

**SOCIALIST REPUBLIC OF VIETNAM  
MINISTRY OF TRANSPORT  
PROJECT MANAGEMENT UNIT No. 85 (PMU85)**



**CONSULTING SERVICES  
FOR  
HAI VAN PASS TUNNEL CONSTRUCTION PROJECT  
CONTRACT No. 01/HVT/97  
(OECF Loan Agreements No. VNIV-5, VNVI-5 and VNIX-4)**

**CLAIM EVALAUTION REPORT  
FOR  
PACKAGE-1A: NORTH TUNNEL SECTION  
  
REPORT 1: CLAIM IDENTIFICATION**

**JULY 2004**

**JOINT VENTURE OF  
NIPPON KOEI CO., LTD. and LOUIS BERGER INTERNATIONAL INC.  
in association with  
TRANSPORT ENGINEERING DESIGN INCORPORATION**

**CLAIM EVALAUTION REPORT FOR PACKAGE-1A: NOERTH TUNNEL SECTION**  
**Report 1: Claim Identification**

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## CLAIM EVALAUTION REPORT FOR PACKAGE-1A: NOERTH TUNNEL SECTION

### 1 General

The Contractor of Package-1A: North Tunnel Section, J/V of Hazama and Cienco 6, issued the claim letter by his letter No. ENG-04-027 dated 12 February 2004.

Correspondence list related to the claim is tabulated as shown in **Appendix-A**. The Contractor's presentation has been made as shown in **Appendix-B**.

### 2 Claim Management Procedure

The Consultant has been carrying out the project management by referencing the following matrix indicated in PMBOK 2000 issued in 2001 by PMI (Project management Institute).

Process Groups Knowledge Area	Initiating	Planning	Executing	Controlling	Closing
4. Project Integration Management		4.1 Project Plan Development	4.2 Project Plan Execution	4.3 Integrated Change Control	
5. Project Scope Management	5.1 Initiation	5.2 Scope Planning 5.3 Scope Definition		5.4 Scope Verification 5.5 Scope Change Control	
6. Project Time Management		6.1 Activity Definition 6.2 Activity Sequencing 6.3 Activity Duration Estimating 6.4 Schedule Development	6.6 Activity Weights Definition	6.5 Schedule Control 6.7 Progress Curves Development 6.8 Progress Monitoring	
7. Project Cost Management		7.1 Resource Planning 7.2 Cost Estimating 7.3 Cost Budgeting		7.4 Cost Control	
8. Project Quality Management		8.1 Quality Planning	8.2 Quality Assurance	8.3 Quality Control	
9. Project Human Resource Management		9.1 Organizational Planning 9.2 Staff Acquisition	9.3 Team Development		9.3 Project Completion
10. Project Communications Management		10.1 Communications Planning	10.2 Information Distribution	10.3 Performance Reporting	10.4 Administrative Closure
11. Project Risk Management		11.1 Risk Management Planning 11.2 Risk Identification 11.3 Qualitative Risk Analysis 11.4 Quantitative Risk Analysis 11.5 Risk Response Planning		11.6 Risk Monitoring and Control	
12. Project Procurement Management		12.1 Procurement Planning 12.2 Solicitation	12.3 Solicitation 12.4 Source Selection 12.5 Contract Administration		12.6 Contract Closeout
13. Project Safety Management		13.1 Safety Planning	13.2 Safety Plan Execution		13.3 Administration & Reporting
14. Project Environmental Management		14.1 Environmental Planning	14.2 Environmental Assurance	14.3 Environmental Control	
15. Project Financial Management		15.1 Financial Planning		15.2 Financial Control	15.3 Administration & Records
16. Project Claim Management		16.1 Claim Identification 16.2 Claim Quantification		16.3 Claim Prevention	16.3 Claim Resolution

**Figure 3-1.** Mapping of Project Management Processes and Construction Management Processes to the Process Groups and Knowledge Areas

Figure 2.1 Referenced Job Matrix (PMBOK 2000)

In accordance with Chapter 16 of the above table, the claim has been managed by the following four steps:

- 1) Claim Identification
- 2) Claim Quantification
- 3) Claim Prevention
- 4) Claim Resolution

This report is an outcome of Step 1: Claim Identification. After confirmation of this identification, Step 2: Claim Quantification will be carried out.

### **3 Step 1: Claim Identification**

#### **3.1 Purpose of Claim Identification**

Purpose of Claim Identification is:

- Interpretation of what the Contract requires,
- Confirmation of documented description of the activities viewed as extra to that required by the Contract

#### **3.2 Procedure of Identification**

Following procedure was applied to identify the claim:

- 1-1) Category and Type of Claim
- 1-2) Screening by FIDIC Clause 53
- 1-3) Verification of Grounds
- 1-4) Summary of Claim Identification

#### **3.3 Category and Type of Claim**

##### **3.3.1 Five Categories Proposed**

The Contractor categorized his claims as follows and the Engineer has no objection to this categorization.

**Table 3-1 Five Category of Claims**

Category	Description	Nos of Claims
C1	Issues Affecting Whole of Site ad Causing Delay to Project Completion	2
C2	Issues Resulting in Delay to Ventilation Adit	7
C3	Issues Causing Delay to Main Tunnel and Project Completion	16
C4	Variation Issues not Relevant to Other Issue Category	14
C5	Issues Necessary for Acceleration of Project	10
Total		49

### 3.3.2 Grouping by Specific Events

Some claims in 49 are derived from same event and the Contractor proposed to manage by each group basis as follows:

**Table 3-2 Grouping by Specific Event**

Group	Category	Description	Nos. of Claims
G1	C2	144m Extension of Ventilation Adit	5
G2	C3	Rock Hardness	6
G3	C3	Provision of Temporary Cross Passage	3
G4	C5	Acceleration of Main Tunnel Excavation	10
G5	C1,C2,C3	Non-Contributing Production Resources Affected by Delay	3
G6	C4	Ventilation System and Lighting System at EP Tunnels 1 and 2	2
G7	C1,C2,C3,C4,C5	Others	20
Total			49

### 3.3.3 Type of Claim

A claim is additional compensation for extra work or an extension of time for completion or both. Following claim type is applied to identify this viewpoint:

**Table 3-3 Three Claim Type**

Type	Description	Nos of Claims
A	Claim for extra work to the Contract requirement	34
B	Claim for an extension of time (EOT) for completion	9
C	Claim for both extra work and EOT	6
Total		49

### 3.3.4 List of Claim

Through the above, all claims are summarized in the table below:

**Table 3-4 List of Claim**

Claim Code No.		Description		Extra Work Only (Type A)	EOTOnly (Type B)	Both (Type C)
CATEGORY 1 - Issues Affecting Whole of Site and Causing Delay to Project Completion						
C1	G7	CC.01	Deferred Commencement of Project and Related Matters		X	
	G5	CC.02	Non-Contributing Production Resources Affected by Commencement Delay	X		
CATEGORY 2 - Issues Resulting in Delay to Ventilation Adit						
C2	G7	CC.03	Adverse Water Conditions			X
	G1	144m-Extension to Adit				
		CC.04	Time for Additional Excavation		X	
		CC.05	Time for Additional Concrete Lining		X	
		CC.06	Time for Relocation of Junction Works		X	
		CC.07	Unit Rates not Applicable to Extension (Excavation, Concrete, Shotcrete and others)	X		
		CC.08	Provision of Additional Ventilation Fans due to Excessive Heat	X		
	G5	CC.09	Non-Contributing Production Resources Affected by Ventilation Adit Works Delay	X		
CATEGORY 3 - Issues Causing Delay to Main Tunnel and Project Completion						
C3	G7	CC.10	North Portal + 72m			X
		CC.11	Rockbolts in Rock Support Type I Conditions			X
	G2	Rock Hardness				
		CC.12	Additional Drilling and Reduced Advance		X	
		CC.13	Overbreak			X
		CC.14	Bulking		X	
		CC.15	Additional Volume of Concrete Lining, Waterproofing, Leveling Concrete and Aggregate Fill	X		
		CC.16	Increase in Repair and Maintenance	X		
		CC.17	Additional Shotcrete	X		
	G7	CC.18	Additional Layby at Relocated EP1			X
		CC.19	Remedial Works for Excess Geological Deformation		X	
		CC.20	Impact of Adit Delay on Main Tunnel Progress		X	
	G3	Provision of Temporary Cross Passages				
		CC.21	Temporary Cross Passage (TCP2) from MT to ET	X		
		CC.22	Temporary Connection Tunnel from VA to MT	X		
	G7	CC.23	Power Authority Power Failures			X
	G5	CC.24	Non-Contributing Production Resources Affected by Main Tunnel Works Delay	X		
	G7	CC.25	Consolidated EOT Request (including Time-Related Costs of Delay)		X	
CATEGORY 4 - Variation Issues not Relevant to Other Issue Category						
C4	G7	CC.26	Box-out Forms for Notches in Concrete Lining	X		
		CC.27	Provision of Water Treatment Plant	X		
	G6	CC.28	Ventilation System at EP Tunnels 1 and 2	X		
		CC.29	Lighting System at EP Tunnels 1 and 2	X		
	G7	CC.30	Steel Form for Concrete Lining of Permanent Cross Passages	X		
		CC.31	Reduction in Measured Works	X		
		CC.32	Redundant Permanent Materials (Wire Mesh, Rockbolts and others)	X		
		CC.33	Exchange Rate Impact on Imported Materials	X		
		CC.34	Slope Length Method of Measurement	X		
		CC.35	Provision of Temporary Cross Passage (TCP1)	X		
	G7	CC.36	Removal of Boulders at North Portal, Adit Portal and Adit Access Road	X		
		CC.37	Price Adjustment of Blasting Materials	X		
CC.38		Temporary Gravel Bedding at Portal Plaza and Tunnel Road Maintenance	X			
CC.39		Extended Working Time for the Remaining Works (OT Premium)	X			
CATEGORY 5 -Issues Necessary for Acceleration of Project						
C5	G4	CC.40	Provision of Additional Drilling Jumbo at Workface	X		
		CC.41	Long Drilling Experimentation for Increased Advance	X		
		CC.42	Double Handling of Muck from Workface	X		
		CC.43	Deployment of 2nd Advance from South End of Tunnel	X		
		CC.44	Provision of Additional Equipment - 3rd Jumbo at MT Workface	X		
		CC.45	Provision of Additional Equipment - Excavators for Drainage	X		
		CC.46	Rear Works Commenced before Completion of MT Excavation	X		
		CC.47	Mobilisation of Additional Supervisory Personnel	X		
		CC.48	Provision of Temporary Cross Passages (TCP3 & TCP4)	X		
		CC.49	Provision of Additional Transformer	X		
Total				34	9	6

### 3.4 Claim Screening by FIDIC Clause 53

#### 3.4.1 Screening Procedure

In accordance with GCC Clause 53, all claims are identified and screened. Applied procedure is as shown in **Figure 3.1**

#### 3.4.2 List of Supportive Documents

FIDIC Clause 53 requires the following supportive documents.

**Table 3-5 Required Supportive Documentation by FIDIC Clause 53**

Sub-Clause	Title	Required Supportive Documentation
53.1	Notice of Claims	Letter
53.2	Contemporary Records	Report
53.3	Substantiation of Claims	1) Detailed Particular 2) Grounds Upon 3) Interim Account 4) Final Account

List of the supportive documentation is shown in **Appendix-C**.

#### 3.4.3 Summary of Screened Results by FIDIC Clause 53

Screened result is summarized in **Figure 3.2** and **Table 3.6**.

As shown in the figure and table, the Contractor fails to comply with his obligation under Sub-Clause 53.1, 53.2 or 53.3. Therefore, Sub-Clause 53.4 should be applied for most of all claims which does not comply with the conditions.

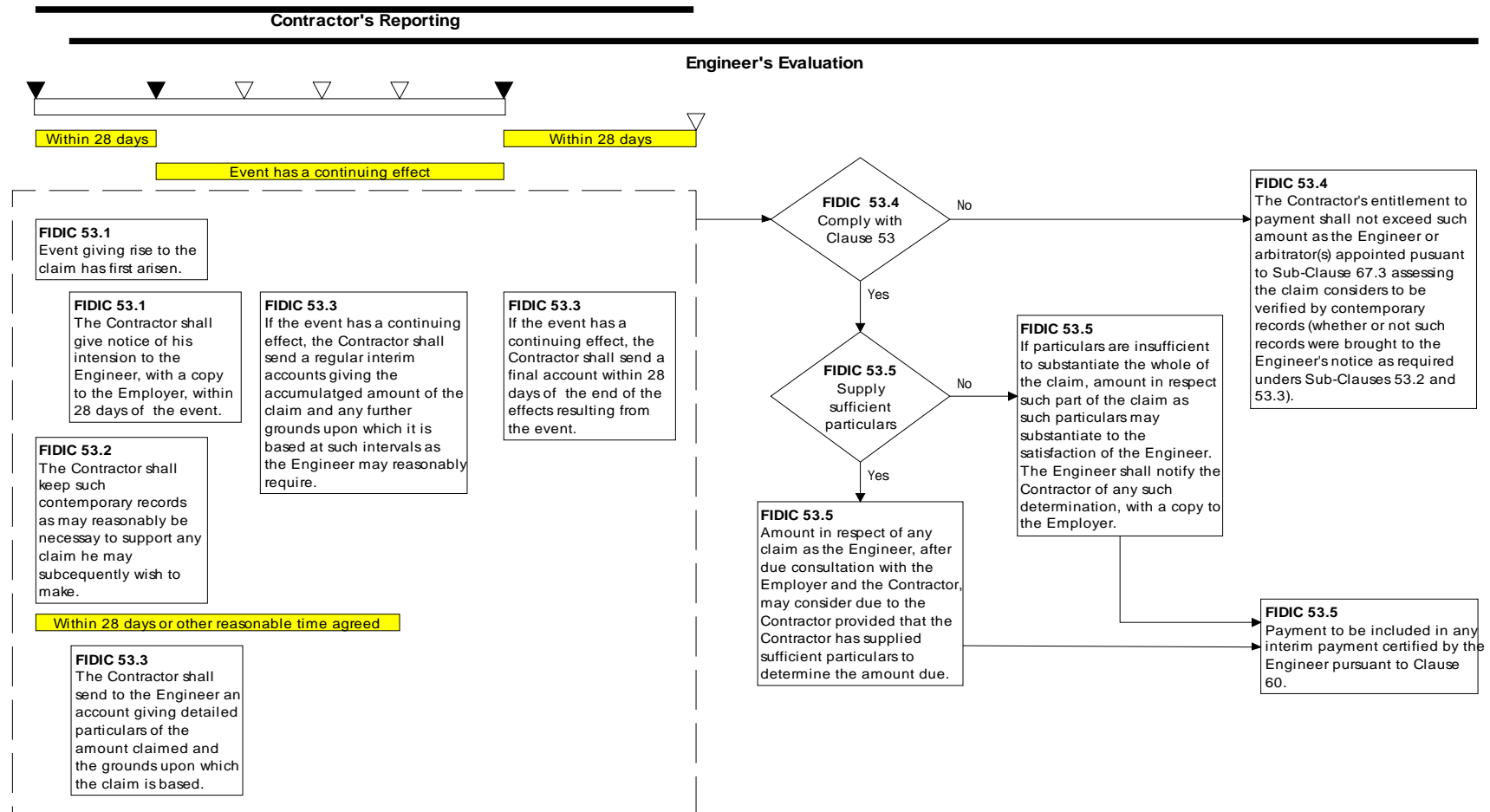
The Engineer shall assess the claims by verification of the contemporary records available.

### 3.5 Comments on Claim Description Provided by the Contractor

The Contractor submitted his documentation consists of more than 150 pages of explanatory documentation and about 800 pages of attachments (photographs, charts, drawings and others)

That documentation can be deemed as the contemporary records required by Sub-Clause 53.2 or substantiation documents required by Sub-Clause 53.3.

## FIDIC Clause 53: Procedure for Claims (by FIDIC Red Book, 1987)





**FIDIC Clause 53: Procedure for Claims: Screening Results**  
(by FIDIC Red Book, 1987)

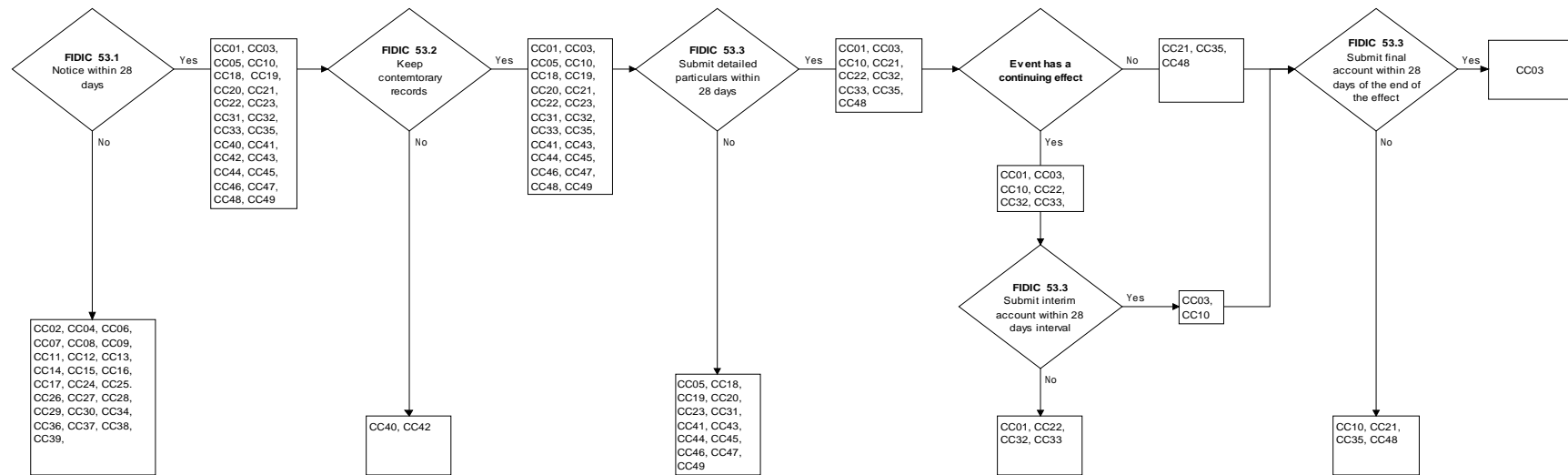


Table 3-5 Screening Results

Claim Code No.			Description	FIDIC 53.1 Notice within 28 Days	FIDIC 53.2 Keep Contemporary Records	FIDIC 53.3 Submit Detailed Particulars within 28 Days	FIDIC 53.3 Event has a Continuing Effect	FIDIC 53.3 Submit Interim Account within 28 Days Interval	FIDIC 53.3 Submit Final Account within 28 Days of the End of the Effect		
CATEGORY 1 - Issues Affecting Whole of Site and Causing Delay to Project Completion											
C1	G7	CC.01	Deferred Commencement of Project and Related Matters	Y	Y	Y	Y		N		
	G5	CC.02	Non-Contributing Production Resources Affected by Commencement Delay	N							
CATEGORY 2 - Issues Resulting in Delay to Ventilation Adit											
C2	G7	CC.03	Adverse Water Conditions	Y	Y	Y	Y	Y	Y		
	G1	144m-Extension to Adit									
		CC.04	Time for Additional Excavation		N						
		CC.05	Time for Additional Concrete Lining	Y	Y		N				
		CC.06	Time for Relocation of Junction Works		N						
		CC.07	Unit Rates not Applicable to Extension (Excavation, Concrete, Shotcrete and others)		N						
		CC.08	Provision of Additional Ventilation Fans due to Excessive Heat		N						
	G5	CC.09	Non-Contributing Production Resources Affected by Ventilation Adit Works Delay		N						
CATEGORY 3 - Issues Causing Delay to Main Tunnel and Project Completion											
C3	G7	CC.10	North Portal + 72m	Y	Y	Y	Y	Y		N	
		CC.11	Rockbolts in Rock Support Type I Conditions		N						
	G2	Rock Hardness									
		CC.12	Additional Drilling and Reduced Advance		N						
		CC.13	Overbreak		N						
		CC.14	Bulking		N						
		CC.15	Additional Volume of Concrete Lining, Waterproofing, Leveling Concrete and Aggregate Fill		N						
		CC.16	Increase in Repair and Maintenance		N						
		CC.17	Additional Shotcrete		N						
		CC.18	Additional Layby at Relocated EP1	Y	Y		N				
	G7	CC.19	Remedial Works for Excess Geological Deformation	Y	Y		N				
		CC.20	Impact of Adit Delay on Main Tunnel Progress	Y	Y		N				
	G3	Provision of Temporary Cross Passages									
		CC.21	Temporary Cross Passage (TCP2) from MT to ET	Y	Y	Y		N			N
		CC.22	Temporary Connection Tunnel from VA to MT	Y	Y	Y	Y		N		
	G7	CC.23	Power Authority Power Failures	Y	Y		N				
	G5	CC.24	Non-Contributing Production Resources Affected by Main Tunnel Works Delay		N						
	G7	CC.25	Consolidated EOT Request (including Time-Related Costs of Delay)	-	N	-	-	-	-	-	-
CATEGORY 4 - Variation Issues not Relevant to Other Issue Category											
C4	G7	CC.26	Box-out Forms for Notches in Concrete Lining		N						
		CC.27	Provision of Water Treatment Plant		N						
	G6	CC.28	Ventilation System at EP Tunnels 1 and 2		N						
		CC.29	Lighting System at EP Tunnels 1 and 2		N						
	G7	CC.30	Steel Form for Concrete Lining of Permanent Cross Passages		N						
		CC.31	Reduction in Measured Works	Y	Y	Y		N			
		CC.32	Redundant Permanent Materials (Wire Mesh, Rockbolts and others)	Y	Y	Y	Y		N		
		CC.33	Exchange Rate Impact on Imported Materials	Y	Y	Y	Y		N		
		CC.34	Slope Length Method of Measurement		N						
	G3	CC.35	Provision of Temporary Cross Passage (TCP1)	Y	Y	Y		N			N
	G7	CC.36	Removal of Boulders at North Portal, Adit Portal and Adit Access Road		N						
		CC.37	Price Adjustment of Blasting Materials		N						
		CC.38	Temporary Gravel Bedding at Portal Plaza and Tunnel Road Maintenance		N						
		CC.39	Extended Working Time for the Remaining Works (OT Premium)		N						
CATEGORY 5 -Issues Necessary for Acceleration of Project											
C5	G4	CC.40	Provision of Additional Drilling Jumbo at Workface	Y		N					
		CC.41	Long Drilling Experimentation for Increased Advance	Y	Y		N				
		CC.42	Double Handling of Muck from Workface	Y		N					
		CC.43	Deployment of 2nd Advance from South End of Tunnel	Y	Y		N				
		CC.44	Provision of Additional Equipment - 3rd Jumbo at MT Workface	Y	Y		N				
		CC.45	Provision of Additional Equipment - Excavators for Drainage	Y	Y		N				
		CC.46	Rear Works Commenced before Completion of MT Excavation	Y	Y		N				
		CC.47	Mobilisation of Additional Supervisory Personnel	Y	Y		N				
		CC.48	Provision of Temporary Cross Passages (TCP3 & TCP4)	Y	Y	Y			N		N
		CC.49	Provision of Additional Transformer	Y	Y		N				

### 3.6 Verification of Grounds

All the claims have been verified by the Contract and actual site conditions whether the claimed work is worthy of pursuing as a claim or not, and the works was outside the Contractor's responsibility and/or control or not.

### 3.6.1 Accepted Claims for Further Steps

After due consideration, the following 32 claims should be forwarded to the next step;  
Step 2: Claim Quantification.

**Table 3-6 Accepted Claims**

Claim Code No.			Description	Extra Work Only (Type A)	EOT Only (Type B)	Both (Type C)	Ground	Judge
CATEGORY 1 - Issues Affecting Whole of Site and Causing Delay to Project Completion								
C1	G7	CC.01	Deferred Commencement of Project and Related Matters		X		44.1	OK
	G5	CC.02	Non-Contributing Production Resources Affected by Commencement Delay	X			12.2	OK
CATEGORY 2 - Issues Resulting in Delay to Ventilation Adit								
C2	G7	CC.03	Adverse Water Conditions			X	12.2	OK
	G1	144m-Extension to Adit					51.1	OK
		CC.04	Time for Additional Excavation			X		
		CC.05	Time for Additional Concrete Lining			X		
		CC.06	Time for Relocation of Junction Works			X		
		CC.07	Unit Rates not Applicable to Extension (Excavation, Concrete, Shotcrete and others)	X				
	CC.08	Provision of Additional Ventilation Fans due to Excessive Heat	X					
CATEGORY 3 - Issues Causing Delay to Main Tunnel and Project Completion								
C3	G7	CC.10	North Portal + 72m			X	44.1	OK
		CC.19	Remedial Works for Excess Geological Deformation			X	44.1	OK
		CC.20	Impact of Adit Delay on Main Tunnel Progress			X	44.1	OK
	G3	Provision of Temporary Cross Passages					51.1	OK
		CC.21	Temporary Cross Passage (TCP2) from MT to ET	X				
		CC.22	Temporary Connection Tunnel from VA to MT	X				
	G7	CC.25	Consolidated EOT Request (including Time-Related Costs of Delay)			X	44.1	OK
CATEGORY 4 - Variation Issues not Relevant to Other Issue Category								
C4	G7	CC.26	Box-out Forms for Notches in Concrete Lining	X			51.1	OK
	G6	CC.28	Ventilation System at EP Tunnels 1 and 2	X			51.1	OK
		CC.29	Lighting System at EP Tunnels 1 and 2	X				
	G7	CC.30	Steel Form for Concrete Lining of Permanent Cross Passages	X			51.1	OK
		CC.32	Redundant Permanent Materials (Wire Mesh, Rockbolts and others)	X			51.1	OK
	G3	CC.35	Provision of Temporary Cross Passage (TCP1)	X			51.1	OK
	G7	CC.37	Price Adjustment of Blasting Materials	X			70.8	OK
		CC.38	Temporary Gravel Bedding at Portal Plaza and Tunnel Road Maintenance	X			51.1	OK
CATEGORY 5 - Issues Necessary for Acceleration of Project								
C5	G4	CC.40	Provision of Additional Drilling Jumbo at Workface	X			51.1	OK
		CC.41	Long Drilling Experimentation for Increased Advance	X				
		CC.42	Double Handling of Muck from Workface	X				
		CC.43	Deployment of 2nd Advance from South End of Tunnel	X				
		CC.44	Provision of Additional Equipment - 3rd Jumbo at MT Workface	X				
		CC.45	Provision of Additional Equipment - Excavators for Drainage	X				
		CC.46	Rear Works Commenced before Completion of MT Excavation	X				
		CC.47	Mobilisation of Additional Supervisory Personnel	X				
		CC.48	Provision of Temporary Cross Passages (TCP3 & TCP4)	X				
		CC.49	Provision of Additional Transformer	X				

### 3.6.2 Rejected Claims

After due consideration, the following 17 claims should be rejected and no further management needed..

Table 3-7 Rejected Claims

Claim Code No.		Description	Extra Work Only (Type A)	EOT Only (Type B)	Both (Type C)	Ground	Judge
<b>CATEGORY 2 - Issues Resulting in Delay to Ventilation Adit</b>							
C2	G5	CC.09 Non-Contributing Production Resources Affected by Ventilation Adit Works Delay	X			51.1	NA
<b>CATEGORY 3 - Issues Causing Delay to Main Tunnel and Project Completion</b>							
C3	G7	CC.11 Rockbolts in Rock Support Type I Conditions			X	44.1	NA
	G2	Rock Hardness				51.1	NA
		CC.12 Additional Drilling and Reduced Advance		X			
		CC.13 Overbreak			X		
		CC.14 Bulking		X			
		CC.15 Additional Volume of Concrete Lining, Waterproofing, Leveling Concrete and Aggregate Fill	X				
		CC.16 Increase in Repair and Maintenance	X				
		CC.17 Additional Shotcrete	X				
	G7	CC.18 Additional Layby at Relocated EP1			X	51.1	NA
	G7	CC.23 Power Authority Power Failures			X	12.2	NA
	G5	CC.24 Non-Contributing Production Resources Affected by Main Tunnel Works Delay	X			51.1	NA
<b>CATEGORY 4 - Variation Issues not Relevant to Other Issue Category</b>							
C4	G7	CC.27 Provision of Water Treatment Plant	X			51.1	NA
		CC.31 Reduction in Measured Works	X			51.1	NA
		CC.33 Exchange Rate Impact on Imported Materials	X			72.4	NA
		CC.34 Slope Length Method of Measurement	X			TSPEC 02330, Item 8	NA
		CC.36 Removal of Boulders at North Portal, Adit Portal and Adit Access Road	X			51.1	NA
		CC.39 Extended Working Time for the Remaining Works (OT Premium)	X			51.1	NA

### 3.7 Summary of Claim Identification

#### 3.7.1 Summary of Claim Identification

Claim identification can be summarized as follows:

Table 3-8 Summary of Claim Identification

No.	Claim	Number of Claim
1	Contractor Submitted	49
2	Engineer Accepted	32
3	Engineer Rejected	17

#### 3.7.2 Statement of Each Claim

Statement of each claim is as shown in Appendix-D.