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Publication date

2018

Document Version

Final published version

Published in

Proceedings of the 16th Engineering Project Organization Conference (EPOC 2018)

Citation (APA)

Kuitert, L., Volker, L., & Hermans, M. (2018). Rethinking Roles and Responsibilities in the Context of the Public Private Value Shift From a Client Perspective. In B. Franz, & I. Kovacic (Eds.), *Proceedings of the 16th Engineering Project Organization Conference (EPOC 2018): Brijuni, Croatia* (pp. 206-229)

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Working Paper Proceedings

16th Engineering Project Organization Conference

Brijuni, Croatia
June 25-27, 2018

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RETHINKING ROLES AND RESPONSIBILITIES IN THE CONTEXT OF THE PUBLIC PRIVATE VALUE SHIFT FROM A CLIENT PERSPECTIVE

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ABSTRACT

In today's construction industry we witness an increase in public private collaboration in the delivery of public goods. New public private structures affect the traditional notion of accountability, bringing along a strong emphasis on performance and outcome. By transferring operational responsibility to the market parties in public private collaboration, there are fewer possibilities to directly influence the outcomes of these processes. Socio-political responsibilities, however, remain with public parties, requiring other kinds of safeguarding mechanisms to come into play. In this paper we aim to explore how public construction clients try to find a balance in public value management activities by rethinking their roles and responsibilities in the context of an increasing value and volume of integrated service deliveries in construction. We present results of a set of semi-structured interviews with different actors playing a part in commissioning of organisations with different degrees of publicness. The results indicate that the alignment of the client role and change in responsibilities should be rather flexible in order to balance the potentially conflicting procedural obligations as a public organisation and creating room to steer on increasingly important values of sustainability, innovation and quality. It was shown that public agents need to adopt a more facilitating and frame-setting role and build sustainable relationships based on trust. And although they are dependent of private market parties to achieve certain new 'values', their position as public client organisations actually enables them to take a forerunners' role. In order to facilitate the desired value shift roles and responsibilities need to be aligned with steering mechanisms. Further research could look more closely into the alignment of the role and responsibility change and organisational- and steering mechanisms that are flexible enough to deal with the restrictions that lawfulness brings along.

KEYWORDS

Public value management, public private collaboration, value shift, construction client, socio-political responsibility

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INTRODUCTION

Similar to other industries, a trend of cutbacks and a changing role of public administration currently shows its impact on the construction industry climate (Clifton & Duffield, 2006; van der Steen, van Twist, Chin-A-Fat, & Kwakkelstein, 2013). Both for financial, strategic and societal reasons there appears to be a growing pressure on the public sector, leading to a growing dependence of public organisations on private market parties to come up with innovative solutions to societal challenges, such as growth of the population and cities (Cornforth, 2003; Kuitert, Volker, & Hermans, 2017). Public construction clients are expected to contribute to innovation and improvement of the building sector (Boyd & Chinyio, 2008) and to ensure public value in various forms, for example by stimulating social innovation, providing safety and the protection of weaker populations (Boyne, 2003). They are, for example, more and more involved in reducing building-based emissions of harmful substance, asking for innovative solutions with higher risk profiles as a result of higher levels of uncertainty. Consequently we witness an increase in public private collaborations in the delivery of public goods (products, services, financing) with which public values are created (Benington, 2011; Eversdijk, 2013). This gets expressed in two ways (Cornforth, 2003). First, the development of an increasing number of devolved or quasi-autonomous government agencies like the Highway agencies to deliver public services (Cornforth, 2003). And second, the introduction of market mechanisms into the provision of public services through splitting the ‘purchasers’ of services from the ‘providers’ and introducing elements of competition through contracting out of services to (a mix) of private companies and voluntary organizations (Cornforth, 2003). Consequently public organizations increasingly depend on private market parties to carry out public purposes. And in the project-based construction industry various constellations of public and private market parties as public service delivery organizations are shaped for the performance of project tasks; these can either be entire firms, multi-firm consortiums or networks (Holti, 2011; Sydow, Lindkvist, & DeFillippi, 2004).

In the increasingly complex, collaborative and interdependent context of delivering public goods serious concerns have been raised both about the democratic legitimacy of governing boards and their effectiveness (Comfort, 2003). According to Comfort (2003) these concerns, however, often oversimplify the problems, passing on the seriousness of conflicting accountability expectations of different involved stakeholders and the pressure these conflicts put on for example board members (Willems & Van Dooren, 2011). In the discussion of safeguarding public values it needs to be clear which values should be secured. This needs to relate to the one to account to. The ‘degree of publicness’ to a great extent determines the expected contribution to the political or public mandate. Since public clients are both politically and socially responsible for value standards in the living environment they have different actors to account to, making acting responsible extremely complex today. Governments are being called to account by many account-holders in different public forums, including the public interest, statutory and constitutional law, the media, professional standards, community values and standards, democratic norms, and of course, citizens (Denhardt & Denhardt, 2000; Willems & Van Dooren, 2011).

Another positive experiences with public private collaborations in ensuring public services, is one where one specifically invests in stakeholder management while operating the project. In this context Verweij (2015) concludes that DBFM contracting is aimed at reducing the burden on governmental bodies in which case, public parties can be excellent intermediaries between the contractor and the local stakeholders.

Especially in recent years we see a growing percentage of integrated contracts in the construction industry, where public parties subcontract (outsources) at least a part of its responsibilities in respect to the built environment (Boyd & Chinyio, 2008). Although Public Private Partnerships are most of the time formed around common project goals of private and public parties, there are different public and private interests involved (Lundin et al., 2015). Proponents of public private partnering emphasize the ability of private market parties to deliver services more efficiently, where opponents complain about the reduction of ‘governments’ ability to adapt to changing needs’ due to the long-term contracts (Ross & Yan, 2015). In the UK public private collaborations are for example used for school development, mainly in the form of DBFM. In line with the UK government’s drive to pursue a knowledge-based economy, the ‘Building Schools for the Future’ (BSF) was launched in 2003 as a long-term programme of investment and change in England (Aritua, Smith, & Athiyo, 2008; Liu & Wilkinson, 2014). Unfortunately difficulties in BSF arise from not sorting out strategic issues and instituting appropriate organisational frameworks before engaging the private sector. Resulting in a lack of clarity about the long-term needs and end user aspirations (Aritua et al., 2008; Liu & Wilkinson, 2014).

Transferring operational responsibility by commissioning (part of) the tasks to the contractor in public private collaboration, there are fewer possibilities for the client to directly influence the outcomes of these processes (Eversdijk, 2013; van der Steen et al., 2013). Traditionally, public parties are aimed at ‘good governance’, focussing on procedural values such as non-discrimination, transparency and integrity (de Graaf & Paanakker, 2014). Private parties generally focus on delivering high product values, such as quality and innovation, and exploitation of the performance values of effectiveness and efficiency (Jørgensen & Bozeman, 2007; Smets, Jarzabkowski, Burke, & Spee, 2014; Too & Weaver, 2014). New public private structures affect the traditional notion of accountability, bringing along a strong emphasis on performance and outcome (Boyd & Chinyio, 2008). Hence, socio-political responsibilities for value standards in the built environment always remain with public parties, requiring other kinds of safeguarding mechanisms to come into play (Boyne, 2003; de Bruijn & Dicke, 2006; Moulton, 2009). So in today’s built environment with its complex tasks, a dynamic environment, the role of public clients in the process of delivery of public goods becomes more directive and facilitating (Boyd & Chinyio, 2008). This caused a value shift at public commissioning organisations, from a focus at procedural values, such as lawfulness and integrity, to steering on performance and product values, such as innovation, sustainability and quality of the public good. As the boundary- setting agent in the collaborative context of delivering public services in construction and

they need to find the right balance in their procedural obligations as a public organisation in ‘creating room’ to enable a shift in focus towards the increasingly important product and performance values in delivery of public goods in order to facilitate the value shift. .

Recent studies have shown that this shift is not yet fully embedded in the sector and asks for a more open, transparent and sustainable client-contractor relationship (Kuitert et al., 2017). This paper addresses the search of public client organisations in rethinking values, roles and responsibilities in the context of an increasing value and volume of integrated service deliveries in construction. In this paper the following question is addressed: What are the perceptions of public clients on values, roles and responsibilities in the context of the value shift in public private collaborations in construction? We start with a theoretical elaboration on public sector value thinking and public value management for public construction clients discussing different ingredients of public action that need to be balanced. Then the research approach of the interview series is explained, in order to present how public construction clients are looking for ways to facilitate the value shift and its impact on changing roles and responsibilities in the client-contractor relationship. In the conclusions and discussion we discuss the desired future commissioning profession and the difficulties in achieving the associated roles and responsibilities, and provide some directions for further research.

THEORETICAL BACKGROUND

PUBLIC VALUE THINKING – A SHORT HISTORY OF GOVERNANCE REFORM IN THE CONSTRUCTION INDUSTRY

The move towards Public Private Partnerships shows significant similarities with the public value thinking paradigm of Public Value Management (Benington, 2011; Coule & Patmore, 2013; van der Steen et al., 2013). Classifying which public values to pursue at what moment, in which situation or by what type of service delivery has become increasingly important in public governance in the past decades. Governance is about the use of institutions, structures of authority and collaboration to allocate resources and coordinate or control activity in society or the economy (Klakegg, 2009). It influences which values need to be ensured and safeguarded by public actors of public commissioning agencies and the possibilities these actors have in their commissioning role in this respect. Public value management literature describes management paradigms prioritizing certain values above others, choosing one or multiple logics, or combining specific values belonging to community and market logics (Smets et al., 2014). In the public sphere this gets (partly) reflected by successive time periods of prevailing governance models, in an ongoing governance reform. Traditional public management with an emphasis on policy laws and regulations came up as a response to the challenges of industrialization, urbanization, the rise of the modern corporation, faith in science, belief in progress, and concern over major market failures. Next, concerns with government failures, a belief in the

efficacy and efficiency of markets, a belief in economic rationality, and a push away from large, centralized government agencies toward devolution and privatization, introduced the New Public Management paradigm (Bryson, Crosby, & Bloomberg, 2014; Casey, 2014; Coule & Patmore, 2013).

A new emphasis on public value followed as a response to the fragmentation, structural devolution, single-purpose organisations, and performance management, caused by New Public Management (Bryson et al., 2014; Christensen & Læg Reid, 2007). The post-NPM reforms focuses more on building a strong and unified sense of values, trust, value-based management, and collaboration. Team building, involving participating organisations and improving the training and self- development of public servants has an important place in this paradigm (Christensen & Læg Reid, 2007). The government combines market and community logics in this collaborative Public Value Management (or New Public Governance Paradigm) paradigm (Casey, 2014; Coule & Patmore, 2013; van der Steen et al., 2013). One mechanism of this reform has been partnering between the public and private sector, often referred to as public private partnership (PPP), to deliver services previously provided exclusively by the public sector (Agyenim-Boateng, Stafford, & Stapleton, 2017). In the construction industry a shift towards aiming steering on increasingly important product-related type of values and market logics, the basis for strategy is profit maximization, dominated by performance values of effectiveness and efficiency is visible (Kuitert et al., 2017). This means a movement away from the focus on community logic, in which relations of affect, loyalty, common values and personal concern are pursued , which is dominated by procedural values that indicate the quality of the process using integrity, and associated values such as transparency, equality, lawfulness, and honesty (de Graaf & Paanakker, 2014; Smets et al., 2014). These hybrid PPP organisations are no longer under direct control of current governments (Stafford & Stapleton, 2017).

PUBLIC VALUE MANAGEMENT IN PUBLIC COMMISSIONING

The public value approach emphasises that the public domain is not just about money, but should also be concerned with requirements of the process and, next to the outputs, the outcomes of processes of delivery of public goods . With the withdrawal of public parties from direct delivery of public services, we see that achieving procedural values needs to be adopted in the processes of private market parties, next to their natural focus on performance and product. In recent times, however, the expectations of public parties are shifting towards performance, also meaning that democratic legitimacy is not enough, public clients should also perform (Willems & Van Dooren, 2011). This is expressed as the accountability paradox, which explains that in privatization of government operations there is a need to make trade-offs between accountability and efficiency (Hodge & Coghill, 2007; Willems & Van Dooren, 2011). Clients are continuously searching for a balance between procedural obligations and seemingly opposing ‘new’ product-related values of increasing importance (Bao, Wang, Larsen, & Morgan, 2013, Kuitert et al., 2017). A ‘new

repertoire' to shape these changing relationships is required for the renewed division of roles, tasks and responsibilities between government, society and market (van der Steen et al., 2013). Also resulting in a need for innovative auditing, monitoring and evaluating mechanisms which focus specifically on the economy, effectiveness, efficiency and value for money (Willems & Van Dooren, 2011). Research has been done into different public concepts, but what none of these concepts or models gives much attention to the actual content of public values or criteria for judging public values (Bozeman, 2012). Furthermore, we know little about how public actors deal with public value conflicts (De Graaf, Huberts, & Smulders, 2014), expected when a new balance is sought and common when multiple logics are combined as in public private collaboration structures (de Graaf & van der Wal, 2008). Value conflicts influence the complexity of ensuring and safeguarding public values. Social scientists acknowledge that pressure on public organisations leads to unintentional deviant behaviour in reacting to value conflicts, instead of using set organisational processes (van der Wal, 2008). As public parties remain socio-political responsible, public parties need to find other, indirect, ways to achieve all values. Questions arise like : When private market parties are carrying most of the risk (related to the operational responsibilities), to what extent is it 'fair' to impose the achievement of certain procedural values by private parties? To what extent and in which circumstances is outsourcing possible and desirable? To what extent can private parties be held accountable for achieving public values when they are carrying the risks of the project?

Now looking at the position of commissioning bodies in the construction industry the OECD defines a construction client as “a natural or legal person for whom a structure is constructed, or alternatively the person or organisation that took the initiative of the construction” (OECD, 1997). This implies that the relationship between the client and contractor is central. We consider public commissioning as the way a public organization, in relation to its responsibilities in the built environment, shapes and implements its interaction with the supply market both externally and internally (Hermans, Volker, & Eisma, 2014). In this context we consider the strategic triangle of Moore (1995) as an important starting point, stressing the importance of finding a balance between different ingredients of public action; legitimacy, capacity and social objective (Meynhardt, 2009). Discussing the value shift, what we see in construction is increased focus on different (types) of values that are considered important in the context of shaping the interaction and collaboration with the market to achieve their social objectives. This implies that in order to facilitate the value shift, legitimacy and capacity need to be reassessed in order to rethink responsibilities and roles that fit this new situation. This is shown in Figure 1 and further deliberated on in the following sections.

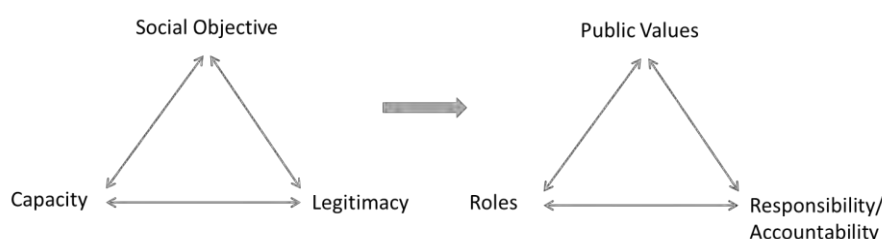


Figure 1: Three ingredients of public action in PPS

Legitimacy: responsibility division, and its influence on accountability

Due to the expansion in the use of networks of interdependent public and private parties in delivery of public goods in construction, the accountability and reliability discussion becomes more prominent (Michels & Meijer, 2008). This discussion emphasises the importance of mobilizing commitment from the 'authorising authority'; all stakeholders needed to provide legitimacy for the value proposition. In this respect one can make a distinction between an upward accountability through public sector hierarchies and processes to Parliament and a downward accountability to citizens (Shaoul, Stafford, & Stapleton, 2012). Transferring value creation tasks to a private executive party doesn't influence main responsibilities of public client organisations. Only the contractual responsibility is shared, socio-political responsibility remains with the public parties (Eversdijk, 2013). The new structures resulting from the search for innovative ways of procuring and partnerships, affect the traditional notion of accountability, and brings along a strong emphasis on performance. Emphasis is on what is expected, the way to achieve is disregarded (Bryson et al., 2014). Public parties are constrained to drawing up a set of functional requirements, providing solutions is left to the private party. Quality assurance is aimed at organizing the process, making it plausible that there is compliance with the process requirements and product requirements, or in other words the procedural values and the performance values (Jørgensen & Bozeman, 2007; Smets et al., 2014; Too & Weaver, 2014). Public accountability can be safeguarded, but only if a number of requirements have been met. The traditional, vertical, hierarchical mechanism of accountability no longer adequately fits the current social and administrative developments (Van Wart, 2013).

Where the current hierarchical presumes a principal-agent relationship, in public private partnerships clear principal and agent roles are disappearing and the typical horizontal nature of PPPs challenges this traditional notion of accountability even more explicitly (Willems & Van Dooren, 2011). Increasingly, 'leadership competencies' are being judged in terms of the ability of government, which have a special position in society, to create authority that operates successfully in horizontally dispersed power settings and is responsive to the expectations of the citizens. Public agents are supposed to be able to apply traditional hierarchical management as well as deal with informal agreements that hold networks together (Bao et al., 2013). Accountability becomes multi-faceted. In addition to the traditional, vertical, hierarchical mechanism of accountability (as in traditional Public

Administration) or more market-driven (as in New Public Management) (Bryson et al., 2014), more horizontal, informal, mechanisms of accountability should be deployed. Both mechanisms can together form a hybrid accountability arrangement (Michels & Meijer, 2008). Moreover, horizontal forms of accountability, just as vertical accountability, must meet the requirements of the democratic constitutional state, that is, transparent responsibilities, well defined interested parties, a good information supply, debate opportunities and sanctioning options (Michels and Meijer 2008). This means that public-value trade-offs need to be imitable, and decision-making should be transparent.

Capacity: enabling a changing role while remaining socio-politically responsible

The value shift and the accompanied desired change in accountability structures in the client-contractor relationship influences the role of public clients. The dependence of private parties to achieve the increasingly important product- and performance values, makes asks for changes in management of processes of delivery of public goods. The role of public clients in the process of delivering public goods becomes more directive and facilitating from a producing body to a frame-setting body, or in other words enabler and regulator (van Montfort & van Twist, 2009). Making value trade-offs, aligning operational resources to the desired outcomes, from both within and outside the organisation, and thereby providing capacity is very important (Moore, 1995). In ensuring, producing and safeguarding of public values this means a different division of responsibilities; production, distribution and supply of services became the responsibility of both public and private parties. The need for the government to steer, however, remains (de Graaf & Paanakker, 2014). Outsourcing of public tasks does not mean that the task disappears, they change. More and more the public client needs to focus on control of the executive network. In this context, public clients looks for innovative ways of procurement and partnerships. Partnering is about encouraging clients and contractors to transgress the conflicting interests that lie at the heart of their exchange relationship, by appealing to common interests centred around specific project goals and/or more strategic long term relationships. However, this presumes a level of mutual interest that is arguably unrealistic in many contracting situations, especially in short term (Bresnen & Marshall, 1999).

RESEARCH APPROACH

RESEARCH APPROACH AND SAMPLE

The main purpose of this study is to gain insight in the impact of the value shift on perception on values, roles and responsibilities of public bodies in the context of their public commissioning in construction. These values, role and responsibilities are interconnected in a way that their relation lead to certain expectations of the client-contractor relationship. Hence, and (inductive) qualitative approach was chosen to gain a profound understanding of the meaning of construction sector-specific public values and the perceptions on the roles and responsibilities of public clients in the client-contractor relationship in the context of (collaborative) delivery of public goods (Miles & Huberman, 1994). The research presented in this paper especially

concentrates on the leading, initiating, boundary-setting commissioning profession of public parties in the construction industry.

The study presented in this paper is based on 44 semi-structured interviews with 47 interviewees (due to some joint interviews) of 17 Dutch public and semi-public construction clients, using an interview guide with open-ended questions in order to discuss the sensitive topic of public values in relation to experiences in various parts of the commissioning role (Hennink & Hutter, 2011). The interviewees were chosen by expert sampling, a form of purposive sampling selecting respondents known to have certain expertise in the field, followed by snowball sampling (Hennink and Hutter, 2011). We included a wide range of public client organizations in this study in order to increase generalizability (Chi, 2016). The position of an organization on the public-private continuum, the publicness, is (partly) determined by the extent to which organizations are constrained by political control, how organizations are funded and financed, and the extent to which organizations perform public and private tasks (Besharov and Smith, 2014). The ‘degree of publicness’ to a great extent determines the expected contribution to the political or public mandate. Multiple academics elaborate on this ‘publicness’ referring to the concept of internal hybridity (Heres and Lasthuizen 2012, Jay 2013). When an organisation is more constrained or enabled by political authority, it is more public. And in line with this, an increase in constraint by economic authority increases the ‘privateness’ of the organisation (Moulton 2009). In this study we focus on the Dutch construction context, in which we can distinguish between different types public construction clients differentiating in internal hybridity. A distinction is made between organizations that are required to apply public procurement law - government and governed by the public law, - and semi-public and private organization which only have to obey to common law (Boyd and Chinyio).

We approached members of the Dutch Construction Client Forum, representing a group of large and middle sized public and semi-public clients, including the Dutch Government Building Agency, the National Highway Agency, water boards, housing associations and municipalities. Participants were approached personally, explaining the research and its relevance for the forum, and are asked to bring us in contacts of people representing different positions and decision-making levels within the organization related to public commissioning. For each participating organization the aim was to involve three to four public actors: the general manager, the director of procurement, the director of real estate and or infrastructure developments, and or the asset management or maintenance director. Table 1 shows the overview of the respondents in relations to the publicness of the organization and the position of the respondents.

Table 1: Overview of respondents

| | General manager (GM) | Chief Procurement Officer (CPO) | Director of new development (DD) | Asset or maintenance manager (AM) |
|---|-----------------------------|--|---|--|
| Public Central government (CG) 8 organizations | 5 | 7 | 5 | 5 |
| Hybrid Governed by law (GbL) 6 organizations | 5 | 3 | 5 | 6 |
| Hybrid Semi-public (SP) 3 organizations | 3 | 2 | 1 | |

DATA COLLECTION

For each interview an interview guide was used, providing topics and some related standard questions. All interviews were conducted by the first author and each had a duration of 45 to 60 minutes. In order to discuss different aspects of the commissioning role, the interviews were divided into three parts, representing three different parts of the commissioning role. The first part referred to shaping the collaborative relationship with the supply market. The second part related to how management steered employees in ensuring values in delivery of public goods. The final part referred to the organization itself, emphasizing the way of steering on organizational values related to public commissioning, often translated into the identification of organizational goals, and whether or not the position in society - influenced by different groups of stakeholders - would be relevant in this context. Each interview started with some introductory question on the background of the interviewer and interviewee in order to ensure similar understanding of the perspective to be discussed. Accompanying the semi-structured interview guide different steps of uniting and combining value concepts from literature (e.g. Jørgensen and Bozeman, 2007; van der Wal 2008; de Graaf et al. 2013; Gann et al, 2003) were taken to develop a comprehensive, compound and inclusive list of 25 public values that could be considered of importance in public commissioning tasks, and separated in the categories of procedural, performance and product values (Kuitert et al., 2017). This list provides the theoretical basis for the interview series, and is used in the analysis of the interviews. These values were printed on value cards and used during the interviews. Using games to discuss values and norms are used is a proved method in research, for example look into the work of Gerrickens et al. (2003). To make sure that the distinction between the different values was absolutely clear to the interviewees, word clouds with interchangeable terms were included. The use of these value cards is also linked to the application of Q methodology. We applied Q-methodology to gain insight in the range of viewpoints providing a foundation for the systematic study of subjectivity, a person's viewpoint, opinion, beliefs, attitude, and thereby finding perceptions (Stephenson, 1953). In this case the cards represent the 'sample of statements' about the topic, or in other words the Q-set

(Van Exel & De Graaf, 2005). Prior to filling out the Q-sort, for the discussion on the commissioning role in shaping the relationship and steering the employees, the interviewees were asked to choose three value cards which appeal most to them when asked (a) which values they consider important, (b) which values are most likely to be traded off, (c) which values they prefer to be safeguarded, and (d) which values don't get safeguarded. The interviewee always has a possibility to add a self-made card. This choices prepared to subsequently rank order the value cards (existing + added) to the extend they are considered of interest in their commissioning role from -3 (of least interest) to +3 (of most interest). They were also requested to reflect on their ranking and indicate possible value dilemmas. To conclude interviewees had to indicate whether they expect the ranking to be the same in about ten years and to elaborate on this. In the third part of the interview we discussed the public values that are being assigned to the organization as a whole and the mutual influence with the public values discussed within the two perspectives.

DATA ANALYSIS AND VALIDATION

We adopted a systematic inductive approach to concept development as described by Gioia et al. (2013) allowing for studying social construction processes focussing on sensemaking of our respondents. We built a data structure in Atlas.ti., see figure 1 using a set of five transcripts and an additional set of another five transcripts for a second round to become familiar with the data (Altheide, 2000; Gioia et al., 2013). In the initial data coding we applied open coding as described by Strauss and Corbin (2008) , sticking to the respondents terms focussing on the means by which respondents construct and understand their commissioning experiences (Gioia et al., 2013). After reducing these first-order analysis to a manageable number of first-order concepts, axial coding was applied in order to seek for similarities and differences in a second-order analysis placing the categories in the theoretical realm (Gioia et al., 2013; Van Maanen, 1979). We then looked for overarching theoretical themes to further reduce the categories to second-order “aggregate dimensions” as added in the Gioia method (Gioia et al., 2013). Figure 1 demonstrates how we progressed from the interview transcripts, thorough sub-codes into overarching theoretically grounded themes related to the research questions.

Addressing value perceptions of public construction clients in the client-contractor relationship, we especially looked into understanding and giving meaning of sector specific public values in commissioning. Leading to the operationalisation of public values including data related to second-order concepts of the different types of public values: procedural values, performance- and product values, and additional values. In addition, an aggregate dimension was created around value interests and safeguarding of public values, containing data corresponding with the interest in different aspects of public commissioning and accompanying safeguarding mechanisms. The often reflective explanation of the interviewees led to the understanding of the shift of values as experienced by the respondent and gave a particularly good insight in the meaning and importance of the different discussed public values in the desired client-contractor relationship. To explain the impact of dynamic value interests on the perception of the public clients role in the client-contractor relationship, we included

data about both in the current situation and in the desired situation, with special attention to changing perceptions about specific collaboration and contract models. The same current and future view counts for the impact on the perceptions on the responsibilities in the client-contractor relationship, in which data is included about accountability, being a reliable partner and a sense of responsibility in relation to the publicness of client organisations. In addition another overarching aggregate dimension specifically focusses on detecting dilemma's which prove to restrict the adoption of the 'new desired' commissioning profession, making a division in first-order data about conflicts between different types of values and conflicts originating from the character of the organisation and construction sector. Completed with a second-order concept including data related to trade-offs and interventions in dealing with these conflicts. Especially the reflection on the Q-sorts gave insight in the dilemmas that clients face and increased understanding in the restrictions that certain values, mainly procedural, bring along in pursuing the desired client-contractor relationship with its distribution in roles and responsibilities. Together this led to the new interpretation of the commissioning profession, enabling the facilitation of the value shift, by alignment of the internal and external approach to commissioning. In order to also analyse differences between the client organizations, different degrees of publicness, and different decision-making levels within these client organizations, the transcripts were grouped.

To ensure reliability of the data all interviews were audiotaped and fully transcribed. Photos were taken from the filled out Q-sorts, the ranking of the value cards and the answers to the questions were included in an excel sheet and divided into these different group. This sheet was also used to validate the outcome of the analysis of the code reports, since some values might be discussed more extensively suggesting a greater importance and imposing certain ideas or thoughts. Furthermore, code reports of most of the coded transcripts were read by the second author and interpretations, also of the data structure, were compared and discussed with all authors for further validation. This resulted in a final distinction of the findings in the rethinking the client roles and a section on rethinking the client responsibilities.

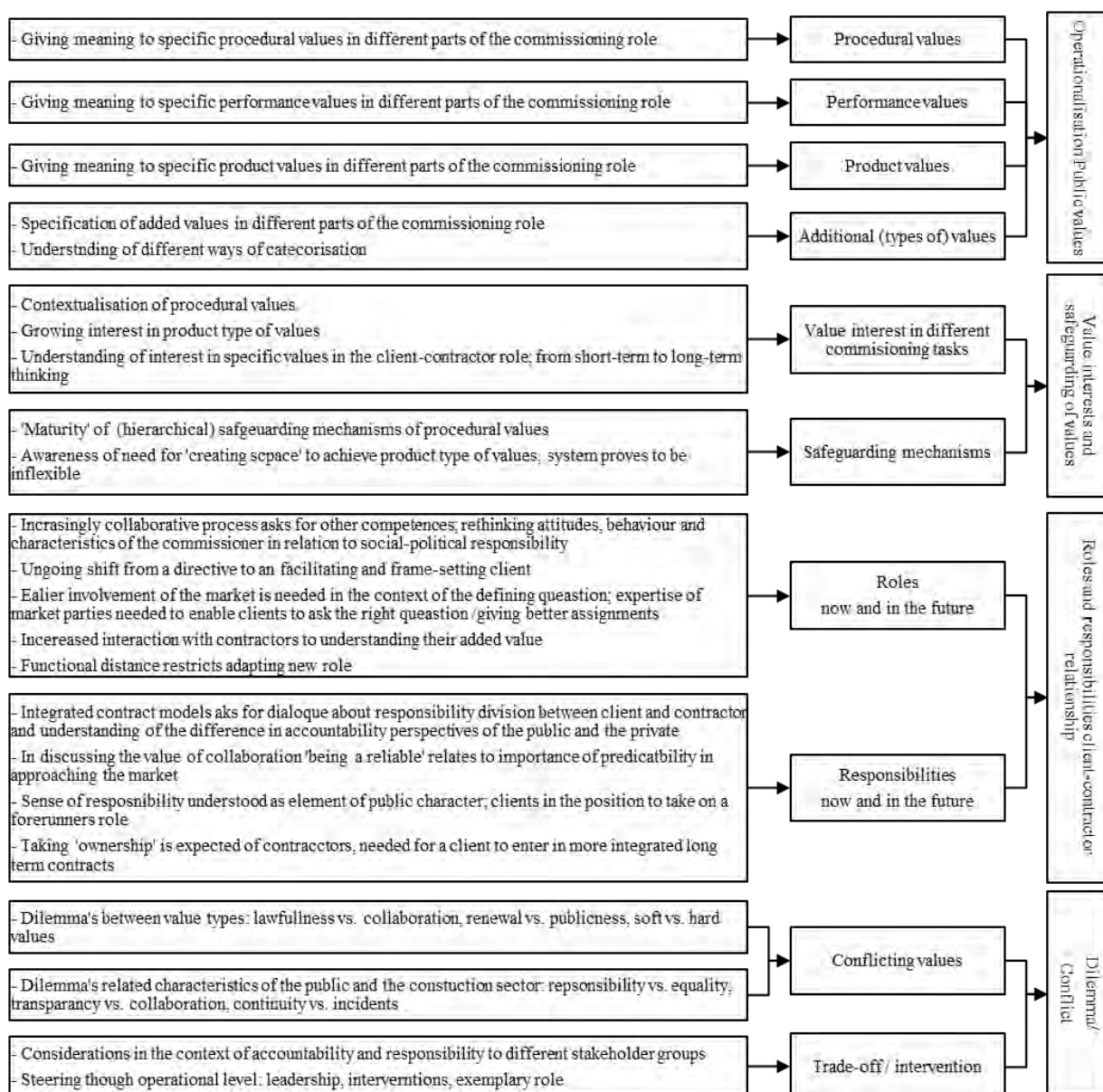


Figure 2: Data Structure

FINDINGS - A NEW INTERPRETATION OF THE COMMISSIONING PROFESSION

In general, there appears to be a strong awareness of the public task with officials of all types of public organizations. There is a general agreement on the importance of a group of procedural values strongly related to the lawfulness and the responsibilities of public client bodies represented in the values of integrity, transparency and reliability. However, results show that in the current collaborative practices of delivering public goods the procedural values of integrity, lawfulness, reliability and

equality are more and more considered as contextual. Thinking about long-term goals, linked to other values such as innovation, sustainability and quality, and long term contracts becomes more important. However, if the public character of a collaboration is leading in a certain situation, it becomes clear that ‘the system’ (e.g. procurement regulations) is inflexible, while ‘space’ (e.g. strategic partnerships) is needed to pursue increasingly important product related values such as sustainability. Hence, to facilitate the value shift, to enable clients to steer on other values than traditional procedural types of values, there is a need to rethink roles and responsibilities.

RETHINKING THE CLIENTS ROLE

We found that with the changing relationship between public client and private contractor, the public client aims to adopt a more facilitating and framework-setting role. Where the role used to be quite directive. *“You see in general, that is nice, we are now also busy with the ‘Future Agenda’ as an organisation, in which we really look at: what are the core values that we need to do something with and what kind of role do we take? In the past it was very reasonable to be very directive: we finds something, we will do that. Now it becomes much more facilitating and participatory, and sometimes initiating and sometimes an intermediary, that sort of thing.”* (DD, CG). Nowadays, there is more attention to the collaborative nature of the relationship and the resulting implications for both the approach towards the market and the interaction with contractors. Changes in playing a certain part in this collaboration are ahead, both for the client: *“We are getting a new environmental law, and that also means another role for the government. We also need to anticipate on that”* (CPO, CG), and the contractor: *“It could also strengthen each other. If we now see that market parties become more willing to take final responsibility, we are more likely to enter in longer term contacts.”* (AM, GbL). However, often the rule is not adequate for the desired behavior. Contextual changes may cause a ‘rule’ to not be sufficient anymore. For example, desired innovation may not be reached or limited because of technology that is ‘not proven’ yet and therefore may not be applied. Or because you need a certain expertise but the procedure to involve someone in the project takes longer than the actual project itself. *“Today I have to hire someone and for example, I come in with a procedure that states that it will take a month. This fits lawfully, but I have the problem and a larger risk in a project today. So the situation will be under pressure.”* (GM, CG).

The perception among clients respondents is that the clients role is about re-shifting the attitude, behavior and characteristic so one can still act according their socio-political responsibility in the changing environment. *“You see that your roles change, so your pattern of behaviour must also change.”* (DD, CG). Although the rules and regulations imply restriction the importance of acting in a compliant manner is emphasised, especially with the changing and different commissioning roles. *“ Because we have a lot of roles in our company. Sometimes we are a semi-public client, but sometimes we are also a private client. So each time we need to very well*

disassemble those roles and the compliancy regulations that there is from the perspective of that role.” (GM, SP). Often it was mentioned that the aim was to focus on trust instead of legalization of the commissioning role, which requires to approach the market in a different way, focusing on an equal level playing field instead of directive competition. Therefore clients also have to be concerned with the understandability for market parties, as public clients often are dependent of the expertise of market parties. In commissioning assignments, public clients are increasingly constraint to drawing up a set of functional requirements, and the market needs to come up with solutions. Hence, it is important to recognize the interest of the potential contractors; but also accepting their interests. “By equality I mean that you have to recognize and recognize each other's qualities and each other's worlds and also that you have to accept that one has a different focus than the other.” (DD, CG). The respondents thus indicated that in order to accept the perspective of the private party, it is important to understand their added value; to recognize the quality in the supply market. This also means that the level of information and expertise within the client organization needs to be sufficient, otherwise one is not able to assess this value sufficiently. Being aware, better assignments can be drawn up that are aligned with private needs and thereby enabling the public clients to use the expertise of market party to strive for the public values put in the assignments.

To deal with values involved in long-term goals, such as sustainability and innovation, it is also important to let the supply market think along in an earlier stage of the process. In particular in relation to formulation and defining, there are many unknowns. We found that the question arises how to define these ‘new’ types of values. Public clients do not seem to have many experience with this and they often need the market parties to understand these types of values.

Therefore they reach out to the market earlier to discuss the latest developments in the market. They, for example, organise market consultations, are involved with different collaborative initiatives and organise meetings with SME's in order to inform their future suppliers about possible collaborations: *“Simply by agreeing and sharing common developments, both public and private, in a client contractor relationship or in relationships to discuss general market development we increase the contact with the market.” (GM, CG). This enables the market parties to prepare and develop in order to be able to be eligible for the future tasks. Since public parties are increasingly dependent of private market parties to achieve their goals, this is in advantage for public clients as well as it is more likely that candidates will be suitable and choices can be made with who to work, apart from only meeting the criteria. “Yes, for example I do think that we are inadequately predictable. We do not yet succeed to make clear what we are going to put in the market the coming years. Every year it is about 100 million, we think but we cannot yet dose it. We should be able to say; well, it is totally inconvenient to put that and that on the market right now. Or talk about it with the market, or announce it, so they can prepare themselves.” (CPO, CG). This also asks for another attitude towards the market, trusting their good intentions. Transitions in the organisation both take place at the level of the structure and processes, and the desired attitude and behaviour of employees. “That sounds very easy, but a contract is not something you just perform. It is also really another way of*

thinking. This imposes other requirements on the organisation and the people who work there" (CPO, CG). Managing the contract, and thereby safeguarding public values as part of their socio-political responsibility, becomes aimed at managing the partnership, the client-contractor relationship. Communication not only when something content related happens, but also about how the process develops. "And the important thing is: we have appointed a coordinator for supplier management to design a kind of relationship management with the market. For example, we noticed that it works when a company calls; I haven't heard anything of tender X'. Then he says: 'Yes, but we encountered some fiscal problems here and there.' As I said process news is also news." (CPO, CG). To a large extent this also relates to managing the expectations of the different roles and responsibilities in the contract. Building these types of relationships asks for other, more soft skills, in the commissioning role. "If you observe it, than it depends especially on the collaboration, wisdom and indeed in honesty. It consists more of soft skills instead of the hard skills. It is all a part of it, completely." (CPO, SP).

However, there also is a need for a certain 'functional distance' in being a public client, making it more difficult to consult market parties. *"I am more cautious when I am in a commissioners role. So I make a distinction in general, exploration, we do not yet have a concrete object, but I want to talk to someone about developments in the construction industry, or developments of the university campus, how does he or she see my campus. These are general orientations, I think I am aloud to do that." (CPO, GbL). Therefore the alignment of the desired new approach towards the market with organisational structures, mechanisms and tools is a challenge in the often bureaucratic, traditional, slowly adapting public organisations. Missions and visions are used to embed the new way of approaching the market within the organisation and its employees: "We have mentioned a couple of values, for example being in charge, but also showing guts to develop things, integration is related to that, and having fun in your job. These are a couple of values of which we say drive the organisation forward" (AM, GbL). In approaching today's complex tasks it is important to solve the problem together and not to revert to old ways of strict contractual divisions of responsibilities. The strict approach of the distinction between the client and contractor, the idea that you pay and you will get the product is not sufficient anymore. Competences are needed from both 'sides', there is a certain interdependence of each other, a need to cooperate to come to the best solution. "Sometimes, we do have the tendency to see the market as the other side of the spectrum. We decide and when we pay we get something in return. I think it is important not to see the market as the other side of the spectrum, but that you actually search together for solutions in the middle. i.e. we have to draw upon our knowledge and skills, but we also have to trust that the others are not solely keen on the least effort for the largest part of the money." (GM, SP).*

RETHINKING THE CLIENTS RESPONSIBILITIES

In the process of changing the relationship between client and contractor through adapting the role, public client gets confronted with their public character and

corresponding accountholders. Public clients are expected to both answer to the expectation of society and the market; both regarding their role and responsibilities in collaboration with the market. This all related to reliability. Whereas the public body is socio-politically responsible, the market must be financially accountable. However together they aim for ‘Best for project’. *“And there is something of responsibility, but what I would try to see in that is the collective responsibility. I do not know if you summarize it under collegiality or something, but I do not really. Because I do not mean fraternally, but you do want to create an atmosphere of shared responsibility. The best for project. We do this.” (GM, CG).*

In the context of this reliability and accountability, it is important to think about risk allocation and distribution. The public client needs trust in their contractors since they will remain ultimately responsible for achieving public values. Public clients are increasingly concerned with ensuring that the private party shows ownership. Coming from a situation in which the public client prescribed everything and now aiming to use the broader knowledge one looks for ownership on the market side. *“A part of the emancipation of our own role, the directive role we also have and mostly developing ownership with our colleagues. That really depends on attitude and behavior: which role do you take, do you dare to make a difference, do you dare to really take the directive role with the corresponding uncertainties?” (GM, CG).* Both public and private agents need to take on more responsibility and take the risk of longer term contracts.

Since public clients are well aware of their dependence of market parties the decision about outsourcing or in house delivery is part of their accountability. This is also underlined by the current developments in the construction sector, such as the collaborative ‘Building Agenda’ which emphasises risk sharing between client and contractor. *“Because I also put in the Bouwagenda: innovation means taking risks with each other.” (CPO, CG).* To remain responsible there is a need to meet the procedural obligations and with that a certain distance between public and private is needed. It is shown that in their approach to the market public clients are concerned with their reliability and predictability. In discussing the value of collaboration, being a reliable partner appears to be discussed most often. *“It is very important that we, as a public client, are reliable and predictable, so you know what could be expected of us” (CPO, GbL).* Public clients are more and more concerned with their approachability; they are in search for connections instead of contradictions in order to build an equal, sustainable relationship on the basis of common values.

Sometimes it is more about ‘the sense of responsibility’ of public organisation themselves than the actual expectations. As a public organisation one serves the public good. The interviews show a strong sense of this responsibility. Looking into the organisations with different ‘degrees of publicness’, there appears to be a strong awareness of the public task with officials of all types of public organisations. *“Intrinsically, people working at governmental bodies feel that they are there to serve the general interest, not the interest of the organisation.” (CP, GbL)* and *“I just have to retain integrity. That is part of the public value I represent. A government official*

should always keep this in mind." (CPO, CG). The results also indicate that this feeling of responsibility relates to the complexity of the inner city and regional tasks public construction clients are dealing with and the need to increasingly incorporate values such as sustainability in order to cope with the issues (in the long run). As a public client you are in the position to be a forerunner, be progressive. "Look, we are in a period in which incredible changes take place and I think that we as an organization should have the moral duty to act as a pioneer. Also, we, as an organization towards the city because in doing so we can safeguard or even accelerate and improve the social-cultural-, the economic- and the ecological sustainability." (GM, CG). Public clients aim to take on a 'leaders role' as they feel this is their responsibility from a socio-political perspective. They believe it is their task to initiate renewal and walk ahead. "We have to be innovative as well. We also have to initiate innovation. We also have to give a good example, but also try something, making testing ground possible, asking challenging questions to the market and testing new processes and procedures." (CPO, GbL). Both the sense of responsibility and the expectations contribute to construction clients (willing to) taking on a leading role in the sector change . Hence, to some extent restricted dependence of private market parties.

CONCLUSIONS AND DISCUSSION

This study contributes to theory on public private collaborations by using public value theory to explain the importance of rethinking roles and responsibilities in construction. We found that public agents need to adopt a more facilitating and frame-setting role to build sustainable relationships that are based on trust. However, limitations exist both regarding adopting the new interpretation of the commissioning role and the transformation of the client-contractor relationship. In contrast to most literature on values in good governance (e.g. Jorgensen and Bozeman., 2007; De Graaf et al., 2013) – which remains to focus on administrative and political obligations - we found that all three types of procedural, performance and product values (De graaf and Paanakker., 2014; Bruijn and Dicke) have a role the client-contractor relationship in the context of commissioning public services in the built environment. In their attempt to find a balance between their procedural obligations as a public agent and the increasing need to steer on sustainability, innovation and quality, our results show that public construction clients aim to contextualise the procedural values related to lawfulness and their socio-political responsibilities. They are looking for a sufficient way to approach the market, as they transfer operational responsibility for achieving values to the private market parties but still remain ultimately socio-political responsible for achieving the public values. The ongoing shift of focus at public commissioning organisations from procedural values towards product- and performance values asks for a more open, transparent, sustainable client-contractor relationship. This client-contractor relationship is traditionally perceived as transactional principal-agent relationship. The assumption underlying this relationship is that the agent (contractor) is self-interested and will act opportunistically; therefore, the principal (client) should adopt a combination of instruments that will eliminate the discretionary space of the agent (Winch, 2010). Even though this theory still seems to be dominant in construction management

research, more relational approaches to client-contractor relationships are gaining momentum, promoting the development of trust (Winch, 2010).

For public clients it becomes increasingly important to recognize and accept contractors interests and recognize their added value so clients can ask the right questions. Facilitating, formulating and defining what you expect of the market seems essential when aiming for long-term relationships to realise socio-political aims. As a public client it therefore is important to develop soft skills enabling information sharing and communication with the market when defining the assignment, in other words, formulating the right question. In contrast to public value theory, which focuses on the formal arrangement of value proposition (Meynhardt, 2009), our findings thus show the importance of relational aspects. This implies that softer mechanisms may be more appropriate, since these are specifically focussed on understanding each other's interest and forming a shared goal. In the context of accountability studies this relates to adopting a hybrid accountability arrangement as described by Michels and Meijer (2008). In line with this our research shows that today's contractual mechanisms - hierarchical mechanisms of accountability - brings along an inflexibility in using the expertise of market parties in the unleashing of projects and the inability to build on earlier partnerships, showing the inability to apply horizontal, informal, mechanisms of accountability.

Our results also indicate that public construction clients are concerned with their reliability and predictability towards the supply market. As they are well aware of their dependence of market parties, the decision about outsourcing or in house delivery is becoming part of their accountability. In the context of this dependency, Strang (2018) - in his recent dissertation about surveillance and coordination in the building process – emphasizes the importance of control of different types of dependence relationships that can occur in a building process. He gives insight in the cohesion of achieving objectives and coordination in the building process by elaborating on interface risks (Strang., 2018). With the increase use of integrated contrac forms in construction attention to the connection of different phases in the construction life cycle is especially important, as transfer of responsibilities is often also part of this interface.

Next, both the sense of responsibility and the perceived expectations contribute to construction clients willingness to take on a leading role in the sector change. It was shown that although many efforts of public construction clients to work with new divisions in roles and responsibilities in public private collaborations, the 'new' commissioning role is not yet embedded in the public construction domain. And we often see public agents reverse to old habits at critical moments. The former focus on procedural obligations made public construction clients risk-averse. A cultural change is needed in the construction industry. Both public and private parties have a responsibility in this sector industry change, as in today's increased public private collaborations the private contractor can be seen as the extension of the public client. Together one should engage in conversations on public values instead of safeguarding (only) in systems, as pointed out by De Graaf and Paankakker (2014) the control of the executive network becomes central. And due to the plethora of stakeholders in different public environments - political, juridical, administrative, social - there might be overlapping accountability relationships within various negotiated environments

(de Bruijn and Dicke, 2006). Since public clients do have a special position within society they can set the example, show leadership and ownership, by guiding, coaching, facilitating, offering solutions/resolving power and/or setting a framework. Internally it is important to find appropriate management logics, skills, methods, mechanisms and strategies to create public value in various constellations of public- and private parties. It is important to be able to answer to the questions which values can and cannot be outsourced, and to what the extend steering is needed for the different (types of) public values strived for in delivery of public goods. And externally, the concern is to leave enough room to the market to use their expertise and knowledge to ensure innovation, sustainability and quality, while still making sure that certain procedural values are achieved in the process of delivering public goods. It is about how to ask the question. And which collaborative form fits best.

Further alignment of values, roles and responsibilities is needed to ensure in public values the context of increased value and volume of integrated contracts in construction. Hence, future research will have to look more closely into the alignment of the shifted roles and responsibilities and organizational- and steering mechanisms that are applied. In the search for governance mechanism and frameworks that are flexible enough and are able to deal with the restrictions that lawfulness brings along, further research will look into value trade-offs that need to be made and conflicts that are experienced by actors in safeguarding these values. In addition, in the context of the increasingly collaborative nature of public service delivery, a research from the perspective of private clients and suppliers would add to the understanding of finding commonalities.

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