

## Caen Road, Swindon

Year	Contract	Employer	Project	Our Client
2009	GC Works 1 (without quantities (1998) for Building and Civil Engineering major works, with amendments)	Thamesdown Borough Council/ Taylor Wimpey	Wichlestowe Swindon	Fitzpatrick Construction Ltd



### Summary

The works involved the construction of 1200m of new road on an embankment, a canal crossing structure, two culverts, a wildlife corridor and a cycle bridge. The contractor was also required to manage the interface and connections of the new road and utility infrastructure works with the existing and adjacent networks.

The late provision of design information, significant levels of change and problems with that interface resulted in extensive delays and disruption to the works. This exposed the contractor to the threat of LAD's and significant additional cost, which it rightly sought to recover. QUALSURV were able to assess and demonstrate the Employer culpable delays, secure an entitlement to the additional time required to complete works and our commercial assistance resulted in the settlement of the final account, to the complete satisfaction of the contractor.

### The Quarrel

This form of contract places the obligation of evaluating the cost and time implications of change with the Engineer.

The late issuing of the required design information and high levels of change caused significant delays and increased cost. The Engineer, having failed in his obligations, left the contractor exposed to the threat of LAD's and uncertain as to the recovery of the additional amounts it had expended. The contractor required QUALSURV's assistance to properly prepare and present its case and to engage with the Engineer to ensure it properly evaluated the claims, in accordance with the terms of the contract.

### The Challenge

The most significant challenges faced were the lack of suitable site records or proofs required for the preparation of the as built programme, and the availability of key personnel to assist in this and our commercial work. This was a live site, the contractor's personnel were fully occupied in managing the completion of the project and it was vital that they were not distracted during our work. QUALSURV were considered and flexible in their approach and this ensured the efficient use of everyone's time, enabling all of the claims to be prepared in a timely manner, whilst allowing the effective and continued management of the works on site.

### Actions

QUALSURV prepared a retrospective delay analysis comprising an as built programme and delay schedules, which both explained and evaluated the delays caused by the Employer culpable events. QUALSURV also provided commercial assistance to price any change. That work was presented to the Engineer to facilitate his own assessments and our discussions with him ensured that he complied with the obligations placed on him under this form of contract.

### Outcome

QUALSURV's forensic delay analysis and commercial support resulted in the award of all of the additional time the contractor required to complete the varied works and to a successful negotiation of the final account.

