



ICCP

CONSTRUCTION CLINIC

Contractor's Notices

Presented by
Andy Hewitt & Paul Gibbons



Andy Hewitt

FICCP, FCIQB, FCICES, FQSi



- Most construction contracts oblige the Contractor to give notices in some form if:
 - An event that may lead to delay or additional payment is likely to occur
 - Notice of actual delay and/or the incurrence of cost
 - Notice of intention to make a claim

A QUICK POLL



POLL

Failure to submit notices is one of the biggest failings of contractors when it comes to claims!

WHEN AND WHY ARE NOTICES REQUIRED?

- To advise the consultants and/or employer that an action by them is needed or will be needed
- To advise the consultants and/or employer that an action or inaction by them is likely to lead to delay or additional cost to the project
- To advise the consultants and/or employer that an event has occurred which will or may lead to delay or additional cost to the project

Paul Gibbons

FICCP, FRICS, FCICES, PAAE, MCI Arb, MCI OB, APAEWE



WHY ARE NOTICES GIVEN SO MUCH IMPORTANCE UNDER CONSTRUCTION CONTRACTS?

- In order that the employer and/or consultants can take mitigating action to avoid delay and/or additional cost to the project
- To enable the employer and/or consultants to plan and make provisions for additional time and financing if mitigation is not possible

WHAT SHOULD BE INCLUDED IN A NOTICE?

- The notifying document should clearly state that it is a notice
- Reference to the clause(s) that requires the notice and/or provides entitlement
- Describe the event or circumstances
- Reference to the date of the event or circumstances

OTHER REQUIREMENTS FOR NOTICES

- Deliver or transmit to the place and/or by the means stated in the contract
- If sent by the consultant, copy the employer and vice versa
- Include a list of notices in progress and/or other reports

- Avoid accusatory language and ‘finger pointing’
- Make the point that the submission of the notice is an obligation of the contract
- Provide the information that the contract requires
- Do not include too much information in the notice – the details of entitlement will be included in the subsequent claim
- Use the language of the contract in the notice
- If in doubt, always submit a notice

QUESTIONS



QUESTIONS?

TELL ME MORE

To learn more about the ICCP please visit:
www.instituteccp.com.

For general enquiries please contact Nina
Hewitt-Tyrrell: nina.hewitt@instituteccp.com.

For membership specific enquiries please
contact: membership@instituteccp.com.