

APPENDIX 1.

1.1 Summary of Findings

- 1.1.1 There were some early delays for which TRDC / Atkins hold some responsibility.
- a) These include the service terminations which were not Gee's responsibility.
 - b) However Gee did nothing to try to overcome the problem and mitigate the delay.
- 1.1.2 Atkins has awarded a series of EOT awards against some of these early delays, albeit that some of these appear to contain unnecessary or significant "over" awards. These include:
- a) The original delay to the start of the project.
 - b) An extension of time for stopping work on the learner pool (when clearly this was due to Gee's poor construction planning, leading to the steelwork being re-sequenced)
 - c) Other delays associated with the un-terminated services, and
 - d) The movement of the main pool sump
- 1.1.3 Gee's performance on the project was very poor:
- a) The programme was extremely poorly put together at the outset and there was little forward thinking by the site manager on site. Because of this lack of planning the project very quickly became out of any sort of pragmatic sequence and became out of control. The client and design team were very frustrated at the lack of practical planning and asked on many occasions for a better and more realistic programme but this was not forthcoming.
 - b) As a consequence of the poor planning, tradesmen were quickly disillusioned and merely set to work "wherever there were work-faces available". Many subcontractors became so irritated with the management of the project that they terminated their own contracts (and Gee had to find replacements).
 - c) The as-planned critical path should have passed through a traditional foundation and substructure; superstructure and envelope closure; fit out and finishes sequence (but with the pool halls included). However the construction methodology illustrated in the programme would suggest that little thought was given to a pragmatic sequence, with large activity sequences left out or forgotten.

- d) The as built critical path is likely to pass through the site set up; temp works; demolition; re-sequenced strip & pad foundations; steelwork installation; learner pool and main pool; ground floor drainage; and the preparation of the pool tanks and ceramic tiling.

1.1.4 The key delays to the as-built critical path can be summarised as:

- a) Delay to the start of the project
- b) Delay to the services Isolations, leading to delay in the start of demolitions
- c) The required re-sequencing of foundations and the early installation of the steel frame (when compared to plan);
- d) The large delays to the closing of the envelope (some 5 times longer than anticipated);
- e) The elongated installation periods of the main pool tank and plant room (due to the plant room being missed from the programme sequence);
- f) The preparation of the pool tanks and the application of screed / render works (again, both missed from the original sequence); and
- g) The seemingly elastic tiling installation.

1.1.5 Key conclusions:

- a) Gee's performance was poor from the outset (both on site and in its planning prior to arriving on site).
- b) Atkins was often late with providing designs and instructions, though it is less clear as to the exact critical effect this had (if any).
- c) Between the poor Contractor and Consultant, progress on site was extremely slow.
- d) Atkins appears to have accepted many of Gee's early EOT claims without independently checking the factual details. It appears certain that Atkins has over awarded EOT for some of these delays which, when examined carefully, appear not to have actually caused critical delay to Gee's works. The early EOT awards are therefore considered overly generous.
- e) However, the overall EOT awarded to date may not be unreasonable.

f) Our overall conclusion is that Gee is likely to be entitled to between 32 and 114 working days of EOT (thereby extending time to between 7/4/08 and 31/7/08).

i) While the lower end of this range is possible (and indeed seems more likely in many regards) there are many potential areas of claim relating to information delays for which Atkins might be found to be responsible (and for which an extension of time might otherwise be due, had those areas of work been on the as-built critical path or contributed to the delays on the critical path).

ii) As a result, I cannot rule out the possibility that the higher end of EOT award is appropriate.

1.1.6 Notwithstanding the above conclusions, there are many occasions when Gee could and should have mitigated delay (and further delay) with simple pragmatic construction planning. This was something it appeared to have had continual trouble with!