

RECORD KEEPING FOR VARIATIONS AND CLAIMS FOR EXTENSIONS OF TIME, LOSS AND EXPENSE AND DAMAGES

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SOCIETY OF CONSTRUCTION LAW DELAY AND DISRUPTION PROTOCOL (2ND EDITION, FEBRUARY 2017)

- ◆ 4. Do not 'wait and see' regarding impact of delay events (contemporaneous analysis)
 - The parties should attempt so far as possible to deal with the time impact of Employer Risk Events as the work proceeds (both in terms of EOT and compensation).
- ◆ 19. Valuation of variations
 - Where practicable, the total likely effect of variations should be pre-agreed between the Employer/CA and the Contractor to arrive at, if possible, a fixed price of a variation, to include not only the direct costs (labour, plant and materials) but also the time-related and disruption costs, an agreed EOT and the necessary revisions to the programme.

SOCIETY OF CONSTRUCTION LAW DELAY AND DISRUPTION PROTOCOL (2ND EDITION, FEBRUARY 2017)

- ◆ 17. Global Claims

If the Contractor has made and maintained accurate and complete records proportionate to the project, in most cases the Contractor should be able to **establish the causal link between the Employer Risk Event and the resultant costs and/or loss**, without the need to make a global claim. The failure to maintain such records is unlikely to justify the Contractor in making a global claim. The Protocol's guidance as to the keeping of records is set out in the guidance to Core Principle 1 in Part B.

SOCIETY OF CONSTRUCTION LAW DELAY AND DISRUPTION PROTOCOL (2ND EDITION, FEBRUARY 2017)

- ◆ 18. Disruption Claims

The starting point of a disruption analysis is a review of productivity in carrying out the works over time in order to determine when lower productivity was achieved and what work activities were impacted. The analysis should then continue with development of an understanding of what works were carried out, when the works were carried out and what resources were used, followed by a review of the financial loss incurred. Maintaining accurate project records is therefore equally as important for a disruption analysis as it is for a delay analysis.

SOCIETY OF CONSTRUCTION LAW DELAY AND DISRUPTION PROTOCOL (2ND EDITION, FEBRUARY 2017)

- ◆ Guidance Part B: Guidance on Core Principles
 - 1. Programme and records
 - 1.4 There is often a **lack of good record keeping** and a **lack of uniformity** of approach to record keeping as relevant to management of progress of the works and delay and disruption claims.
 - 1.7 Records relevant to progress and delay and disruption events **must be generated contemporaneously** as the works progress, and not afterwards.

JCT 2016 STANDARD BUILDING CONTRACT WITH QUANTITIES (“JCT”)

Clause 5.6.3 provides *inter alia*:

- In any valuation of work under clauses 5.6.1 and 5.6.2:
 - ◆ allowance, where appropriate, shall be made for any addition to or reduction of **preliminary items of the type referred to in the Measurement Rules***, provided that no such allowance shall be made in respect of compliance with an Architect’s/Contract Administrator’s instruction for the expenditure of a Provisional Sum for defined work.

*The RICS New Rules of Measurement - Detailed Measurement for Building Works (NRM2)

RICS NEW RULES OF MEASUREMENT, NRM2: DETAILED MEASUREMENT FOR BUILDING WORKS

1. PRELIMINARIES (MAIN CONTRACT) 1.2 Main Contractor's cost items 1.2.1 Management and staff

Component	Included	Unit	Pricing method	Excluded
1 Project-specific management and staff	Main contractor's project specific management and staff such as: 1 Project manager/director.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	1 Security staff (included in section 1.2.4: Security).
	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production managers.			
	4 Health and safety manager/officers. ... etc			
2 Visiting management and staff	1 Managing director, regional director, operations director, commercial director and the like.			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	2 Quality manager			
	3 Contracts/Commercial manager. ... etc			
3 Extraordinary support costs	1 Legal advice costs (i.e, solicitors).	item	Fixed Charge	1 Extraordinary support costs for which an allowance has been made within the main contractor's overheads
	2 Recruitment costs.			
	3 Team building costs.			
	4 Other extraordinary support costs			
	5 Day transport.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	
	6 Personnel transport (i.e. transportation or work operatives to site).			
	7 Temporary living accommodation (e.g. long/medium term accommodation costs). ... etc			
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge	

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1 Project-specific management and staff	Main contractor's project specific management and staff such as: 1 Project manager/director.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	1 Security staff (included in section 1.2.4: Security).
	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services			
	4 Off-site production managers.			
2 Visiting management and staff	5 Operations director, commercial			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	6			
	7			
	8 ... etc			
3 Extraordinary support costs	1 Legal advice costs (i.e, solicitors).	item	Fixed Charge	1 Extraordinary support costs for which an allowance has been made within the main contractor's overheads
	2 Recruitment costs.			
	3 Team building costs.			
	4 Other extraordinary support costs			
	5 Day transport.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	
	6 Personnel transport (i.e. transportation or work operatives to site).			
	7 Temporary living accommodation (e.g. long/medium term accommodation costs). ... etc			
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge	

1 Project-specific management and staff

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	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production			
	4 Health and safety manager/officers. ... etc			
2 Visiting management and staff	1 Managing director, regional director, operations director and the like.			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	2 Quality manager			
	3 Contracts/Commercial manager. ... etc			
3 Extraordinary support costs	1 Legal advice costs (i.e, solicitors).	item	Fixed Charge	1 Extraordinary support costs for which an allowance has been made within the main contractor's overheads
	2 Recruitment costs.			
	3 Team building costs.			
	4 Other extraordinary support costs			
	5 Day transport.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	
	6 Personnel transport (i.e. transportation or work operatives to site).			
	7 Temporary living accommodation (e.g. long/medium term accommodation costs). ... etc			
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge	

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	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production managers.			
	4 Health and safety manager/officers. ... etc			
2 Visiting management and staff	5 Commissioning manager (building engineering services).			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	6 Planning/programming manager and staff.			
	7 Senior/managing quantity surveyor.			
	8 Project/package quantity surveyors.			
3 Extraordinary support costs	9 Procurement manager.		charge	1 Extraordinary support costs for which an allowance has been made within the main contractor's overheads
	10 Design manager.			
	11 Project engineers.			
	12 Environmental manager.			
	13 Temporary works design engineers.		related	
	14 Materials management staff (e.g. storeman).			
	15 Administrative staff, including secretary, document controllers, finance clerks and the like.			
	16 Other management and staff.			
4 Staff Travel	Cost of travel for staff.		charge	

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	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production managers.			
	4 Health and safety manager/officers. ... etc			
2 Visiting management and staff	1 Managing director, regional director, operations director, commercial director and the like.			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	2 Quality manager			
	3 Contracts/Commercial manager. ... etc			
3 Extraordinary support costs	1 Legal advice costs (i.e, solicitors).	item	Fixed Charge	1 Extraordinary support costs for which an allowance has been made within the main contractor's overheads
	2 Recruitment costs.			
	3 Team building costs.			
	4 Other extraordinary support costs			
	5 Day transport.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	
	6 Personnel transport (i.e. transportation or work operatives to site).			
	7 Temporary living accommodation (e.g. long/medium term accommodation costs). ... etc			
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge	

Time-related charge

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1 Project-specific management and staff	Main contractor's project specific management and staff such as: 1 Project manager/director.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	1 Security staff (included in section 1.2.4: Security).
	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production managers.			
	4 Health and safety manager/officers. ... etc			
2 Visiting management and staff	1 Managing director, regional director, operations director, commercial director and the like.			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	2 Quality manager			
	3 Contracts/Commercial manager. ... etc			
3 Extraordinary support costs	1 Legal fees			Fixed Charge
	2 Recruitment fees			
	3 Tea and refreshment			
	4 Other			
	5 Day transport.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	
	6 Personnel transport (i.e. transportation or work operatives to site).			
	7 Temporary living accommodation (e.g. long/medium term accommodation costs). ... etc			
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge	

4 Health and safety manager.
5 Environmental manager/consultant.
6 Other visiting management and staff.

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Component	Included	Unit	Pricing method	Excluded
1 Project-specific management and staff	Main contractor's project specific management and staff such as: 1 Project manager/director.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	1 Security staff (included in section 1.2.4: Security).
	2 Construction manager.			
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production managers.			
	4 Health and safety manager/officers. ... etc			
2 Visiting management and staff	1 Managing director, regional director, operations director, commercial director and the like.			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads
	2 Quality manager			
	3 Contracts/Commercial ... etc			
3 Extraordinary support costs	1 Legal advice costs (i.e, solicitors).	item	Fixed Charge	1 Extraordinary support costs for which an allowance has been made within the main contractor's overheads
	2 Recruitment costs.			
	3 Team building costs.			
	4 Other extraordinary support costs			
	5 Day transport.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	
	6 Personnel transport (i.e. transportation or work operatives to site).			
	7 Temporary living accommodation (e.g. long/medium term accommodation costs). ... etc			
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge	

8 Subsistence payments.

9 Out of normal hours working, including non-productive overtime allowances.

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1. PRELIMINARIES (MAIN CONTRACT) 1.2 Main Contractor's cost items 1.2.1 Management and staff

Component	Included	Unit	Pricing method	Excluded	
1 Project-specific management and staff	Main contractor's project specific management and staff such as: 1 Project manager/director.	Week (number of staff by number of man hours per week by number of weeks)	Time-Related charge	1 Security staff (included in section 1.2.4: Security).	
	2 Construction manager.				
	3 Supervisors, including works/trade package managers, building services engineering managers/co-ordinators and off-site production managers.				
	4 Health and safety manager/officers. ... etc				
2 Visiting management and staff	1 Managing director, regional director, operations director, commercial director and the like.			1 Visiting management and staff for which an allowance has been made within the main contractor's overheads	
	2 Quality manager				
	3 Contracts/Commercial manager. ... etc				
3 Extraordinary support costs	1 Legal advice costs (i.e, solicitors).			item	Fixed Charge
	2 Recruitment costs.				
	3 Team building costs.				
	4 Other extraordinary support costs				
	5 Day to	Time-Related charge	2 Visits to subcontractors' offices/works. 3 Overseas visits. 4 Accommodation charges and overnight expenses.		
	6 Person				
	7 Temp costs).				
	... etc				
4 Staff Travel	Costs associated with off-site visits such as: 1 Visits to employer's and consultants' offices etc...	Nr (number of occasions)	Fixed charge		

RICS NEW RULES OF MEASUREMENT, NRM2: DETAILED MEASUREMENT FOR BUILDING WORKS

1. PRELIMINARIES (MAIN CONTRACT) 1.2 Main Contractor's cost items 1.2.2 Site establishment

Component	Included	Unit	Pricing method	Excluded
1 Site accommodation	Main contractor's and common user temporary site accommodation such as: – offices. – conference/meeting rooms. – canteens and kitchens. – drying rooms. – toilets and washrooms. – first aid room. – laboratories. – workshops. – secure stores. – compounds, including containers for material storage. – security control room. – stairs and office staging. Type and extent of accommodation to be provided to be stated, with each type separately quantified.			1 Employer's accommodation, where not an integral part of the main contractor's site accommodation (included in section 1.1.1: Site accommodation). 2 Temporary bases, foundations and provision of drainage and services to temporary site accommodation (included in component 1.2.2.2:Temporary works in connection with site establishment).
	1 Purchase charges	item	Fixed Charge	3 Service provider's charges for temporary services (included in section 1.2.12: Fees and charges). 4 Rates for temporary services (included in section 1.2.12: Fees and charges).
	2 Hire charges.	week	Time-related charge.	
	3 Employer's accommodation, where an integral part of the main contractor's site accommodation.			
	4 Delivery of temporary site accommodation to site, erection, construction and removal.	item	Fixed Charge	
	5 Temporary accommodation made available by the employer.	week	Time-related charge.	
	6 Intruder alarms.	item	Fixed Charge	
	7 Land/property rental where site accommodation located off-site.	week	Time-related charge.	
	8 Alterations and adaptations to site accommodation, including partitioning, doors, painting and decorating, and the like. etc...	item	Fixed Charge	

RICS NEW RULES OF MEASUREMENT, NRM2: DETAILED MEASUREMENT FOR BUILDING WORKS

1. PRELIMINARIES (MAIN CONTRACT) 1.2 Main Contractor's cost items 1.2.2 Site establishment

Component	Included	Unit	Pricing method	Excluded
1 Site accommodation	<p>Main contractor's and common user temporary site accommodation such as:</p> <ul style="list-style-type: none"> – offices. – conference/meeting rooms. – canteens and kitchens. – drying rooms. – toilets and washrooms. – first aid room. – laboratories. – workshops. – secure stores. – compounds, including containers for material storage. – security control room. – stairs and off <p>Type and extent of site accommodation to be provided with each type of site.</p>			<p>1 Employer's accommodation, where not an integral part of the main contractor's site accommodation (included in section 1.1.1: Site accommodation).</p> <p>2 Temporary bases, foundations and provision of drainage and services to temporary site accommodation</p>
	1 Purchase charges			Component 1.2.2.2: Temporary
	2 Hire charges			on with site
	3 Employer's and contractor's site			ment).
	4 Delivery of temporary construction and			the provider's charges for
	5 Temporary accommodation			ry
	6 Intruder alarm			(included in section
	7 Land/property rental where site accommodation located off-site.		Related charge.	Fees
	8 Alterations and adaptations to site accommodation, including partitioning, doors, painting and decorating, and the like. etc...		Fixed Charge	arges).

9 Relocation and alterations of temporary accommodation during construction stage.

10 Reinstating temporary site accommodation to original condition prior to removal from site.

11 Removal of site accommodation and temporary works in connection with site accommodation.

RICS NEW RULES OF MEASUREMENT, NRM2: DETAILED MEASUREMENT FOR BUILDING WORKS

1. PRELIMINARIES (MAIN CONTRACT) 1.2 Main Contractor's cost items 1.2.7 Mechanical Plant

Component	Included	Unit	Pricing method	Excluded
1 Generally	Common user mechanical plant and equipment used in construction operations.			Plant and equipment used for specific construction operations, such as: 1 Earthmoving plant. 2 Piling plant. 3 Paving and surfacing plant. 4 Wheel spinners, and road sweepers (included in section 1.2.11: Cleaning). 5 Access scaffolding (included in section 1.2.8:Temporary works).
2 Tower cranes	Type of craneage to be provided shall be stated; with each type separately quantified. 1 Hire charges.	week	Time-related charge.	1 Temporary electrical supply to tower crane (included in section 1.2.3:Temporary services).
	2 Crane operator.	week (number of staff by number of man hours per week by number of weeks)		
	3 Overtime for crane and operator.			
	4 Piles for tower crane bases, including maintenance removal... etc	nr	Fixed charge.	
3 Mobile cranes	Type of craneage to be provided shall be stated; with each type separately quantified. 1 Mobile crane hire charges, including driver/operator charges.	week	1 Fixed charge. 2 Time-related charge.	
	2 Attendance.	nr (number of man hours per visit by number of visits)		
	3 Other costs specific to mobile crane hire. ... etc	item		

RICS NEW RULES OF MEASUREMENT, NRM2: DETAILED MEASUREMENT FOR BUILDING WORKS

1. PRELIMINARIES (MAIN CONTRACT) 1.2 Main Contractor's cost items 1.2.8 Temporary works

Component	Included	Unit	Pricing method	Excluded
1 Access scaffolding	Common user access scaffolding (type of access scaffolding to be specified): – access scaffolding to elevations, lift shafts and the like, including: fans and mesh screens. – structural scaffolding (e.g. to party walls). – birdcage scaffolding. – cantilever access scaffolding. – staircase platforms. – primary loading platforms. – travelling access platforms. 1 Bringing to site, erecting and initial safety checks.	nr	Fixed charge.	<div>1 Scaffolding specific to works packages (included in appropriate element or sub-element). 2 Scaffold inspections (included in sub-element 1.2.5: Safety and environmental protection).</div> <div>1 Temporary works design (included in section 1.1.1: Management and staff). 2 Temporary bases, drainage and services to site accommodation (included in section 1.2.2: Site establishment).</div> <div>3 Temporary roads, paths and pavement, including on-site car parking (included in section 1.2.2: Site establishment (i.e. Builder’s work in connection with site accommodation)).</div> <div>4 Hoardings, fans, fencing and the like to site boundaries and to form site compounds (included in section 1.2.4: Security (hoardings, fences and gates)). 5 Temporary earthwork support basement excavations. 6 Temporary props and walings to support contiguous bored pile wall of basement excavations. 7 Traffic management, including traffic marshals and temporary traffic lights (included in section 1.2.5: Safety and environmental protection).</div>
	2 Hire charges.	week	Time-related charge.	
	3 Altering and adapting during construction.	nr	Fixed charge.	
	4 Dismantling and removing from site.			
2 Temporary works	Common user temporary works: – support scaffolding and propping. – crash decks. – temporary protection to existing trees and/or vegetation. – floodlights. 1 Bringing to site, erecting and initial safety checks.	nr	Fixed charge.	
	2 Hire charges.	week	Time-related charge.	
	3 Altering and adapting during construction.	nr	Fixed charge	
	4 Dismantling and removing from site.			

JCT - VALUATION OF VARIATIONS

Clause 5.3 provides:

5.3.1

If the Architect/Contract Administrator in his instruction for a Variation states that the Contractor is to provide a quotation in accordance with the provisions of Schedule 2 (a 'Variation Quotation'), the Contractor shall subject to receipt of sufficient information provide a quotation in accordance with those provisions, unless within 7 days of his receipt of that instruction (or such longer period as is either stated in the instruction or agreed between them) he notifies the Architect/Contract Administrator that he disagrees with the application of the procedure to that instruction.

5.3.2

If the Contractor notifies his disagreement within that period, he shall not be obliged to provide that quotation and the Variation shall not be carried out unless and until the Architect/Contract Administrator gives a further instruction that the Variation is to be carried out and is to be valued by a Valuation.

5.3.3

Where a Variation Quotation has been made for work and a Confirmed Acceptance issued, then, if the Architect/Contract Administrator subsequently issues an instruction requiring a Variation of that work, the Valuation of that Variation shall be made on a fair and reasonable basis having regard to the content of that quotation and that Valuation shall include the direct loss and/or expense, if any, incurred by the Contractor because the regular progress of the Works or of any part of them is materially affected by compliance with the instruction. The Valuation Rules shall apply only to the extent that they are consistent with those requirements.

JCT - ADJUSTMENT OF COMPLETION DATE

Clause 2.27.1 provides:

If and whenever it becomes reasonably apparent that the progress of the Works or any Section is being or is likely to be delayed the Contractor shall forthwith give written notice to the Architect/Contract Administrator of the material circumstances, including the cause or causes of the delay, and shall identify in the notice any event which in his opinion is a Relevant Event.

JCT - ADJUSTMENT OF COMPLETION DATE

Clause 2.27.2 provides:

In respect of each event identified in the notice the Contractor shall, if practicable in such notice, or otherwise in writing **as soon as possible thereafter**, give **particulars of its expected effects including an estimate of any expected delay** in the completion of the Works or any Section beyond the relevant Completion Date.

JCT - LOSS AND EXPENSE

Clause 4.20 provides:

- 4.20.1 If in the execution of this Contract the Contractor **incurs or is likely to incur any direct loss and/or expense** as a result of any deferment of giving possession of the site or part of it under clause 2.5 or because regular progress of the Works or any part of them has been or is likely to be materially affected by any Relevant Matter, he shall, subject to clause 4.20.2 and compliance with the provisions of clause 4.21 be entitled to reimbursement of that loss and/or expense.

JCT - LOSS AND EXPENSE

- 4.20.2 No such entitlement arises where these Conditions provide that there shall be no addition to the Contract Sum or otherwise **exclude the operation of this clause 4.20 or to the extent that the Contractor is reimbursed for such loss and/or expense under another provision of these Conditions.**
- 4.21.1 The Contractor shall notify the Architect/Contract Administrator as soon as the **likely effect of a Relevant Matter** on regular progress **or the likely nature and extent of any loss and/or expense arising from a deferment of possession** becomes (or should have become) reasonably apparent to him.

JCT - LOSS AND EXPENSE

Clauses 4.21, 4.23 and 4.24 provide, *inter alia*:

- 4.21.2 That notification shall be accompanied by, or as soon as reasonably practicable, followed by the Contractor's initial assessment of the loss and/or expense incurred and any further amounts likely to be incurred, together with such information as is reasonably necessary to enable the Architect/Contract Administrator or Quantity Surveyor to ascertain the loss and/or expense incurred.
- 4.21.3 The Contractor shall thereafter, in such form and manner as the Architect/Contract Administrator may reasonably require, update that assessment and information at monthly intervals until all information reasonably necessary to allow ascertainment of the total amount of such loss and expense has been supplied.

JCT - LOSS AND EXPENSE

- 4.21.4 Within 28 days of receipt of the initial assessment and information and 14 days of each subsequent update of them the Architect/Contract Administrator or Quantity Surveyor shall notify the Contractor of the ascertained amount of the loss and/or expense incurred, each ascertainment being made by reference to the information supplied by the Contractor and in sufficient detail to enable the Contractor to identify differences between it and the Contractor's assessment.
- 4.23 Amounts ascertained under clause 4.21 shall be added to the Contract Sum.
- 4.24 The provisions of clauses 4.20 to 4.23 shall not limit or affect any other rights and remedies of the Contractor.

RECOVERABLE DAMAGE

- Two limbs of *Hadley v Baxendale* (1854)
 - ◆ Direct loss and damage
 - Losses flowing naturally from the breach.
 - Damages for breach of contract can be recovered if the loss could fairly and reasonably be considered to arise naturally according to the usual course of things from the breach.
 - ◆ Indirect (or consequential) loss and damage
 - Losses arising from a special circumstance of the case which can reasonably be supposed to have been in the contemplation of the parties (at the time they made the contract) as the probable consequence of the breach.
 - Only the type of damage need to have been contemplated as opposed to the amount of damages.

DIRECT AND INDIRECT LOSSES

- Limiting liability for **indirect** losses requires clear unambiguous wording.
- Exclude/limit liability by a financial cap in relation **to certain defined categories of loss** - direct or indirect (e.g. no liability for loss of profits).
- **Alternatively**, accept liability for all losses, direct or indirect, but limit liability by a **financial cap or time cap** (e.g. defects liability period).
- *McCain Foods v Eco-Tec (Europe) Ltd*:
 - ♦ Clause said *“in no event will the Seller be responsible for indirect, special, incidental and consequential damages”*.
 - ♦ Damages claimed included - costs of replacing the system, loss of revenue, the extra costs in having to buy electricity (for period system should have been generating biogas), costs of contractors and personnel, costs of staff time to resolve issues etc.
 - ♦ Supplier accepted liability for the **direct loss of replacing the system** but said all the other losses were indirect and excluded.
 - ♦ Court held **all the losses were direct losses** and recoverable.

IMPORTANCE OF RECORDS

Mansion Place Limited v Fox Industrial Services Limited [2021] EWHC 2972 (TCC)

- Student accommodation - extension and refurbishment under JCT Design and Build 2016
- There were delays and a dispute arose as to the deduction of liquidated damages - was there a binding oral agreement that no liquidated damages would be deducted?
- Mr Justice Eyre stated:

*“...I must look at the witnesses' evidence through the **prism of the contemporaneous documents**; of their subsequent actions; of those events which are accepted or clearly demonstrated to have happened; and of inherent likelihood. The impression made by the demeanour of a witness must be set against those matters and to the extent that the **contemporaneous documents** in particular show a picture different from that depicted by a particular witness it is the former and not the latter which I should regard as more likely to be an accurate account of what happened”.*

SCHEDULE 1 – CAUSE OF DELAY

[illegible]

[illegible]

**ITEM
NO.
(1)**

Basis of correlation between schedules and records

SCHEDULE 1 – CAUSE OF DELAY

ITEM NO.		ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION		
			FINISHED				1. Date(s) 2. Reference(s) 3. Clause Number(s)	CLAUSE 2.27	CLAUSE 4.23
(1)		CAUSE OF DELAY (2)		(5)	(6)	(7)	(8)	(9)	(10)
		Chronological listing of “...the cause or causes of the delay, and... any event which in [the Contractor’s] opinion is a Relevant Event” as notified under clause 2.27.1							

SCHEDULE 1 – CAUSE OF DELAY

ITEM NO.	CAUSE OF DELAY		DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
							1. Date(s) 2. Reference(s) 3. Clause Number(s)	
(1)	(2)	ACTIVITY/ ACTIVITIES AFFECTED/LIKELY TO BE AFFECTED (3)			(7)	(8)	CLAUSE 2.27 (9)	CLAUSE 4.23 (10)
		The effects of any given cause of delay could vary from one activity to another						

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED		DELAY TO ACTIVITY/ACTIVITIES	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
				DELAY TO ACTIVITY/ACTIVITIES			1. Date(s) 2. Reference(s) 3. Clause Number(s)	CLAUSE 2.27
(1)	(2)	(3)				(8)	(9)	(10)
				STARTED (4)	FINISHED (5)			

Start and finish dates are essential to:

- ◆ determine whether any particular cause of delay is critical to overall completion
- ◆ fix the window for the valuation of Variations and ascertainment of loss and expense or damages.

- ◆ determine whether any particular cause of delay is critical to overall completion
- ◆ fix the window for the valuation of Variations and ascertainment of loss and expense or damages.

[illegible]

**DELAY TO
ACTIVITY
(Working Days)
(6)**

Basis of valuation of Variations and ascertainment of activity loss and expense or damages

[illegible]

SCHEDULE 1 – CAUSE OF DELAY

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES (Working days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION		
							1. Date(s)	2. Reference(s)	
							3. Clause Number(s)		
								CLAUSE	CLAUSE

ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED (3)	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working Days) (6)	PHYSICAL CONSEQUENCES (7)
	STARTED (4)	FINISHED (5)		

Entries into (3) to (7) are the “...particulars of [the Relevant Event’s] expected effects...” per clause 2.27.2

**ESTIMATED
DELAY TO
OVERALL
COMPLETION
(Calendar
Days)
(8)**

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION
			STARTED	FINISHED			
(1)	(2)	(3)	(4)	(5)	NOTIFICATION 1. Date(s) 2. Reference(s) 3. Clause Number(s)		
					CLAUSE 2.27 (9)		CLAUSE 4.21 (10)

◆ For correlation only

◆ Schedule not intended to be a substitute for notices for extensions of time (clause 2.27.1) or applications for loss and expense (clause 4.21)

- ◆ **For correlation only**
- ◆ **Schedule not intended to be a substitute for notices for extensions of time (clause 2.27.1) or applications for loss and expense (clause 4.21)**

[illegible]

[illegible]

For correlation between Schedules 1 and 2

- ◆ letter or email
- ◆ Information Required Schedule
- ◆ programme endorsed with information required dates

- ◆ **Not necessarily the date upon which the cause of delay starts**
- ◆ **The test is whether, if the information had been made available to him, would the Contractor have been able to proceed with the activity to which the information relates i.e. was the work at a stage at which the information could be used to make progress**

[illegible]

ITEM NO.	SCHED 1 REF NO.	INFORMATION REQUEST			INFORMATION ISSUE				
		Nature of Information	Date of Request	Manner of Request	Nature of Issue	Activity/Activities Affected	Other		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Activity/Activities Affected (10)

An initial view only – could be more or less extensive in fact

DATE..... ACTIVITY..... SHEET..... SUPERVISOR.....

SUMMARY RECORD OF DELAY AND DISRUPTIONABLE RECORDS OF
CAL CONSEQUENCES ³

(1)	(2)	START (3)	FINISH ¹ (4)	(5)	(6)
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM N	DATE.....	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ²	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
		START	FINISH ¹		
(1)	(2)	(3)	(4)	(5)	(6)
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

3

DATE.....

SHEET.....

SUPERVISOR.....

ACTIVITY.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ²	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
(1)	(2)	(3)	(4)	(5)	(6)
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE.....

ACTIVITY.....

SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL EVIDENCE	ADDITIONAL RECORDS OF CAUSAL CONSEQUENCES ³
		START	FINISH ¹		
(1)	(2)	(3)	(4)	(5)	(6)
	Other cause(s) of delay ⁴				

SHEET.....

1. State if ongoing
2. For example:
 - A. Postponed commencement
 - B. Suspension of work
 - C. Abortive work; give details
 - D. Redeployment of resources from to.....
 - E. Out of sequence working (i.e.before.....)
 - F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE.....

ACTIVITY.....

SHEET.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCE	SUPERVISOR.....
		START	FINISH ¹		
(1)	(2)	(3)	(4)	(5)	(6)
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO. (1)	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ² (5)	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ (6)
		START (3)	FINISH ¹ (4)		
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ² (5)	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ (6)
		START (3)	FINISH ¹ (4)		
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	PHYSICAL CONSEQUENCES ²		AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
(1)	(2)	DELAY TO ACTIVITY		(6)
		START (3)	FINISH ¹ (4)	
	Other cause(s) of delay ⁴			

1. State if ongoing

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE..... ACTIVITY..... SHEET..... SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY			AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
		START	FINISH ¹		
(1)	(2)	(3)	(4)	<div>PHYSICAL CONSEQUENCES ²</div> <div>(5)</div>	
	Other cause(s) of delay ⁴				

2. For example:
A. Postponed commencement

1. State if ongoing or completed
2. For example:
A. Postponed commencement
B. Suspension of work
C. Abortive work; give details
D. Redeployment of resources from to.....
E. Out of sequence working (i.e.before.....)
F. Additional work
3. Give details of records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, TV, etc.
4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

3

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY			AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ (5)
		START (3)	FINISH ¹ (4)		
	Other cause(s) of delay ⁴				

PHYSICAL CONSEQUENCES ²

(5)

1. State if

2. For exam

B. Suspension of work

A. Postponement of commencement

B. Suspension of work

C. Abortive work; give details

D. Redeployment of resources from to.....

E. Out of sequence working (i.e.before.....)

F. Additional work

3.

Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4.

Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

3

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY			AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ PHYSICAL CONSEQUENCES ² (5)
		START (3)	FINISH ¹ (4)		
	Other cause(s) of delay ⁴				

1. State

2. For

C. Abortive work; give details

A. Responed

B. Suspended work

C. Abortive work; give details

D. Redeployment of resources from to.....

E. Out of sequence working (i.e.before.....)

F. Additional work

Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

DATE..... ACTIVITY..... SHEET..... SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY			AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
		START	FINISH ¹		
(1)	(2)	(3)	(4)	PHYSICAL CONSEQUENCES ²	
				(5)	
	Other cause(s) of delay ⁴				

1. Start of delay

2. For what reason

A. Breakdown of plant or equipment

B. Breakdown of labour

C. Abortion of work, give details

D. Redeployment of resources from to.....

E. Out of sequence working (i.e.before.....)

F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.
4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

3

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ PHYSICAL CONSEQUENCES ² (5)
		START (3)	FINISH ¹ (4)	
	Other cause(s) of delay ⁴			

1. S

2. F

**E. Out of sequence working
(i.e..... before.....)**

D. Redeployment of resources from to.....

E. Out of sequence working (i.e.before.....)

F. Additional work

3.

Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4.

Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

3

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ PHYSICAL CONSEQUENCES ² (5)
		START (3)	FINISH ¹ (4)	
	Other cause(s) of delay ⁴			

1. State if ongoing

2. For example:

A.
E.
C.

F. Additional Work

- D. Reder resources from to.....
E. Out sequence working (i.e.before.....)
F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

3

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ²	
		START	FINISH ¹		
(1)	(2)	(3)	(4)		
	Other cause(s) of delay ⁴				

**AVAILABLE RECORDS ³
OF PHYSICAL
CONSEQUENCES
(6)**

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV etc.

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

DATE..... ACTIVITY..... SHEET..... SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ²	
		START	FINISH ¹		
(1)	(2)	(3)	(4)	(5)	(6)
	Other cause(s) of delay ⁴				

3. Photographs are useful but in themselves are not a complete record - Photographs do not speak and only record what is shown. They do not record what is not shown.

1. 1. Start
2. For
- A.
- B.
- C.
- D.
- E.
- F. Additional work
3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.
4. Please specify

DATE.....

ACTIVITY.....

SHEET.....

SUPERVISOR.....

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ²	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
		START	FINISH		
(1)	(2)	(3)	(4)	(5)	(6)

Other cause(s) of delay ⁴

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

4. Please specify

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV, etc.

4. Please specify

SCHEDULE 2 - LATE INFORMATION

					INFORMATION ISSUE				Activity/Activities Affected
(1)		Nature of Information (3)	Date of Request (4)	Manner of Request (5)	Nature of Issue (6)	Date Required (7)	Date Received (8)	Days Late (9)	
ITEM NO. (1)	24	SCH.1 REF.NO (2)		Contractor's letter reference W/MG/10596/45 email of 11th October 2021 to the architect	Architect's Sketch 2074 issued under cover of A.I. No. 8 dated 26th October 2021	20.10.21	27.10.21	7 days	1. Brickwork along gridline 'F' 2. Roof carpentry
		55		Contractor's RFI 42 dated 9th October 2021.	COW's Direction 49 dated 5th November 2006	23.10.21	05.11.21	13 days	1. Roof carpentry
		junction between the prefabricated timber roof trusses and the insitu hip rafters on Block A							
26	75	The detail for the flashing of the parapet gutter along gridline 'C' on Block A	07.11.21	Contractor's RFI 51 dated 7th November 2021.	Architect's Sketch 2076 issued under cover of AI No. 13 dated 9th January 2022	02.01.22	10.01.22	8 days	1. Brickwork to the parapet wall along gridline 'C' on Block A 2. Leadwork to parapet gutter along gridline 'C' on Block A 3. Roof covering to hip roof adjacent to gridline 'C' on Block A

ITEM NO	SCHED 1 REF NO.	INFORMATION ISSUE			Activity/Activities Affected
(1)	(2)	INFORMATION REQUEST			
		Nature of Information (3)	Date of Request (4)	Manner of Request (5)	
24	55	Detail for the soldier course to underside of eaves along gridline 'F'	26.10.21	Contractor's letter reference BBW/MG/10596/45 by email of 6th October 2021 to the Architect	
25	60				
26	75				
		gutter along gridline 'C' on Block A	dated 9th January 2022		2. Leadwork to parapet gutter along gridline 'C' on Block A 3. Roof covering to hip roof adjacent to gridline 'C' on Block A

ITEM NO	SCHED 1 REF NO.	INFORMATION REQUEST							Activity/Activities Affected
(2)		INFORMATION ISSUE							(10)
		Nature of Issue (6)	Date Required (7)	Date Received (8)	Days Late (9)				1. Brickwork along gridline 'F' 2. Roof carpentry
		Architect's Sketch 2074 issued under cover of A.I. No. 8 dated 26th October 2021	20.10.21	27.10.21	7 days				1. Roof carpentry
		the parapet gutter along gridline 'C' on Block A	November 2021.	cover of AI No. 13 dated 9th January 2022					1. Brickwork to the parapet wall along gridline 'C' on Block A 2. Leadwork to parapet gutter along gridline 'C' on Block A 3. Roof covering to hip roof adjacent to gridline 'C' on Block A

ITEM NO	SCHED 1 REF NO.	INFORMATION REQUEST			INFORMATION ISSUE				
		Nature of Information	Date of Request	Manner of Request	Nature of	Date			
(1)	(2)	(3)	(4)	(5)	ACTIVITY/ACTIVITIES AFFECTED (10)				(10)
24	55	The detail for the soldier course to underside of eaves along gridline 'F'	26.10.21	Contractor's letter reference BBW/MG/10596/ by email of 6th October 2021 to Architect	1. Brickwork along gridline 'F' 2. Roof carpentry				along entry
25	60	The detail for the junction between the prefabricated timber roof trusses and the insitu hip rafters on Block A	09.10.21	Contractor's RFI dated 9th October 2021.					entry
26	75	The detail for the flashing of the parapet gutter along gridline 'C' on Block A	07.11.21	Contractor's RFI 51 dated 7th November 2021.	Architect's Sketch 2076 issued under cover of AI No. 13 dated 9th January 2022	02.01.22	10.01.22	8 days	1. Brickwork to the parapet wall along gridline 'C' on Block A 2. Leadwork to parapet gutter along gridline 'C' on Block A 3. Roof covering to hip roof adjacent to gridline 'C' on Block A

SCHEDULE 1 - CAUSE OF DELAY

		ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
ITEM NO. (1)	CAUSE OF DELAY (2)					(8)	1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	
							CLAUSE 25 (9)	CLAUSE 26 (10)
55	<u>The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail</u> for the soldier course to underside of eaves along gridline ‘F’, item 24 on Schedule 2 refers.							
					</			

ITEM NO. (1)	CAUSE OF DELAY (2)	ACTIVITY/ACTIVITIES AFFECTED (3)	DELAY TO ACTIVITY/ACTIVITIES (4)	DELAY TO ACTIVITY/ACTIVITIES (Working Days) (5)	PHYSICAL CONSEQUENCES (6)	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days) (8)	NOTIFICATION	
							1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	
							CLAUSE 25 (9)	CLAUSE 26 (10)
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F', item 24 on Schedule 2 refers.							

Excel – cause of delay in standard phraseology terms – i.e. select from menu in terms of clauses 2.29 and 4.22 and insert relevant particulars.
e.g. cl. 2.29.7: “any impediment, prevention or default,

**Excel – cause of delay in standard phraseology terms
– i.e. select from menu in terms of clauses 2.29 and
4.22 and insert relevant particulars.**

e.g. cl. 2.29.7: “any impediment, prevention or default, whether by act or omission, by the Employer, the Architect/Contract Administrator...”

ITEM NO.	CAUSE OF DELAY	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
						1. Date(s)	2. Reference(s)
(1)	(2)	ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED (3)		(7)	(8)	CLAUSE 25	CLAUSE 26
						(9)	(10)
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.	1. Final lift of brickwork along gridline 'F' 2. Roof carpentry					
56	Why do the necessary records not exist? – often because the person who would appreciate the need for a record (QS or Project Manager) does not alert the person best able to keep the record (Foreman, Site Engineer).						
57							

SCHEDULE 1 - CAUSE OF DELAY

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED (3)	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
							1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	
(1)	(2)				(7)	(8)	CLAUSE 25 (9)	CLAUSE 26 (10)
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.	1. Final lift of brickwork along gridline 'F' 2. Roof carpentry						
56	The circulation list – a problem for which we are entitled to compensation is coming your way – please keep a record on SRDD of how it affects you.							
57								

ITEM NO.	CAUSE OF DELAY	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION		
						1. Date(s)	2. Reference(s)	
						3. Clause Numbers(s)		
(1)	(2)	ACTIVITY/ACTIVITIES AFFECTED LIKELY TO BE AFFECTED (3)		(7)	(8)	CLAUSE 25	CLAUSE 26	
						(9)	(10)	
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.	1. Final lift of brickwork along gridline 'F' 2. Roof carpentry						
56	Person completing 'circulation list' needs broad appreciation of the construction process e.g. impact on common facilities – impact upon parallel trades – impact on Health and Safety Plan.							
57								

SUMMARY RECORD OF DELAY AND DISRUPTION

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ² (5)	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ (6)
		START (3)	FINISH ¹ (4)		
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.				
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.

4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

6A

DATE 23rd October 2021

SHEET 8

SUPERVISOR Fred Smith

ITEM NO	CAUSE OF DELAY	ACTIVITY Brickwork			CONSEQUENCES ²	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
(1)	(2)					(6)
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.					
	Other cause(s) of delay ⁴					

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.

4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

6A

DATE 23rd October 2021

ACTIVITY Brickwork

SUPERVISOR Fred Smith

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES (5)	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES (6)
		START (3)	FINISH ¹ (4)		
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.				
	Other cause(s) of delay ⁴				

SHEET 8

1. State if ongoing
2. For example:
 - A. Postponed commencement
 - B. Suspension of work
 - C. Abortive work; give details
 - D. Redeployment of resources from to.....
 - E. Out of sequence working (i.e.before.....)
 - F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.
4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR
Fred Smith

6A

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ² (5)	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ (6)
		START (3)	FINISH ¹ (4)		
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.				
	Other cause(s) of delay ⁴				

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.

4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

6A

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO (1)	CAUSE OF DELAY (2)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ² (5)	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³ (6)
		START (3)	FINISH ¹ (4)		
55	Th in dr: of un ite	ITEM NO. (1) CAUSE OF DELAY (2)			
	C	55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of		

1. Start
2. For
- A. I
- B. I
- C. Abortive work, give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

Location Sheets,
-Site Sheets, Site
rds, Photographs

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

6A

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY	PHYSICAL CONSEQUENCES ²	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES ³
(1)	DELAY TO ACTIVITY		PHYSICAL ² CONSEQUENCES	(6)
55	The (C) receiver instruct and level the sold leaves a on Sche	<div>START</div> <div>(3)</div>	<div>FINISH ¹</div> <div>(4)</div>	<div>(5)</div>
	Other cause(s) of delay ⁴			

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.

4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

6B

DATE 23rd October 2021

ACTIVITY Carpentry

SHEET 2

SUPERVISOR George Edwards

ITEM NO (1)	CAUSE OF DELAY (2)	ACTIVITY Carpentry	SHEET 2	SUPERVISOR George Edwards	
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.				
	Other cause(s) of delay ⁴				

1. State if ongoing
2. For example:
 - A. Postponed commencement
 - B. Suspension of work
 - C. Abortive work; give details
 - D. Redeployment of resources from to.....
 - E. Out of sequence working (i.e.before.....)
 - F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.
4. Please specify

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

7

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET

SUPERVISOR Fred Smith

ITEM NO	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES ²
	START (3)	FINISH ¹ (4)	
55	23.10.21	26.10.21	Suspension of brickwork to soldier course along gridline 'F'; 2:1 gang standing

1. State if ongoing

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.

4. Please specify

Date upon which the absence of the necessary details became an effective cause of delay cf 20.10.21 on Schedule 2

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

7

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO	CAUSE OF DELAY		2	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES 3
(1)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES 2	
55	START (3)	FINISH 1 (4)	(5)	
	23.10.21	26.10.21	Suspension of brickwork to soldier course along gridline 'F'; 2:1 gang standing	

1. State if ongoing

2. For example:

A. Postponed commencement

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs, CCTV etc

Required details received early 27.10.21 therefore not an effective cause of delay after 26.10.21, however, if details received late on 27.10.21 cause of delay would finish on 27.10.21

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

7

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO	CAUSE OF DELAY				2	AVAILABLE RECORDS OF PHYSICAL CONSEQUENCES 3
(1)	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES 2			
55	START (3)	FINISH 1 (4)	(5)			
	23.10.21	26.10.21	Suspension of brickwork to soldier course along gridline 'F'; 2:1 gang standing			

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

Entry in (5) could be codified e.g. " B and D, GL'F' to manholes"

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY	PHYSICAL CONSEQUENCES ²
(1)	(2)		
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.		<div>AVAILABLE RECORDS OF ³</div> <div>PHYSICAL CONSEQUENCES</div> <div>(6)</div>
	Other cause(s) of delay ⁴	24	<div>C.Adams Daily Allocations Sheets for week endings 28/10/21, daywork Sheet No.12a and progress photographs taken on 27/10/21.</div>

1. State if ongoing

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from
- E. Out of sequence working (i.e.
- F. Additional work

3.

Records, e.g. Daily Allocation Sheets,

Completed by Jnr QS/Clerk. Correlate other available evidence/ records in support of the entries into (3), (4) and (5)

NEW LEISURE CENTRE FOR BLACK FOREST DISTRICT COUNCIL
SUMMARY RECORD OF DELAY AND DISRUPTION

7

DATE 23rd October 2021

ACTIVITY Brickwork

SHEET 8

SUPERVISOR Fred Smith

ITEM NO	CAUSE OF DELAY	DELAY TO ACTIVITY		PHYSICAL CONSEQUENCES
		START	FINISH ¹	
(1)	(2)	(3)	(4)	(5)
	COW's Direction to not lay bricks when air temperature below 2°C (spec says 1°C)	24.10.21	06.11.21 (ongoing)	Bricklayers standing until air temperature 2°C and finishing when below 2°C

1. Stop work

2. For example:

- A. Postponed commencement
- B. Suspension of work
- C. Abortive work; give details
- D. Redeployment of resources from to.....
- E. Out of sequence working (i.e.before.....)
- F. Additional work

3. Records, e.g. Daily Allocation Sheets, Sub-Contractors' On-Site Sheets, Site Diary, Daywork Records, Photographs CCTV etc.

4. Please specify

GO
'Y
ES

[illegible]

(1)	(2)	ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION 1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	
			STARTED	FINISHED				CLAUSE 2.27 (9)	CLAUSE 4.23 (10)
55	The hav time inst deta way sold und alor 24 c refe	ITEM NO. (1)	CAUSE OF DELAY (2)						
55A	CO lay tem (spe								
56	Givin Arch way c requi of a s unde								
	purpose made blue engineering bricks; Sketch 2074 issued under cover of Architect's Instruction No. 58 dated 26th October 2021 refers.					hours waiting for concrete foundations. 1.3 Bricklayers reduced productivity working to Sketch 2074. 2.1 Carpenters reduced productivity awaiting completion of brickwork			

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
							1. Date(s)	2. Reference(s)
							CLAUSE	CLAUSE

ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED (3)	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITES (Working Days) (6)	PHYSICAL CONSEQUENCES (7)
	STARTED (4)	FINISHED (5)		
1. Final lift of brickwork along gridline 'F'	23.10.21	26.10.21	2 days	1.Suspension of brickwork to soldier course along gridline 'F' 2:1 gang standing

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE DELAYED	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
							1. Date(s)	2. Reference(s)
							CLAUSE	CLAUSE

ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED (3)	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working Days) (6)	PHYSICAL CONSEQUENCES (7)
	STARTED (4)	FINISHED (5)		
2. Roof Carpentry	25.10.21	31.10.21	5 days	2. Carpenters (2) waiting to fix wall plate re- deployed to general site tidying

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION				
			STARTED	FINISHED				1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	CLAUSE 2.27	CLAUSE 4.23		
	(2)	ITEM NO.	CAUSE OF DELAY			ACTIVITY/ ACTIVITIES AFFECTED/ LIKELY TO BE AFFECTED						
55	The Contractor having received time necessary instructions, details and layout of the design of the soldier course underside of wall along gridline 24 on Schedule 24 on Schedule refers.									(1)	(2)	(3)
55A	COW's Direction to not lay brick when air temperature below 2°C (spec says 1°C)									55A	COW's Direction to not lay brick when air temperature below 2°C (spec says 1°C)	1. Brickwork
56	Giving effect to Architect's Instruction No. 58 dated 26th October 2021 requiring the construction of a soldier course underside of exterior wall for purpose made blue engineering bricks; Sketch 2074 issued under cover of Architect's Instruction No. 58 dated 26th October 2021 refers.		Carpentry				hours waiting for concrete foundations. 1.3 Bricklayers reduced productivity working to Sketch 2074. 2.1 Carpenters reduced productivity awaiting completion of brickwork					

SCHEDULE 1 – CAUSE OF DELAY

ITEM NO.	CAUSE OF DELAY	ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES	DELAY TO ACTIVITY/ ACTIVITIES	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar	NOTIFICATION 1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	
5	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working Days) (6)	PHYSICAL CONSEQUENCES (7)			CAUSE .27 (9)	CLAUSE 4.23 (10)
	STARTED (4)	FINISHED (5)						
5	24.10.21	06.11.21 (ongoing)		1. Bricklayers standing until air temperature at 2°C and finishing when below 2°C				
5	Engineering bricks, Sketch 2074 issued under cover of Architect's Instruction No. 58 dated 26th October 2021 refers.				concrete foundations. 1.3 Bricklayers reduced productivity working to Sketch 2074. 2.1 Carpenters reduced productivity awaiting completion of brickwork			

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ITEM NO.	CAUSE OF DELAY	ACTIVITY/ ACTIVITIES AFFECTED LIKELY TO BE AFFECTED	DELAY TO ACTIVITY /ACTIVITIES		DELAY TO ACTIVITY/ ACTIVITIES (Working Days)	PHYSICAL CONSEQUENCES	ESTIMATED DELAY TO OVERALL COMPLETION (Calendar Days)	NOTIFICATION	
			STARTED	FINISHED				1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	CLAUSE 2.27 CLAUSE 4.23
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
55	The Contractor not having received in due time necessary instructions, drawings, details and levels by way of the detail for the soldier course to underside of eaves along gridline 'F'; item 24 on Schedule 2 refers.	1. Final lift of brickwork along gridline 'F' 2.Roof Carpentry	23.10.21 25.10.21	26.10.21 31.10.21	2 days 5 days	1. Suspension of brickwork to soldier course along gridline 'F' 2:1 gang standing 2. Carpenters(2) waiting to fix wall plate re-deployed to general site tidying			1.24.10.21 2.BBW/MG/10596/63 3. 26.2.1.1 16.2.1.2
55A	COW's Direction to not lay brick when air temperature below 2° C (spec says 1° C)	1. Brickwork	24.10.21	06.11.21 (ongoing)	10 days	1. Bricklayers standing until air temperature at 2°C and finishing when	2 days	1.13.11.21 2.BBW/MG 10596/83 3. 25.4.5.1	1.13.11.21 2.BBW/MG 10596/83 3. 26.2.7
56	Giving effect to the Architect's Instruction by way of a Variation requiring the construction of a soldier course to underside of eaves using purpose made blue engineering bricks; Sketch 2074 issued under cover of Architect's Instruction No. 58 dated 26th October 2021 refers.	1.Brickwork along gridline 'F' 2. Roof Carpentry	27.10.21 04.12.21	08.12.21		purpose engineering days. re-lock B ding 8.5 for calculations. 1.3 Bricklayers reduced productivity working to Sketch 2074. 2.1 Carpenters reduced productivity awaiting completion of brickwork			1.30.10.21 2.BBW/MG 10596/67 3.26.2.7

DELAY TO ACTIVITY/ ACTIVITIES (Working Days) (6)		PHYSICAL CONSEQUENCES (7)					ED O L I O N ar		NOTIFICATION 1. Date(s) 2. Reference(s) 3. Clause Numbers(s)	
							CLAUSE 2.27 (9)	CLAUSE 4.23 (10)		
31 days		1.1 Delivery of purpose made blue engineering bricks took 26 days. 1.2 Gang (2:1) re-deployed to Block B footings; standing 8.5 hours waiting for concrete foundations. 1.3 Bricklayers reduced productivity working to Sketch 2074.							1.24.10.21 2.BBW/MG /10596/63 3. 26.2.1.1 16.2.1.2	
							1.13.11.21 2.BBW/MG 10596/83 3. 25.4.5.1	1.13.11.21 2.BBW/MG 10596/83 3. 26.2.7		
56	Giving effect to the Architect's Instruction by way of a Variation requiring the construction of a soldier course to underside of eaves using purpose made blue engineering bricks; Sketch 2074 issued under cover of Architect's Instruction No. 58 dated 26th October 2021 refers.	1.Brickwork along gridline 'F'	27.10.21	08.12.21	31 days					1.30.10.21 2.BBW/MG 10596/67 3.26.2.7
		2. Roof Carpentry	04.12.21	08.12.21	3 days		2.1 Carpenters reduced productivity awaiting completion of brickwork			

[illegible]

AGENDA FOR RETROSPECTIVE CLAIMS PREPARATION

TASK	ACTION	PROGRESS
1. Full list of variations		
2. As-built programme		
3. Resourcing as-built programme/labour and plant histogram		
4. Schedule of preliminaries items on a week-by-week basis		
5. Establish and show critical path through as-built programme		

AGENDA FOR RETROSPECTIVE CLAIMS PREPARATION

TASK	ACTION	PROGRESS
6. Files of information flow		
7. Late Information Schedule 2		
8. Cause of Delay Schedule 1 – Pass 1: causes an activities affected		
9. Variation account preparation		
10. Cause of Delay Schedule 1 – Pass 2: start and finish dates, physical consequences, labour and plant resources		

AGENDA FOR RETROSPECTIVE CLAIMS PREPARATION

TASK	ACTION	PROGRESS
11. Cause of Delay Schedule 1 – Pass 3: activity delay, management and administration resources		
12. Cause of Delay Schedule 1 – Pass 4: critical delay and reconciliation of activity delays		
13. Loss and expense/5.6.3.3 valuation of Variations Schedule		
14. Financing, HO overheads and prolongation evaluation		
15. Narrative		

RECORD KEEPING - SUMMARY

- **Modular approach to:**
 - ◆ record keeping
 - ◆ valuation of the Variations
 - ◆ the ascertainment of direct loss and expense/damages
 - ◆ the collation and presentation of particulars in support of extensions of time.

- **Schedules and SRDDs can be readily QA/monitored as to:**
 - ◆ record keeping
 - ◆ development of progressive and regular submissions to (as the case may be) Architect, Contract Administrator, Engineer, Contractor or Sub-Contractor.

RECORD KEEPING - SUMMARY

- Uniform
- Encourages communication and team working.
- A significant contribution to budgetary control and to the forecasting of final out-turn costs/values.
- Your lawyers/representatives in formal proceedings (adjudication, arbitration or litigation) will surely be impressed - if indeed you need to instruct them!



QUESTIONS?