## Learning Activity 5.3: Dispute between Grahams Pty Ltd and Jellyfish Co – Extension of Time Assessment

### Overview and Aim

After following the procedure recommended by you and the experts, Grahams receives a notice of assessment from the superintendent assessing the extension of time entitlement as ‘zero’.

The notice explains that although there was a 2-week delay caused to the critical path, no extension of time is required because the date of practical completion will not be delayed beyond the contractual date for practical completion due to the 4 week float period.

Your task now is to advise your client on their situation. While the answer is provided after submission, tutors will be able to view everyone's responses to identify anyone having issues and to get an overall sense of everyone's work.

### Due

End of Week 5

### Suggested Procedure

1. Citing the relevant clause or clauses in the AS 4000, advise Grahams whether, according to the contract, the superintendent has made a correct assessment.
2. Compose your answer offline, then copy and paste it into the Feedback Tool for this learning activity.
3. Once you have submitted your response, the expert’s answer will be displayed. Compare your answer against the expert's.

## Completion message – displayed after students submit their response

**Advise Grahams whether, according to the contract, the Superintendent has made a correct assessment.**

It is likely that Grahams would be entitled to a 2 week EOT under the express terms of the contract.

The issue in question is as to ‘who owns the float?’. The contractor has built 1 month float into its program.

Under cl 34.4, ‘In assessing each EOT the Superintendent shall disregard questions of whether:

WUC can nevertheless reach practical completion without an EOT;…’

Therefore, the contract expressly states that Jellyfish cannot use Graham’s float, and the Superintendent must give an EOT for a qualifying cause of delay even if the delay will not cause the works to be completed later than the date for practical completion stated in the contract.