

GSM-R/FTN Rail Framework Contract

Contract	Employer	Project	Our Client
RT3 Design and Construct	Network Rail Infrastructure Ltd	GSM-R/FTN Rail Framework Contract	Birse Rail



Summary

The works included the design and construction of circa 129km of fibre optic and copper cable routes together with base station sites on 23 different route sections. Following post contract changes to the specification and to the sequence order and timing of the installations, the original contract price increased from £1.5 million to over £6.9 million. QUALSURV were engaged to assist in the preparation of the final account documentation and to present the Contractor's case to the Employer's representative in an attempt to secure its full entitlement.

The Quarrel

It was the contractor's case that the changes had rendered the rates and prices contained in the contract inappropriate or inapplicable. However, the Employer's representative would not accept that the nature and extent of the changes entitled the contractor to have new rates derived and applied to the varied works.

The Challenge

Notwithstanding the strength of the contractor's case, any attempts to openly discuss the issues were met with stubborn resistance from the Employer's representative. The contractor's applications were simply rejected, with limited explanations or sound reasoning to support the position taken. QUALSURV adopted a collaborative approach to resolving the dispute in an attempt to secure payment without damaging what was clearly an important commercial relationship.

Actions

QUALSURV carried out a thorough review of the Contract documentation to ensure a clear and factual understanding of the contractual entitlements, including the right to have new rates derived and applied to the varied works. This involved gathering and scheduling of all relevant communications, instructions and records to substantiate and value all variations. We took a methodical, practical and

thorough approach to measurement and pricing with an emphasis on accuracy and evidence, annotation and cross referencing. Our work also included the close liaison with the Employer's project team and senior management to expedite the entire process. The Final Account documentation was logically structured, clear and concise, suitably summarised and fully substantiated for ease of review.

Outcome

QUALSURV prepared clear, concise and fully substantiated final account documentation to aid negotiations with the Employer and his representatives, which, following attempts to mediate the dispute, finally resulted in a successful negotiated settlement of the final account.

