NEC Planning Solutions

DELAY POSITION REVIEW

Delay damages of 12 days: what the records support. Records to 17 May 2027

PROJECT DETAILS			
Client	Client A	**Document**	NECPS-DEMO-PL-DR-0007 P01
Project	Block B Roof and Envelope Refurbishment, Riverside Depot	**Records to**	17/05/27
Contract	NEC4 ECC Option A with Option X7	**Issued**	21/05/27
Contractor	Contractor B	**Prepared by**	Planning team, NEC Planning Solutions Ltd
Accepted Programme	Rev 06, accepted 12/02/27	**Reviewed by**	NEC Accredited Project Manager, NEC Planning Solutions Ltd
Question	Are the 12 days of delay damages supported?	**Issued to**	Contracts Manager, Contractor B

1. The written view

Completion was 12 April 2027, 12 days after the Completion Date of 31 March 2027, as changed by CE-014. The payment certificate of 12 May 2027 deducted delay damages for those 12 days, £21,600 at £1,800 a day. On 17 May 2027 the Project Manager rejected CE-019 and CE-023 because both were notified more than eight weeks after the Contractor became aware of them.

CE-019 is not barred. The Supervisor instructed a search of the zone 3 membrane on 22 February 2027 and no Defect was found, a compensation event under clause 60.1(10). Clause 61.3 does not bar an event that arises from the Supervisor giving an instruction. Assessed against Rev 06, the Accepted Programme current at its dividing date, CE-019 moves planned Completion 9 days later. The Completion Date becomes 9 April 2027 and 9 of the 12 days of damages fall away.

CE-023, the asbestos in the zone 3 parapet render, held the work for 3 working days and the site records show it. It did not arise from an instruction and it was notified nearly ten weeks after the site team found it, so it is barred on the wording of clause 61.3. If it stood, the records suggest the last 3 days of damages would also fall away. Take legal advice before relying on it.

The other 3 working days were the Contractor's own: the zone 3 copings arrived damaged and were remade. They used the 3 working days between Rev 06's planned Completion and the Completion Date as changed by CE-014.

Damages deducted	CE-019	Completion Date	CE-023	Contractor's own
12 days 31/03/27 to 12/04/27	**+9 days** Not time barred. Calendar days	**09/04/27** With CE-019. 3 days of damages left	**3 days** Barred on the wording of clause 61.3. Working days	**3 days** Within the time to the Completion Date. Working days

1.1 Completion and the Completion Date

Date	Rev 06 accepted	Rev 06 with CE-019	As built	Note
Planned Completion	24/03/27	**02/04/27**	12/04/27 A	Completion certified 12/04/27
Completion Date	31/03/27	**09/04/27**	31/03/27	CE-014 in from 19/02/27. CE-019 adds 9 days
Key Date 2 Condition, north scaffold struck	26/02/27	**26/02/27**	26/02/27 A	Met 5 working days before 05/03/27

Rev 06 was accepted with a Completion Date of 19/03/27. CE-014 changed it to 31/03/27 on 19/02/27, as shown. A after a date means an actual date. Delay damages run from the Completion Date until the earlier of Completion and the date the Client takes over the works (clause X7.1).

2. Records audit

The review used the native P6 files and the project records to 17/05/27. Each event was checked against what the records show before any analysis was run.

Record	What it shows	Holds
Rev 06, native P6 file	The Accepted Programme from 12/02/27. Planned Completion 24/03/27, the zone 3 parapet after the membrane	Yes
Supervisor's instruction SI-007, 22/02/27	A search of the zone 3 membrane at the parapet junction	Yes
Test notice 18/02/27 and search report 01/03/27	Notice of the membrane test was given before the parapet work, so the clause 60.1(10) exception does not apply. The search found no Defect	Yes
Client's asbestos survey, in the Site Information	No asbestos recorded in the parapet render	Yes
Site diary 02/03/27, the HSE notification and the removal contractor's records	Asbestos found in the zone 3 parapet render. With the HSE's agreement to a shorter notice period, a licensed contractor removed it, 03/03 to 05/03	Yes
Coping delivery note 15/03/27 and the supplier's remake	The zone 3 copings, held at the supplier since January, arrived damaged on 15/03 and were remade by 18/03	Yes
Site diaries and labour returns, 23/02 to 23/03	The parapet gang held for the search, the asbestos and the copings	Yes
Notices of CE-019 and CE-023 of 10/05/27 and the reply of 17/05/27	Both notified more than eight weeks after the Contractor became aware. Both rejected on that ground	Yes
Early warning register	No early warning of the asbestos	Gap

3. Method memo

On an NEC4 contract the test is in the contract itself. A delay to the Completion Date is assessed as the length of time that, due to the event, planned Completion is later than planned Completion on the Accepted Programme current at the dividing date. The assessment takes account of events between the date of that programme and the dividing date (clause 63.5). For CE-019 the dividing date is the date of the Supervisor's instruction, 22/02/27 (clause 63.1). The Accepted Programme then was Rev 06. Progress to 22/02/27 matched it.

So CE-019 is assessed by time impact analysis: the search, as instructed, is added to Rev 06 and the programme is rescheduled. The as-built programme is then compared with Rev 06 over the same period, to place every working day of the delay by cause and owner.

Method	Used for	Why
Time impact analysis	CE-019. CE-023 if it stands, from its dividing date of 10/05/27 (clause 63.1)	The test clause 63.5 sets for a compensation event
As-planned vs as-built windows	The delay to Completion, 24/03/27 to 12/04/27	The records give an actual date for every activity, so each working day can be placed
Collapsed as-built	Not used	It answers a retrospective question. The contract's test for a compensation event looks forward from the dividing date
Impacted as-planned	Not used	It starts from the first baseline, not from the Accepted Programme current at the dividing date

4. The delay by cause

Planned Completion on Rev 06 was 24/03/27. Completion was 12/04/27, 11 working days later. Every working day is placed below.

Event	Cause and owner	Working days	Notice	View
CE-019 Search of the zone 3 membrane	The Supervisor's instruction, no Defect found. Clause 60.1(10)	5	10/05/27, 11 weeks after the instruction	Supported. Not barred: it arises from an instruction
CE-023 Asbestos in the zone 3 parapet	Physical conditions too unlikely to allow for, given the Site Information. Clause 60.1(12)	3	10/05/27, nearly ten weeks after it was found	Barred on the wording of clause 61.3. Take legal advice
Zone 3 copings remade	Damaged on delivery. The Contractor's supplier	3	Not a compensation event	The Contractor's. Within the 3 working days to the Completion Date
Total		**11**		

5. The delay damages

Clause 63.5 measures a length of time: 24/03/27 to 02/04/27 is 9 days, so CE-019 moves the Completion Date to Friday 09/04/27, one working day before Completion. Damages are supported for 3 days, not 12. Of the £21,600 deducted, £16,200 is not supported by the records.

Position	Completion Date	Days of damages	Damages at £1,800 a day
As deducted	31/03/27	12	£21,600
With CE-019	**09/04/27**	**3**	**£5,400**
With CE-019 and CE-023, if it stands	On or after 12/04/27	0	£0

6. Recommendation

1. Write to the Project Manager that CE-019 arises from the Supervisor's instruction of 22/02/27, so clause 61.3 does not bar it. Ask for the decision to be changed and a quotation instructed.
2. When the quotation is instructed, submit it within three weeks with the time impact assessment: the Completion Date later by 9 days, to 09/04/27 (clauses 62.3 and 63.5). If the decision stands, refer it under the contract's dispute resolution Option within its time limits.
3. Ask for the 9 days of damages to be repaid with interest once the Completion Date is changed (clause X7.2).
4. Take legal advice on CE-023 before relying on it, including the early warning gap.

If you go ahead, the full analysis builds the CE-019 assessment as evidence: the impacted programme, the windows comparison and an exhibit pack. Its fixed fee is in the covering email.

7. Document control

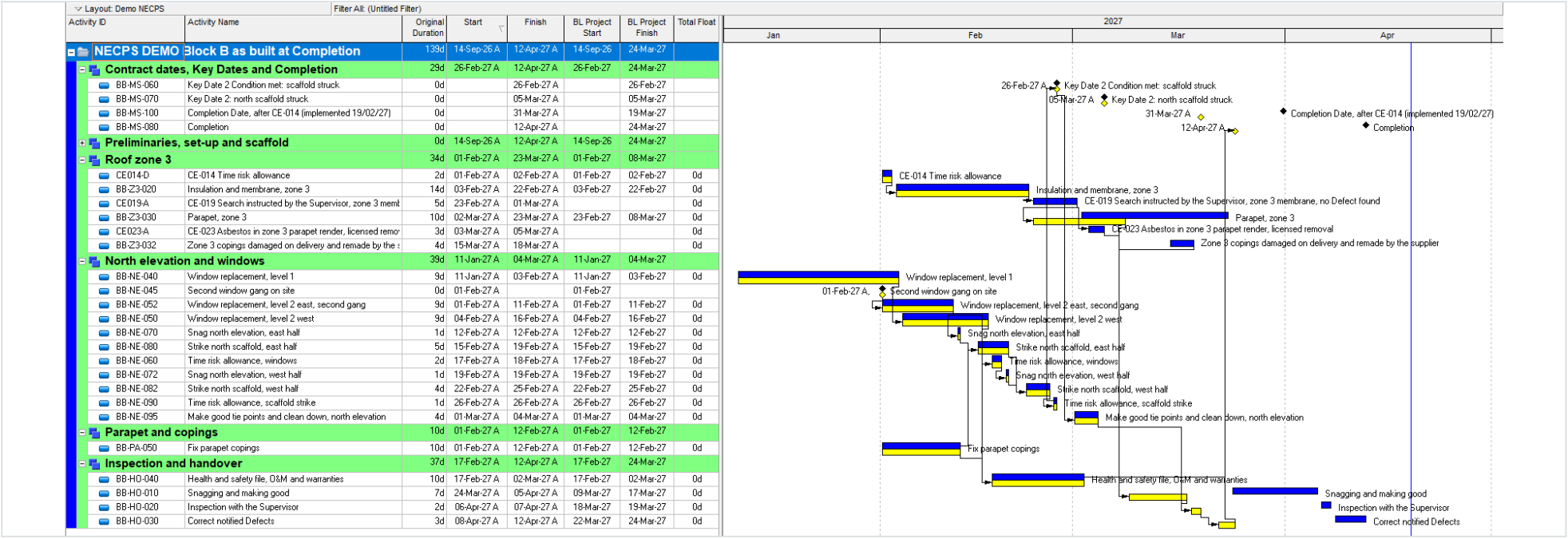
AUTHORSHIP AND APPROVAL			
Planning team	NEC Planning Solutions Ltd	Prepared	21/05/27
NEC Accredited Project Manager	NEC Planning Solutions Ltd	Reviewed	21/05/27

Rev	Date	Records to	Issued to	Description of change
P01	21/05/27	17/05/27	Contracts Manager, Contractor B	First issue: the written view

A sample on a fictional project: names, dates and figures are illustrative. A real review is read with its native P6 files.

Appendix A. As built against Rev 06 in Primavera P6

A screenshot of the native as-built file. The yellow bars are Rev 06, the Accepted Programme, assigned as the baseline. Dates marked A are actual dates.



Activity ID	Activity Name	Original Duration	Start	Finish	BL Project Start	BL Project Finish	Total Float
NECPS DEMO	Block B as built at Completion	139d	14-Sep-26 A	12-Apr-27 A	14-Sep-26	24-Mar-27	
Contract dates, Key Dates and Completion		29d	26-Feb-27 A	12-Apr-27 A	26-Feb-27	24-Mar-27	
BB-MS-060	Key Date 2 Condition met: scaffold struck	0d		26-Feb-27 A		26-Feb-27	
BB-MS-070	Key Date 2: north scaffold struck	0d		05-Mar-27 A		05-Mar-27	
BB-MS-100	Completion Date, after CE-014 (implemented 19/02/27)	0d		31-Mar-27 A		19-Mar-27	
BB-MS-080	Completion	0d		12-Apr-27 A		24-Mar-27	
Preliminaries, set-up and scaffold		0d	14-Sep-26 A	12-Apr-27 A	14-Sep-26	24-Mar-27	
Roof zone 3		34d	01-Feb-27 A	23-Mar-27 A	01-Feb-27	08-Mar-27	
CE014-D	CE-014 Time risk allowance	2d	01-Feb-27 A	02-Feb-27 A	01-Feb-27	02-Feb-27	0d
BB-Z3-020	Insulation and membrane, zone 3	14d	03-Feb-27 A	22-Feb-27 A	03-Feb-27	22-Feb-27	0d
CE019-A	CE-019 Search instructed by the Supervisor, zone 3 membr	5d	23-Feb-27 A	01-Mar-27 A			0d
BB-Z3-030	Parapet, zone 3	10d	02-Mar-27 A	23-Mar-27 A	23-Feb-27	08-Mar-27	0d
CE023-A	CE-023 Asbestos in zone 3 parapet render, licensed remov	3d	03-Mar-27 A	05-Mar-27 A			0d
BB-Z3-032	Zone 3 copings damaged on delivery and remade by the s	4d	15-Mar-27 A	18-Mar-27 A			0d
North elevation and windows		39d	11-Jan-27 A	04-Mar-27 A	11-Jan-27	04-Mar-27	
BB-NE-040	Window replacement, level 1	9d	11-Jan-27 A	03-Feb-27 A	11-Jan-27	03-Feb-27	0d
BB-NE-045	Second window gang on site	0d	01-Feb-27 A		01-Feb-27		
BB-NE-052	Window replacement, level 2 east, second gang	9d	01-Feb-27 A	11-Feb-27 A	01-Feb-27	11-Feb-27	0d
BB-NE-050	Window replacement, level 2 west	9d	04-Feb-27 A	16-Feb-27 A	04-Feb-27	16-Feb-27	0d
BB-NE-070	Snag north elevation, east half	1d	12-Feb-27 A	12-Feb-27 A	12-Feb-27	12-Feb-27	0d
BB-NE-080	Strike north scaffold, east half	5d	15-Feb-27 A	19-Feb-27 A	15-Feb-27	19-Feb-27	0d
BB-NE-060	Time risk allowance, windows	2d	17-Feb-27 A	18-Feb-27 A	17-Feb-27	18-Feb-27	0d
BB-NE-072	Snag north elevation, west half	1d	19-Feb-27 A	19-Feb-27 A	19-Feb-27	19-Feb-27	0d
BB-NE-082	Strike north scaffold, west half	4d	22-Feb-27 A	25-Feb-27 A	22-Feb-27	25-Feb-27	0d
BB-NE-090	Time risk allowance, scaffold strike	1d	26-Feb-27 A	26-Feb-27 A	26-Feb-27	26-Feb-27	0d
BB-NE-095	Make good tie points and clean down, north elevation	4d	01-Mar-27 A	04-Mar-27 A	01-Mar-27	04-Mar-27	0d
Parapet and copings		10d	01-Feb-27 A	12-Feb-27 A	01-Feb-27	12-Feb-27	
BB-PA-050	Fix parapet copings	10d	01-Feb-27 A	12-Feb-27 A	01-Feb-27	12-Feb-27	0d
Inspection and handover		37d	17-Feb-27 A	12-Apr-27 A	17-Feb-27	24-Mar-27	
BB-HO-040	Health and safety file, O&M and warranties	10d	17-Feb-27 A	02-Mar-27 A	17-Feb-27	02-Mar-27	0d
BB-HO-010	Snagging and making good	7d	24-Mar-27 A	05-Apr-27 A	09-Mar-27	17-Mar-27	0d
BB-HO-020	Inspection with the Supervisor	2d	06-Apr-27 A	07-Apr-27 A	18-Mar-27	19-Mar-27	0d
BB-HO-030	Correct notified Defects	3d	08-Apr-27 A	12-Apr-27 A	22-Mar-27	24-Mar-27	0d

Figure A1. The as-built programme in Primavera P6, data date 19/04/27, with Rev 06 assigned as the baseline (yellow bars). Activities finishing before 01/02/27 are filtered out.

How to read it

Yellow bars Rev 06, the Accepted Programme from 12/02/27, assigned in P6 as the baseline. Its dates are in the BL columns.	**Actual bars** Every activity as it happened, to Completion on 12/04/27. The data date is 19/04/27.	**Not in Rev 06** CE-019, the Supervisor's search (23/02 to 01/03), CE-023, the asbestos removal (03/03 to 05/03) and the copings remade (15/03 to 18/03). None has a yellow bar.
Zone 3 parapet Rev 06 planned it 23/02 to 08/03. It was built 02/03 to 23/03: held 5 working days for the search, 3 for the asbestos and 3 for the copings.	**Completion Date row** BL 19/03/27 is the Completion Date when Rev 06 was accepted. CE-014 changed it to 31/03/27 on 19/02/27.	**Completion row** BL Project Finish 24/03/27 against the actual finish 12/04/27: the 11 working days of delay.