



"1 EoT and L&E relating to MUDFA Works (i) INTC 536 effectively ignores INTC 429 decision"

1.1 INTC 536 Estimate

1.1.1 Despite stating to the contrary, the INTC 536 Estimate does not take into account, or give effect to, the Adjudicator's decision on INTC 429 (MUDFA Rev. 8).

1.2 Section A and B Completion Dates

1.2.1 Reference is made to Slide No. 1a.

1.2.2 A further EoT is claimed for Section A yet there has been no change to the completion date for the MUDFA Works in that area. The MUDFA Works were in fact complete prior to the INTC 429 adjudication and it was against that factual background that the Adjudicator made his decision.

1.2.3 With respect to Section B, there would not appear to be any change to the MUDFA Works completion data since the base date for the INTC 429 Estimate. Consequently, there appear to be no further grounds to seek EoT for late completion of MUDFA Works. In the INTC 536 Estimate delay analysis the Infraco has altered activity durations and programming logic to project a much later completion date for Section B. There would appear to be no legitimate reason for doing so. If such these same changes were to be made to the Rev. 0 or Rev. 1 Infraco construction programmes, the projected Section B Completion Date would not comply with that prescribed in the Infraco Contract.

1.3 Section C and D Completion Dates

1.3.1 Reference is made to Slide No. 1b.

1.3.2 The top third of the programme (turquoise bars) shown on Slide No. 1b summarises some of the work on Section 1C. The timing and magnitude of the MUDFA Rev. 8 delay is shown by the left most red arrow. If that were to be impacted into the Infraco construction programme without any mitigation measures it would project a requirement for EoT to the Section C and consequently the Section D Completion Dates. Assuming that no resourcing smoothing preferential logic were to remain, the minimum requirement for EoT, without mitigation or acceleration by the Infraco, would be as shown by the red arrow linked to the text box outlined in red.

1.3.3 Given that the Adjudicator decided the EoT award for these circumstances to be "Nil", the Infraco is required for recovering any projected requirement for EoT it is projecting and/or accept liability for that amount of delay to completion.

1.3.4 As can be seen from the middle third section of the programme (pink bars), the INCT 536 delay analysis programme retains the same durations for this section of the works and simply pushes



them out to start when the INTC 536 MUDFA milestone date has been reached. By doing so, the Infraco is ignoring its liability to recover the delays that it was projecting under INTC 429 for which it was awarded no EoT.

- 1.3.5 The bottom third of the programme (blue bars) shows, for comparison purposes, the updated Infraco construction programme for this work as at the INTC 536 base date of July 2010. It is apparent that that programme is projecting a greater delay to completion than is shown on the INTC 536 delay analysis programme. It is worthy of note that the updated programme shows an earlier date for the MUDFA milestone yet a later date for Section C completion. All of this is unexplained and has not been taken into account in the preparation of the INTC 536 Estimate.