

This is not a Climate Change circumstances ...

Facebook: > <https://www.facebook.com/watch?v=329092222608354>

Who is responsible for the loss and damage caused by the Flooding?

>>> Employer, >>> Employer's Personnel / Engineer or >>> Contractor?

Starting Point : SC17.3 Employer's Risks (h)

Excerpt: SC17.3 (h) any operation of forces of nature, which is unforeseeable OR against which an experienced contractor could not reasonably have been expected to have taken adequate preventive precautions.

A _ Employer's Responsibility

to provide IDF-Curves (intensity, duration and frequency) of the catchment areas / Flooding definitions about "unpredicted snowfall, melting, and precipitations" over several years, impacts of construction activities upstream due to narrowing cross-sections of the stream (Bernoulli formula, speed, energy) outside of the Contractor's construction SITE,

B _ Engineer's Supervision

to observe the requirements of the Contractor's obligations + operations & to execute the own assigned task subject to Service Contract?

C _ Contractor's preventive precautions (low, medium, high level)

"within the range" of predictable / unforeseeable flooding as defined in the Tender Dossier OR common easily accessible data, e.g. published in the governmental statistic bureaus. The Contractor has apparently done some preventive precautions (if adequate for flooding definition) than he has to follow the procedural rules of SC17.4 [Consequences of Employer's Risks]



Claim Notice + Claim Request SC20.1, reasons SC17.3 + Clause 19

How would you assess a Claim caused by SC17.3, SC17.4, and Clause 19 [Force Majeure]

A _ Flooding thresholds are not defined?

B _ Flooding thresholds are defined in the Conditions of Contract / PCC – Contract Data, Measurement and Payment Book, and provide a BoQ100-item under Preliminary and General provisions?

C_ Do you think the insurance will recover some loss, if the claim is submitted within due course?

Please respond to Emma@ppe61.de

www.ppe61.de/17.3+Flooding.pdf + www.ppe61.de/05.5+Procurement-Flooding.pdf

Procurement Issue! Flooding – Climate Change?

An issue to discuss thoroughly.

The Triangle of the three sensitive interdependencies
to **"control / influence / affect" the INVESTMENT amount:**

- (1) **Technical** prescribed **Flooding** Criteria allows the Contractor to evaluate his adequate preventive precautions in his financial bid.
- (2) The **economic effect** due to depict adequate low, medium or high **thresholds** of flooding criteria to identify the financial requirements for the measures, to consider it in the **"Contract Price" generally** or in **"Bill No 100", Preliminary and General Costs, in particular**, if a BoQ-item is designated.
- (3) Find the **balance of "risk-sharing"** of the appropriate threshold value of the "event", to give the Contractor assessable data, in order to reduce huge **speculate costs** (i) "responsible" Contractors are in disadvantage against (ii) bid **gamblers**, which ones, will not consider the "unexpected" risks with 7% up to 13% of the Contract Price.
- (4) The **insurance risks** for loss and damage might be limited to the insurer, and hence the insurance coverage, premiums are on the low side, causing lower handed outs of provisions/commissions and might even **avoid disputes**.

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- A _ How do you define **Flooding criterion**?
 - B _ Which criteria are suitable to **characterize the "cause-effect"**
i.e. catchment area, **IDF-Curve** for precipitation, snowfall, and **discharge**
intensity with velocities / energy levels in **streams / rivers**.
 - C _ Which **"***SMART"** Indicators would match the purpose best, to identify the **cause** of the flooding with the reasonable **threshold value**
C1 ... **below** threshold = Contractor's Risk Event (CRE) and
C2 ... **above** threshold = the Employers Risk Event (ERE) SC17.3 / 17.4
 - D - An appropriate **"risk-sharing" of flooding criteria** considering the **Insurance package** with its premiums, loss and damage amount, **deductibles**, and handouts/commissions, will help to bring down the Bid Price of Contractors due to less **risk allocation** and avoid even **disputes**.

*****SMART**

- S specific feature
- M measurable
- A accessible
- R relevant / essential data
- T time bound