

# **NOTTS WASTE PFI** **FORMAL NOTICE – URGENT ATTENTION**

**THIS NOTICE MUST BE PASSED IMMEDIATELY TO:**

- 1. THE PROJECT MANAGER – WASTE PFI, WASTE DISPOSAL TEAM**
- 2. LEGAL SERVICES – COMMERCIAL TEAM**

**PLEASE TELEPHONE IN ADVANCE OF SENDING AND DRAW THE RECEIPT OF THIS DOCUMENT TO THE ATTENTION OF A MANAGER**

Telephone numbers (at June 2006):

**Waste Disposal Project Manager: Redacted**

**Legal Services Commercial Team: Redacted**

**NB:** This notice may need to be responded to very quickly following receipt or its contents may become binding on the Council

**THIS IS A COMPENSATION EVENT NOTICE SERVED PURSUANT TO Clause 36 and 103 OF THE PROJECT AGREEMENT (PA)**

NB: 2 copies of the Notice and any supporting documents **MUST** be supplied

Notice Number:

CE/

The Contractor hereby notifies the Authority of the occurrence of a **COMPENSATION EVENT** the effect of which \*has caused or \*is likely to cause (\*delete those not applicable):

1. \*delay
2. \*breach of an obligation under the PA
3. \*the Contractor to incur costs
4. \*the Contractor to lose revenue
5. \*the Contractor to lose Third Party Income

The Contractor hereby notifies the Authority of its claim for (\*delete those not applicable):

1. \*an extension of time for Service Commencement
2. \*payment of compensation
3. \*relief from its obligations under the PA

The Contractor acknowledges that within [15 Business Days] of receipt by the Authority of this Notice the Contractor shall be obliged to provide to the Authority full details of the Compensation Event and the extension of time and/or any Estimated Change in Project Costs and/or loss of revenue (including Third Party Income) claimed. When doing so the Contractor shall use the reference number in this Notice and shall use the 15 day Notice Proforma setting out all necessary information as required by the PA.

In the meantime the Contractor provides the following brief details in advance of the formal notice referred to above:

*[set out any details available at the date of the first notice]*

Signed by: (Contractor's Representative)

Dated:

FOR NCC INTERNAL USE:

Date received by the Authority:

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Telephone numbers (at June 2006):

**Waste Disposal Project Manager: Redacted**

**Legal Services Commercial Team: Redacted**

**NB:** This notice may need to be responded to very quickly following receipt or its contents may become binding on the Council

**THIS IS A RELIEF EVENT NOTICE SERVED PURSUANT TO Clause 104 OF THE PROJECT AGREEMENT (PA)**

NB: 2 **copies** of the Notice and any supporting documents **MUST** be supplied

Notice Number:

RE/

The Contractor hereby notifies the Authority of the occurrence of a **RELIEF EVENT** the effect of which \*has caused or \*is likely to cause (\*delete those not applicable):

1. \*delay and/or
2. \*adversely affect the ability of the Contractor to perform its other obligations under the PA

The Contractor hereby notifies the Authority of its claim for relief from its obligations under the PA, including full details of the nature of the Relief Event, the date of occurrence and its likely duration. [*set out details of the nature of the Relief Event, date of occurrence and likely duration*]

The Contractor acknowledges that within [14 Days] of receipt by the Authority of this Notice the Contractor shall be obliged to provide to the Authority full details of the Relief Event and the relief claimed. When doing so the Contractor shall use the reference number in this Notice and shall use the 14 day Notice Proforma setting out all necessary information as required by the PA.

In the meantime the Contractor provides the following brief details in advance of the formal notice referred to above:

*[set out any details available at the date of the first notice]*

Signed by: (Contractor's Representative)

Dated:

FOR NCC INTERNAL USE:

Date Received by the Authority:

# **NOTTS WASTE PFI** **FORMAL NOTICE – URGENT ATTENTION**

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Telephone numbers (at June 2006):

**Waste Disposal Project Manager: Redacted**

**Legal Services Commercial Team: Redacted**

**NB:** This notice **MUST** be responded to very quickly following receipt or its contents may become binding on the Council (see clause 104.3 of the PA)

**THIS IS A 14 DAY EVENT NOTICE SERVED PURSUANT TO Clause 104 OF THE PROJECT AGREEMENT (PA)**

NB: 2 **copies** of the Notice and any supporting documents **MUST** be supplied

Notice Number:

RE/

The Contractor hereby gives the Authority full details of the **RELIEF EVENT** notified to the Authority under Notice Number RE/                      on [*insert date*].

1. Full details of the Relief Event claimed:
  
  
2. Full Details of the relief claimed:

The Contractor provides the following details/explanations (with reference to the terms and provisions of the PA where appropriate) to demonstrate that :

- I. The Contractor and its Sub-contractors could not have avoided such occurrence or its consequences by steps which they might reasonably be expected to have taken, without incurring material expenditure;
- II. The Relief Event was the direct cause of the (\* delete which is not relevant):
  - \*delay to the relevant Planned Services Commencement Date, or

- \*following the Planned Services Commencement Date, delay in achieving Service Commencement by the Long Stop Date, or

III. The time lost and/or relief from the obligations under the PA claimed could not reasonably be expected to be mitigated or recovered by the Contractor acting in accordance with Good Industry Practice, without incurring material expenditure; and

IV. The Contractor is using reasonable endeavours to perform its obligations under the Contract

*[insert full supporting details/information plus supporting documents etc]*

**NB: where delay is claimed the Contractor must also provide the Monthly As Built Progress Reports to demonstrate that the delay was caused by the Relief Event and not by any other event**

Signed by: (Contractor's Representative)

Dated:



3. Whether relief from compliance with obligations is required, including the obligation of the Contractor to achieve any Planned Service Commencement Date and/or meet the Specification and Service Standards during the implementation of any Qualifying Change in Law:
  
4. Any loss of revenue (including Third Party Income) that will result from the Qualifying Change in Law:
  
5. Any Estimated Change in Project Costs change in costs that directly result from the Qualifying Change in Law:
  
6. Any Capital Expenditure that is required or no longer required as a result of a Qualifying Change in Law taking effect during the Contract Period

As soon as practicable after receipt of this notice the Parties shall discuss and agree the issues referred to in Clause 105.1 of the PA and any ways in which the Contractor can mitigate the effect of the Qualifying Change in Law in compliance with the provisions of Clause 105.3 of the PA.

Signed by: (Contractor's Representative)/(Authority's Representative)

Dated:

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Telephone numbers (at June 2006):

**Waste Disposal Project Manager: Redacted**

**Legal Services Commercial Team: Redacted**

**NB:** This notice **MUST** be responded to very quickly (and in any event **within 30 DAYS** of its receipt) following receipt or its contents may become binding on the Council (see clause 36.4 of the PA)

**THIS IS A 15 DAY EVENT NOTICE SERVED PURSUANT TO Clause 36 and 103 OF THE PROJECT AGREEMENT (PA)**

NB: 2 **copies** of the Notice and any supporting documents **MUST** be supplied

Notice Number:

CE/

The Contractor hereby gives the Authority full details of the **COMPENSATION EVENT** notified to the Authority under Notice Number CE/                      on *[insert date]* (\* delete as appropriate):

1. Full details of the Compensation Event claimed:
  
2. \*Full Details of the extension of time claimed:
  
3. \*Full details of the Estimated Change in Project Costs claimed:
  
4. \*Full details of the loss of revenue claimed (including Third Party Income):

The Contractor provides the following details/explanations (with reference to the terms and provisions of the PA where appropriate) to demonstrate that :

I. The Compensation Event was the direct cause of the (\* delete which is not relevant):

- \*Estimated Change in Project Costs
- \*loss of revenue
- \*delay in achievement of the Planned Services Commencement Date
- \*breach of the Contractor's obligations under the PA
- \*delay in achievement of Service Commencement before the Long Stop Date

*[insert full supporting details/information plus supporting documents etc]*

**NB: where delay is claimed the Contractor must also provide the Monthly As Built Progress Reports to demonstrate that the delay was caused by the Compensation Event and not by any other event**

II. The (\* delete which is not relevant):

- \*Estimated Change in Project Costs
- \*loss of revenue
- \*time lost
- \*relief from the obligations under the PA

claimed, could not reasonably be expected to be mitigated or recovered by the Contractor acting in accordance with Good Industry Practice

*[insert full supporting details/information plus supporting documents etc]*

Signed by: (Contractor's Representative)

Dated:

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Telephone numbers (at June 2006):

**Waste Disposal Project Manager: Redacted**

**Legal Services Commercial Team: Redacted**

**NB:** This notice **MUST** be responded to **within 10 working days** of receipt or its contents may become binding on the Council

**THIS IS A REVIEW NOTICE SERVED PURSUANT TO SCHEDULE 16 OF THE PROJECT AGREEMENT (PA)**  
NB: **3 copies** of the Notice and all supporting documents **MUST** be supplied

Notice Number:

R/

The Contractor requires the Authority to review the following:

1. *[list item(s) for review]*
- 2.

The items for review are supported by the following documents:

1. *[list items in support]*

The item for review is/ is not\* Reviewable Design Data (RDD)

If the item is RDD confirm date on which advance notice was given to the Authority in accordance with Schedule 16, Para 9:

Date:

Signed by: (Contractor's Representative)

Dated:

**PTO FOR AUTHORITY RESPONSE SECTION**

**AUTHORITY RESPONSE:**

**Date Received** by Authority Representative:

**Authority Response\*** (delete which of A to D below do not apply):

**A. COMMENTS** (see below)

**B. NO COMMENTS** or \*  
**LEVEL A NO COMMENT** (RDD only)

**C. LEVEL B** (RDD only) – Proceed Subject to addressing comments as noted

**D. LEVEL C – NOT ACCEPTED** (RDD only) – Comments to be addressed through re-submission

Comments:

Is further information/clarification required before a response can be sent? Yes/No\*

Confirm clarification required and request resubmission by Contractor:

State Grounds of Objection pursuant to Schedule 16 of the PA (see para 2 (Further Information) and 4 (Grounds of Objection):

Confirm evidence/information to substantiate such ground(s) (if relevant):

Signed by: (Authority's Representative):

Dated:

\* delete as appropriate