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Shared Responsibility and Liability for Underground works

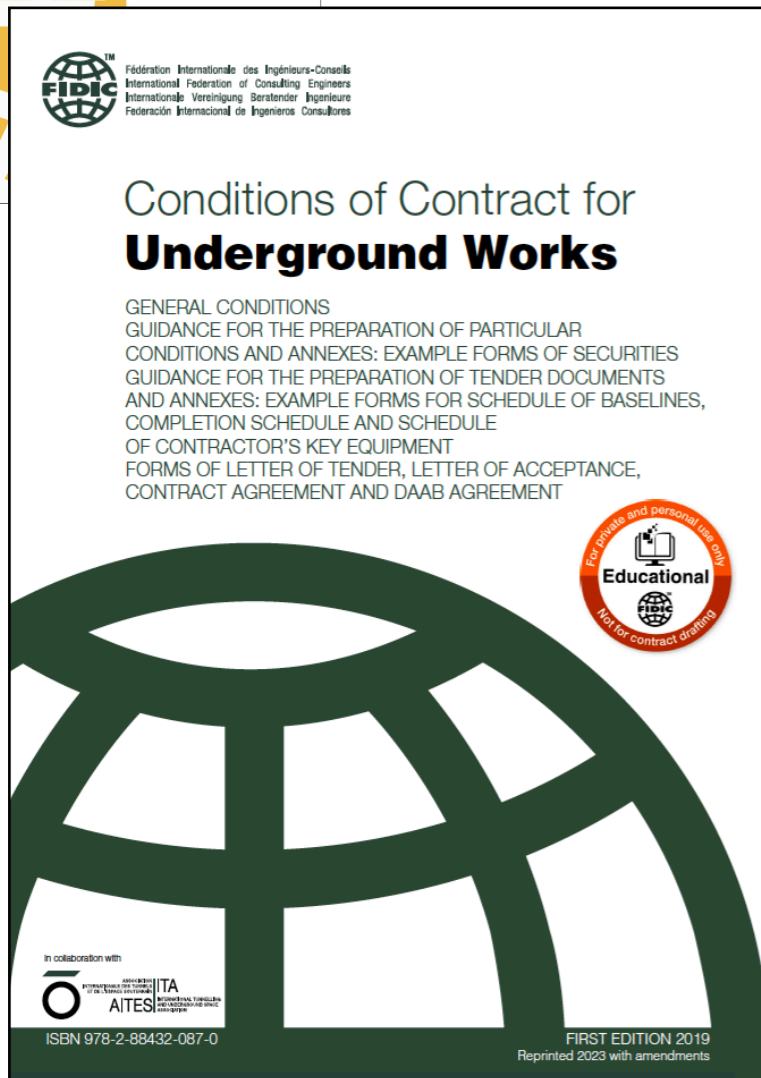
2.5 Site Data and Items of Reference

P&DB (Yellow)

The Employer shall have made available ... **for information**, ..., all relevant data in the Employer's possession ... on sub-surface, hydrological, ... and environmental conditions at the Site

Underground (Emerald)

The Employer shall have made available ... **for information**, ..., all relevant data in the Employer's possession ... on hydrological, ... and environmental conditions at the Site, and on geological, geotechnical and hydrogeological data of the subsurface of the Site [including]  
 (a) the Geotechnical Baseline Report GBR  
 (b) the Geotechnical Data Report GDR



## 4.10 Use of Site Data vs 4.10 Use of the Site Data, of the GBR and of the GDR

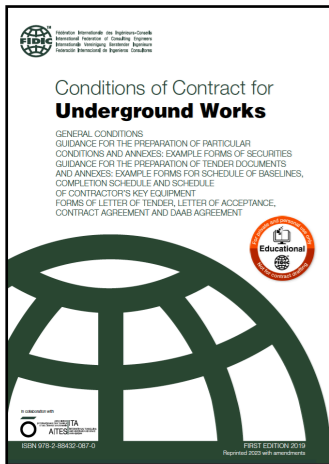
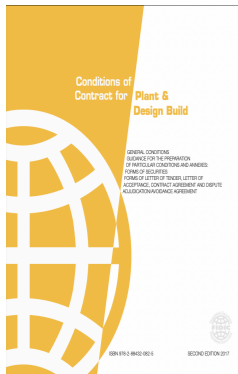
### P&DB (Yellow) 4.10 Use of Site Data

The Contractor shall be responsible for interpreting all data referred to under Sub-Clause 2.5 [ Site Data and Items of Reference ].

### Underground (Emerald) 4.10 Use of the Site Data, of the GBR and of the GDR

**Subject to the provision of 4.10.2 [Use of GBR], the Contractor shall be responsible for interpreting all data referred to under Sub-Clause 2.5 [ Site Data and Items of Reference ].**

**4.10.2 Use of GBR - The Contractor shall be deemed to have based the Tender and the Contractor's Proposal for the Excavation and Lining Works on the subsurface conditions and ground reactions described in the GBR, irrespective of any discrepancy or ambiguity that may be found between such conditions and/or reactions and the conditions described in any data made available under SCI. 2.5 [ Site Data and Items of Reference ].**



## 4.12 Unforeseeable Physical Conditions in P&amp;DB (Yb) vs. Underground (Eb)

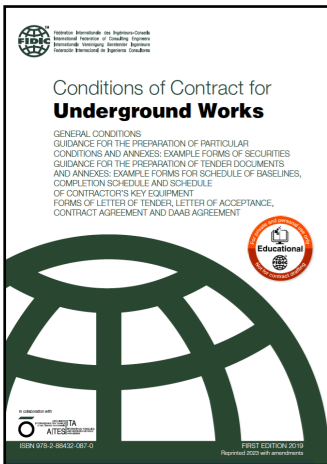
## P&amp;DB (Yellow) - 4.12 Unforeseeable Physical Conditions

If the Contractor encounters physical conditions which the Contractor considers to have been **Unforeseeable** and that will have an **adverse effect** on the progress and/or increase the Cost of the execution of the Works, the following procedure shall apply: ... ..

## Underground (Emerald) 4.12 Unforeseeable Physical Conditions

If the Contractor encounters physical conditions which the Contractor considers to have been **Unforeseeable** and that will have an **adverse effect** on the progress and/or increase the Cost of the execution of the Works, the following procedure shall apply: ... ..

However, the impact on the progress and/or the Cost of any physical conditions that are described in the **GBR** shall not be assessed under this **Sub-Clause** but under Sub-Clause 13.8 [Measurement of Excavation and Lining Works and adjustment of Time for Completion and Contract Price]



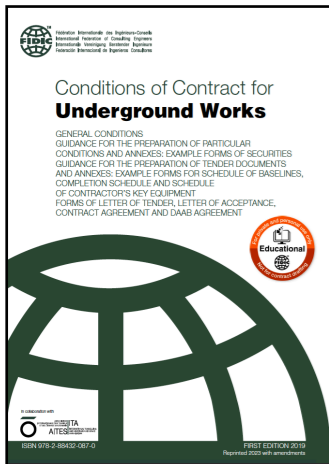
**New Sub-Clause 13.8 [Measurement of Excavation and Lining Works and adjustment of Time for Completion and Contract Price]**

**Underground (Emerald) 13.8 [Measurement of Excavation and Lining Works and adjustment of Time for Completion and Contract Price]**

**... only the Excavation and Lining Works shall be subject to measurement, ...**

**The Contract Price and Time for Completion shall be adjusted following such measurement, and the Parties shall be entitled to such adjustment without the need to submit a Statement or any formal Notice (including any requirement to comply with SCI. 20.2 [Claims for Payment and/or Extension of Time])**

**If and to the extent that the Contractor suffers delays and/or incurs Cost as a result of subsurface physical conditions ... that are outside the limits described in the GBR, SCI. 4.12 [Unforeseeable physical conditions] shall apply**



## New Sub-Clause 13.8 [Measurement of Excavation and Lining Works and adjustment of Time for Completion and Contract Price]

### 13.8.2 Bill of Quantities for Excavation and Lining Works

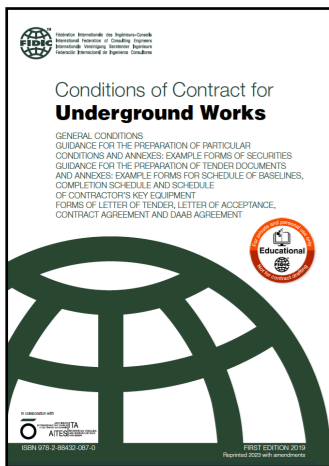
The Contractor provides in its Tender the Unit Rates. The Bill of Quantities shall include, for the Excavation and Lining Works:

- Fixed Rate items
- Time-related rate items
- Quantity related rate items

### 13.8.3 Adjustment of Time for Completion

The time ... for the completion of the Works, Sections and/or Milestone comprising Underground Works shall be reassessed (reduced or extended) by the Engineer by applying the production rates provided by the Contractor to the measured quantities ...

## 3.2.2 [Engineer's Specific Duties and Authority for Excavation and Lining Works]



**Thank you for your attention**

