

I. THIS IS A LEVEL 1 HEADING

A. This is a level 2 heading

1. This is a normal text paragraph. It can use **bold**, *italics*, and both.

|| *It also has block quotes.*

B. Kick-Off Meeting

2. MV welcomed all attendees to the kick-off meeting and expressed BEU's commitment to the successful delivery of the Project.¹

II. STATEMENT OF FACTS

A. Introduction

3. The Claimant, Syldavian Power Construction Consortium ("SPCC"), is a joint venture formed to design and construct a combined cycle power plant in Borduria (the "Project"). The Respondent, Borduria Energy Utilities S.A. ("BEU"), is the state-owned utility that engaged SPCC under a construction contract governed by FIDIC conditions. This summary sets out the key events during the Project's mobilisation phase, highlighting factual matters that support the Claimant's position.

B. Contract Commencement and Early Coordination

4. The Commencement Date under the Contract was **15 January 2019**.² BEU acknowledged receipt of SPCC's commencement notice and confirmed its readiness to support mobilisation activities.³
5. Within two days of commencement, SPCC's Project Manager proposed a comprehensive kick-off meeting agenda covering all essential Project coordination matters, including introductions, contract administration, programme review, site handover, design procedures, and HSE matters.⁴ BEU confirmed acceptance of the proposed agenda and meeting arrangements for 21 January 2019.⁵

¹ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019, page 5.

² **Exhibit R-1:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – ACKNOWLEDGMENT OF COMMENCEMENT AND INITIAL COORDINATION, 2019-01-16, dated 16 January 2019.

³ **Exhibit R-1:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – ACKNOWLEDGMENT OF COMMENCEMENT AND INITIAL COORDINATION, 2019-01-16, dated 16 January 2019, page 5.

⁴ **Exhibit C-2:** Email from Miroslav Horák to Ivana Petrović re Proposed kick-off meeting agenda, 2019-01-17, dated 17 January 2019.

⁵ **Exhibit R-2:** Email from Ivana Petrović to Miroslav Horák re RE: Proposed kick-off meeting agenda - confirmed, 2019-01-18, dated 18 January 2019.

6. The kick-off meeting proceeded as planned.⁶ The meeting established clear protocols for communication, document control, submittal procedures, and payment applications.⁷ The parties agreed upon a meeting schedule comprising weekly progress meetings and monthly project management meetings.⁸

C. Site Possession and Access Restrictions

7. BEU was contractually obligated to provide Site possession on **1 February 2019**.⁹ In advance of this date, SPCC's Construction Manager submitted detailed site establishment requirements, requesting information on access arrangements, temporary facilities locations, laydown areas, and utility connections.¹⁰ SPCC proposed a formal site handover meeting for 1 February 2019 and requested a preliminary site visit on 30 January 2019 to finalise mobilisation logistics.¹¹
8. On 1 February 2019, BEU issued a formal Notice of Site Possession.¹² However, the notice disclosed a significant restriction: BEU was **unable to provide possession of the entire Site**. Approximately **2.1 hectares** in the north-eastern portion of the Site was excluded from the handover.¹³
9. The reason for this exclusion was that BEU had not completed negotiations with an adjacent industrial facility regarding a boundary easement matter.¹⁴ BEU acknowledged that this exclusion was due to circumstances within its own control, stating that it "anticipates this matter will be resolved within approximately 60 days."¹⁵
10. BEU further acknowledged that SPCC "may wish to assess the potential programme impact" of this restriction.¹⁶ This acknowledgment demonstrates BEU's awareness that the partial site possession could affect the Project schedule and SPCC's entitlement to relief.

⁶ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

⁷ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

⁸ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

⁹ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

¹⁰ **Exhibit C-3:** Email from Pavel Novotný to Branko Simić re Site establishment requirements and access, 2019-01-25, dated 25 January 2019.

¹¹ **Exhibit C-3:** Email from Pavel Novotný to Branko Simić re Site establishment requirements and access, 2019-01-25, dated 25 January 2019.

¹² **Exhibit R-3:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

¹³ **Exhibit R-3:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

¹⁴ **Exhibit R-3:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

¹⁵ **Exhibit R-3:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

¹⁶ **Exhibit R-3:** Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

D. Ground Investigation Programme

11. At the kick-off meeting, BEU's Technical Manager emphasised the importance of comprehensive ground investigation given limited existing geotechnical data.¹⁷ SPCC committed to submitting a ground investigation programme by 15 February 2019.¹⁸
12. The ground investigation programme required access to the northeastern area of the Site. By the time of PMM-002 on 26 February 2019, SPCC had completed 18 of 24 planned boreholes.¹⁹ SPCC confirmed that drilling in the northeastern area would take place between 28 February and 5 March 2019, with completion forecast for 6 March 2019.²⁰ This demonstrated SPCC's diligent prosecution of the works despite the access restrictions.

E. Design Submissions and Programme

13. SPCC submitted a detailed design deliverables schedule on 23 January 2019, within days of the kick-off meeting.²¹ The schedule provided for submission of Basic Design documents in four batches between late January and late February 2019, targeting Engineer's approval by mid-April 2019.²²
14. SPCC's Engineering Manager proactively identified potential programme risks, including the impact of ground investigation results on foundation design.²³ SPCC proposed pragmatic solutions, including submitting preliminary foundation designs based on assumed parameters with a commitment to revise upon receipt of investigation results.²⁴
15. At PMM-002, design status remained on track.²⁵ SPCC confirmed all design batches were progressing toward the mid-April approval target.²⁶

F. Procurement of Long-Lead Equipment

16. SPCC demonstrated proactive management of critical path procurement activities. By 29 January 2019, SPCC had already placed purchase orders for the major long-lead equipment packages.²⁷

¹⁷ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

¹⁸ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

¹⁹ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

²⁰ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

²¹ **Exhibit C-5:** Email from Dr. Wilhelm Braun to Dragan Kostić re Design deliverables schedule - initial proposal, 2019-01-23, dated 23 January 2019.

²² **Exhibit C-5:** Email from Dr. Wilhelm Braun to Dragan Kostić re Design deliverables schedule - initial proposal, 2019-01-23, dated 23 January 2019.

²³ **Exhibit C-5:** Email from Dr. Wilhelm Braun to Dragan Kostić re Design deliverables schedule - initial proposal, 2019-01-23, dated 23 January 2019.

²⁴ **Exhibit C-5:** Email from Dr. Wilhelm Braun to Dragan Kostić re Design deliverables schedule - initial proposal, 2019-01-23, dated 23 January 2019.

²⁵ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

²⁶ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

²⁷ **Exhibit C-6:** Email from František Kučera to Ivana Petrović re Long-lead item procurement status, 2019-01-29, dated 29 January 2019.

17. Key procurement milestones included:

Equipment	Order Date	Delivery Schedule
Gas Turbines	10 December 2018	March-May 2020
HRSGs	18 December 2018	June-August 2020
Steam Turbine	Included with GTs	September 2020
Cooling System	18 December 2018	April 2020

18. SPCC identified risk items and mitigation strategies, including expediting arrangements with the gas turbine manufacturer.²⁸ This early procurement activity secured critical manufacturing slots and protected the Project programme.

G. Contract Administration and Claims Notification

19. BEU's Contracts Administrator acknowledged the strict 28-day claims notification period under Sub-Clause 20.1 and emphasised to SPCC that timely notification was essential to preserve entitlement.²⁹ BEU specifically stated its desire that SPCC should "not lose entitlement due to late notification."³⁰
20. The parties agreed upon document control procedures and communication protocols.³¹³² SPCC consistently complied with these procedures throughout the mobilisation phase.

H. The Northeastern Area Access Claim

21. By PMM-002, the parties were actively working toward resolution of the access restriction issue.³³ SPCC estimated additional costs arising from the restriction at EUR 15,000 to EUR 20,000.³⁴ BEU offered a significantly lower figure of EUR 5,000 to EUR 10,000.³⁵
22. The parties set a target date of 31 March 2019 to finalise resolution of the claim.³⁶ This demonstrates that BEU acknowledged SPCC's entitlement to compensation arising from the partial site possession, with the quantum remaining in dispute.

²⁸ **Exhibit C-6:** Email from František Kučera to Ivana Petrović re Long-lead item procurement status, 2019-01-29, dated 29 January 2019.

²⁹ **Exhibit R-4:** Email from Ana Nikolić to Jiří Procházka re Contract administration procedures - query, 2019-01-31, dated 31 January 2019.

³⁰ **Exhibit R-4:** Email from Ana Nikolić to Jiří Procházka re Contract administration procedures - query, 2019-01-31, dated 31 January 2019.

³¹ **Exhibit R-4:** Email from Ana Nikolić to Jiří Procházka re Contract administration procedures - query, 2019-01-31, dated 31 January 2019.

³² **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

³³ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

³⁴ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

³⁵ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

³⁶ **Exhibit C-4:** Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

I. Programme Status and Critical Path

23. At PMM-002, SPCC reported that the Project was on schedule overall.³⁷ However, SPCC identified that available float was limited to approximately 15 working days before civil works were scheduled to commence.³⁸ The critical path ran through design approvals.³⁹
24. This limited float meant that any delay to design approvals or additional disruption from access restrictions could have a direct impact on the overall Project completion date.

J. Summary of Key Points Supporting the Claimant's Case

25. The contemporaneous documentary record establishes the following matters favourable to the Claimant:
26. **First**, SPCC mobilised promptly and efficiently following the Commencement Date. SPCC proposed the kick-off meeting agenda within two days of commencement⁴⁰, submitted detailed site establishment requirements before the possession date⁴¹, and placed orders for long-lead equipment even before Contract commencement.⁴²
27. **Second**, BEU failed to provide complete Site possession on 1 February 2019. The exclusion of 2.1 hectares from the northeastern area was caused by BEU's failure to resolve a boundary easement matter with an adjacent landowner.⁴³ This was a matter entirely within BEU's control and responsibility.
28. **Third**, BEU expressly acknowledged that the access restriction could impact SPCC's programme and that SPCC might be entitled to assess such impact.⁴⁴
29. **Fourth**, the parties engaged in discussions to resolve the claim arising from the access restriction. BEU acknowledged SPCC's entitlement to additional costs, with only the quantum remaining in dispute.⁴⁵
30. **Fifth**, SPCC maintained detailed contemporaneous records and complied with all procedural requirements for claims notification as agreed between the parties.⁴⁶⁴⁷

³⁷ **Exhibit C-4**: Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

³⁸ **Exhibit C-4**: Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

³⁹ **Exhibit C-4**: Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

⁴⁰ **Exhibit C-2**: Email from Miroslav Horák to Ivana Petrović re Proposed kick-off meeting agenda, 2019-01-17, dated 17 January 2019.

⁴¹ **Exhibit C-3**: Email from Pavel Novotný to Branko Simić re Site establishment requirements and access, 2019-01-25, dated 25 January 2019.

⁴² **Exhibit C-6**: Email from František Kučera to Ivana Petrović re Long-lead item procurement status, 2019-01-29, dated 29 January 2019.

⁴³ **Exhibit R-3**: Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

⁴⁴ **Exhibit R-3**: Letter from BEU to SPCC re BORDURIA COMBINED CYCLE POWER PLANT PROJECT – NOTICE OF SITE POSSESSION, 2019-02-01, dated 1 February 2019.

⁴⁵ **Exhibit C-4**: Project Management Meeting No. 002, 2019-02-26, dated 26 February 2019.

31. The documentary record demonstrates SPCC's diligent performance of its contractual obligations during the mobilisation phase and supports SPCC's entitlement to relief arising from BEU's failure to provide timely and complete access to the Site.

⁴⁶ **Exhibit R-4:** Email from Ana Nikolić to Jiří Procházka re Contract administration procedures - query, 2019-01-31, dated 31 January 2019.

⁴⁷ **Exhibit C-1:** Project Management Meeting No. 001, 2019-02-25, dated 25 February 2019.

III. LIST OF CLAIMANT'S EXHIBITS

Exhibit	Title	Date
C-1	Project Management Meeting No. 001, 2019-02-25	25 February 2019
C-2	Email from Miroslav Horák to Ivana Petrović re Proposed kick-off meeting agenda, 2019-01-17	17 January 2019
C-3	Email from Pavel Novotný to Branko Simić re Site establishment requirements and access, 2019-01-25	25 January 2019
C-4	Project Management Meeting No. 002, 2019-02-26	26 February 2019
C-5	Email from Dr. Wilhelm Braun to Dragan Kostić re Design deliverables schedule - initial proposal, 2019-01-23	23 January 2019
C-6	Email from František Kučera to Ivana Petrović re Long-lead item procurement status, 2019-01-29	29 January 2019