

NEC4 · CLAUSES 15, 61 AND 62

The Compensation Event Trail

Entitlement under NEC4 is usually lost on the calendar or in the record, not in the assessment. The eight week bar in clause 61.3 removes the change altogether, a missing early warning strips out whatever could have been mitigated once clause 63.7 is applied, and a reply deadline nobody tracks leaves events sitting unanswered while the job moves on. Work down these checks on every event, from the first sign of it to the implemented figure.

1 Start the clock at the right moment

- ☐ **The date of becoming aware recorded for every event**, because the eight weeks in clause 61.3 runs from awareness, not from the instruction, the invoice or the month end.
- ☐ **Events the Project Manager should notify identified separately**: where the event arises from an instruction, a notification, a certificate or a changed decision, the clause 61.3 bar does not apply.
- ☐ **Everything else notified inside eight weeks**, on the basis that if the bar bites the Prices, the Completion Date and the Key Dates are not changed at all.
- ☐ **Contract Data and Z clauses checked for a shortened period**, because the eight weeks is amended more often than it is left alone.

State it: the date of awareness and the date of notification, on one line per event.

2 Make the notification decision-grade

- ☐ **Each notice tied to a single clause 60.1 sub-clause**, so the Project Manager can decide it under clause 61.4 rather than return it for clarification.
- ☐ **What happened and when stated separately from what it will cost or delay**; the notice establishes the event, the quotation prices it.
- ☐ **One event per notice**, because bundled notices are answered as one and refused as one.
- ☐ **Notices issued in the form the contract requires**, separately from the day to day correspondence, and in a way that fixes the date of receipt.

State it: the sub-clause relied on, in the first line of the notice.

3 Keep the early warning limb alive

- ☐ **Early warning given as soon as the Contractor becomes aware** of a matter which could increase the Prices, delay Completion or a Key Date, or impair the performance of the works in use, under clause 15.1.
- ☐ **The two mechanisms kept distinct**: an early warning does not start the clause 61.3 clock, and giving one is not a substitute for the notification.
- ☐ **The Early Warning Register kept current** and early warning meetings held at the Contract Data interval, with the decisions recorded against each entry.
- ☐ **Any clause 61.5 statement in an instruction to quote answered immediately**, because clause 63.7 then assesses the event as if the warning had been given.

State it: the early warning date against the notification date, for each event.

Entitlement is lost on the calendar. Not in the assessment.

4 Work the reply deadlines in both directions

- ☐ **The Project Manager's one week to reply to a notification diarised** under clause 61.4, and the further two week route used when that week passes without a reply.
- ☐ **Quotations submitted within three weeks of the instruction**, and the Project Manager's two weeks to reply tracked from the date of submission.
- ☐ **Deemed acceptance used deliberately** under clause 62.6: notify the failure to reply, and a further two weeks of silence is treated as acceptance of the quotation.
- ☐ **Any extension agreed before the period expires**, not after it, and recorded against the event rather than left in an email thread.

State it: submission date, reply due date and what actually happened, per event.

5 Build the record while it is still cheap

- ☐ **Records made while the event is happening**: site diaries, allocation sheets, dated photographs and delivery records, not reconstructed from memory months later.
- ☐ **Assumptions stated by the Project Manager under clause 61.6 tracked**, because a later correction to a stated assumption is itself a compensation event.
- ☐ **Every event carried through to implementation under clause 66**, with the implemented figure and date recorded against it.
- ☐ **One register holding every event**, reconciled to the payment application each month so the commercial position and the contract position never separate.

State it: one register row per event: awareness, notification, reply, quotation, acceptance, implementation.

Before the notice goes in

The record you make this week is the case you make in two years.

- ☐ Every live event has a recorded date of awareness, and none is sitting unnotified past eight weeks.
- ☐ Every notice names the sub-clause it relies on and describes one event, not a group of them.
- ☐ If this event reached adjudication, the trail could be rebuilt from the register and the records without relying on anyone's recollection.

Compensation events stacking up without a trail? We will rebuild the position, set the clock discipline and get the register back under control.

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