EDSICO Knowledge Hub eBook

Smarter Infrastracture Starts with Smarter Contracts - Here's what the Experts Recommend.

CONTRACT CLARITY

Insights from Barry Gordon, - Commercial & Contract Management, TfNSW

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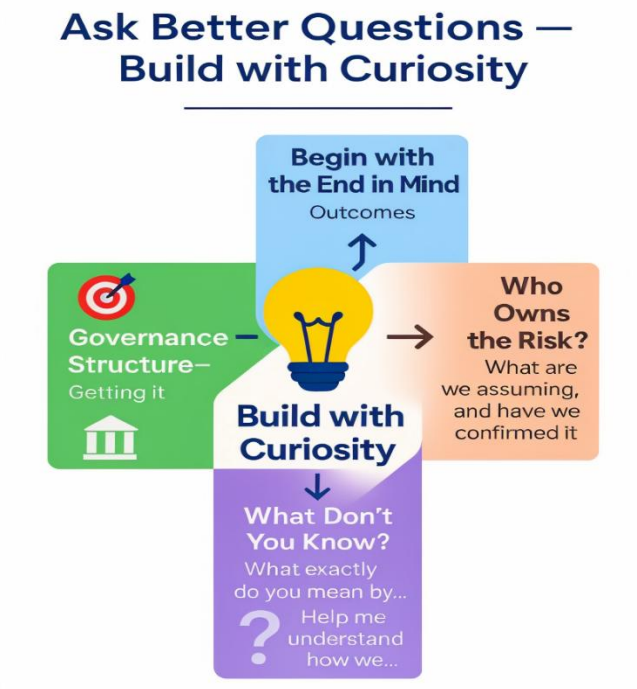
Executive Summary

Real-World Lessons in Project Strategy & Delivery distils insights from Barry Gordon, Director of Commercial & Contract Management at Transport for NSW, offering practical guidance drawn from decades of experience in major Australian infrastructure projects.

This eBook presents five essential pillars for project success:

1. Begin with the End in Mind: Align projects with long-term outcomes, not just delivery milestones.
2. Who Owns the Risk? Allocate risk to those best equipped to manage it.
3. What Don't You Know? Surface blind spots early and prepare for the unknowable.
4. Governance Structure: Build clear, accountable decision-making frameworks.
5. Ask Better Questions: Create a culture where curiosity reduces risk and ambiguity.

Core Message: The best project teams don't have all the answers; they ask the right questions early.
This book is your guide to building smarter, more resilient projects through strategic clarity and collaborative delivery.



Chapter 1: Begin with the End in Mind

In the world of infrastructure delivery, the decisions made before a shovel hits the ground often determine whether a project thrives or fails. *'Begin with the end in mind'* is more than just a planning cliché; it's a strategic imperative. From contract design to lifecycle cost considerations, starting with a clear vision helps teams navigate complexity, align stakeholders, and deliver enduring value. Without it, projects risk becoming costly, fragmented, and short-sighted. This chapter examines why beginning with the end in mind is crucial for avoiding costly mistakes and creating assets that serve their purpose for generations.

Defining Success Beyond Handover

In traditional infrastructure delivery, success is often measured by whether a project was delivered on time and within budget. However, this limited definition fails to capture the full value or risk embedded in major infrastructure. True success is not merely delivering an asset, but ensuring it performs its intended function over decades.

This means considering the long-term impacts on communities, adaptability to future needs, and the total cost of ownership. A tunnel or rail line delivered on time is of little use if it's outdated or financially unsustainable within five years. Barry Gordon puts it plainly: "That finished product tends to have a life well beyond that... and if there's misalignment between what it is you want this thing to do for 25 years versus what it is you want to do at the end of the project, that's where you have a lot of troubles."

Success must therefore be defined at a strategic level, encompassing outcomes, service performance, and lifecycle cost. That definition must then cascade through planning, procurement, and contract design to ensure the end truly justifies the means.

Aligning Project Outcomes with Long-Term Value

When a project's ultimate purpose is unclear or undefined, decisions made during procurement and construction often fail to support its long-term goals. Instead of serving community needs, infrastructure may end up over-engineered, under-utilised, or unfit for future adaptation. Barry notes, "You hire a very talented team with very skilled project delivery people... and their job is to hand over the finished product. But that finished product tends to have a life well beyond that."

This is why it's essential to align all activities, design, risk allocation, procurement strategy, and stakeholder engagement with clearly defined outcomes. Outcomes may include improved

commuter experience, enhanced social inclusion, net-zero emissions, or long-term cost efficiency.

To achieve this, clients must avoid defaulting to standard metrics and instead interrogate what value means in the context of the community and future generations. Only by doing so can they ensure that every contract clause and design choice contributes to lasting public benefit.

"When a project's ultimate purpose is unclear or undefined, decisions made during procurement and construction often fail to support its long-term goals. ", Barry Gordon

Choosing the Right Contract Model (PPP, D&C, Alliance)

Choosing an appropriate contract model is crucial for aligning incentives, managing risk, and fostering collaboration. Yet, many organisations fall into the trap of reusing familiar models, even when the context has changed. Barry cautions, "A company will say, 'I have this contract that we've used before and it worked, so I want to use it again', but last time they built a car park, and this time they're building a for-profit piece of infrastructure."

Public-Private Partnerships (PPPs), Design & Construct (D&C), and Alliance models all serve different purposes. PPPs are suitable when long-term operation is critical, D&C when design certainty exists, and Alliance models when shared risk and flexibility are needed. Misapplication leads to breakdowns in trust, scope misalignment, and contract disputes.

The selection process must begin with a clear understanding of the project's complexity, risk profile, and long-term goals. It should also consider the market's capacity and appetite. Barry reminds us, "One size doesn't fit all... even the same project delivered 20 years ago should be treated differently today."

Getting the model right is about recognising that the contract is not just a legal document; it is a relationship blueprint that governs delivery over the asset's lifecycle.

Case Examples Where Short-Term Focus Caused Long-Term Cost

Infrastructure history is rich with examples of short-term thinking producing long-term pain. The most prominent among these is the Lane Cove Tunnel. Connect Motorways, the PPP concessionaire, entered with flawed risk assumptions, underestimating geotechnical complexity and overestimating traffic volumes. The result was catastrophic: a tunnel collapse, significant

property damage, and over $1.14 billion in debt. Barry reflects, "They had a collapse in a tunnel... and then Connect Motorways went into receivership."

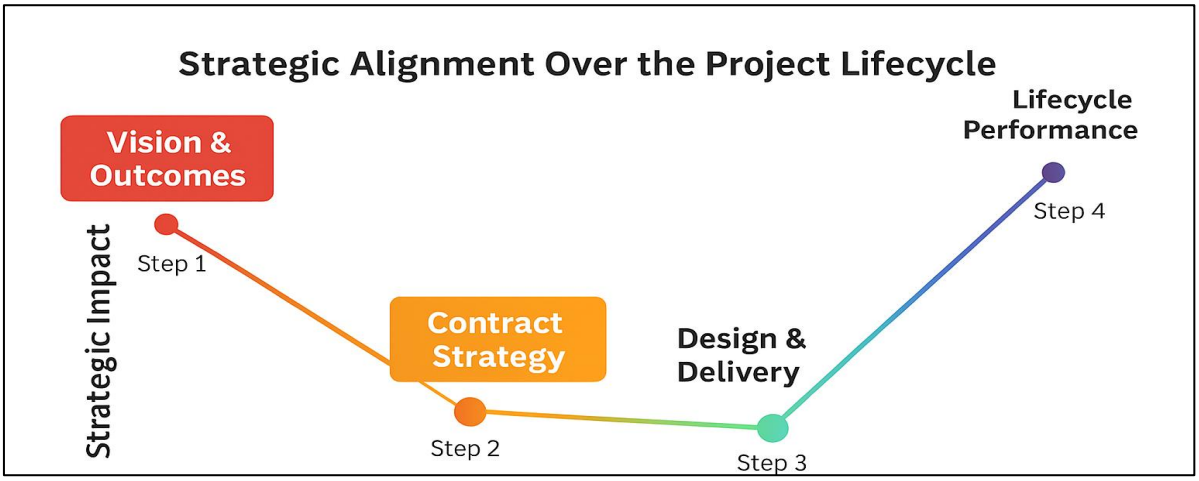


Figure 1. The curve represents how strategic impact varies across a project's lifecycle.

Another instructive case is the Sydney Light Rail. Despite receiving baseline geotechnical data, the contractor encountered major underground surprises that led to prolonged delays and arbitration. As Barry noted, "They did a lot of subs groundwork there... but what happened is they discovered they didn't do enough."

These examples underscore the importance of not only planning for cost and time but also testing assumptions, managing lifecycle cost, and anticipating unknowns. They show how premature decisions made in the interest of speed or budget can have lasting effects.

When projects begin with the end in mind, they incorporate learning from past failures,

Excellent infrastructure starts with a clear destination. Before laying the foundation or selecting a contract model, project leaders must define the legacy they want to leave behind. This chapter explores why beginning with the end in mind is essential to avoid costly mistakes and create assets that serve their purpose for generations.

Chapter 2: Who Owns the Risk?

Risk is the lifeblood of every infrastructure project, global, complex, and profoundly influential. The way we manage, share, and assign risk is not merely a contractual formality; it reflects leadership, strategic foresight, and operational clarity. Getting this right often means the difference between a project that delivers public value and one that ends up in headlines for all the wrong

reasons.

In this chapter, we examine what happens when risk is misallocated, how the Abrahamson Principle helps clarify responsibilities, what best practices look like in modern contract design, and lessons from high-profile failures. These insights provide a practical guide to embedding more intelligent risk management into infrastructure delivery from the outset.

Why Misallocated Risk Leads to Disputes and Collapse

Misallocated risk is a silent killer of projects. It often lurks unnoticed during procurement, only to surface during construction or operation, when it's too late to fix. The root issue lies in the common practice of transferring as much risk as possible to contractors, regardless of their ability to manage it. This may satisfy budget approval or give the illusion of certainty, but it sows the seeds for future disputes and cost escalations.

When risks are passed downstream without genuine discussion, contractors either inflate their prices to protect themselves or absorb the risk, hoping for the best. Either scenario is problematic. As Barry Gordon noted, "When something goes wrong... it doesn't matter because something's already gone wrong." Once a major issue emerges, be it a geotechnical surprise, design flaw, or scope gap, the contract is no longer a shield; it becomes a battleground.

> **"The risk should lie with the entity that is best able to manage it."**

This often leads to finger-pointing, arbitration, and erosion of trust between client and contractor. In extreme cases, the project is paused, repriced, or entirely renegotiated. Misallocated risk also has a chilling effect on market confidence. Contractors, especially small to medium firms, may avoid bidding on public tenders that carry onerous or undefined risks, reducing competition and innovation.

Abrahamson Principle in Action

The Abrahamson Principle serves as a foundation for fair and effective contracting. It states that risk should be borne by the party best able to manage it whether that means preventing it, mitigating its consequences, or absorbing its financial cost. It promotes logical, evidence-based decision-making.

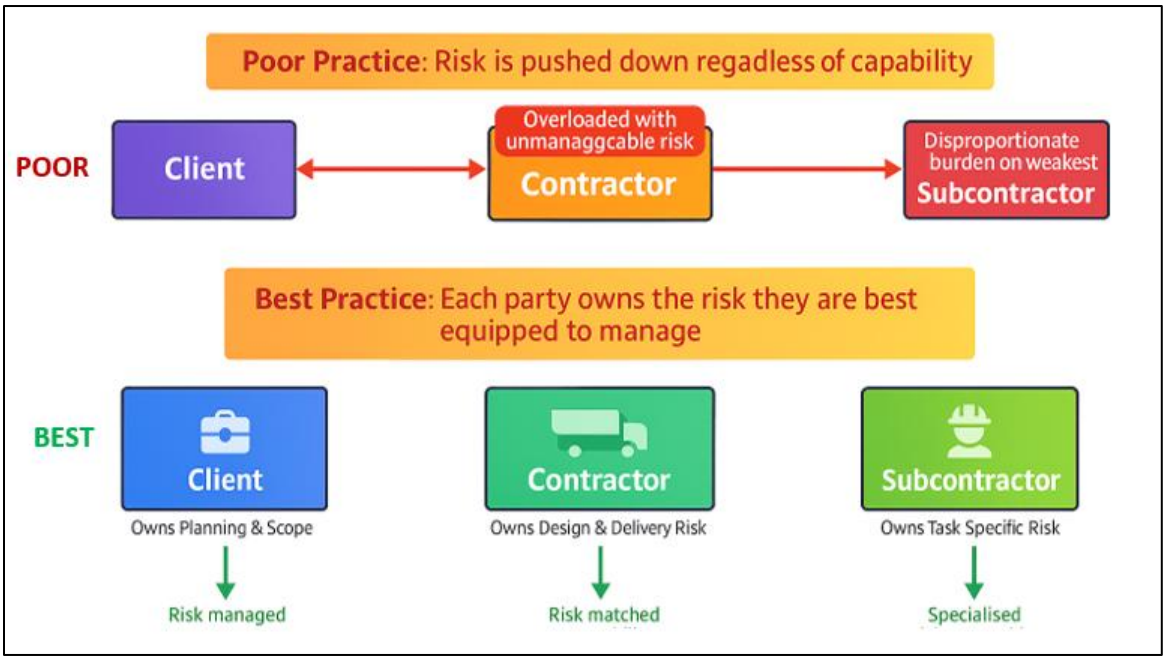


Figure 2: This diagram compares poor risk transfer with best-practice allocation. In the top row, risk is pushed down the chain, often to parties unable to manage it, leading to disputes and overload. In contrast, the bottom row shows the Abrahamson Principles

Precedent, politics, or perceived convenience often drive risk allocation decisions. Procurement teams may feel pressure to shift risk to the contractor to reduce upfront costs or to match previous contract structures. But doing so without genuine analysis leads to rigid, unworkable contracts.

Barry Gordon highlighted the problem: "Insurance isn't risk mitigation, it's cost mitigation." Transferring risk doesn't eliminate it. It simply displaces it, often to a party that lacks the tools, data, or authority to manage it effectively. This results in conservative designs, contingency-heavy pricing, and strained relationships that hinder collaboration.

To apply the Abrahamson Principle properly, project leaders must:

- Map each risk with supporting data and historical insight
- Consult with market players and technical experts on allocation
- Evaluate whether each party has the capability and incentive to manage the risk
- Document the rationale behind each decision

> **"Insurance isn't risk mitigation,it's cost mitigation."**

This approach leads to more transparent procurement, healthier risk pricing, and greater alignment throughout the delivery lifecycle.

Designing Contracts that Assign Risk to the Best-Equipped Party

Contract design is where risk strategy comes to life. It's the point at which aspirations become obligations. Good contract design doesn't just list risks, it operationalises their ownership, control, and response mechanisms.

This begins with early-stage collaboration. Risk workshops involving the client, designers, independent reviewers, and market representatives are essential. These workshops facilitate structured conversations around risk likelihood, severity, allocation, and mitigation pathways. The resulting risk register becomes a living tool, one that informs procurement, negotiation, and contract delivery.

Barry's warning is clear: "It's no good sending a contract to market that only tier one contractors can respond to because the risk crushes everyone else." When risk burdens become too high, they narrow the playing field, exclude innovators, and increase the cost of public infrastructure. By contrast, smart contract design distributes risk in proportion to control and capability.

Features of effective risk allocation in contract design include:

- Clear definitions of who owns what risks and when
- Logical thresholds for risk transfer (e.g., design freeze points)
- Allowances for collaborative mitigation (e.g., target cost or gain-share models)
- Integrated change and variation procedures with thresholds for escalation

Contract documents should empower risk owners, not just assign blame. This reduces litigation and fosters a culture of shared success.

Real Cases: Connect Motorways, Design Accountability, Modelling Failures

Few cases illustrate the consequences of poor risk allocation better than the Lane Cove Tunnel project, delivered under a Public-Private Partnership (PPP). Despite its large-scale investment and experienced delivery partners, the project collapsed under its own risks. Barry described it bluntly: "They had a collapse in the tunnel... the modelling was flawed... and they went under." Geotechnical conditions, poorly understood and insufficiently addressed, led to structural failure and extensive damage to surrounding property. Traffic volume models, used to forecast revenue, were overly optimistic and failed to reflect actual conditions. The concessionaire, Connect Motorways, was left to absorb risks it neither controlled nor fully understood. The result: receivership and a $1.14 billion debt.

In another example, the Sydney Light Rail project suffered major cost overruns and delays due to incomplete subsurface investigations. Despite receiving initial geotechnical reports, the contractor encountered major utility conflicts. As Barry explained, "They did a lot of sub groundwork... but they discovered they didn't do enough."

These stories are not just cautionary; they are instructive. They demonstrate the real-world cost of ignoring risk ownership. More importantly, they show the need for flexibility. When data is incomplete, contracts must include mechanisms for discovery, adjustment, and collaboration. Projects succeed not by avoiding risk, but by managing it wisely,with open eyes, shared responsibility, and strategic foresight.

Chapter 3: What Don't You Know?

In the delivery of infrastructure, what you don't know can cost you dearly. While risk registers, project controls, and pre-construction due diligence can help manage the expected, there are always uncertainties that escape early detection. These uncertainties fall into two categories, those we can anticipate and prepare for, and those that appear suddenly and disrupt the entire project lifecycle.

The most resilient projects are those that embrace the limitations of knowledge and plan for discovery. This chapter explores the importance of addressing unknowns, fostering flexibility, and learning from cases where hidden risks have led to significant consequences.

Known Unknowns vs Unknowables

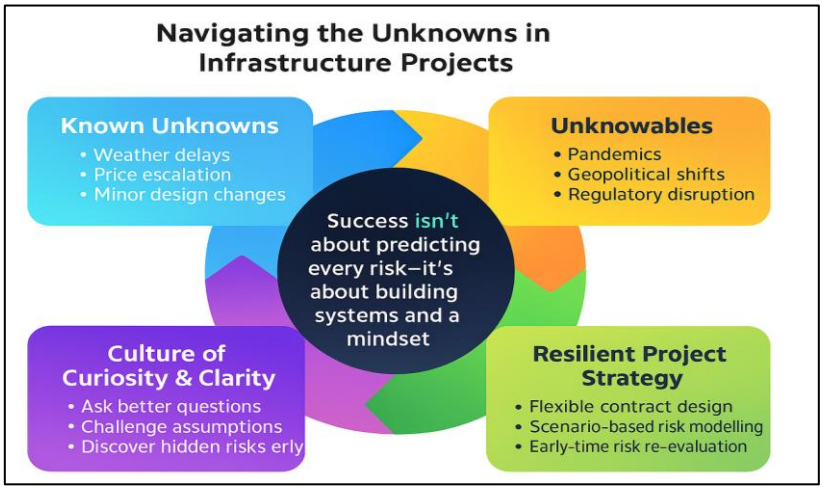
Project managers regularly work with known unknown risks they're aware of, even if the exact details or impacts are uncertain. For example, fluctuations in steel prices, unpredictable weather, or minor design changes are all foreseeable. These can be estimated with probability models, contingency allowances, or risk-sharing clauses in contracts.

However, unknowables are different. They include events or conditions that no one can reasonably predict, such as pandemics, emerging technologies, regulatory upheaval, or geopolitical crises. Because they sit outside the traditional scope of planning, they often blindside teams.

Barry Gordon suggests teams distinguish between these categories early and develop a dual-layer risk strategy. "You can plan for what you know you don't know. But you must stay curious about what you've missed." This means investing not just in risk models, but in culture, encouraging curiosity, challenging assumptions, and regularly revisiting what's been left out of scope.

Planning for Market Shocks, Pandemics, Supply Chain Failures

COVID-19 is a prime example of an unforeseen risk that has reshaped the world of infrastructure. Projects signed before the pandemic lacked a mechanism for addressing total worksite shutdowns, global material shortages, or the collapse of cross-border logistics. Contractors struggled to fulfil obligations, and clients were forced to reconsider timelines and costs on a scale rarely seen before.



1Figure 3: In complex projects, the real risk is in unasked questions.

But COVID-19 is not alone. The war in Ukraine, escalating trade tensions, port blockages, labour shortages, and extreme weather events have all interrupted infrastructure supply chains in recent years. As Barry noted, "Force majeure clauses were tested, and most didn't hold up." To reduce exposure, resilient project frameworks must:

- Move beyond boilerplate legal protections and model out different risk impact scenarios
- Include escalation pathways for extraordinary events
- Maintain flexible supply arrangements, even if they cost more upfront
- Develop risk playbooks for leadership to activate under emergency conditions
- These steps won't prevent shocks, but they ensure projects are better positioned to adapt and survive.
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The Cost of False Certainty in Geotech, Tech, and Design

False certainty is a chronic problem in major projects. It happens when teams rush to finalise scope, design, or risk allocations based on incomplete information. In geotechnical work, this might mean relying on outdated or shallow site investigations. In technology, it may involve assumptions that existing systems will remain compatible for decades.

"It's not ignorance that kills a project, it's pretending to know what you don't."

Design is particularly prone to this risk. To meet procurement deadlines or demonstrate progress, designs are often locked in early, even when the environment is still evolving. This not only creates the potential for costly variations but also limits innovation. Barry observed, "Technology might last for 20 years, but the system behind it may only be useful for five."

To avoid false certainty, project teams should:

- Adopt a staged design development with deliberate decision gates
- Use early contractor involvement (ECI) to test assumptions collaboratively
- Invest in data collection and ground truthing before major commitments
- Include clauses that allow for scoped design evolution based on new findings

Sydney Light Rail and COVID-19 as Examples of Uncovering Hidden Challenges

The Sydney Light Rail project is a textbook example of known unknowns evolving into major delivery problems. Though the team conducted sub-ground assessments before breaking ground, what they discovered once construction began was far more complex. Barry put it plainly: "They did a lot of subs groundwork, but they discovered they didn't do enough." The team encountered undocumented utilities and historical artifacts beneath George Street, which triggered costly delays and redesigns.

Similarly, COVID-19 forced projects into crisis mode. Labour availability dropped. Materials were delayed. Contractual obligations became unrealistic. Some clients adopted collaborative renegotiation; others enforced the contract, leading to disputes and strained relationships. Barry noted that contracts must be designed for this new level of volatility: "It's no longer about perfect foresight. It's about responsive governance."

Both cases show that being technically compliant isn't enough. Projects must be prepared to adapt to the realities they uncover, whether in the ground or in the world.

The Role of Curiosity: Asking the Right Questions Early

While tools like risk registers and contingency plans are essential, one of the most effective risk management tools is quite simple: asking the right questions. Too often, project teams assume that the information in front of them is complete or reliable. However, as Barry Gordon warned, "Keep asking questions until the ambiguity is gone, even the dumb ones."

This mindset isn't about doubting competence; it's about embracing a culture of continuous learning and clarification. Early in a project, asking tough or 'obvious' questions can uncover assumptions that would otherwise go unchallenged until it's too late. Whether it's questioning traffic forecasts, ground condition certainty, community engagement plans, or the pace of technological change, questions help surface blind spots.

Teams that build this into their process, through pre-mortems, design review sessions, or multidisciplinary risk workshops, are better equipped to handle the unknown. They are also more aligned because those questions help ensure that everyone interprets the plan, the contract, and the risks in the same way.

In uncertain environments, confidence should come not from having all the answers, but from knowing how to ask the right questions.

Chapter 4: Governance Structure – Getting it Right

Governance is the nervous system of any infrastructure project. It supervises how decisions are made, how information is disseminated, and how issues are addressed. Strong governance is proactive, not reactive; it enables leaders to anticipate problems, manage complexity, and deliver results with confidence. Poor governance, on the other hand, breeds confusion, delays, and blame.

This chapter examines the practical aspects of good governance, emphasising clear roles, decision-making authority, accountability mechanisms, and transparent reporting. Through case examples and useful frameworks, we examine how governance can either empower or undermine delivery teams.

What Good Governance Looks Like

Good governance begins with a clear purpose and endures through disciplined execution. It's more than ticking off approval gates or circulating meeting minutes; it's about building a structure that supports fast, fair, and informed decision-making throughout the project lifecycle. Barry Gordon puts it: "Governance structure should be a series of behaviours you can see from leadership. Good governance is just good culture." This culture is characterised by ownership, responsiveness, and collaboration, not bureaucracy. Governance becomes visible when leaders lead, for example, teams communicate openly, and decisions are traceable and trusted.

> **"Good governance is just good culture."**
>
> **, Barry Gordon**

Strong governance aligns the project team, the client, and external stakeholders around common priorities and enables early resolution of tension points before they escalate into formal disputes.

Clarity in Roles, Authority, and Decision Rights

One of the most common governance failures in large infrastructure is ambiguous responsibility. Projects may have dozens of stakeholders, multiple contract interfaces, and several tiers of oversight, all of which can lead to blurred accountability unless roles are precisely defined.

To avoid delays and finger-pointing, governance frameworks must include detailed role descriptions and decision authority levels. Barry offers a clear example: “The project director has the authority under these conditions, up to this value, within this time limit.” This level of specificity eliminates confusion and ensures that decisions happen at the right level and at the right time.

Projects should include:

- Delegations of authority by risk, cost, and scope thresholds
- Governance maps that identify who decides, who supports, and who signs off
- Documentation of escalation procedures for disputes or unresolved issues
- Defined time limits for decision-making to prevent bottlenecks

Accountability Frameworks: Beyond RACI

RACI charts are a good starting point, but governance must go deeper. Infrastructure projects need robust accountability frameworks that not only define roles but also provide mechanisms for enforcement, feedback, and adjustment over time.

In Alliance and PPP contracts, joint decision-making is common, but without a shared understanding of accountability, this can lead to indecision or misalignment. Projects require clarity on how shared risks are managed, how commercial decisions are made, and what happens when consensus can’t be reached.

Strong frameworks go beyond paper:

- They include active leadership engagement in key forums (steering committees, commercial boards)
- They monitor individual and team performance against milestones
- They adapt to project phase transitions (e.g., moving from design to construction)
- They document consequences for consistent non-performance
- Accountability must be a lived practice, visible in behaviours, not just workflows.

Figure 4: Accountability goes beyond assigning tasks,it stands on the pillars of clarity, ownership, process, and monitoring. Strong frameworks ensure that responsibility is visible, traceable, and consistently reinforced throughout the project lifecycle.

Transparency, Reporting, and Predictive Control

Transparency is the foundation of proactive governance. In large infrastructure programs, hidden issues can proliferate without visible signals. That's why consistent, high-quality reporting is essential, not just for compliance, but for foresight.

Governance frameworks should require:

- Real-time reporting dashboards (schedule, cost, risk, quality)
- Forecasting tools (CPI, SPI, earned value)
- A single source of truth for all project stakeholders
- Clear reporting lines between contractors, the client, and oversight bodies
- Barry Gordon puts it sharply: "If you're not accurate here, you'll never be able to predict tomorrow." Reports are not just about recording history; they're about predicting future problems so that corrective action can be taken in time.

Predictive control is about moving from reactive to proactive governance. This includes trend monitoring, early-warning thresholds, and escalation logic that ties reporting to decision-making in a timely, structured way.

Example: John Holland & Melbourne Metro

The story of John Holland's performance in Victoria is a sobering reminder that governance is not about experience; it's about execution. Despite being one of the largest contractors in Australia, the company posted a dramatic $250 million downturn between FY23 and FY24, largely due to cost overruns and forecasting failures on the Melbourne Metro Tunnel and other Victorian projects.

Barry Gordon observed, "It was a surprise when they presented those numbers at the end of the year… it cost their CEO and general managers their jobs." That surprise suggests a breakdown in transparency and internal governance failure, not just of delivery, but of oversight.

The lessons for governance include:

- Performance indicators must be reviewed regularly at the highest levels
- Early signs of distress must trigger internal audits or reviews
- Senior leaders must own project visibility and accountability, not delegate it away
- Governance is not a static document. It is an active practice of watching, understanding, deciding, and adjusting. When done well, it transforms a project from a technical challenge into a coordinated, high-performing delivery machine.

Chapter 5: Ask Better Questions – Build with Curiosity

"There is no such thing as a dumb question. The dumb thing is not asking it." – Barry Gordon, Director, Commercial & Contract Management, Transport for NSW

In complex project environments, curiosity is not just a virtue; it's a strategic asset. Whether you're a client, contractor, or consultant, asking better questions is one of the most powerful tools you can use to uncover assumptions, prevent disputes, and deliver projects that work.

This chapter unpacks why courageous questioning is one of the most undervalued yet essential parts of project delivery and how fostering this culture can make or break your success.

Communication as a Project Safeguard

Every project, particularly in infrastructure and construction, is a system of moving parts. What ties those parts together is communication. When communication falters and assumptions go unchallenged, stakeholders operate in silos, and risks remain hidden until it's too late.

Barry Gordon, with decades of experience across major government and private sector

projects, sees communication not just as a management skill, but as an embedded safeguard: "If you're not accurate here, you'll never be able to predict tomorrow."

From daily risk updates to transparent decision logs, communication forms the bedrock of good governance. It is the mechanism by which ambiguity is reduced, trust is established, and scope drift is minimised.

** Implementation Tips: **

- Include 'clarity check' agenda items in every key meeting.
- Mandate plain-language summaries in contracts and scopes.
- Ensure risk conversations are held before procurement, not after.

Why Asking "Obvious" Questions Prevents Project Failure

Many of the most expensive project failures start with the same phrase: 'We assumed…'. Projects like Sydney Light Rail suffered cost overruns because contractors relied on reports that weren't fit for purpose. More questions, especially ones that seem too 'basic', might have saved millions.

Barry says: "Keep asking until ambiguity is as minimal or as mitigated as possible." These so-called 'obvious' questions often highlight what everyone has overlooked. That includes misunderstood clauses, incomplete scope details, or interface mismatches between contractors.

Ask these 'obvious' questions:

- "Can you explain how this scope links to that risk allocation?"
- "Has this assumption been verified, or just inherited?"
- "If this clause were disputed, how would each party interpret it?"

Eliminating Assumptions in Tenders and Delivery

Assumptions are the hidden risks that live in your scope of documents and contract clauses. Left unchallenged, they create a false sense of confidence and can devastate delivery once construction begins.

In the Lane Cove Tunnel project, multiple flawed assumptions, from geotechnical models to revenue projections, were transferred to the private operator. When reality hit, the operator collapsed under $1.14 billion in debt.

"Clarity is not a weakness , it's a strategy. The best project teams aren't the ones with all the answers, but the ones that keep asking the right questions."

**Practical steps to eliminate assumptions: **

- Maintain a live assumption register during planning and procurement.
- Split tender documents into 'known facts' vs. 'unverified assumptions'.
- Use market sounding to challenge scope clarity before release.
- Build in collaboration periods during design for mutual risk validation.

Creating a Culture Where Clarity Is More Valuable Than Appearance

In high-pressure delivery environments, people often fear that asking too many questions will make them appear incompetent. This mindset fosters risk, because silence is mistaken for alignment.

Barry explains:
“It’s not about what I know, it’s about what you think. Help me understand why you want to deliver it this way.”
When stakeholders, consultants, or delivery partners are empowered to seek clarity, without judgment, the project gains resilience. It means errors are caught early, design gaps are addressed quickly, and risk is collaboratively managed.
Create a clarity-driven culture by:

- Encouraging ‘help me understand…’ as a standard phrase.
- Having senior leaders model vulnerability by asking open questions.
- Treating every question as a tool for refinement, not a signal of weakness.
- Running scope walkthroughs where teams are incentivised to find gaps, not hide them.

Strong communication is not only about frequency but also about quality and intentionality. High-performing teams don’t just report metrics; they interpret them, share implications, and adapt based on real-time insights. In complex projects, weak communication is often the root cause

behind cascading failures. From project controls to senior leadership, alignment in language, intent, and assumptions is vital.

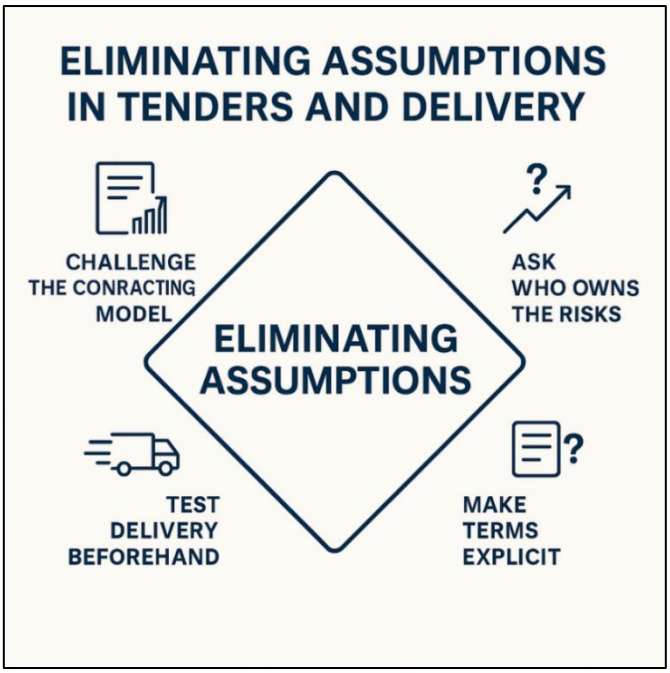

Figure 5: Success starts by making the implicit explicit. This framework highlights four key actions to reduce risk and misalignment:

Think of communication as a risk buffer. Every clarified scope item, resolved misunderstanding, or explained change order adds resilience to your project structure. But this doesn't happen by accident; it requires process discipline and a culture of openness.

Extra Tip: Document every key clarification and make it accessible across all functions. That way, the whole team builds on shared knowledge, not siloed guesswork.
It's easy to fall into the trap of thinking, 'Everyone surely understands this.' But different parties interpret requirements and expectations through their own lens. A scope clause that seems obvious to the client may mean something entirely different to the contractor.

Better questions are how you bridge that gap. The courage to ask 'obvious' questions can save millions, not because you didn't know something, but because you ensured *alignment*. And when questions surface assumptions, it becomes an opportunity to fix them *before* they

crystallise into disputes.

Barry's light rail example proves the cost of avoiding these questions. If more time had been spent verifying what was known, unknown, and assumed in the geotech report, much of the arbitration might have been avoided.
Assumptions can be technical, commercial, operational, or even cultural. They may live in delivery timelines, in design expectations, in stakeholder reactions, or in software dependencies. Eliminating assumptions doesn't mean erasing all uncertainty; it means surfacing what's implicit and making it explicit.

You don't need to remove all assumptions to succeed. You just need to know where they are and who is responsible for the consequences if they prove wrong.

**Try this: ** During tender evaluation, require every bidder to submit a clear table of assumptions and exclusions. Score them not just on cost, but on how well they identify and plan for uncertainty.
Too often, teams are afraid to appear uncertain, especially during early scoping or design reviews. This leads to misalignment that only surfaces during procurement or, worse, during delivery. A culture that rewards curiosity is not soft; it is strategic.

Clients should encourage questions by embedding mechanisms to reward early clarity. This includes onboarding sessions that explain project goals in plain English, feedback loops that allow for challenge, and leadership behaviours that invite dialogue.

** Organisational leaders can set the tone: **

- Say 'Thank you' when someone spots a gap.
- Praise 'course corrections' questions, not just 'heroic problem solving.'
- Treat design reviews as learning forums, not grading sessions.

Barry puts it best: 'It's not that I haven't done this before. I haven't done what *you* want me to do.' Asking questions is not a signal of ignorance, it's a commitment to shared understanding.

Conclusion: Final Reflections

In major infrastructure delivery, the biggest lessons are often learned not at the ribbon-cutting, but in the years and decades that follow. The five pillars in this blueprint, beginning with the end in mind, allocating risk wisely, embracing the unknown, building strong governance, and asking better questions, are more than project management techniques. They are the cultural and strategic foundations of enduring public value.

Barry Gordon's reflections throughout this work challenge the industry to resist the lure of short-term wins in favour of long-term impact. He reminds us that contracts are not just legal protections; they are relationship frameworks. Governance is not a chart on a wall; it is the lived discipline of leaders. Risk management is not a game of shifting liability; it is the art of aligning responsibility with capability.

The difference between a project that thrives and one that falters is rarely about technical capability alone. It is about alignment, between purpose and process, between design and delivery, between today's decisions and tomorrow's needs. Clarity is not a soft skill; it is the ultimate safeguard.

The future of infrastructure delivery will not belong to the teams that claim certainty, but to those that can navigate uncertainty, confidently, collaboratively, and with eyes fixed on the legacy they are building. Projects will continue to face shifting markets, disruptive technologies, and unpredictable challenges. The teams that succeed will be those that embed curiosity into their DNA, treat governance as a living practice, and use contracts to build trust, not tension.

If there is one lasting message from this blueprint, it is this:
The best project teams are not defined by how few mistakes they make, but by how quickly, openly, and intelligently they respond when the unexpected happens.

What's Next?

At EDSICO, we help public and private sector organisations apply the five principles in this blueprint, aligning purpose, managing risk, planning for the unknown, strengthening governance, and fostering curiosity, to deliver smarter, longer-lasting infrastructure.
Start with one area where greater clarity or better alignment can make a difference and put it into action on your next project.

Take the next step:

- Book a free consultation.
- Visit https://edsico.com.au/ to learn more about our solutions.
- Explore our Knowledge Hub for more eBooks and free resources.
- Join the EDSICO Academy and enroll in expert-led training courses.

Biography

About Barry Gordon – Director of CCM at Transport for NSW

Barry Gordon is the Director of Commercial & Contract Management (CCM) at Transport for NSW, where he plays a pivotal role in shaping the commercial strategies behind some of Australia's most significant transport infrastructure projects.

With decades of experience spanning both government and private sector roles, Barry has led contract design, procurement strategy, and risk management across multi-billion-dollar programs in road, rail, and public transport. His portfolio includes complex, high-stakes projects where the balance between public value, market appetite, and delivery risk is critical.

Barry is widely respected for his ability to cut through complexity with clarity and pragmatism. He has a talent for turning contractual frameworks into practical tools for collaboration, ensuring that responsibilities are allocated to those best equipped to manage them, and that project governance supports, not hinders, delivery.

Known for his engaging, plain-spoken style, Barry is an advocate for curiosity in project delivery. He encourages teams to ask "obvious" questions, challenge assumptions, and close the gap between technical scope and strategic purpose. To him, good governance is more than compliance; it is culture in action.

Through his work, Barry has influenced not just individual projects but the way agencies and delivery partners across Australia think about commercial and contractual alignment. His insights have helped shift the industry conversation from short-term delivery metrics toward long-term, purpose-driven infrastructure outcomes.

About EDSICO

EDSICO is a leading Australian project management company with access to global expertise. At EDSICO, we have highly qualified and professional teams who provide a range of services to develop projects from inception to delivery and commissioning.

EDSICO has been operating since 2006, with a primary focus on providing a comprehensive range of integrated project services for infrastructure projects. With 25 Years of experience from multi-billion-dollar projects and serving numerous clients, EDSICO opened its first Australian Branch in Sydney in 2014.

We appreciate that our clients are different, and their projects are unique, so one solution doesn't fit all. This is why we take the time to listen and analyse each client's specific requirements, enabling us to provide tailored solutions that adequately address their needs.

EDSICO's client portfolio includes a range of public and private sector clients, including Australian Federal, State, and local government agencies, as well as tier-one contractors and Consultants.

Further Reading and Standards References

PMBOK® Guide – Seventh Edition

Publisher: Project Management Institute (PMI), 2021

📘 *Core reference for project management professionals. Covers stakeholder engagement, benefits management, tailoring, governance, and value delivery, aligned with all five pillars of this blueprint.*

🔗 https://www.pmi.org/pmbok-guide-standards

ISO 21502:2020 – Project, Program and Portfolio Management

Publisher: International Organization for Standardization

📘 *Provides principles and guidance across the full project life cycle, including governance, business justification, stakeholder coordination, and integrated planning. Supports the "Begin with the End in Mind" and "Governance" lessons.*

🔗 https://www.iso.org/standard/75794.html

National PPP Working Group – National Public Private Partnership Guidelines

Publisher: Infrastructure Australia & Infrastructure Partnerships Australia

📘 *Comprehensive guidance on structuring PPP projects in Australia. Covers procurement models, commercial frameworks, risk allocation, and performance management, directly tied to "Who Owns the Risk?" and "Governance."*

🔗 https://www.infrastructureaustralia.gov.au

Standards Australia – AS 8000: Good Governance Principles

Publisher: Standards Australia

📘 *Framework supporting accountability, transparency, and ethical decision-making. Highly relevant to building governance structures that enable effective oversight and value protection.*

🔗 https://www.standards.org.au

Audit Office of New South Wales – Sydney Light Rail: Lessons Learned (2019)

Publisher: NSW Auditor-General

📘 *Independent performance audit analysing the planning, procurement, and delivery of Sydney Light Rail. Highlights cost overruns, scope changes, and risk mismanagement, evidence of why clarity and risk discipline are critical.*

🔗 https://www.audit.nsw.gov.au

Contract Clarity Health Check

Smarter Infrastructure Strategy in 5 Steps

This checklist is designed for project sponsors, commercial strategists, and procurement leaders in infrastructure, energy, transport, and capital works. It helps evaluate project readiness before procurement or delivery and supports smarter contract outcomes.

Use this form in:
- Project planning and procurement readiness reviews
- Commercial strategy or governance workshops
- Market engagement preparations
- Investment, audit, or executive checkpoints

Rate each question on a scale from 1 (No) to 3 (Yes). Tally your score per section and total at the end.

Projects that score well on this checklist demonstrate strong clarity and are ready for confident delivery. Lower scores indicate a need to refine key elements before procurement, or to revisit the strategy and contract alignment entirely.

What This Checklist Helps You Achieve

- Strategic Alignment – Ensures project vision and delivery model support long-term outcomes.
- Problem Clarity – Frames the scope and approach to unlock market innovation.
- Fit-for-Purpose Contracting – Aligns risk and incentives with real capability.
- Market Engagement Readiness – Positions to attract the right partners.
- Performance-Oriented Delivery – Drives real performance, not just compliance.

Step 1: Lead with Strategy

Question	Score 1 to 3
Have we defined clear strategic outcomes beyond technical delivery?	☐ 1 ☐ 2 ☐ 3
Have we challenged assumptions about delivery models early?	☐ 1 ☐ 2 ☐ 3
Does this project align with the long-term investment strategy and benefits?	☐ 1 ☐ 2 ☐ 3

Step 1: Lead with Strategy Score: _____

Step 2: Clarify the Need

Question	Score 1 to 3
Is the project scope, timeline, and interface risk clearly defined?	☐ 1 ☐ 2 ☐ 3
Have we reviewed internal capability vs outsourced requirements?	☐ 1 ☐ 2 ☐ 3
Is our problem framing driving the right market solutions?	☐ 1 ☐ 2 ☐ 3

Step 2: Clarify the Need Score: _____

Step 3: Align the Model

Question	Score 1 to 3
Have multiple contracting models been explored (e.g., D&C, Alliance, PPP)?	☐ 1 ☐ 2 ☐ 3
Is risk allocation based on real capability and delivery context?	☐ 1 ☐ 2 ☐ 3
Are contract structures tailored to incentivise collaboration and outcomes?	☐ 1 ☐ 2 ☐ 3

Step 3: Align the Model Score: _____

Step 4: Enable the Market

Question	Score 1 to 3
Has the market been tested through early engagement (EOIs, soundings)?	☐ 1 ☐ 2 ☐ 3
Are procurement pathways open to SMEs, JVs, and innovative suppliers?	☐ 1 ☐ 2 ☐ 3
Are our draft contract terms transparent, balanced, and realistic?	☐ 1 ☐ 2 ☐ 3

Step 4: Enable the Market Score: _____

Step 5: Deliver Outcomes

Question	Score 1 to 3
Are commercial measures tied directly to project outcomes (not just milestones)?	☐ 1 ☐ 2 ☐ 3
Have governance, performance, and risk mechanisms been established?	☐ 1 ☐ 2 ☐ 3
Will the delivery team have access to timely and transparent decision-making?	☐ 1 ☐ 2 ☐ 3

Step 5: Deliver Outcomes Score: _____

Total Score (out of 45): _____

- 40–45: Excellent clarity – ready for confident delivery
- 30–39: Key issues need refinement before procurement
- Below 30: Revisit strategy and contract alignment before proceeding

Need Support?

If your results show challenges in one or more pillars, **EDSICO is here to help**.

📞 Book a Free Consultation with EDSICO

👉 https://edsico.com.au/
📧 Email: info@edsico.com.au
🔗 Or reach out via LinkedIn

Download the full eBook
Learn how Australia's top infrastructure leaders ensure project success using the 5 Pillars framework.
👉 Download your free copy

Watch the full podcast episode.
Hear directly from Barry Gordon, a seasoned commercial strategist and Procurement Director, as he shares practical insights from decades of experience shaping contract strategies for major infrastructure programs across Transport for NSW and other public sector projects.

👉 Watch the full episode on YouTube

Use the insights, tools, and checklist together to strengthen your project planning and delivery.