

Variations – Instructions – Evaluation

Key Issues	Actions / Explanations	References to RB1999 and MDB2010. Please identify the different wording in both.
A _ Variation	SC13.01 initiated by Engineer	SC13.2 Value Engineering (not reviewed here)
A1 _ Instruction	Engineer issues an Instruction to Vary the Design (SC13.1) without a request for VP	The Contractor Claim procedure has to follow SC20.1, if the Instruction does not request a Variation Proposal
A2 _ VP Request	Engineer's request Variation Proposal VP	Proceedings (i) Contractor's Variation Proposal SC13.3 (ii) Engineer's evaluation SC12.3 (iii) Engineer's consultations with (iv) Engineer's Notice of Determination SC03.5 either agreement or ascertainment. (v) Execution of Works after approval SC03.5
A3 _ Instruction AND VP Request	SC13.3 (a)disruption activity SC 13.3(b) proves EoT, if any SC 13.3(c) reasonable Costs + profit	
B _ Clarification of initial Scope of Works	The Instruction of the Variation shall not aim, to overcome loopholes of the Contract – of Unit rates, which are already considered in a BUNCH of different preparatory works (Method of Measurement Book) in a new Unit Rate to cover up ...	Refer to <i>Sub-Clause SC12.3 para3</i> MDB2010 <i>no rate was specified shall be considered as included in other rate +prices in the BoQ will not be paid for separately.</i> www.aid21.de/12.3+NewRateNewPrice.pdf www.aid21.de/07.1+Tunnel-WaterproofingSystem.pdf
C _ Variations	Different types of evaluation (a)+(b)	
C1 _ Quantity	SC12.3 (a) > all 4 criteria must be met OR	www.aid21.de/12.3+NewRateNewPrice.pdf Please refer to RB and MDB2010 : different %!
C2 _ New Rate and Prices Requirements	SC12.3 (b) (i) Instruction Cl 13 b (ii) no rate or price is specified in the initial contract for this item b (iii) no specified rate or price is appropriate > for (a) similar character and (b) executed under similar conditions , as any item	Definition of the terms “character” and “condition” > Similar character: nature of works > Similar condition: methods to execute www.aid21.de/12+Measurement&Payment.pdf
D _ Comments	>>> new rates / new prices > UR	Demolishing blasting or sheet piling/pile drivers
	We do not see any illogical lack of compatibility between SC12.3 (b) (ii) and (iii) . Please read the two samples 1 Blasting instead of wood pecker and sample 2 pile driving instead of bored pile wall. Instructions may be used to overcome loopholes of the initial Contract (Method of Measurement Book) and introduce a new “combined work load” with a new rate and prices to condone non-compliant actions for U.E.	Sample 1: Blast a fatigue structure and do not demolish by wood pecker equipment >>> Explosives have not considered in the initial contract, but will be utilized by instruction now: character + condition differ from hammering and blasting. Sample 2: Bored pile wall was considered (drill rig), but the Variations says to change to pile sheeting (pile driver) to deploy on site for these change of execution of works : character + conditions differ. Do you concur?