
From: Hamish Sheppard
Sent: 07 May 2010 11:27
To: Stewart McGarrity; Gregor Roberts
Subject: FW: J084-407 Note on Current view of CUS disruption claims 2010-03-09
Attachments: J084-407 Note on Current view of CUS disruption claims 2010-03-09.pdf

Latest info from Accutus from JC.

In summary what Accutus are saying is that they believe the claim to be 20-25% disruption totalling £696k (based on actual rates which is higher than the contract)

We have paid circa £1.1m to date, and accrued £2m, from the attached you can see using Accutus data this equates to just under 100% disruption.

Hamish

From: John Casserly
Sent: 07 May 2010 10:51
To: Hamish Sheppard
Subject: FW: J084-407 Note on Current view of CUS disruption claims 2010-03-09

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From: Robert Burt [mailto:rburt@[REDACTED]]
Sent: 10 March 2010 10:19
To: Steven Bell; Fiona Dunn
Cc: Dennis Murray; Graeme Barclay; John Casserly; Anne Connolly
Subject: FW: J084-407 Note on Current view of CUS disruption claims 2010-03-09

Stephen / Fiona – as requested, please find noted below brief bullet-points of the process of analysis which we believe CUS should adopt in order to properly analyse the disruption allegedly caused by matters for which tie is responsible:-

Bullet list

1. In the first instance take one sub-section and analyse any alleged disruption on an 'event-focussed' analysis (as distinct from proceeding on the premise that all hours claimed are to **tie's** account).

2. That sub-section should be **1C0301 (St Andrew Square)** – because this is the area where the combined efforts have been focussed.
3. CUS should then analyse (on no more than a weekly basis – but in reality some analysis will be on a daily basis):
 - a. The planned intent;
 - b. The actual diversion work undertaken (it should be possible to take this from the CUS as-built; although CUS has yet to confirm the source of this data);
 - c. The actual productivity achieved;
 - d. What events arose / were incurred in that week;
 - e. The number of operatives on site and what they were doing;
 - f. Identify (i.e. explain) how / in what way those events caused disruption to the site operatives; and
 - g. Assess the extent of disruption caused by those events (in such a manner as can be explained to **tie**).Note: CUS has still to provide satisfactory data regarding actual hours and costs (this however should come out of this exercise)

If they are agreeable to such a suggestion, it would be prudent to agree precise details of the process with them prior to them going too far with it. This would avoid a situation where they adopt an approach for the whole period which is not necessarily 'the best way forward' (or what we mean). Taking a sample week and discussing it with them would be advisable.

Additional Notes

1. This requires knowledge about and the provision of records concerning what the operatives were doing (or not doing) including when and where. This is a process which CUS has resisted to date – but that is to our mind unreasonable (CUS is obliged to provide this data to tie – see clause 51.5).
2. CUS should compile folders of documents relied upon in any analysis so that the base data can be reviewed and verified.
3. This process was discussed with CUS (Philip Kolon & Steve Beattie) at the meeting on 13 November 2009. At that time CUS (PK/SB) accepted that they required to provide 'something else' to tie (i.e. something different from the current analysis) in order to persuade tie / Acutus of the merits of its claim. Subsequently however CUS declined (verbally) to undertake this separate analysis).

Regards

Robert

From: Anne Connolly
Sent: 09 March 2010 12:08
To: Fiona Dunn
Cc: Robert Burt; John Casserly
Subject: J084-407 Note on Current view of CUS disruption claims 2010-03-09

Fiona – please find attached a note in advance of our discussions this afternoon.

Kind Regards,

Anne

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