



To
Employer MDB2010
AND
To
Contractor MDB201

Project : Coastline Highway from Freetown / Sierra Leone to Monrovia / Liberia

Notice of Determination subject to SC03.5

Right to Access to the Site pursuant to SC02.1 - **Ascertainment by Engineer -**

Enclosure: Exhibit with Appendices (55 pages)

Dear Sirs,

The Engineer has processed the Claim #20 123 in compliance with the procedural rules of the MDB2010 Conditions of Contract.

The Engineer has reviewed the Claim documents and consulted the Parties to reach an agreement.

An Agreement could not be reached and hence, the Engineer carried on with the proceeding to determine the issue pursuant to SC03.5..

The Engineer scrutinized the presented point of views of the Contractor and Employer, evaluated the occurrences of the cause-effects in the Interim and Final Claim #20 123 about the purported late possession of site in portions, which the Contractor believes that he suffered delay and incurred costs.

The Employer has a contrary point of view.

Outcome of the Proceedings and Evaluation.

The Claim correspondence #20 123 about SC02.1 do **not furnish evidence** about the cause and effect in a sufficient manner. The Claim Content and the presented circumstances in the documents cannot prove suffered delay and incurred costs due to the late possession of partial proportions of the Sites.

The Claim Content does therefore **not meet the eligibility criteria**, allowing the Engineer, to recognize the Claim as valid. Consequently, **the Claim is to be rejected at whole based on the legitimate grounds.**

The Contractor has **no right** whatsoever

- a) for Extension of Time for Completion and
- b) for any financial compensation of the specific Claim #20 123.

The Engineer **encloses the EXHIBIT with the abundant Appendices** in order to demonstrate the detailed reasoning, why the claim does not meet the eligible requirements, as a condition precedent, with the effect; the claim cannot be legitimately recognized as valid. **Ergo, the claim has to be discarded as a whole.**

We look forward to receiving your response.

Engineer PPE
Private + Public + Experiences
Freetown / Sierra Leone