

#### **"4 Infraco Default" (e): Failure to produce Estimates - INTC 106**

##### **1.1 BDDI to IFC Changes for Murray Stadium Retaining Wall (S21B)**

- 1.1.1 INTC 106 was issued by the Infraco on the **15/09/2008** circa **53 calendar days** after IFC issue (**Doc01**)<sup>1</sup>. This INTC was predicated on the Infraco's opinion that the BDDI – IFC drawing changes were outwith normal design development.
- 1.1.2 Consequent to and in accordance with clause 80.3 the Infraco requested a reasonable extension of time to the contract requirement of 18 business days to provide an Estimate<sup>2</sup>. In response to that request, **tie** in its letter dated 30/09/2008 (amongst other things) granted the Infraco a further 14 business days (in addition to the contracted 18 days) to produce a competent estimate for INTC 106. As a consequence, the Infraco should have submitted an Estimate on or around the 27/10/2008.
- 1.1.3 On analysis however it appears that the Infraco revised its date for submission 7 times (defaulting each time) before finally submitting an estimate totalling £546,492.22 on **08/06/2010 (Doc02**)<sup>3</sup>. This Estimate was submitted 607 calendar days later than originally required under the Contract and **590 calendar days** later than the extension of time granted by **tie**.

Privileged and confidential – prepared in contemplation of mediation  
FOISA exempt

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<sup>1</sup> Infraco letter reference 25.1.201.IO.497. That letter included INTC's 104, 105 and 106.

<sup>2</sup> Clause 80.2.2

<sup>3</sup> Infraco letter ref: 25.1.201.IO.5928.