

Supplementary Questions for Tom Hickman

1. By email dated 5 May 2008 (**CEC01294478**) you circulated a schedule (**CEC01294479**) of potential Notified Departures arising from the mismatch at Infraco contract close between the BBS construction programme and the SDS design programme. What consideration was given within Tie, and by whom, before contract close of the potential Notified Departures identified in that schedule? Was there any discussion within Tie (and, if so, between whom) of these potential Notified Departures? Who within Tie was responsible for quantifying these potential Notified Departures?
2. Of the approximately 78 potential Notified Departures identified in the schedule, eight are stated to have an impact on the programme, seven are stated to have a potential impact on the programme and the rest are stated not to have an impact on the programme. In relation to the potential Notified Departures that are stated not to have an impact on the programme, was that largely as a result of BBS reprogramming their works in order to avoid such an impact?
3. Prior to contract close, was it anticipated that the mismatch between the BBS construction programme and the SDS programme would result in one Notified Departure (e.g. as referred to in the Report on the Infraco Contract Suite, **CEC01338851**, page 4) or multiple Notified Departures (e.g. as listed in the schedule you prepared, as noted above)?
4. In the event, did the mismatch between the BBS construction programme and the SDS programme result in one INTC (Infraco Notice of Tie Change) or multiple INTCs? We understand, for example, that one INTC was intimated as a result of the mismatch at contract close between the construction and design programmes (see INTC1 – **CEC01288310**) and that further INTCs were issued following each revision of the design programme i.e. revisions 32 to 56 (see e.g. the Infraco Change Register, **BFB00003297**, pages 73, 79, 80, 83, 84, 87 and 89). Is our understanding of matters in that regard correct?

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1. The email referred to (CEC01294478) indicates who the information was shared with. I have no recollection if we formally reviewed this as a team, individually or whether or not the information was reviewed by each individual at face value.

The distribution on the email includes Programme Director / Deputy Project Director, Sectional Managers, Construction Managers, Design Managers, Quantity Surveyors, Risk Manager, Commercial Manager, project Director and others. I can only assume that this information was taken into consideration at the time by the parties directly involved in the contractual negotiations.

2. Of the c.63 potential notified departures indicated that are deemed not to have an impact on the programme, this is a mixture of some areas forecasting an improved IFC date at v31 than that reported at v26, and some that were re-programmed by BBS. I have no recollection of BBS being requested or advising that they had undertaken a re-programming exercise however that is not to say that this was not the case. This could have been purely down to BBS submitting a revised programme without consideration to v31. I have no way of recalling now what the driving factors were.

3. Other than identifying where there could be notified departures arising from the programme change between v26 and v31, I had little or no input into the decision making process for notified departures. I have no way of knowing what the thought process was on whether a single over-arching notified departure or multiple notified departures were expected.

4. I have no recollection whether or not this event resulted in one or multiple notified departures, however I assume that this will now be a matter of record.