
From: Tweedie, Lorna [lorna.tweedie@dlapiper.com] on behalf of Fitzgerald, Sharon [Sharon.Fitzgerald@dlapiper.com]
Sent: 14 July 2006 11:19
To: Trudi Craggs; Fitzgerald, Sharon; Phil Douglas; gary.easton@turntown.co.uk
Subject: RE: Mudfa- quality of reinstatement works
Attachments: MUDFA- Quality of Reinstatement Works

Trudi

See response attached - could you please send this to Duncan Fraser.

Thanks

Sharon

Dr Sharon Fitzgerald
Associate

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From: Trudi Craggs [mailto:Trudi.Craggs@tie.ltd.uk]
Sent: 14 July 2006 09:28
To: Fitzgerald, Sharon; Phil Douglas; gary.easton@turntown.co.uk
Subject: FW: Mudfa- quality of reinstatement works

Sharon/Phil/Gary

Please see the email below from Dunca Fraser - can you consider his comments and either respond to him directly or let me have a response for forwarding to him.

Thanks
Trudi

From: duncan fraser [mailto:duncan.fraser@edinburgh.gov.uk]
Sent: Fri 14/07/2006 08:59
To: Trudi Craggs
Cc: Keith Rimmer; John Jenkins; Andrew Holmes
Subject: Mudfa- quality of reinstatement works

I am grateful for your response to my comments about the tender assessment process. I wish to follow up on one vital issue the quality of reinstatement works.

As a general guide current restatement practices are not acceptable in terms of their performance requirements of the road network and especially when heavily traffic loaded especially with public transport. It is also accepted that it is very difficult to employ the limited powers with the utilities act (1991) to assist in seeking reparation or encouraging good practice. Compounding this is the technical complexity in providing a simple evidential base to support liability either in contract or through the act. Consequently there is a critical and essential requirement to establish a proof positive performance based design and construction mechanism within the contract to enable an assured and independently verified completion of the works, based on appropriate design and testing regime (closed loop). The typical role of site supervision using clerk of works would in my opinion not be fit for purpose in this case. What is required is a third party independent consultant and staff to assure the works (independant of but reporting to the resident engineer). This quality process should start prior to the commencement of works on site with the contractor

developing an agreed assured method of working and training of all work force involved in this process. Current experience has shown that no contract has yet completed the assurance process satisfactorily first time off-site, demonstrating the current poor working practices employing prescriptive techniques.

The use of assurance methods under this regime has resulted in fewer delays, higher rates of production to the assured standard, less remedial works, fewer claims and good working relations on site target at completing the works. Ultimately this is about managing risks, accepting and appreciated the vulnerability aspect of the works (i.e trench reinstatements) by taking positive action in partnership with those involved- this is not a luxury but a necessity from the road authority perspective. The managing of the material supply chain, the use of correct plant and the development of the people skills to build and check the work are all part of the process to ensure out comes are predictable and fit for purpose. This process is however not as yet common practice, hence my comments that the level of enquiry to the contractors does not in my opinion give me confidence that the work will meet the standards necessary for these works especially in traffic critical locations.

The risk on the proposed works in some areas will be higher than normal for at least two reasons,namely the high volume of public transport that will run on these reinstatement especially on the inner wheel track and the difficulty of effecting repairs without causing major disruption especially if during the InfraCo contract- this potential incur delays and penalties to the InfraCo contract.

It is unfortunate that because of deadline and work pressure that the opportunity to include this within the tender documents has not been taken, even though the Council did provide tie with some verbal and written guidance on this matter. However because it is a ITN process and one with a pre-contract period it should be possible as you suggest to include this process. However the opportunity has been lost to determined the contractors attitude and management culture to this form of working and any potential additional cost.

The Council has give you advice to tie on this process of quality assurance, quality control and quality development. Fortunately you are employing the best consultants with international experience hence what the Council is promoting in terms of current best practice, fit for purpose through an quality assured process should be a matter of common knowledge for them to arrange and manage during the pre-contract period. If however tie and SDS wish to see an example of this in practice the Council could arrange a site visit and a presentation.

In conclusion and at this time could you explain to the Council more comprehensively how your tender assessment and future processes will ensure that an appropriate quality of works will be assured on this high profile project.

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