
From: Graeme Bissett [graeme.bissett@[REDACTED]]
Sent: 02 August 2009 14:29
To: Richard Jeffrey
Subject: Contractuals

Richard, you will see an email from me on the content of the first two DRP items and my feeling that the presentation is not conducive to efficient challenge by those of us outside the ring.

I have a slightly uneasy feeling that tie may not be on as firm ground as was expected – for example, BSC seem to be contending in the EOT1 case that there is a particular application of the contract schedules and appendices which supports their position, rather than simply loading proposed rates and prices in a manner which any sensible adjudicator would see through. In the Hilton case, BSC are arguing that the works are not in the tendered sum, previously I thought the debate was more simply about deliberately not progressing works and / or failing to submit estimates to do so.

Much of BSC's documentation has a superficial ring of authenticity to it. They are clearly well-practised and their motives are murky, but if these are the slam-dunk disputes for tie, I would worry about where matters stand elsewhere in the list.

There is no doubt about the massive amount of work the team and DLA have done and over a long period against a frustrating and capable adversary. The danger may be one of not seeing the wood for the trees and the sooner a fresh legal and QS review is done on the principal points the better. Or it may just be me not thinking clearly, in which case I hold up my hands.

Regards
Graeme

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