

Joint Venture of
NIPPON KOEI CO., LTD., JAPAN and
LOUIS BERGER INTERNATIONAL INC., USA
In association with
TRANSPORT ENGINEERING DESIGN
INCORPORATION (TEDI), VIETNAM

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Following claims were accepted for the claims to be quantified provided that further study for rock hardness of 1,500kg/cm² was foreseeable or not.

HAI VAN PASS TUNNEL PROJECT

Claim Code No.	Description	Extra Work Only (Type A)	EOT Only (Type B)	Both (Type C)
G2	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		

MOT Meeting (1 December 2004, minutes in the above 3))

It was confirmed that PK1A Contractor's delayed notice made by the above 6) was acceptable.

2. Claim Quantification

Quantification Grounds

- 1) The Contract
 - ① General Condition of Contract (FIDIC)
 - Clause 11.1 Inspection of Site
 - ② Technical Specifications
 - ③ Drawings
- 2) MOT letter No. 4078/GTVT-BGTVT dated 3 December 2001
- 3) Construction unit rate for tunnel excavation being issued by MOC shortly.
- 4) Contractor's claim documents.

In the above MOT letter No. 4078/GTVT-BGTVT dated 3 December 2001, it is admitted that 15cm of Overbreak shall be compensated.

Construction unit rate for tunnel works is being prepared and shortly issued by MOC. In the concept of the unit rate, it is said that unit rate shall differ in accordance with the rock hardness, 1) less than 1,000kg/cm², 2) 1,000-1,500kg/cm², 3) more than 1,500kg/cm².

Consideration

- 1) Overbreak is unavoidable for any rock excavation. The bid price shall be made with the consideration of appropriate Overbreak amount. Fewer Overbreaks is more profit of tunnel contractors.
- 2) PK1A Contractor submitted the uniaxial compressive test results and the results show that the average strength is approximately 1,350kg/cm². This value is approximately 30% higher than general strength of igneous rock.
- 3) MOT agreed to compensate 15cm at the site and confirmed in his letter No. 4078/GTVT-BGTVT dated 3 December 2001

Quantities to be Compensated (Conclusion)

Considering the above, the Engineer agrees to compensate quantities for additional 15cm (including UP) thick Overbreak as follows:

- 1) Increased hauling works,
- 2) Increased concrete works of Concrete Lining,
- 3) Increased shotcrete works for ET,

HAI VAN PASS TUNNEL PROJECT

Pay Items Related

Excavation

- 02330-1 Excavation – MT (Type I)
- 02330-2 Excavation – MT (Type II)
- 02330-7 Excavation – VA (Type I)
- 02330-8 Excavation – VA (Type II)
- 02330-14 Excavation – ET (Type I)
- 02330-15 Excavation – ET (Type II)
- 02330-1 Excavation – EP (Type I)
- 02330-2 Excavation – EP (Type II)

Shotcrete

- 03300-1 Shotcrete – 5cm – EP (Because no lining concrete at ET)

Concrete Lining

- 03200-1 Concrete Lining – MT
- 03200-3 Concrete Lining – MT Lay-by
- 03200-4 Concrete Lining – VA
- 03200-5 Concrete Lining – ET

Thank you for your attention. We wish this claim will be resolved amicably in short time.

Sincerely yours,

Ichizuru Ishimoto
Project Manager
Encl.: None