeholders and what voice they had at the table in decision-making processes. In the Sea to Sky Highway Project in Canada, this role was determined by the need of the governing authorities' requirements of the First Nation community's lands in the projects where they a tokenistic form of partnership arrangement in the Sea to Sky Highway Project (Arnstein 1969). British Columbia Government Canada's approach to inclusion and their form of inclusion of First Nation communities in the project was not as project stakeholders, but as a trade-off for their needed land assets for the project to be completed on time for the 2010 Winter Olympic Games. In the Port Man Highway 1 Project, contributions from the First Nations communities were not required to complete the project, so their treatment is best described by Arnstein (1969) as tokenistic, in a position of non-participation in the project as stakeholders but simply to acknowledge their presence. In Oregon, the power and drive of the project's community stakeholders developed a level of partnership and citizen control which they used to have ODOT recognise and include the Kalupuyan First Nation people in the project consultation process as stakeholders in the project (Arnstein 1969).

First Nation community members interviewed explained how the governing authorities have historically eroded the community essential cultural elements. Hibbard (2016) and (Porter 1996) point out that the Euro-American governance structure built on the principles founded through the Doctrine of Discovery, a papal document based on the bulls of Pope Nicholas V brought into existence through the bull *Romanus Pontifex* giving rights to Christian explorers in their conquest colonisation and enslavement of non-Christian first nation communities taking control of their traditional territorial lands and assets (Newcomb 1992). The Doctrine of Discovery was the vehicle adopted and used by early American governing authorities in the acquisition of their assets and their methods of control over native American Indian Nations, limiting their rights towards the ownership of their traditional lands and self-determination (Miller 2005). The Indian Civil Rights Act, which the United States Congress passed in 1968, was initiated to repair the damage done by the assimilation doctrine of the Native American population into the larger

American population (Hibbard 2006). This new approach to the rights of First Nation communities, as explained by Cornell et al. (2005), provides communities with the ability to be engaged and reclaim power in matters relating to their community assets to build and maintain community well-being and economic sustainability.

Through the interviews, the First Nation community members acknowledged that change was occurring towards recognising the First Nations communities' custodial rights to their traditional lands. They highlighted that their position and role in projects are more readily recognised when the assets of the First Nation communities are required in a project. As was explained in the interviews, this recognition is gaining substance among many first-world governments and organisations. Documents such as the United Nations Declaration on the Rights of Indigenous Peoples also support and recognise the rights of First Nation communities and their position as custodians of their traditional lands. The document acknowledges that nations have a responsibility and urgent need to respect and promote the rights of indigenous peoples, which is derived from their political, economic, and social structures. It also recognises their many cultures, their spiritual traditions, histories and philosophies, and especially their rights to their custodial ownership of their traditional lands, territories, and the economic benefits obtained from the natural resources contained within these lands (UNGA 2007).

Chapter 6 presents a summary and analysis of the findings, conclusions and recommendations.

# Chapter 6

## Conclusion

### 6.1 Introduction

In this chapter I set out the major contribution to knowledge and the areas for further research. This chapter outlines the rationale or need for the research, the research gap, the research question and the four associated research objective questions. The research question is answered, and concluding statements are made concerning the four research objectives. The chapter further discusses the limitations that apply to this study.

### 6.2 The need for the research

From the 1980s, the significant economic growth of many first-world countries led to large amounts of urban growth, extensive industrial development, demands on governments to upgrade public infrastructure, and pressure on governing authorities to provide more extensive infrastructure networks with better connectivity to business and communities. Because of the consequent higher demand on public funding and public resistance to the privatisation of public assets, governing authorities turned towards PPPs to meet funding shortfalls in the provision of public infrastructure (CEDA 2005; Hodge, Greve & Boardman 2010).

This study aimed to evaluate the methods and approach to transparency and the level of stakeholder engagement adopted in each of the chosen PPP case studies in British Columbia, Canada, and Oregon in the USA. The evaluation included comparing the collected and analysed interview data from each project stakeholder group, their roles, and their level of engagement and involvement in their respective procurement processes in each case study project. Included in this evaluation was the evolving role of the first nation communities in procuring public infrastructure projects.

Scholars have argued that the introduction and engagement of the private sector into the delivery of infrastructure by governing authorities is not always primarily to promote greater transparency, innovation and management expertise into the project but to reduce the public sector deficit by transferring the project cost burden off their balance sheet to private investor groups balance sheet in pursuit of a focus on prudence in budgetary management (Demirag & Khadaroo 2008; Flyvbjerg, Garbuio & Lovallo 2009; Heald 2003; Hodge et al. 2017; Siemiatycki 2010). Also, through the private sector partners' investment in PPP projects and the burden of the project cost they incur on their balance sheet, they will earn revenue from the collected user fees or public charges imposed on citizens. Thus, it is still the governments' responsibility to

protect the public interest and ensure transparency and inclusion of community stakeholder groups in the decision-making processes are vital elements of the public interest.

Scholars have also outlined that the first step in the project engagement process is through meaningful stakeholder engagement and greater project transparency to provide all stakeholders with timely access to project documentation. This open approach in the disclosure of data is essential to include detailed information on the projects' financial and performance requirements as they are an essential component in ensuring a transparent model of stakeholder participation. (Bryson et al. 2013; Gupta 2008; Halachmi & Holzer 2010). Greve & Hodge (2011) further point out the importance of transparency in PPP projects explaining that greater transparency is achieved through different dimensions, those being 'formative disclosure', 'time of disclosure' and the 'accessibility of documents' throughout the different stages of the PPP infrastructure procurement process.

This study analysed the collected data on the adopted approach to project openness, transparency, participation levels, and stakeholders' inclusion in three case study projects. The study aimed to gain a more profound and concise understanding of the contemporary impact that transparency and the inclusion and engagement of project and community stakeholders have in the procurement process of the three case study PPPs in British Columbia, Canada, and the State of Oregon in the USA.

### **6.3 The case studies**

The study utilised three case studies, two in British Columbia, Canada, The Port Mann Highway 1 Refurbishment Project and the Sea to Sky Highway procurement and delivery project, and one in Oregon, USA, the Willamette Passage Bridge Project. The study's methodology was to review the adopted approaches to transparency undertaken in the project governance in each project studied. The three projects were in similar Pacific Rim neoliberal governments. An essential element of the study was the approach adopted in each project to the project's stakeholder involvement, which included the First Nation and non-First Nation community members involvement outlined and revealed from the stakeholder interviews.

### **6.4 The research question**

This section outlines the research question and the overall findings regarding the four associated objective questions. The overarching research question of this study is:

**How does transparency and greater stakeholder inclusion and participation in PPPs affect the outcomes of major transport infrastructure projects?**

**The four associated research objective questions are:**

The main research question aims to determine what impact increased transparency, inclusiveness, engagement, and trust have on the outcomes of each PPP model when delivering major Public Infrastructure. Is the impact limited to the changed perceptions citizens might have of their governments and the government's ability and willingness to protect public interests in complex investments? Or are there impacts on the delivery of the project itself for instance, more or fewer delays, more or fewer cost overruns are essential elements to project outcomes?

The four associated objectives are components of the overall research question.

**1. How is transparency constructed amongst and for different stakeholder groups?**

The author examined the strategies adopted in each of the case studies' governance models and their approach towards stakeholder inclusion, involvement, and participation in each of the chosen PPP models. The study compared each project's methodology to evaluate the project's openness, transparency, and levels of inclusion of each of the stakeholder groups in the decision-making processes (remembering that the First Nation and non-First Nation communities are project stakeholders).

**2. In particular, how does the experience of First Nations communities differ from other local communities?**

The author's evaluation and analysis of this associated objective question were through government and project literature analysis, semi-formal interviews with the various stakeholder groups, and through Dadirri (Indigenous research methodology) with the First Nation community leaders and other representatives.

**3. Is there evidence that more robust engagement improves infrastructure projects?**

The author reviewed how each governing authority approached their engagement with the stakeholder groups in each PPP case study project and its impact on project delivery. This objective was evaluated by analysing government and project literature, the semi-formal interviews with the various stakeholder groups, which included the First Nation community leaders.

#### **4. What roles do First Nation communities play in negotiating the term and conditions of public-private partnerships?**

The evolving increased recognition of First Nation Communities has impacted their role in public-private partnerships. In the case study PPP locations, the governing authorities have engaged with First Nation communities and have acknowledged their rights of First Nation communities' claims of their traditional lands. This recognition of their sovereign and custodial rights to their traditional lands has given the First Nation communities a stakeholder position in projects and a voice in the planning decisions of projects that impact these traditional landholdings.

#### **6.5 Discussion of the findings**

This thesis evaluated the approaches adopted in each project case study; it highlighted the differences in their approach to openness, transparency, and inclusiveness in their project governance models. The findings are set in the context of the literature review, that investigated the different theoretical approaches that scholars have formulated to understand government strategies.

As mentioned earlier in section 6.2, transparency through stakeholder inclusion in projects where they are consulted and are engaged in the decision-making processes of the proposed PPP project in practice is the first element needed to ensure a meaningful form of project stakeholder engagement. Meaningful stakeholder engagement is achieved in a project, requires that stakeholders be informed and involved with the project decision-making process. Also, they need to be informed of the project procurement process and cost estimates and be given access to the project procurement documents in a timely manner by the governing authorities and project contractors. It is an essential element of project transparency. These documents should outline the project guidelines and explain how that public input is integrated into the project and, importantly, recognise those community stakeholders included as project stakeholders who have maximum feasible access to the project documentation. The integration of community participation is a necessary element of project transparency. This approach to information disclosure ensures that access to project information outcomes from all project stakeholders is analysed as a form of project inputs and not perceived as a mere form of a nuisance to the project. The inclusion and input of stakeholders may bring unknown local knowledge to the project. As well by keeping all stakeholders informed of the project's construction program delivery and its impact, stakeholders can utilise this knowledge in planning to minimize the disturbance impact from the project procurement and delivery process. Furthermore, giving

open access to project information to project stakeholders is a way to appease and engage with the community stakeholder groups of the project. Recognising their feedback submitted during the construction meetings towards their concerns on the environmental and cultural impact of the project on the community in the project is an essential step in achieving quality stakeholder participation in a project and is fundamental in building project trust and transparency (Arnstein 1972; Maier 2001; Siemiatycki 2005)

The adopted approach to this research study is through a comparative case study analysis. The study compared the approaches to transparency and the levels of stakeholder inclusion in each case study project (see Table 6.1 below). Within these Case Study projects, four main stakeholder groups were impacted by the PPP governance model chosen for each of the Case Study Projects . They were the public sector, the private sector, the First Nation communities, and the non-First Nation communities. However, each of these stakeholder groups' interests were different from each other, so their level of inclusion and their opportunity to have a voice in each project's decision-making processes varied from project to project. This was clearly outlined during the study's stakeholder interview process.

**Table 6.1 Stakeholder engagement and participation.**

<b>Stakeholders</b>	<b>Sea to Sky Highway British Columbia</b>	<b>Port Mann Highway 1 British Columbia</b>	<b>Willamette Passage Bridge Oregon</b>
<b>First-Nation Community Members</b>	Limited to negotiating project land purchase.  Limited involvement in the delivery process through employment contracts as part of land acquisition.  Limited broadcast information to project website, further information requires FOI application.  Information meetings set in halls to provide project information, not community engagement and opportunity to deliver local knowledge to the project	Limited Project involvement in the delivery process.  Engaged in adjacent lands rectification process.  Limited broadcast information to project website, further information requires FOI application.  Information meetings set in halls to provide project information, not community engagement and opportunity to deliver local knowledge to the project	Engaged in project discussions and part of the project decision making process of the project.  Were engaged on local matters, were fully informed and included in project meetings.
<b>Non-First Nation Community Members</b>	Token gestures to non-related aspects of the project, such as signage not included or part of project meetings.	Token gestures to non-related aspects of the project, such as salvaging neighbouring water conservation areas. They were not included or part of project meetings.	As like the First Nation community members they were engaged in project discussions and part of the project decision making process of the project.

	<p>Limited broadcast information to project website, further information requires FOI application.</p> <p>Information meetings set in halls to provide project information, not community engagement and opportunity to deliver local knowledge to the project</p>	<p>Limited broadcast information to project website, further information requires FOI application.</p> <p>Information meetings set in halls to provide project information, not community engagement and opportunity to deliver local knowledge to the project</p>	<p>Were engaged on local matters, were fully informed and included in project meetings.</p>
<p>Project amendments due to community stakeholder feedback</p>	<p>The community stakeholders interviewed explained that they were not part of the regular project meetings and had limited opportunities to engage in the project conversation.</p> <p>They had no avenue to input towards project outcomes.</p>	<p>The community stakeholders interviewed explained that they were not part of the regular project meetings and had limited opportunities to engage in the project conversation.</p> <p>They had no avenue to input towards project outcomes.</p>	<p>During the interviews, it was pointed out how the community feedback received by ODOT and the contractors during a project design meeting regarding locating the new bridge structure was acted on, and the construction team amended the areas of concern.</p> <p>These changes met with community approval and removed potential construction delays.</p>
<p>Private Stakeholder engagement and participation in the project.</p>	<p>The engagement and the use of private stakeholders in the project were raised in interviews with project stakeholders.</p> <p>The discussion was if the head contractor was required to use local contractors in the project.</p> <p>The stakeholders interviewed explained, to their knowledge, that this was not a contract requirement but the contractor's responsibility to source services at their discretion for the project delivery process.</p> <p>It was unknown to those interviewed if there was a contractual obligation to use local private contractors to deliver the project by the governing authority.</p>	<p>The engagement and the use of private stakeholders in the project were raised in interviews with project stakeholders.</p> <p>The discussion was if the head contractor was required to use local contractors in the project.</p> <p>The stakeholders interviewed explained, to their knowledge, that this was not a contract requirement but the contractor's responsibility to source services at their discretion for the project delivery process.</p> <p>It was unknown to those interviewed if there was a contractual obligation to use local private contractors to deliver the project by the governing authority.</p>	<p>The engagement and the use of private stakeholders in the project were raised in interviews with project stakeholders.</p> <p>The discussion was if the head contractor was required to use local contractors in the project.</p> <p>The stakeholders interviewed explained, and the literature supported their interview data that it was a requirement that local corporations and minority groups be part of the project delivery process in the Willamette bridge replacement programme.</p> <p>This requirement was highlighted as a contract requirement of the successful contractor's responsibility to source services locally for the project delivery process.</p>

### **6.5.1 How is transparency constructed amongst and for different stakeholder groups?**

The stakeholder groups were approached differently by the governing authorities in British Columbia, Canada, compared to Oregon in the USA. The approach adopted in the projects in British Columbia contradicted the government's literature outlining their open, inclusive and transparent approach to involvement and engagement of stakeholders in projects (British Columbia n.d.). The BC PPP statutory authority Partnerships BC Vice President projects, government project managers and community members confirmed the limited openness and transparency between the different stakeholder groups in projects.

There were concerns raised during the stakeholder interviews in British Columbia regarding stakeholder access to and the disclosure of project information, and the level of stakeholder inclusion and engagement in projects. The most vocal stakeholder interviews on this position were both the First Nation and the non-First Nation community stakeholders. They expressed that the consultation meetings were no more than project information meetings, except when the government sought to obtain the land assets required from First Nation community. The interview with the Squamish Chief explained how the meetings between the First Nation communities and the government took a negotiation approach in their format which commenced in 2004 and was finalised in 2008. The negotiated outcomes for the resumed land included replacement land "acquisition of 1200 acres of land located in the Sea to Sky corridor with additions to reserve being supported by the Province for future housing of Squamish members (p. 47)", as a land exchange component. A provision towards training for project employment and business opportunities in the project construction for their community members (Campbell 2015). However, they were not included in the project as part of the decision-making processes and engaged in project meetings as project stakeholders. Both the First Nation and non-First Nation community stakeholders interviewed believed the PPP model adopted by the BC Government and the project contractor in the project created a barrier to their rights of access to project information, inclusion and engagement as stakeholders in the decision-making process of the project procurement. The community members interviewed pointed out how they were not engaged or involved in any project meetings, how their contribution was outside the construction scope of the project. As the Mayor of Squamish explained, their concerns about egress were not responded to by the contractors. The community stakeholder members interviewed explained how their input to the project was limited to the location and placement of the Township sign. Siemiatycki (2007) and Reynolds (2018) also further argue that this approach to access is a barrier to information and a barrier to greater project transparency through stakeholder inclusion and engagement in public

infrastructure. They point out the need to introduce greater disclosure, inclusion and transparency in the PPP procurement process in British Columbia. Reynolds (2018) also points out that the 2014 BC Ministry of Finance (MOF) evaluation of Partnerships BC (PBC) concluded that its role as advisor and service provider might bias the procurement process in public infrastructure projects. As pointed out in the MOF report, their concern was that private stakeholders view PBC as a potential competitor, as it provides similar services to that of the private sector can provide. They also were concerned about how it is mandated that all provincially-funded capital projects, using P3 procurement methodology with a value that began initially at \$20 million and is now above \$100 million, must be screened by PBC (British Columbia 2014). They were also concerned that, through this mandated approach to projects the primary role of Partnerships BC may be biased towards a certain procurement method as they are mandated to be the advisor on projects and also required to be self-sustaining; their advice may be interpreted as increasing government revenue rather than protecting the public interest through ensuring an open, transparent and inclusive procurement process occurs (British Columbia 2014). Siemiatycki (2010), Gupta (2008), Reynolds (2018) and Gosling (2004) point out further the limitations of gaining project information through disclosure under the Freedom of Information Act. In British Columbia, the Act is known as the Freedom of Information and Protection of Privacy Act [RSBC 1996]. Under the government legislation, it may enable governments to control the information that is available for release, where sensitive political information may be deemed commercial in confidence or sensitive intellectual material that is not available to community stakeholders or project stakeholders through requests through the FOI Act.

Oregon's approach to project transparency in their chosen Construction Manager/General Contractor (CMGC) model was outlined in industry literature (AGC 2007). During the interview the ODOT project manager explained their approach to project transparency and stakeholder inclusion and participation in the project. The inclusive approach adopted towards stakeholders in the CMGC PPP model involved and engaged all stakeholders in the project's decision-making process in planning and delivery. This transparency, engagement, and inclusion of community stakeholders in the Oregon case study project were in complete contrast to the adopted approach in the two case study projects in British Columbia. Ensuring that all project stakeholders, including community stakeholder groups, are engaged and have a voice in the decision-making process of projects was seen as a crucial element to greater project transparency. Interviews with Oregon project stakeholders and the community stakeholder groups explained in detail how they were involved in the project delivery process, as outlined in table 6.1 Stakeholder

Engagement and Participation. The community stakeholder groups were included, engaged, and participated when available to attend the scheduled construction meetings, and they expressed how they were considered stakeholders in the meeting. They believed they had a voice in the project's decision-making process. The academic literature supports this viewpoint. Siemiatycki (2007) and Sen (1999), transparency in PPP projects is more significant than disclosing selected project information, but about the releasing of the project key information and making processes transparent enough to allow public scrutiny of decision making; identifying the individuals and organisations accountable for each decision and establishing procedures for citizens to file grievances and seek redress if a decision harms them. It is also about the project accountability and the inherent democratic rights of the citizenry to be involved in these public infrastructure projects' decision making processes which include all aspects of investment in public infrastructure, including the procurement and planning and delivery process (Sen 1999; Siemiatycki 2007). Flyvbjerg, Bruzelius & Rothengatter (2003) clearly explain their definition and the acid test and the primary means for enforcing public scrutiny in the public sector decision-making processes as:

the role of government is, in principle, to represent and protect the public interest (as defined by parliament or legal precedent) and therefore it must at all times be possible for the public to verify whether this is indeed the case. The transparency requirement means, *inter alia*, that all documents and other information prepared by the government and its agencies should be made available to the public (p. 111).

Oregon adopted an open, engaged, and inclusive approach in its project procurement process, which differed greatly from the approach adopted in the case study projects in British Columbia. Their adopted approach to project delivery leads to greater stakeholder project transparency and project knowledge for all project and community stakeholders during the project, procurement and delivery process. In contrast, the British Columbia project model was exclusive and restrictive to stakeholders in their adopted model, with little project involvement, engagement, or participation of the community stakeholders, which limited levels of transparency between all project stakeholders which was in contrast to the government literature explaining and defining their open, inclusive and engaged approach, delivering an open and transparent approach to the government and its delivery of goods and services to the citizenry of BC Canada (British Columbia n.d.)

### **6.5.2 How does the experience of First Nations communities differ from other local communities?**

Through the multiple First Nation community interviews, trust and understanding were developed over time between the author and the First Nation community groups in BC, Canada, and Oregon, in the USA. In interviews with the North Vancouver Squamish Nation Chief, he pointed to the evolving recognition of First Nation communities in many nations worldwide. Their position had evolved and developed into being recognised as an essential stakeholder for a growing number of governing authorities in the management of project planning matters that required or impacted their traditional lands where the custodianship of the land had returned to the First Nation communities. This evolving new recognition of the First Nations community's role was critical to those governments that had acknowledged and recognised these rights of First Nation communities as the custodial landowners of their traditional lands. This position has led to a position of power and partnership in negotiations with governing and private authorities when new infrastructure requires access over or resumption of their traditional custodial lands, which had previously been eroded under the rule of the colonisers in their Nations (Arnstein 1969; Hibbard 2006, 2016; Porter 1996).

The experience of First Nation communities differed significantly between BC Canada and Oregon in the USA. In British Columbia, the way in which the treatment of First Nation communities in the case studies was determined purely by their position of power. This power in projects was determined in the case study by the need for their land, not by the desire for a transparent and open project process. Through their interviews with the Non-First Nation community, stakeholders interviewed confirmed they were powerless and not included in the project process as stakeholders. In contrast, both the First Nation and the Non-First Nation community stakeholders participated and were engaged in the project decision making meetings of the project delivery process in Oregon. The governing authorities' representatives of both the province of British Columbia and the State of Oregon explained through the interviews the levels of inclusion and engagement of the First Nations in their PPP infrastructure delivery. This official explanation of their engagement and inclusion in projects differed substantially from that of the non-First Nation community groups and First Nation Community members in BC Canada. As stated in the interviews, the Chief of the Squamish Nation of North Vancouver pointed out that in projects where First Nation community assets were required, they had a position of partnership in new infrastructure projects. Where their lands were not required their involvement and their role was best described as tokenistic, as stakeholders in new public infrastructure projects. This exclusion was expressed in the community interviews with the non-

First Nation community members who outlined clearly, they were not included or engaged in the planning or delivery stages of either project as stakeholders. The Squamish and Lil'wat First Nation communities had a position and voice in negotiating trade-offs in the Sea to Sky Highway improvement project due to their lands being required to complete the highway project upgrades on time for the 2010 Winter Olympic Games. The role of partnership with the First Nation communities was not an element of the model adopted by the governing authority in BC Canada with community stakeholders. Inclusion and engagement were evident only with powerful community stakeholders, rather than being a feature of all PPP governance as the State claimed. (Arnstein 1969; British Columbia 2013, n.d.).

In Oregon, ODOT's desire to mend the relationship with the greater community was due to their earlier issues in delivering infrastructure in communities that had resulted in ODOT adopting a different approach towards community engagement and participation. They had struggled in an earlier project with the non-state engagement of the community. This led to the abandonment of the project. The situation was also different because the non-First Nation communities engaged and pressured ODOT to recognise the Kalupuyan people's ancestral position as the valleys' custodians of their traditional lands. The non-First Nation communities' pressure on ODOT was for the Oregon Government to formally identify the Kalupuyan people as the traditional First Nation people of the Willamette Valley and recognise them through the project. This pressure was acknowledged by both ODOT and the contractors in the rehabilitation work in the adjoining parklands and traditional artwork on the new bridge infrastructure. This pressure by community groups in acknowledging the Kalupuyan people as the traditional First Nation people also protected the parklands from future potential development and loss of the area as a natural recreational area with important cultural Kalupuyan history recorded through the talking stones, which also developed this recognition and benefited through this connection to the greater local community.

The interviews with the BC and Oregon First Nation community elders explained how recognising the First Nation communities' rights and spiritual custodianship of their traditional lands was never ceded by First Nation Communities to the colonial governing authorities. This position had different standings in the two case study regions. In BC, the government literature promoted their rights to inclusion. Still their inclusion was driven by the need for their traditional lands in the Sea to Sky Highway improvement Project, not their position as the landowners. This position was not the case in the Willamette passage Bridge Project. The engagement process with the local community groups made it clear that the First Nation communities are recognised as stakeholders in the project. The recent approach that many Developed First World

governments have adopted in the recognition of the rights of the First Nations communities' to their traditional lands has given rise and recognition in developing the First Nation voice and position in project planning matters that impact their traditional custodial lands. The levels of this new recognition of First Nation communities as an independent community stakeholder group in project discussions in some Developed World countries vary. In many cases, the colonial title of 'ownership' of their traditional lands and cultural assets in some developed world nations has been returned to the First Nation community ownership. This recent recognition of custodianship has differentiated the First Nation communities from the usually more influential non-First Nation community groups and was recognised in negotiations by many first-world nations (Hibbard 2006, 2016).

The recognition of title to their ancestral lands in many first-world nations continues to return their hierarchal Indigenous custodial sovereign rights to these assets. Their position as a community group is widely recognised by many developed world governing authorities in the ownership and right to the title of their ancestral lands. In Australia, the Native Title Act 1993 Act brought forward that the recognition of “Indigenous rights and interests in land could no longer be ignored. This was particularly so in relation to state jurisdictions and industry sectors that had traditionally disregarded indigenous rights” (Tehan 2003, pp. 525-6). This recognition outlines how first Nation communities are independent community stakeholder groups. Further robust research is needed in this area, as their position and role as stakeholders are separate from that of non-First Nation community members in projects.

This approach to conciliation with First Nation people is evident in the building industry in Australia and the communities where the research case studies were located. Many leading construction companies in Australia have created Reconciliation Action Plans (RAP's) to recognise the need to engage with First Nation communities in Australia. As expressed in the academic literature, the outcomes of this new imperative for government to engage with First Nation communities, depends entirely on the governing authorities' structure and model towards their approach to the inclusion, engagement participation and levels of transparency in projects with First Nation communities. The government of NSW Australia has released a discussion paper through the Government Architect of New South Wales (GANSW), who explains that Aboriginal culture has developed a strong presence in the NSW planning system in recording Aboriginal Heritage and archaeological investigations. But now the focus is moving towards designing with country and response to culture is new to the system, and “Designing with country is not possible without engaging with, and more importantly being guided by Aboriginal community and recognised knowledge holders”(GANSW 2020)

### **6.5.3 Is there evidence that more robust engagement improves infrastructure projects?**

The thematic data analysis in Chapter 5 of the study pointed out how the chosen governance models and their approach to engagement impacted the core stakeholders in each case study. A key difference in the themes arising from the data was the interpretation and commitment to inclusion and engagement, regarded as key elements of transparency (Sen 1999; Siemiatycki 2007) in the case studies. The direct inclusion in the project approach was adopted by the Oregon Department of Transport (ODOT), who actively engaged the project's community stakeholders. The interviews with ODOT and project contractors explained how the project meetings involved the community stakeholder groups as project stakeholders with a voice in the discussions in the project's decision-making process. In the interviews with the ODOT and OBEC (Oregon Bridge Engineering Company) project managers, they explained that the governance model adopted by ODOT with greater transparent engagement and inclusion of stakeholders throughout the project was initially uncomfortable and different from their traditional approach to project delivery. They explained further that the openness and inclusive approach had aided decision making and solved problems during the construction program. Minimal issues with the community occurred as there had been community stakeholders engaged in the project from the design meetings to project completion, not as onlookers but as part of the decision-making team delivering a better communication pathway between the governing authority, ODOT, and the community.

This approach to the inclusion of community as an integral equal project stakeholder in the process was explained further by the construction manager, how minimising the delays occurred through the open, transparent, and engaging system adopted in the project delivery process with fewer project delays, allowing the project completion to meet the project schedule and delivered under the projected project budget. This approach to project delivery by ODOT in their adaption and using the CMGC PPP model had a robust, inclusive, transparent, and engaging stakeholder involvement process. This approach to project delivery that ODOT undertook in the procurement process provided an efficient and successful project delivery outcome compared to projects that have previously been undertaken through ODOT using other forms of PPP delivery and the traditional method of project procurement and delivery.

Key supporting indicators from the interviews, the government and academic literature outline the importance of democratic involvement and project transparency through an open, inclusive, and engaging approach by the governing authorities in PPP delivery. These attributes were proven to be a key element in the Oregon project's success in delivering the project within the time schedule and the project budget. This approach to project delivery and the improved

outcomes are attributed to the inclusion, participation, and engagement of all stakeholder groups, including the community stakeholder groups, in the project decision-making processes. These attributes were vital to the projects improved results in the procurement process; the stakeholder groups outlined this during the interview process.

The literature of the governing authorities and academics highlights the importance of inclusive and engaging consultation with community groups in the PPP model of the project procurement process in the procurement and delivery of public infrastructure projects (British Columbia 2013; Pollitt, Van-Thiel & Homburg 2007). The literature of many first-world governments and academics highlights the importance of representative democracy and the importance of engaging with the community through consultation and inclusion in the decision-making processes in the procurement of public infrastructure. Florini (2007), pointed out that participation in projects is a cornerstone of democracy and is considered essential in creating greater accountability and transparency in the PPP project. An essential element of democracy and aid to transparency in a project is the disclosure of information about the public sector's approach in working in the public interest and the ability to have the citizens' voice in the project's decision-making process (Florini 2007; Scharpf 1997).

During the interview process, the interviewees pointed out how they were engaged and what levels they were included in each case study project. It was evident that the approach adopted by ODOT utilising the CMGC PPP model was open, inclusive, and engaging of the community stakeholders in the project. which was in line with both academic and the government literature supporting an open and democratic approach to the project delivery.

The community consultation process was transparent, inclusive, engaging and gave the community a voice at the table in the project's decision-making processes. ODOT initiated the initial engagement and involvement of the community in the project at the project design selection process of the project. As explained by the OBEC engineer's general manager, this was new to the contractors and the engineering people in the delivery of infrastructure to have the communities voice in the decision-making process in the design selection. Their initial engagement in the project was to give feedback on the proposed bridge designs by the designers. The community's involvement moving forward in the project, as explained by the community stakeholder members interviewed, outlined how they were involved and invited, when they were available, to all project stakeholder meetings as members of the project team during the construction process of the project till project completion.

The data collected from each case study project through the interviews with the stakeholder groups outlined the importance of project and community stakeholder participation and engagement in projects. It was pointing out that this inclusion was essential in a robust, transparent engagement process and a critical element in any public project to deliver projects that meet community expectations of their governing authorities through open, transparent project inclusion and engagement.

#### **6.5.4 What roles do First Nation communities play in negotiating the term and conditions of public-private partnerships?**

The narrative about First Nation communities and the greater recognition of their cultural position as custodians of their traditional lands demonstrates recognition of their importance as stakeholders in infrastructure developments that impact their traditional lands. This change in their role has seen a growing need to include First Nation communities as stakeholders in projects that impact their lands. The impact that the First Nation communities can have as they intervene on significant infrastructure projects, asserting their voices and rights to their traditional lands could be significant to the project. In NSW Australia, the Planning and Assessment Act 1979 was amended in 2018, requiring and promoting good design, requiring the sustainable management of built and cultural heritage, including Aboriginal cultural heritage. The GANSW supports this change through its policies and guidelines such as Better Placed: An Integrated design Policy for the Built Environment of NSW. (GANSW 2020) The governments of substantial infrastructure projects and their PPP partners can no longer ignore or not involve the First Nation communities' voices in projects impacting their custodial lands.

With the growing recognition of First Nation Rights to their traditional lands, First Nations peoples' position has been aided through a rise in community sentiment and activism, which has given rise to industry stakeholders engaging in a dialogue process to deliver First Nation involvement through a negotiated agreement that aims to create participation in projects. These negotiated agreements are called Impact Benefit Agreements (IBA) in Canada. IBAs, as explained by Kielland (2015) and Sosa & Keenan (2001), are agreements that have been negotiated privately between industry proponents and First Nation communities. The IBA is a legally enforceable agreement that establishes a formal relationship between the industry proponents and the First Nation communities. These agreements between the first nation communities and the industry proponents, with a few exceptions, rarely involve governments directly in negotiating these bilateral agreements. Their voice, activism, and the changes in international laws have seen the increase in the pressure by First Nation communities for greater engagement and participation through their new position by industry and governments.

Investors became prudent in assessing their adopted investment strategies in projects due to community action groups' increased protests about proposed new projects in First Nation lands. These community action groups sought greater transparency and rights as project stakeholders to be engaged and participate in local procurement projects' decision-making process. These actions had the potential of causing delays in project commencement and increasing the project costs. This new position of the First Nation communities has led PPPs' proponents to recognise the need to engage with First Nation communities earlier in project planning and be more inclusive with and recognise First Nation rights in projects as an essential element in all new infrastructure projects. This new position of the First Nation Communities offered the communities a unique partnership position, displaying how the power balance in projects had shifted away from their earlier positions basically as a form of tokenism and given them a strategic role in the discussion. This position is a move away from the previous tokenistic position to that of an inclusive stakeholder partnership position in the discussion. (Arnstein 1969; Podlasly 2019).

The data collected from the three case studies' interviews outlined the approach adopted by each of the two jurisdictions towards the First Nation communities as stakeholder and their role and position in each of the PPP projects governance models. In the Sea to Sky Highway case study, their roles and positions resulted from the project's need for their lands to complete the highway project upgrades and extensions. It was not a result of the State's claims that it aimed at open, transparent participation, engagement, and inclusion in projects for all project stakeholders. The negotiated work contracts and the land replacements were transactional requirements in exchange for their lands to allow the project completion, but this was not a move by the contractors to engage and include the nations in the project as stakeholders with an input into the project procurement process. British Columbia's approach to inclusion, engagement disclosure and transparency through their governance model was described otherwise in the interviews with project stakeholders. They explained that the only way they could gain a transparent understanding of the project and access to necessary project information was through the FOI Act. The First Nation community member interviewees explained how their involvement in projects was not as an inclusive stakeholder with a voice in the project management process. Their role was limited to negotiating project employment, supply and replacement of land contracts as a negotiated settlement for the resumption of community lands required for the project. These outcomes for the First Nation communities were achieved through the Shared Legacies Agreement from the 2010 Olympic and Paralympic Games between

the Province and the Squamish, Lil'wat and Tsleil-Waututh First Nation communities. (Campbell 2015; Crebo 2008).

The interviews with the community and construction stakeholders in the Willamette Passage Bridge project explained how the traditional owners' recognition became an essential element in the project governance model adopted by the government, and project stakeholders, in the project. The non-First Nation community stakeholders emphasised to the government and the project stakeholders the importance of acknowledging the Kalupuyan people as the traditional First Nation landowners of the Willamette Valley, Oregon, USA. They also pointed out the importance of recognising and protecting the adjoining parklands, which were important to both First Nation and non-First Nation communities. The parklands had significant cultural importance to the Kalupuyan people and traditionally was a meeting, gathering, and trading place for the surrounding tribal groups of the region. For the non-First Nation communities, it was also an important community recreational area they wanted to be protected from private development projects. This is an example of how greater inclusion improved project outcomes.

The collected data also showed that the growing recognition of First Nation communities and their position as traditional custodians to their cultural lands had strengthened their role and position in negotiating their position in PPPs was through this new political change towards the rights of First Nation Communities being recognised throughout the world. This recognition of ownership and custodianship of their lands enabled them to have a position and role in negotiating terms and conditions in the project case studies. Through the interview process, it was shown how the approach to stakeholder inclusion and engagement in the Willamette Passage Bridge Project gave a voice to the First Nation Community Stakeholders. The CMGC PPP model was based on inclusion and engagement, and the community pressure on the PPP gave the Kalupuyan First Nation community recognition and a voice in the project.

It was pointed out from the research, the role of the First Nation communities in projects is more significant than simple land negotiations. They have a cultural position as traditional custodians to the lands. In the preceding three decades towards the end of the 20th century, First Nation communities saw a shift away from a confrontation contest with governments in land claims towards a negotiation process in countries such as North America, Canada, Australia, New Zealand, Mexico, Central and South America, Africa, northern Europe, and Asia. A key component to this move forward in land claims was the drive towards recognition, self-determination and nationhood, as

“the lands are the place of the nation and are inseparable from the people, their culture and their identity as a nation. Traditional lands and resources are the foundation upon which indigenous people intend to rebuild the economies of their nations and so improve this socioeconomic circumstances of their people, individuals, families, communities and nations (Anderson, Dana & Dana 2006, p. 45).

This understanding of the significance of First Nations’ peoples’ rights to their traditional lands is outlined clearly in the United Nation’s Declaration on The Rights of Indigenous Peoples. Especially relevant are articles 20, 21, 23 and articles 25 through to 28 of the act (UNGA 2007)

In Canada, the benefits of the shift towards a more negotiated outcome in land claims have been recognised, and negotiation is seen as less of a cost and more of a benefit in improving socioeconomic conditions for their First Nation peoples. The economic capacity delivered through these land claims provides resources for societal entrepreneurship, enabling the establishment of new community-owned and run businesses. This new position as the landowners establishes the right to be included in PPP projects, as a distinct community stakeholder and as custodians and landowners, with their voice recognised as an equal and individual stakeholder group in any project that impacts their communities’ traditional lands (Anderson 2002; Anderson, Dana & Dana 2006; Pearce 2003).

The above four associated research objective questions provide the data to answer the main research question:

**How does transparency and greater stakeholder inclusion and participation in PPPs affect the outcomes of major transport infrastructure projects?**

There were three important ways in which inclusion and transparency improved project outcomes:

- Reduced time and cost overruns.
- Local stakeholder inclusion and engagement delivered local knowledge in the project planning.
- The transparency and engagement of community aided the communication of the project delivery process as community stakeholders were part of the project delivery planning team.
- Presumably, strong inclusion and transparency improved trust in government.

The Oregon case study clearly outlined the reasons why infrastructure projects should engage and include the community and provided lessons for how that inclusion as an equal stakeholder could improve rather than hinder project outcomes. Through the stakeholder interviews of the critical construction team members, ODOT, OBEC and Hamilton Constructions, examples outlined of how the initiatives adopted in the CMGC model of PPP delivery in the Willamette Passage Bridge replacement project were crucial in delivering a more open and transparent governance model that improved project outcomes in the form of reduced time and cost overruns. This is a significant benefit for investors and the public given the scale of transport infrastructure projects, and the economic and sometimes safety disruptions caused by delayed completion. ODOT's approach included early engagement with the public, and public involvement in reviewing, interpreting and "ground-truthing" the recommendations of social and environmental impact statements. The local community stakeholders bring valuable local knowledge to project planning that social impact and environmental impact statements may not include. For instance, the agreed deviation on the positioning of the bridge to save a stand of trees located at the planned positioning of the bridge ramp had significance to the local community, which would have caused local friction. This consideration avoided delays / saved costs / improved public community relationships. Also, the support of the contractors and ODOT, the recognition of the Kalapuyan Indian Nation as the traditional First Nation people of the area, gained local community support. This acknowledgement included artwork on the bridge at the north end crossing the recently rectified cane creek, a mural depicting Kalapuya Culture, and the talking stones in the adjacent parklands that culturally describe the importance of the area.

As Gransberg & Shane (2010) point out, the Construction Manager General Contractor (CMGC) form of PPP is structured as a " team ..[that].. consists of the owner...[the public agency responsible for the project]...; the designer, who might be an in-house engineer; and the at-risk construction manager ...[representing the private partner]..." (Gransberg & Shane 2010, p. 5). They also explain that in the CMGC model of delivery the main objective of the governing authority is

to engage at-risk construction expertise early in the design process  
to enhance constructability, manage risk, and facilitate concurrent execution of design and construction without the owner relinquishing control over the details of design as it would in a design-build project. (2010, p. 1).

The approach undertaken by ODOT to the CMGC PPP model was driven by the principle of greater inclusion and engagement of the community as a project stakeholder group. In interviews the project manager explained that the CMGC approach to governance had led to an improved project delivery outcome. There were fewer project delays, and it was delivered ahead of the projected timeline and under projected budget. This was not the usual outcome for traditional hierarchically structured ODOT projects. In comparison, those models were restrictive, less inclusive, less open, and not transparent to all stakeholders, unlike the approach adopted in the CMGC model utilized in the Willamette Passage Bridge project.

The CMGC project model adopted in the Willamette Passage Bridge Project engaged all stakeholders in the decision-making process, from the early design stage of the project, to-project completion. The community, the design team, the engineers, ODOT, and Hamilton's constructions contractors, all met regularly as one unit to ensure an open and transparent outcome in delivering the project. This inclusion, engagement and participation in the project created an open and transparent environment that did not occur in the two case studies in British Columbia, Canada.

The analysis of the case studies in British Columbia revealed conflicting interpretations of the role of openness and transparency by the province and the construction contractors. The policy statements about openness on the province's webpage was contradicted in the interviews with the project stakeholders. The web page clearly states "that we are open and transparent government providing the people of B.C. with access to the information that matters to them" stating further that they will provide the opportunity for applicants to "feel confident in your ability to retrieve current and accurate information about the policies and activities taking place within British Columbia" (British Columbia n.d.). As pointed out by the VP Partnerships BC in the interview, project information is not available on the project webpage, but it can be accessed by stakeholders through Freedom of Information requests. This does not represent transparent access to information (Siemiatycki 2007) A 2013 report by the BC, Information and Privacy Commissioner Elizabeth Denham, recommends that information about projects with government spending over \$10,000 should be readily available in an accessible online library (British Columbia n.d., p. 10) The Commissioner points out that "making datasets available in the manner that presently exists is not clearly in support of government transparency and accountability" and that the government's "capacity to enable citizens to scrutinize government policy and decision making is frequently indirect at best (British Columbia 2013, p. 45). Clearly, BC will not develop greater transparency until it provides free access to information such as organisational data on performance, readily available for review by external actors (Baume &

Papadopoulos 2012; British Columbia 2013; Grimmelikhuijsen 2014; Nelson 2003). The province's stated approach to transparency conflicts with the approach adopted in practice by Partnerships BC. (a wholly owned crown corporation) A special-purpose authority? In interviews, the Partnerships BC VP stated that all project information not publicly available to external stakeholders can be accessed through FOI requests.

Academics argue that this contradictory approach to project transparency in British Columbia often results in valuable information being withheld on the basis that it is potentially politically sensitive (Baume & Papadopoulos 2012). Withholding plans, impact assessments, and other data from stakeholders such as community residents or environmental advocates can lead to vocal protest, political opposition, and late changes to construction timelines that lead to project cost and time overruns (Podlasly 2019)

This research study revealed that in the Willamette Passage Bridge case study project, by adopting an inclusive, open, and transparent governance model for public infrastructure delivery, delivered time and cost-saving benefits to the state of Oregon. The interviews with project stakeholders outlined that the project's governance structure, including greater stakeholder participation, was an important element in delivering positive project delivery benefits. The project designers, engineers, and construction team expressed their desire to ODOT that future infrastructure projects should adopt this new CMGC model, with its open and transparent approach to the project decision making process, that engaged and included all stakeholders, including the community groups.

In this research, I investigated why Oregon was such a successful case. I identified three explanatory factors:

- the engagement of the non-First Nation communities in the drive to officially recognise the Kalupuyan people as the regional traditional First Nations people, and
- ODOT's aim to remedy their rocky relationship with the community were key elements in the project's greater transparency, inclusion, and engagement.
- The CMGC PPP structure dictated openness and transparency between all stakeholders and ODOT embraced this in their approach to their procurement delivery process in the project.

My investigation of why BC was a less successful case identified three explanatory factors:

- the non-engagement of both the non-First Nation and First Nation community stakeholders in the project

- the PPP Structure that limited project transparency and stakeholder participation and engagement.
- the project openness and the avenues of stakeholder access to project information limited access by FOI to unpublished project information, in contrast to government claims of project openness to community stakeholders.

These were major differences between Canadian and US approaches when regarding community engagement and participation. It was evident through the research that, in the British Columbia Case Study Projects, the governing authority was less engaged and detachment from with the community stakeholders than the participatory and engaged position adopted by Oregon with their community stakeholders during the planning/policy implementation and project delivery process of each of the different Case Study Projects. British Columbia's position highlighted the model adopted by ODOT in Oregon, USA. The approach to First Nation communities was not driven by a need for their land, as was the case in the Sea to Sky Highway project. Still, the non-First Nation communities recognised the First Nation community's traditional rights of recognition as the custodians of the lands of the Willamette Valley. The recognition by the governments of Canada and the USA First Nations land rights has increased the need of the governing authorities and private entities to engage with these communities in project planning and delivery. The IBA (Impact and Benefit Agreement) is structured between the project impacted First Nation community and the industry proponents to ensure significant outcomes, minimise adverse effects to First Nation Lands, and ensure the First Nation communities acquire benefits from the project. The IBA's and other Connecting and Designing with country initiatives have created ongoing pressure on governing authorities to engage and be more inclusive and openly transparent in structuring a more productive approach to sharing project information. The benefit of gathering local knowledge was evident in the Willamette Passage project and was an essential component in the planning, implementing, and delivery of the public infrastructure project.

Therefore, I concluded from the research that with the political change in the status of First Nation communities in the Case Study countries, it is essential for their inclusion and the non-First Nation community stakeholders in the project in the decision-making process as an integral project stakeholder. Their inclusion should not be viewed as a hindrance to effective policymaking and delivery of the project. Still, their inclusion leads to the improvement of project outcomes. Their engagement, participation and open information sharing will lead to

greater project transparency in project planning and procurement, as was the case of the Willamette Passage Bridge project in Portland, Oregon.

## **6.6 Further areas of research**

This research has demonstrated the importance of a more transparent, inclusive engagement of both First Nation and Non-First Nation community stakeholders in projects. The case studies show the importance of differentiating the broader category of “the community,” which if not recognised can ignore the differential power that First Nations peoples may have in some circumstances. The intra-community relationships revealed in this research suggest that the value of collaboration is clearly recognised, and that strategic alliances can be beneficial. Future research on the community’s role in projects and what impact that the cultural backgrounds of the First Nation and non-First Nation communities have in their agenda in the project outcomes, will help explore these questions further. Another line of questioning to investigate is how negotiation occurs over land parcels needed for infrastructure: what are the medium and long-term benefits of the negotiated settlements on the First Nations communities involved? How are historical, spiritual, and emotional associations with particular places recognised in land swaps, if at all?

During the study it was evident of the lack of engagement that occurred in the British Columbia Case studies with the community groups. Compared to the Oregon case study this approach led to a loss of engagement and detachment during the project’s planning/policy implementation processes. Future research is essential in the impact and benefits of greater engagement, particularly on large-scale infrastructure projects with complex financial structures, where “the public” is often assumed to have limited understanding and ability to contribute, is essential. The contribution “local knowledge” makes to these complex projects is a related area where further research is needed.

## **6.7 Final deliberations**

This research has shown the project benefits that greater transparency in PPP delivers in the procurement of public infrastructure. It has also outlined how greater transparency in the Willamette Passage Project delivered societal benefits to the community through providing opportunities for inclusion and participation of all stakeholders in the decision-making processes of this public infrastructure procurement that impacted and affected their everyday lives. This approach to inclusion and engagement with project stakeholders inclusive of the community led to a successful outcome in Oregon and highlighted that the inclusion of the community is not a hindrance to project outcomes.

The research was limited by the sample number of case studies and the areas of limited access to project material that was deemed commercial in confidence. Also, the nature of PPPs as large and unique projects combined with the commercial in confidence restraints created difficulties with the selection of case studies for the research. This access limitation to information affected the authors' opportunity in the case studies in British Columbia, Canada, to gain more excellent project data from the government agencies and the project contractors. This approach to project data in British Columbia needs to be more easily accessible and more open, inclusive, and engaged in its approach to stakeholder inclusion, engagement, and project transparency. A more easily accessible, open, inclusive and engaged approach to stakeholder inclusion, engagement and project transparency was the approach adopted by ODOT with stakeholders' inclusion in the Willamette Passage Bridge project in Oregon, USA.

Also, my data collection has shown that British Columbia did not treat the First Nation and non-First Nation community members as project stakeholders in an open, inclusive, transparent, and engaged approach in the projects. This approach to the treatment of First Nation communities by British Columbia contrasted with how ODOT engaged with the First Nation community in an open, transparent, and inclusive involvement in the Oregon project. Their exclusion conflicted with the governments literature and its open government policies. Furthermore, with the change in the political position of many developed world nations greater recognition of First Nation Hierarchal land rights, the rights of First Nation communities and their recognition and role as an independent stakeholder group in projects, further future research in project planning strategies would be prudent and a vital area for research to focus on in the future.

Furthermore, the author conducted 23 interviews with crucial PPP stakeholders of the three case study projects limited the study findings' validity to some degree. Future research would benefit from a more extensive case study base. By greater open access to all case study governments, project documentation equally to comparatively review the case studies and remove the barriers to project material that included each of the bid submissions, all project concessions, and all project documents relating to agreements in the project that are deemed commercial in confidence and allowing access to project material in a timely manner. This access to the information would support the research project comparison to the literature, qualify the stakeholder interviews data collected and give greater precision and depth to the research outcomes.

Finally, this research recognised and pointed out the importance of First Nation Communities as an essential stakeholder group in the project planning and the procurement process when those

public infrastructure projects impacted their traditional lands. There is a need for further research into their inclusion, engagement, participation, and the role of First Nation communities in the PPP procurement process. This position is an area where knowledge will be an essential requirement to develop a more precise understanding of their cultural position and role in the decision-making processes in future PPP public infrastructure developments, in ensuring the recognition of the First Nation Communities position as stakeholders in public infrastructure projects. Investigating this is a fundamental requirement in projects with the recognition of First Nation communities' position by many first-world nations through their changing political environment. Many first-world nations are adapting to and recognising the rights of First Nation communities in the ownership of their traditional lands, and this recognition is being firmly embedded into their national fabric. This change by developed world nations in their recognition of First Nation communities' rights to their role as custodians and the management of their custodial lands requires further research of this new position. It would be prudent to develop a PPP project model with PPP guidelines for future public infrastructure projects of the First Nation Communities newly recognised role and position, and in this role being recognised as critical stakeholders when public infrastructure transcends their recently recognised position as custodians and responsible managers of their community cultural lands.

## References

- AGC, N. 2007, *CM/GC Guidelines for Public Owners.*, Second Edition edn, Associated General Contractors of America (AGC) and the National Association of State Facilities Administrators (NASFA). viewed March 2015.
- Akintoye, A. & Beck, M. 2009, *Policy, management and finance of public-private partnerships*, John Wiley & Sons, Chichester ; Ames, Iowa.
- Alfen, H.W., Kalidindi, S.N., Ogunlana, S., Wang, S., Abednego, M.P., Frank-Jungbecker, A., Jan, Y., Ke, Y., Liu, Y. & Singh, L. 2009, *Public-private partnership in infrastructure development: case studies from Asia and Europe*, vol. 7, Verlag der Bauhaus-Universität, Weimar.
- Altshuler, A.A.L., D E 2003, *Mega-projects: The changing politics of urban public investment*, Brookings Institution Press, Washington, DC.
- Anderson-Smith, B. 2008, 'Exploring engagement between Indigenous communities and government: lessons for Country management', Australian National University.
- Anderson, R.B. 2002, 'Entrepreneurship and Aboriginal Canadians: A case study in economic development', *Journal of Developmental Entrepreneurship*, vol. 7, no. 1, p. 45.
- Anderson, R.B., Dana, L.P. & Dana, T.E. 2006, 'Indigenous land rights, entrepreneurship, and economic development in Canada: "Opting-in" to the global economy', *Journal of world business*, vol. 41, no. 1, pp. 45-55.

- Andersson, K. 2008, *Transparency and accountability in science and politics*, Palgrave Macmillan, London.
- Arnstein, S.R. 1969, 'A Ladder Of Citizen Participation', *Journal of the American Institute of Planners*, vol. 35, no. 4, pp. 216-24.
- Arnstein, S.R. 1972, 'Maximum feasible manipulation', *Public Administration Review*, vol. 32, no. Special Issue: Citizens Action in Model Cities and CAP Programs: Case Studies and Evaluation (Sep., 1972), pp. 377-90.
- Aspers, P. 2009, 'Knowledge and Valuation in Markets', *Theory and society*, vol. 38, no. 2, p. 111.
- Atkinson, J. 2002, *Trauma trails, recreating song lines: The transgenerational effects of trauma in Indigenous Australia*, Spinifex Press, North Melbourne.
- AustGov, A. 2008, *National Public Private Partnership Guidelines Volume 1: Procurement Options Analysis*, vol. 1, Publishing and Communications, Communications Branch
- Department of Infrastructure and Regional Development, Canberra, p. 37,  
<<https://infrastructure.gov.au/infrastructure/ngpd/files/Volume-1-Procurement-Options-Analysis-Dec-2008-FA.pdf>>.
- Bank, A.D. 2008, *Public-private partnership handbook*, Asian Development Bank (ADB).
- Bank, W. 2004a, 'Making services work for poor people', *Journal of African economies*, vol. 13, no. suppl\_1, pp. i142-i66.
- Bank, W. 2004b, *World Development Report 2004: Making Services Work for Poor People*, Report, World bank and Oxford University Press, Washington D.C.
- Baume, S. & Papadopoulos, Y. 2012, 'Bentham revisited: Transparency as a “magic” concept, its justifications and its skeptics', *Proceedings of the Transatlantic Conference on Transparency Research*, June, vol. 7.
- BC, P. 2011, 'Port Mann/Highway 1 Improvement Project  
Project Report: Achieving Value for Money'.
- BC, P. 2012, *2009/10–2011/12 Service Plan Update*, Partnerships BC, Victoria, p. 25, viewed 15/02/17,  
<[https://www.bcbudget.gov.bc.ca/2009\\_sept\\_update/sp/pdf/agency/pbc.pdf](https://www.bcbudget.gov.bc.ca/2009_sept_update/sp/pdf/agency/pbc.pdf)>.
- Berner, M.M., Amos, J.M. & Morse, R.S. 2011, 'What constitutes effective citizen participation in local government? Views from city stakeholders', *Public Administration Quarterly*, vol. 35, no. 1, pp. 128-63.
- Bertot, J.C., Jaeger, P.T. & Grimes, J.M. 2010, 'Using ICT's to create a culture of transparency: E-government and social media as openness and anti-corruption tools for societies', *Government information quarterly*, vol. 27, no. 3, pp. 264-71.
- Birkinshaw, P. 2006, 'Transparency as a Human Right', in C. Hood & D. Heald (eds), *Transparency: Key to Better Governance?*, Oxford University Press, Oxford, p. 8.
- Bovaird, T. 2004, 'Public–private partnerships: from contested concepts to prevalent practice', *International Review of Administrative Sciences*, vol. 70, no. 2, p. 17.
- Brewer, B. & Hayllar, M.R. 2005, 'CAPAM Symposium on Networked Government: Building public trust through public–private partnerships', *International Review of Administrative Sciences*, vol. 71, no. 3, pp. 475-92.
- Brinkerhoff, D.W. & Brinkerhoff, J.M. 2011, 'Public-private partnerships: Perspectives on Purposes, Publicness, and Good Governance', *Public Administration and Development*, vol. 31, no. 1, pp. 2-14.
- Brinkman, S. & Kvale, S. 2009, *Interviews: Learning the Craft of Qualitative Research Interviewing*, Thousand Oaks: Sage Publications, Los Angeles United States of America.
- British Columbia, G. 2011, *Project Report: Achieving Value for Money Port Mann/Highway 1 Improvement Project*, British Columbia, Canada, p. 23, viewed March 2015,  
<[http://www.partnershipsbc.ca/files-4/documents/PMH1-2011/PMH1\\_Project-Report\\_14March2011.pdf](http://www.partnershipsbc.ca/files-4/documents/PMH1-2011/PMH1_Project-Report_14March2011.pdf)>.

- British Columbia, G. 2012, *Building Markets Growing Jobs: The Pacific Gateway Transportation Strategy 2012-2020*, Minister of Transportation and Infrastructure, Victoria.
- British Columbia, G. 2013, *Evaluating the Government of British Columbia's Open Government Initiative, Investigation Report F13-03: Information and Privacy Commissioner for British Columbia*. Victoria, BC, Information and Privacy Commissioner BC, Victoria, p. 50, viewed 15th January 2017, <<https://www.oipc.bc.ca/investigation-reports/1553>>.
- British Columbia, G. 2017, *Port Mann Tolls (TReO) - Province of British Columbia*, British Columbia Government, Vancouver, viewed 27/10/2019, <<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/crown-corporations/transportation-investment-corporation/port-mann-tolls>>.
- British Columbia, G. n.d., *Open Government*, British Columbia Government, Victoria, viewed February 16th 2017 2017, <<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information>>.
- British Columbia, I.A.A.S. 2014, *Review of Partnerships BC*, Ministry of Finance.
- British Columbia, M.o.T.P.B.C. 2005, *Sea-to-Sky Highway Improvement Project - Achieving Value for Money*, British Columbia Ministry for Transportation, Victoria.
- Bruzelius, N., Flyvbjerg, B. & Rothengatter, W. 2002, 'Big decisions, big risks. Improving accountability in mega projects', *Transport Policy*, vol. 9, no. 2, pp. 143-54.
- Bryson, J.M., Quick, K.S., Slotterback, C.S. & Crosby, B.C. 2013, 'Designing public participation processes', *Public administration review*, vol. 73, no. 1, pp. 23-34.
- Burby, R.J. 2003, 'Making plans that matter: Citizen involvement and government action', *Journal of the American Planning Association*, vol. 69, no. 1, pp. 33-49.
- Burnaby, C.C. 2007, *Full Text of comments on Gateway Program*, PL 37500-07, Burnaby City Council, Burnaby, p. 16, <<https://www.burnaby.ca/Assets/city+services/roads+and+traffic/Transportation+-+Gateway+-+January+15+2007+Detailed+Comments.pdf>>.
- Campbell, I. 2015, 'Traditional Knowledge In a Modern Context: Squamish, Musqueam, and Tsleil-Waututh Collaboration in Land Development.', Masters thesis, Simon Fraser University.
- CEDA 2005, 'Infrastructure: Getting on with the Job', *Committee for Economic Development of Australia*.
- Census, U.S. 2017, 'American Community Survey (ACS)', July 2017 edn, US Census Bureau, USA, 7th November 2017, <<https://www.census.gov/en.html>>.
- Cho, J. & Trent, A. 2006, 'Validity in Qualitative Research Revisited', *Qualitative research*, vol. 6, no. 3, pp. 319-40.
- Clarkson, M.E. 1995, 'A stakeholder framework for analyzing and evaluating corporate social performance', *Academy of management review*, vol. 20, no. 1, pp. 92-117.
- Coan, C.F.J.T.Q.o.t.O.H.S. 1921, 'The first stage of the federal Indian policy in the Pacific Northwest, 1849-1852', vol. 22, no. 1, pp. 46-89.
- Coglianesi, C., Keating, E.K., Michael, M.L. & Healey, T.J. 2004, 'The role of government in corporate governance', *NYUJL & Bus.*, vol. 1, p. 219.
- Cook, F.L., Jacobs, L.R. & Kim, D. 2010, 'Trusting what you know: Information, knowledge, and confidence in social security', *The Journal of Politics*, vol. 72, no. 2, pp. 397-412.
- Cornell, S. 2015, 'Processes of Native Nationhood: The Indigenous Politics of Self-Government', *International Indigenous Policy Journal*, vol. 6, no. 4.
- Cornell, S. & Kalt, J.P. 1998, 'Sovereignty and nation-building: The development challenge in Indian country today', *American Indian Culture and Research Journal*, vol. 22, no. 3, pp. 187-214.

- Cornell, S.E., Kalt, J.P., Jorgensen, M. & Spilde, K.A. 2005, *Seizing the Future: Why Some Native Nations Do and Others Don't*, Native Nations Institute, Udall Center for Studies in Public Policy ....
- Crebo, D. 2008, *B.C. & Squamish First Nation sign Sea to Sky Agreement* British Columbia Government, <[https://archive.news.gov.bc.ca/releases/news\\_releases\\_2005-2009/2008tran0072-001387.htm](https://archive.news.gov.bc.ca/releases/news_releases_2005-2009/2008tran0072-001387.htm)>.
- Creswell, J. 2009, *Research design: Qualitative, quantitative, and mixed methods approaches*, SAGE Publications, Incorporated.
- Creswell, J.W. 2007, *Five Qualitative Approaches to Inquiry*, vol. 2, Thousand Oaks: Sage Publications, United States.
- Crotty, M. 1998, *The Foundations of Social Research: Meaning and Perspective in the Research Process*, Thousand Oaks : Sage Publications, United States.
- Cucciniello, M. & Nasi, G.V. 2012, 'Assessing transparency in government: preached, practiced and preferred'.
- Cuillier, D. & Piotrowski, S.J. 2009, 'Internet information-seeking and its relation to support for access to government records', *Government Information Quarterly*, vol. 26, no. 3, pp. 441-9.
- Dawes, S. 2008, 'The Evolution and Continuing Challenges of E-Governance.', *Public Administration Review*, vol. 68, pp. S86-S102.
- De Vaus, D.A. 2001, *Research Design in Social Research*, Sage Publications, London, United Kingdom.
- Demirag, I. & Khadaroo, I. 2008, 'Accountability and value for money in private finance initiative contracts', *Financial Accountability & Management*, vol. 24, no. 4, pp. 455-78.
- Denzin, N.K. & Lincoln, Y. 2008, *Handbook of Qualitative Research*, 3rd edn, vol. 3, Thousand Oaks: Sage Publications, United States.
- Denzin, N.K. & Lincoln, Y.S. 1994, 'Introduction: Entering the Field of Qualitative Research, Handbook of Qualitative Research (pp1-17)', Thousand Oaks, CA: Sage.
- DiCicco-Bloom, B. & Crabtree, B.F. 2006, 'The Qualitative Research Interview', *Medical education*, vol. 40, no. 4, pp. 314-21.
- Diop, M. nd, *Public Private Partnerships for Urban Environment, PPP Development stage- Establishing Principles*. Johannesburg, viewed 6th February 2018, <[http://pppue.undp.2margraf.com/en/08\\_2.htm](http://pppue.undp.2margraf.com/en/08_2.htm)>.
- Djankov, S., McLiesh, C., Nenova, T. & Shleifer, A. 2003, 'Who owns the media?', *The Journal of Law and Economics*, vol. 46, no. 2, pp. 341-82.
- Drabek, Z. & Payne, W. 2002, 'The impact of transparency on foreign direct investment', *Journal of Economic Integration*, vol. 17, no. 4, pp. 777-810.
- Duffield, C.F. 2005, *"PPP's in Australia" Public private partnerships: Opportunities and Challenges*, The Australian Centre for Public Infrastructure, Melbourne, Australia.
- Fay, M. & Yepes, T. 2003, *Investing in Infrastructure: What is Needed from 2000 to 2010?*, The World Bank.
- Fielding, N.G. & Fielding, J.L. 1986, *Linking Data: Qualitative Research Methods Series 4*, vol. 11, Sage Publications, United States.
- Florini, A. 2007, *The right to know: transparency for an open world*, Columbia University Press, New York.
- Flyvbjerg, B. 2006, 'Five Misunderstandings About Case-Study Research', *Qualitative Inquiry*, vol. 12, no. 2, pp. 219-45.
- Flyvbjerg, B. 2007a, 'Policy and planning for large-infrastructure projects: problems, causes, cures', *Environment and Planning B: Planning and Design*, vol. 34, no. 4, pp. 578-97.
- Flyvbjerg, B. 2007b, 'Cost Overruns and Demand Shortfalls in Urban Rail and Other Infrastructure', *Transportation Planning and Technology*, vol. 30, no. 1, pp. 9-30.
- Flyvbjerg, B. 2017, 'Introduction: The iron law of megaproject management', *Bent Flyvbjerg*, pp. 1-18.

- Flyvbjerg, B., Bruzelius, N. & Rothengatter, W. 2003, *Megaprojects and risk: An anatomy of ambition*, Cambridge University Press, Cambridge.
- Flyvbjerg, B., Garbuio, M. & Lovallo, D. 2009, 'Delusion and deception in large infrastructure projects: two models for explaining and preventing executive disaster', *California management review*, vol. 51, no. 2, pp. 170-94.
- Flyvbjerg, B., Holm, M.K.S. & Buhl, S. 2002, 'Underestimating costs in public works projects: Error or lie?', *Journal of the American planning association*, vol. 68, no. 3, pp. 279-95.
- Flyvbjerg, B., Holm, M.K.S. & Buhl, S.L. 2003, 'How common and how large are cost overruns in transport infrastructure projects?', *Transport reviews*, vol. 23, no. 1, pp. 71-88.
- Flyvbjerg, B., Holm, M.K.S. & Buhl, S.L. 2005, 'How (In)accurate Are Demand Forecasts in Public Works Projects?: The Case of Transportation', *Journal of the American Planning Association*, vol. 71, no. 2, pp. 131-46.
- Frant, H. 1993, 'Rules and governance in the public sector: The case of civil service', *American Journal of Political Science*, pp. 990-1007.
- Freeman, R.E. 1984, *Strategic Management: A stakeholder approach*, Pitman, Boston.
- Freeman, R.E., Harrison, J.S., Wicks, A.C., Parmar, B.L. & De Colle, S. 2010, *Stakeholder theory: The state of the art*, Cambridge University Press.
- Fung, A., Graham, M. & Weil, D. 2007, *Full disclosure: The perils and promise of transparency*, Cambridge University Press.
- Fussell, H., Beresford, C. & Mellanby, R. 2009, *Public-Private Partnerships: understanding the challenge*, Columbia Institute Centre for Civic Governance.
- GANSW, G.A.N. 2020, 'Designing With Country', p. 12.
- Ginsberg, W.R., Carey, M.P., Halchin, L.E. & Keegan, N. 2012, 'Government transparency and secrecy: An examination of meaning and its use in the executive branch', Congressional Research Service, Library of Congress.
- Gosling, T. 2004, 'Openness Survey Paper, London.' *Institute for Public Policy Research.*, p. 30.
- Gransberg, D.D. & Shane, J.S. 2010, *Construction manager-at-risk project delivery for highway programs*, vol. 402, Transportation Research Board.
- Greener, I. 2011, *Designing Social Research: A Guide for the Bewildered*, Sage Publications Ltd., United Kingdom.
- Greve, C. & Hodge, G. 2011, 'Transparency in public-private partnerships: some lessons from Scandinavia and Australia', *1st Global Conference on Transparency Research*, Rutgers University Newark, NJ, pp. 153-9.
- Greve, C. & Hodge, G. 2012, 'Public-private partnerships: Observations on changing forms of transparency', *The 2nd Global Conference on Transparency Research*.
- Grimmelikhuisen, S. 2012a, 'Linking transparency, knowledge and citizen trust in government: an experiment', *International Review of Administrative Sciences*, vol. 78, no. 1, pp. 50-73.
- Grimmelikhuisen, S.G. 2010, 'Transparency of Public Decision-Making: Towards Trust in Local Government?', *Policy & Internet*, vol. 2, no. 1, pp. 4-34.
- Grimmelikhuisen, S.G. 2012b, 'Transparency and trust. An experimental study of online disclosure and trust in government'.
- Grimmelikhuisen, S.G.a.M.A.J. 2014, 'The effects of transparency on the perceived trustworthiness of a government organization: Evidence from an online experiment', *Journal of Public Administration Research and Theory*, p. mus048.
- Grimsey, D. & Lewis, M.K. 2004, 'The governance of contractual relationships in public-private partnerships', *The Journal of Corporate Citizenship*, vol. Autumn, no. 15, pp. 91-109.
- Guba, E.G. & Lincoln, Y.S. 1981, *Effective Evaluation: Improving the Usefulness of Evaluation Results Through Responsive and Naturalistic Approaches*, 1st edn, Jossey-Bass, San Francisco.
- Gummesson, E. 2006, 'Qualitative research in management: addressing complexity, context and persona', *Management Decision*, vol. 44, no. 2, pp. 167-79.

- Gupta, A. 2008, 'Transparency under scrutiny: Information disclosure in global environmental governance', *Global Environmental Politics*, vol. 8, no. 2, pp. 1-11.
- Gupta, A. 2010, 'Transparency in global environmental governance: a coming of age?', *Global Environmental Politics*, vol. 10, no. 3, pp. 1-9.
- GVRD, G.V.R.D.P.a.P.D. 1996, *2002 Annual Report Livable Region Strategic Pplan*, Greater Vancouver Regional District Policy and Planning Department, p. 50, <<http://www.metrovancouver.org/services/regional-planning/PlanningPublications/LRSP-2002Report.pdf>>.
- Hajer, M. 2003, 'Policy without polity? Policy analysis and the institutional void', *Policy sciences*, vol. 36, no. 2, pp. 175-95.
- Halachmi, A. & Holzer, M. 2010, 'Citizen participation and performance measurement: operationalizing democracy through better accountability', *Public administration quarterly*, pp. 378-99.
- Hardy, C. & Phillips, N. 1998, 'Strategies of Engagement: Lessons from the Critical Examination of Collaboration and Conflict in an Interorganizational Domain', *Organization Science*, vol. 9, no. 2, pp. 217-30.
- Harmon, M.M. & Mayer, R.T. 1986, *Organization theory for public administration*, Little, Brown, Boston.
- Harvey, D. 1989, 'From managerialism to entrepreneurialism: the transformation in urban governance in late capitalism', *Geografiska Annaler: Series B, Human Geography*, vol. 71, no. 1, pp. 3-17.
- Harvey, D. 2007a, *A brief history of neoliberalism*, Oxford University Press, USA.
- Harvey, D. 2007b, 'Neoliberalism as creative destruction', *The annals of the American academy of political and social science*, vol. 610, no. 1, pp. 21-44.
- Hawkins, C.V. & Wang, X. 2012, 'Sustainable development governance: Citizen participation and support networks in local sustainability initiatives', *Public Works Management & Policy*, vol. 17, no. 1, pp. 7-29.
- Hayford, O. 2006, 'Successfully allocating risk and negotiating a PPP Contract', *6th Annual National Private Public Partnerships Summit*.
- Hays, S. 1964, 'The Politics of Reform in Municipal Government in the Progressive Era.', *The Pacific Northwest Quarterly*, vol. 55, no. 4, pp. 157-69.
- Heald, D. 2003, 'Value for money tests and accounting treatment in PFI schemes', *Accounting, Auditing & Accountability Journal*, vol. 16, no. 3, pp. 342-71.
- Hibbard, M. 2006, 'Tribal sovereignty, the white problem, and reservation planning', *Journal of Planning History*, vol. 5, no. 2, pp. 87-105.
- Hibbard, M. 2016, 'Development planning with cultural integrity: Self-determination, multifunctionality, and the hybrid economy in Indian country', *Journal of Planning Education and Research*, vol. 36, no. 2, pp. 158-66.
- Hiller, J.S. & Bélanger, F. 2001, 'Privacy strategies for electronic government', *E-government*, vol. 200, pp. 162-98.
- Hitch, M. & Fidler, C.R. 2007, 'Impact and benefit agreements: A contentious issue for environmental and aboriginal justice', *Environments Journal*, vol. 35, no. 2, pp. 45-69.
- Ho, A.T.K. 2002, 'Reinventing local governments and the e-government initiative', *Public administration review*, vol. 62, no. 4, pp. 434-44.
- Hodge, G. 2004, 'The risky business of public-private partnerships', *Australian Journal of Public Administration*, pp. 37 - 49.
- Hodge, G. 2006, 'Public private partnerships and legitimacy', *The UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL*, vol. 29, no. 3, pp. 318-27.
- Hodge, G., Boulot, E., Duffield, C. & Greve, C. 2017, 'After the Ribbon Cutting: Governing PPPs in the Medium to Long Term', *Australian Journal of Public Administration*, vol. 76, no. 3, pp. 330-51.

- Hodge, G. & Greve, C. 2010, 'Public-Private Partnerships: Governance Scheme or Language Game?', *Australian Journal of Public Administration*, vol. 69, pp. S8-S22.
- Hodge, G.A. & Greve, C. 2005, *The challenge of public-private partnerships: Learning from international experience*, Edward Elgar Publishing, Cheltenham, UK.
- Hodge, G.A. & Greve, C. 2007, 'Public-private partnerships: an international performance review', *Public administration review*, vol. 67, no. 3, pp. 545-58.
- Hodge, G.A., Greve, C. & Boardman, A.E. 2010, *International Handbook on Public-Private Partnership*, Edward Elgar Publishing.
- Hood, C. 1995, 'The "New Public Management" in the 1980s: variations on a theme', *Accounting, organizations and society*, vol. 20, no. 2, pp. 93-109.
- Hood, C. 2001, *Transparency*, Routledge, London.
- Hood, C. & Heald, D. 2006, *Transparency: The key to better governance?*, <https://damndelicious.net/2014/03/12/mexican-rice/print/>, vol. 135, Oxford University Press for The British Academy.
- Hood, J., Fraser, I. & McGarvey, N. 2006, 'Transparency of risk and reward in UK public-private partnerships', *Public Budgeting & Finance*, vol. 26, no. 4, pp. 40-58.
- International, T. 2018, *Corruption perceptions index 2017*, viewed 28th March 2018, <<https://www.transparency.org/>>.
- IPA, A., *Infrastructure Partnerships 2007*, 'Performance of PPPs and traditional procurement in Australia', *Sydney*, vol. 2007, pp. 21-6.
- Irvin, R.A. & Stansbury, J. 2004, 'Citizen Participation in Decision Making: is it Worth the Effort?', *Public administration review*, vol. 64, no. 1, pp. 55-65.
- Islam, R. 2003, *Do more transparent governments govern better?*, World Bank, New York, 3077.
- Islam, R. 2006, 'Does more transparency go along with better governance? ', *Economics and politics*, vol. 18, no. 2, pp. 1-48.
- Jessop, B. 2004, 'Multi-level governance and multi-level metagovernance', *Multi-level governance*, pp. 49-74.
- Jones, D. 2001, 'Killer Highway', *Vancouver Sun*, <<http://www.factsandopinions.com/dispatches/geo/killer-highway/>>.
- Jorgensen, M. & Timeche, J., 'Native America x Rural America: Tribal Nations as Key Players in Regional Rural Economies'.
- Kearns, A. & Paddison, R. 2000, 'New challenges for urban governance', *Urban Studies*, vol. 37, no. 5-6, pp. 845-50.
- Kielland, N. 2015, *Supporting aboriginal participation in resource development: The role of impact and benefit agreements*, Library of Parliament= Bibliothèque du Parlement.
- Kierkegaard, S. 2009, 'Open access to public documents – More secrecy, less transparency!', *Computer Law & Security Review*, vol. 25, no. 1, pp. 3-27.
- Kim, P.S., Halligan, J., Cho, N., Oh, C.H. & Eikenberry, A.M. 2005, 'Toward participatory and transparent governance: Report on the sixth global forum on reinventing government', *Public Administration Review*, vol. 65, no. 6, pp. 646-54.
- Kjaer, A.M. 2004, *Governance*, Polity Press, Cambridge, United Kingdom.
- Kjaer, A.M. 2011, 'Rhodes' Contribution to Governance Theory: Praise, Criticism and the Future Governance Debate', *Public Administration*, vol. 89, no. 1, pp. 101-13.
- Kooiman, J. 2003, *Governing as governance*, Sage Publications Ltd, London.
- Koppell, J.G. 2005, 'Pathologies of accountability: ICANN and the challenge of "multiple accountabilities disorder"', *Public administration review*, vol. 65, no. 1, pp. 94-108.
- Kosack, S. & Fung, A. 2014, 'Does Transparency Improve Governance?', *Annual Review of Political Science*, vol. 17, no. 1, pp. 65-87.
- Krawchenko, T. & Stoney, C. 2011, 'Public private partnerships and the public interest: A case study of Ottawa's Lansdowne Park development', *Canadian journal of nonprofit and social economy research*, vol. 2, no. 2.

- Kumar, R. 2011, 'Research Methodology: A Step by Step Guide for Beginners.', 3rd Edition edn, Sage Publications, Los Angeles.
- Kux, S.B., Ian. 2016, 'Breaking Gridlock: Transit Investment Deficit what can be done to fix it.', *David Suzuki Foundation*.
- Lal, D. 1997, 'Private provision of public goods and services', *Privatization at the End of the Century*, Springer, pp. 329-61.
- Lane, M.B. & Hibbard, M. 2005, 'Doing it for themselves: Transformative planning by indigenous peoples', *Journal of Planning Education and Research*, vol. 25, no. 2, pp. 172-84.
- Larson, A. 1992, 'Network dyads in entrepreneurial settings: A study of the governance of exchange relationships', *Administrative science quarterly*, pp. 76-104.
- Lawther, W.C. 2015, *Private Financing of Public Transportation Infrastructure: Utilizing Public-Private Partnerships*, Lexington Books, Lanham.
- Lawther, W.C. & Martin, L.L. 2005, 'Innovative practices in public procurement partnerships: The case of the United States', *Journal of Purchasing and Supply Management*, vol. 11, no. 5-6, pp. 212-20.
- Lincoln, Y.S. & Guba, E.G. 1985, *Naturalistic inquiry*, Sage Publications, United States of America.
- Linder, S.H. 1999, 'Coming to terms with the public-private partnership: A grammar of multiple meanings', *American behavioral scientist*, vol. 43, no. 1, pp. 35-51.
- M, R.D.J.S. 2015, 'Fostering meaningful partnerships in public-private partnerships: innovations in partnership design and process management to create value', *Environment and Planning C: Government and Policy*, vol. 33, pp. 780 - 93.
- Maier, K. 2001, 'Citizen participation in planning: Climbing a ladder?', *European Planning Studies*, vol. 9, no. 6, pp. 707-19.
- March, J.G. & Olsen, J.P. 1983, 'The new institutionalism: organizational factors in political life', *American political science review*, vol. 78, no. 03, pp. 734-49.
- March, J.G. & Olsen, J.P. 1995, *Democratic governance*, Free Press, New York.
- Martin, D.F. 2003, 'Rethinking the design of Indigenous organisations: the need for strategic engagement'.
- Martin, L., Lawther, W., Hodge, G. & Greve, C. 2013, 'Internationally recommended best practices in transportation financing public-private partnerships (P3s)', *Public Administration Research*, vol. 2, no. 2, p. 15.
- Martin, M.H. & Halachmi, A. 2012, 'Public-private partnerships in global health: addressing issues of public accountability, risk management and governance', *Public Administration Quarterly*, pp. 189-237.
- Matunga, H. 2013, *Reclaiming Indigenous Planning*, McGill-Queens University Press, Quebec.
- Mayer, R.C., Davis, J.H. & Schoorman, F.D. 1995, 'An integrative model of organizational trust', *Academy of management review*, vol. 20, no. 3, pp. 709-34.
- McGuire, M. & Agranoff, R. 2007, 'Answering the big questions, asking the bigger questions: Expanding the public network management empirical research agenda', *Public management research association conference, Tucson, AZ*.
- Merriam, S. 1995, 'What Can You Tell From An N off?: Issues of validity and reliability in qualitative research', *PAACE Journal of lifelong learning*, vol. 4, pp. 50-60.
- Merriam, S.B. 1991, *Case Study Research in Education, A Qualitative Approach*, Jossey-Bass Publishers Inc, San Francisco.
- Mia, I., Estrada, J.A. & Geiger, T. 2007, 'Benchmarking national attractiveness for private investment in Latin American infrastructure', *World Economic Forum Colongy*, p. 48.
- Michener, G. & Bersch, K. 2013, 'Identifying transparency', *Information Polity*, vol. 18, no. 3, pp. 233-42.
- Miles, M.B. & Huberman, A.M. 1994, *Qualitative Data Analysis: An Expanded Sourcebook*, 2nd edn, Thousand Oaks: Sage Publications, United States.

- Miller, R.J. 2005, 'The doctrine of discovery in American Indian law', *Idaho L. Rev.*, vol. 42, p. 1.
- Mills, P.D., Charles 2018, *Port Mann Bridge / Highway 1, Construction Review Summary Report*.
- MirafTAB, F. 2004, 'Public-private partnerships: The Trojan horse of neoliberal development?', *Journal of Planning Education and Research*, vol. 24, no. 1, pp. 89-101.
- Morse, J. & Richards, L. 2013, *Read Me First for a User's Guide to Qualitative Research*, Sage Publications, United States.
- Nasi, G. & Frosini, F. 2010, 'Vision and practice of e-government: an empirical study', *Financial Accountability & Management*, vol. 26, no. 1, pp. 85-101.
- Nelson, P.J. 2003, 'Multilateral development banks, transparency and corporate clients: 'public-private partnerships' and public access to information', *Public Administration and Development*, vol. 23, no. 3, pp. 249-57.
- Neuman, W.L. 2011, *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education Limited, Harlow.
- Newcomb, S. 1992, 'Five hundred years of injustice: The legacy of fifteenth century religious prejudice', *Native American Voices*, pp. 102-04.
- Ng, S.T., Wong, J.M.W. & Wong, K.K.W. 2012, 'A public private people partnerships (P4) process framework for infrastructure development in Hong Kong', *Cities*, vol. 31, pp. 370-81.
- Noble, G. & Jones, R. 2006, 'The role of boundary-spanning managers in the establishment of public-private partnerships', *Public Administration*, vol. 84, no. 4, pp. 891-917.
- Nowak, J.M. 1996, *The Organization for Security and Cooperation in Europe*, Oxford University Press, Oxford.
- O'Faircheallaigh, C. 2020, 'Impact and benefit agreements as monitoring instruments in the minerals and energy industries', *The Extractive Industries and Society*, vol. 7, no. 4, pp. 1338-46.
- ODOT 2014, *Leaving a Legacy*, Oregon Department of Transport, Portland, p. 72, <[http://otiabridge.org/static/Leaving\\_a\\_Legacy\\_FINAL\\_101014\\_high\\_res.pdf](http://otiabridge.org/static/Leaving_a_Legacy_FINAL_101014_high_res.pdf)>.
- ODOT 2017, *Project: I-5 Willamette River Bridge, Bundle 220*, Oregon Department of Transport, Portland Oregon, p. 9.
- OECD, O.F.E.C.-O.A.D. 2008, 'Public-Private Partnerships In Pursuit of Risk Sharing and Value for Money', p. 142.
- Olsen, J.P. 2004, 'Maybe It Is Time to Rediscover Bureaucracy', *Journal of Public Administration Research and Theory*, vol. 16, no. 1, pp. 1-24.
- Olsen, J.P. 2005, *The political organization of Europe: Differentiation and unification*, ARENA Centre for European Studies.
- Olsen, J.P. 2006, 'Maybe it is time to rediscover bureaucracy', *Journal of public administration research and theory*, vol. 16, no. 1, pp. 1-24.
- Ostrom, V. & Ostrom, E. 2018, *Public goods and Public Services. Alternatives for delivering public services: Toward improved performance*, Routledge.
- Patton, M.Q. 2002, *Qualitative Research and Evaluation Methods*, 3rd edn, Thousand Oaks: Sage Publications, United States of America.
- PBC, P.B.C. 2003, *An Introduction to Public Private Partnerships*, Partnerships British Columbia, Vancouver.
- Pearce, J. 2003, *Social enterprise in any town.*, Calouste Gulbenkian Foundation, London.
- Pietro, R.C. 2013, 'On the disadvantages of transparency for government reflections on some arguments against transparency as a democratic reform', *Melbourne Journal of Politics*, vol. 36, p. 51.
- Podlasly, M.a.V.d.P., Suzanne 2019, *The Role of Indigenous People in Major*

*Project Development:*

*Paths for Indigenous Participation in*

- Electricity Infrastructure*, First Nations Major Project Coalition, Vancouver.
- Pollitt, C., Van-Thiel, S. & Homburg, V. 2007, 'New public management in Europe', *Management online review*, pp. 1-6.
- Porter, R.B. 1996, 'Strengthening tribal sovereignty through peacemaking: How the Anglo-American legal tradition destroys indigenous societies', *Columbia Human Rights Law Review*, vol. 28, p. 72.
- Power, M. 2000, 'The audit society—Second thoughts', *International Journal of Auditing*, vol. 4, no. 1, pp. 111-9.
- Quinn, A.C. 2003, 'Keeping the citizenry informed: Early congressional printing and 21st century information policy', *Government Information Quarterly*, vol. 20, no. 3, pp. 281-93.
- Rahnema, M. 2010, *The Development Dictionary*, 2nd edn, Zed Books, London.
- Rangan, H. & Lane, M.B. 2001, 'Indigenous peoples and forest management: Comparative analysis of institutional approaches in Australia and India', *Society Natural Resources*, vol. 14, no. 2, pp. 145-60.
- Reconstruction, I.B.f. 1992, *Governance and Development*, The World Bank, Washington.
- Relly, J. & Sabharwal, M. 2009, 'Perceptions of transparency of government policymaking: A cross-national study', *Government Information Quarterly*, vol. 26, no. 1, pp. 148-57.
- Renn, O., Webler, T. & Wiedemann, P. 1995, *Fairness and competence in citizen participation: Evaluating models for environmental discourse*, 1 edn, vol. 10, Springer Science & Business Media, Dordrecht.
- Reynolds, K. 2018, *Public-Private Partnerships in British Columbia: Update 2018*, Columbia Institute.
- Rhodes, R. 1996, 'The new governance: governing without government', *Political studies*, vol. 44, no. 4, pp. 652-67.
- Roberts, A. 2000, 'Less government, more secrecy: Reinvention and the weakening of freedom of information law', *Public Administration Review*, vol. 60, no. 4, pp. 308-20.
- Roberts, A. 2006, *Dashed Expectations: Governmental Adaptation to Transparency Rules*, Transparency: The Key to Better Governance? edn, Oxford University Press Inc., Oxford.
- Rodan, G. 2004, 'Neoliberalism and Transparency: Political Versus Economic Liberalism'.
- Rousseau, D.M., Sitkin, S.B., Burt, R.S. & Camerer, C. 1998, 'Not so different after all: A cross-discipline view of trust', *Academy of management review*, vol. 23, no. 3, pp. 393-404.
- Saunders, M., Lewis, P. & Thornhill, A. 2009, *Research Methods for Business Students*, 5 edn, Pearson Education Limited, Great Britain.
- Scharpf, F.W. 1997, 'Economic integration, democracy and the welfare state', *Journal of European public policy*, vol. 4, no. 1, pp. 18-36.
- Schramm, W. 1971, *Notes on Case Studies of Instructional Media Projects*, Stanford University, United States.
- Sen, A. 1999, *Development as Freedom*, Oxford University Press, Oxford.
- Siemiatycki, M. 2005, 'Beyond moving people: excavating the motivations for investing in urban public transit infrastructure in Bilbao Spain', *European Planning Studies*, vol. 13, no. 1, pp. 23-44.
- Siemiatycki, M. 2006, 'Implications of Private-Public Partnerships on the Development of Urban Public Transit Infrastructure: The Case of Vancouver, Canada', *Journal of Planning Education and Research*, vol. 26, no. 2, pp. 137-51.
- Siemiatycki, M. 2007, 'What's the Secret? Confidentiality in Planning Infrastructure Using Public-Private Partnerships', *Journal of the American Planning Association*, vol. 73, no. 4, pp. 388-403.
- Siemiatycki, M. 2009, 'Delivering transportation infrastructure through public-private partnerships: Planning concerns', *Journal of the American Planning Association*, vol. 76, no. 1, pp. 43-58.

- Siemiatycki, M. 2010, 'Delivering Transportation Infrastructure Through Public-Private Partnerships: Planning Concerns', *Journal of the American Planning Association*, vol. 76, no. 1, pp. 43-58.
- Siemiatycki, M. 2015, 'Public-Private Partnerships in Canada: Reflections on twenty years of practice', *Canadian Public Administration*, vol. 58, no. 3, pp. 343-62.
- Siemiatycki, M. & Farooqi, N. 2012, 'Value for Money and Risk in Public–Private Partnerships', *Journal of the American Planning Association*, vol. 78, no. 3, pp. 286-99.
- Siemiatycki, M. & Friedman, J. 2012, 'The Trade-Offs of Transferring Demand Risk on Urban Transit Public-Private Partnerships', *Public Works Management & Policy*, vol. 17, no. 3, pp. 283-302.
- Snape, D. & Spencer, L. 2013, *Qualitative research practice: A guide for social science students and researchers*, Sage.
- Sosa, I. & Keenan, K. 2001, *Impact benefit agreements between aboriginal communities and mining companies: Their use in Canada*, Canadian Environmental Law Association Ottawa.
- States, O.o.A. 1952, *Charter of the Organization of American States*, US Government Printing Office.
- Stoker, G. 1998, 'Governance as theory: five propositions', *International Social Science Journal*, vol. 50, no. 155, pp. 17-28.
- Stoker, G. 2006, 'Public Value Management: A New Narrative for Networked Governance?', *The American Review of Public Administration*, vol. 36, no. 1, pp. 41-57.
- Stronach, M. & Adair, D. 2014, 'Dadirri': Reflections on a research methodology used to build trust between a non-indigenous researcher and indigenous participants', *Cosmopolitan Civil Societies Journal*, vol. 6, no. 2, p. 18.
- Surrey, C.C. 2007, *Port Mann/Highway 1- Environmental Assessment Review - Surrey Response*, 8630-30(PMH#1), Surrey, p. 12.
- Surry Council BC, G.M., Engineering. 2007, 'Corporate Report',.
- Swyngedouw, E. 2005, 'Governance innovation and the citizen: the Janus face of governance-beyond-the-state', *Urban studies*, vol. 42, no. 11, pp. 1991-2006.
- Tanzi, V. 1999, 'Governance, corruption, and public finance: An overview', *Governance, Corruption, and Public Financial Management. sl: Asian Development Bank*, pp. 1-17.
- Tashakkori, A. & Teddlie, C. 1998, *Mixed Methodology: Combining Qualitative and Quantitative Approaches*, vol. 46, Thousand Oaks: Sage Publications, United States of America.
- Tehan, M. 2003, 'A hope disillusioned, an opportunity lost? Reflections on common law native title and ten years of the Native Title Act', *Melbourne University Law Review*, vol. 27, no. 2, pp. 523-71.
- Trebilcock, M. & Rosenstock, M. 2015, 'Infrastructure public–private partnerships in the developing world: Lessons from recent experience', *The Journal of Development Studies*, vol. 51, no. 4, pp. 335-54.
- UNGA, U.N.G.A. 2007, 'United Nations Declaration On The Rights Of Indigenous Peoples', vol. 12, pp. 1-18.
- UNIDO 2008, *UNIDO Annual Report 2008*, United Nations Industrial Development Organization, Vienna.
- United Nations General, A. 1948, 'Universal declaration of human rights', vol. 302, no. 2, p. 4.
- Van den Hurk, M. & Siemiatycki, M. 2018, 'Public–private partnerships and the design process: Consequences for architects and city building', *International Journal of Urban and Regional Research*, vol. 42, no. 4, pp. 704-22.
- Vining, A.R. & Boardman, A.E. 2008a, 'Public-private partnerships in Canada: Theory and evidence', *Canadian public administration*, vol. 51, no. 1, pp. 9-44.
- Vining, A.R. & Boardman, A.E. 2008b, 'Public—Private Partnerships: Eight Rules for Governments', *Public Works Management & Policy*, vol. 13, no. 2, pp. 149-61.
- Vishwanath, T. & Kaufmann, D. 1999, 'Towards transparency in finance and governance', *Available at SSRN 258978*.

- Vishwanath, T. & Kaufmann, D. 2001, 'Toward transparency: New approaches and their application to financial markets', *The World Bank Research Observer*, vol. 16, no. 1, pp. 41-57.
- Wang, X. 2001, 'Assessing public participation in US cities', *Public Performance & Management Review*, pp. 322-36.
- Weil, D., Graham, M. & Fung, A. 2013, *Targeting transparency*, 0036-8075, vol. 340, World Bank, 6139.
- Wyatt, S. 2008, 'First Nations, forest lands, and “aboriginal forestry” in Canada: from exclusion to comanagement and beyond', *Canadian Journal of Forest Research*, vol. 38, no. 2, pp. 171-80.
- Yin, R.K. 2003, *Case Study Research: Design and Methods*, *Applied Social Research Methods Series*, vol. 40, Thousand Oaks: Sage Publications, United States.
- Yin, R.K. 2006, 'Mixed Methods Research: Are the Methods Genuinely Integrated or Merely Parallel?', *Research in the Schools*, vol. 13, no. 1, pp. 41-7.
- Yin, R.K. 2009, *Case Study Research: Design and Methods*, 4th edn, Sage Publications, Thousand Oaks, California.
- Yin, R.K. 2012, *Applications of Case Study Research*, 3rd edition edn, Sage Publications, Thousand Oaks California 91320.
- Yin, R.K. 2014, *Case Study Research Design and Methods*, 5 edn, Sage Publications, United States.
- Yin, R.K. 2016, *Qualitative Research from Start to Finish*, 2nd edn, Guilford Press, United States.
- Zikmund, W.G., Carr, J.C., Babin, B. & Griffin, M. 2013, *Business research methods*, Nelson Education.

## Appendix A

### Human Research Ethics Committee (UTSHREC) HREC 2013000663.

**From:** [Research.Ethics@uts.edu.au](mailto:Research.Ethics@uts.edu.au)  
**To:** [Heather MacDonald](mailto:Heather.MacDonald@uts.edu.au); [Allan F. Teale](mailto:Allan.F.Teale@student.uts.edu.au); [Research Ethics](mailto:Research.Ethics@uts.edu.au)  
**Subject:** HREC Approval Granted  
**Date:** Thursday, 23 October 2014 9:47:33 AM

---

Dear Applicant

Thank you for your response to the Committee's comments for your project titled, "How can we improve transparency in the governance of Public Private Partnerships for transport infrastructure in New South Wales?". Your response satisfactorily addresses the concerns and questions raised by the Committee who agreed that the application now meets the requirements of the NHMRC National Statement on Ethical Conduct in Human Research (2007). I am pleased to inform you that ethics approval is now granted.

Your approval number is UTS HREC REF NO. 2013000663  
Your approval is valid five years from the date of this email.

Please note that the ethical conduct of research is an on-going process. The National Statement on Ethical Conduct in Research Involving Humans requires us to obtain a report about the progress of the research, and in particular about any changes to the research which may have ethical implications. This report form must be completed at least annually, and at the end of the project (if it takes more than a year). The Ethics Secretariat will contact you when it is time to complete your first report.

I also refer you to the AVCC guidelines relating to the storage of data, which require that data be kept for a minimum of 5 years after publication of research. However, in NSW, longer retention requirements are required for research on human subjects with potential long-term effects, research with long-term environmental effects, or research considered of national or international significance, importance, or controversy. If the data from this research project falls into one of these categories, contact University Records for advice on long-term retention.

You should consider this your official letter of approval. If you require a hardcopy please contact [Research.Ethics@uts.edu.au](mailto:Research.Ethics@uts.edu.au).

To access this application, please follow the URLs below:

\* if accessing within the UTS network: <http://mprod.itd.uts.edu.au/RMENet/HOM001N.aspx>

\* if accessing outside of UTS network: <https://remote.uts.edu.au>, and click on "RMENet - ResearchMaster Enterprise" after logging in.

We value your feedback on the online ethics process. If you would like to provide feedback please go to: <http://surveys.uts.edu.au/surveys/onlineethics/index.cfm>

If you have any queries about your ethics approval, or require any amendments to your research in the future, please do not hesitate to contact [Research.Ethics@uts.edu.au](mailto:Research.Ethics@uts.edu.au).

Yours sincerely,

Professor Marion Haas  
Chairperson  
UTS Human Research Ethics Committee  
C/- Research & Innovation Office  
University of Technology, Sydney  
T: (02) 9514 9772  
F: (02) 9514 1244  
E: [Research.Ethics@uts.edu.au](mailto:Research.Ethics@uts.edu.au)  
I: <http://www.research.uts.edu.au/policies/restricted/ethics.html>  
P: PO Box 123, BROADWAY NSW 2007  
[Level 14, Building 1, Broadway Campus]  
CB01.14.08.04

Ref: E13

**Appendix B**  
Information letter to interviewee

**How can we improve transparency in the governance of Public Private Partnerships for Transport Infrastructure in New South Wales?**

Dear,

My name is Allan Teale and I am a PhD student at the University of Technology, Sydney. I am conducting research into transparency in the governance of Public Private Partnerships and would welcome your assistance. The research will involve an interview and should take no more than an initial hour of your time. I have asked you to participate because of the position you had during the delivery of xxxxxxxxxxxxxxxx as it fits within the parameters of my study

If you are interested in participating, I would be glad if you would contact me and or one of my supervisors on either of the following: -

Allan Teale  
Email: [Allan.Teale@UTS.edu.au](mailto:Allan.Teale@UTS.edu.au)  
Tel: 61 [REDACTED]

Associate Professor  
Heather McDonald  
Email: [Heather.Macdonald@UTS.edu.au](mailto:Heather.Macdonald@UTS.edu.au)

Dr. Franklin Obeng-Odoom  
Email: [Franklin.Obeng-Odoom@UTS.edu.au](mailto:Franklin.Obeng-Odoom@UTS.edu.au)

You are under no obligation to participate in this research.

Yours sincerely,

Allan Teale  
Level 6, Building 6  
702 Harris Street  
Sydney NSW 2001. Australia  
61 2 514  
[Allan.Teale@UTS.edu.au](mailto:Allan.Teale@UTS.edu.au)

**NOTE:**

This study has been approved by the University of Technology, Sydney Human Research Ethics Committee. If you have any complaints or reservations about any aspect of your participation in this research which you cannot resolve with the researcher, you may contact the Ethics Committee through the Research Ethics Officer (ph: +61 2 9514 9772 [Research.Ethics@uts.edu.au](mailto:Research.Ethics@uts.edu.au)), and quote the UTS HREC reference number. Any complaint you make will be treated in confidence and investigated fully and you will be informed of the outcome.

## Appendix C

### Community Stakeholders Questionnaire

#### Introduction

Thank you for your time to meet here today.

Before we discuss the project, I would like to discuss a few points that I have outlined in my letter earlier to you.

- 1) All care will be taken to ensure your confidentiality and that of material that we discuss, when publishing any of the data collected from our interview.
- 2) You may highlight points during our discussion that are confidential; you can veto the use of this material when you review the interview transcript and data.
- 3) Are there any questions you have for me before we commence.

#### Question 1.

- a) How was your community group contacted about the proposal?
- b) Do you believe that the community was consulted sufficiently during the stages of the development?
- c) In what ways were the interests expressed by your group reflected in the project?

#### Question 2

- a) How was your group kept up to date with changes?
- b) How were concerns raised, considered in the decision-making process to any changes of the development?

### Question 3.

a) Was your group involved in how the project

Were outcomes to be evaluated?

b) Did your group see the final evaluation of the project?

### Question 4.

Finally, I would like you to consider the statements below and express your belief of what outcome was reached.

i) During the different stages of the development do you believe that project governance was transparent to all stakeholders?

ii) Were the project leaders proactive in addressing community concerns?

iii) How easy was it to communicate with project decision makers?

iv) In your opinion how did the checks and balances work?

v) Was there sufficient transparency at each stage of the project?

## Appendix D

### Contractors and Government stakeholders Questionnaire.

#### Interview Questions.

##### *Introduction*

Before we discuss the project, I would like to discuss a few points that I have outlined in my letter earlier to you.

- 1) All care will be taken to ensure your confidentiality and that of material that we discuss, when publishing any of the data collected from our interview.
- 2) You may highlight points during our interview that have to be viewed with commercial in confidence, and you can veto the use of this material when you review the interview transcript and data.
- 3) Are there any questions you have for me before we commence?

#### Question 1.

- a) Why was a PPP chosen as the vehicle for the development of the project? Was there a Cost Benefit Analysis prepared?

Most projects occur over five main stages;

- i) The expression of interest stage
  - ii) The tender preparation stage
  - iii) The Tender evaluation stage
  - iv) The contract or construction phase
  - v) The evaluation stage
- b) Who were the key stakeholders of each of the above stages?
  - c) At each stage how were the stakeholder's interests articulated?
  - d) What checks and balances were in place to ensure their interests were considered?
  - e) To what extent were the interests of the stakeholders reflected in the project evolution?

## Question 2.

- a) How were changes communicated to stakeholders over the main project stages?
- b) Did the stakeholders have the opportunity to influence these decisions?
- c) If so, how did this happen?

## Question 3.

- a) Do you know how project outcomes were evaluated?
- b) Once the evaluation was completed, how was that evaluation disseminated?

## Question 4.

i) During the different stages of the development do you believe that project governance was transparent to the impacted stakeholders?

ii) Throughout the phases of the project, how would you best describe how communication was managed, and how accessible the key personal were to all stakeholders.

iii) Were Key Performance Indicators used throughout the stages of the development?

In your opinion, did they provide strong incentives for the project management team to address stakeholder concerns proactively?

iv) How would you rate the effectiveness of the checks and balances adopted throughout the duration of the project?

v) Do you believe that transparency was maintained throughout the project?

v) Was the use of public monies efficient and transparent to all stakeholders?

## Appendix E

### Interviewee Consent Form

#### CONSENT FORM:

I \_\_\_\_\_ agree to participate in the research project “How can we improve transparency in the governance of Public Private Partnerships for Transport

Infrastructure in New South Wales”, being conducted by Allan Teale \_\_\_\_\_

\_\_\_\_\_ NSW Australia, 61 \_\_\_\_\_, of the University of Technology, Sydney for his degree PhD Thesis: Built Environment 17900. Funding for this research has not been provided.

I understand that the purpose of this study is to gather data from key personnel for the purpose of my research in the study of transparency in governance in the delivery of transport infrastructure. The research data will be collected from a number of interviews of key personal in a transport infrastructure project. The data will be tested against data collated from a separate transport infrastructure project of either greater or less transparency to compare the benefits of greater transparency in the delivery of a transport infrastructure project Private Public Partnerships.

I understand that I have been asked to participate in this research because of my position, involvement and knowledge in the delivery of transport infrastructure, by the way of Public Private Partnership and that my participation in this research will involve an in depth interview of approximately two (2) hours which will involve questions on my role in the delivery of a specified transport infrastructure project, I am aware that due to the size and scope of this project that while all care will be taken to ensure my anonymity, the results and outcomes of the study will limit the potential data source. I understand that the interviews will be audio recorded and that I will have an opportunity to review the data from my interview once compiled in a second interview.

I am aware that I can contact Allan Teale or his/her supervisor(s) Professor

Heather MacDonald or Dr. Franklin Obeng-Odoom if I have any concerns about the research. I also understand that I am free to withdraw my participation from this research project at any time I wish, without consequences, and without giving a reason I agree that Allan Teale has answered all my questions fully and clearly.

I agree that the research data gathered from this project may be published in a form that does not identify me in any way.

\_\_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signature (participant)

\_\_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signature (researcher or delegate)

**Contact Details:**

Allan Teale

Email: [Allan.Teale@UTS.edu.au](mailto:Allan.Teale@UTS.edu.au)

Tel: 61 

Professor Heather McDonald

Email: [Heather.Macdonald@UTS.edu.au](mailto:Heather.Macdonald@UTS.edu.au)

Dr. Franklin Obeng-Odoom

Email: [Franklin.Obeng-Odoom@UTS.edu.au](mailto:Franklin.Obeng-Odoom@UTS.edu.au)

**NOTE:**

The University of Technology, Sydney Human Research Ethics Committee, has approved this study.

If you have any complaints or reservations about any aspect of your participation in this research, which you cannot resolve with the researcher, you may contact the Ethics Committee through the Research Ethics

Officer (ph.: +61 2 9514 9772 [Research.Ethics@uts.edu.au](mailto:Research.Ethics@uts.edu.au)) and quote the UTS HREC reference number.

Any complaint you make will be treated in confidence and investigated fully and you will be informed of the outcome.