

Sample Letters



1 Contractor's sample letters: Notice of probable future event

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

NOTICE OF PROBABLE FUTURE EVENT

In accordance with Sub-Clause 8.3

Dear,

We give you notice of specific probable future event(s) or circumstance(s) as follows:

.....
.....
.....

If the above described event(s) or circumstance(s) occur it (they) may:

(a) adversely affect the Work, namely

.....
.....

(b) increase the Contract Price

.....

(c) delay the execution of Works

.....

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

2 Contractor's sample letters: Notice of contractor's claims

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Engineer (according to Sub-Clause 1.1.2.4 and 1.3):

Date:

NOTICE OF CONTRACTOR'S CLAIM

In accordance with Sub-Clause 20.1

Dear,

We give you notice of claim for

(a) an Extension of Time for Completion according to Sub-Clause 8.4

.....
(b) additional payment
.....

The Contractor considers itself to be entitled referring to the following Clauses of the Conditions:

Example:

- (a) *Error in Employer's Requirements 1.9 (P&DB), Delayed Drawings and Instructions 1.9 (CONS)*
- (b) *Right of Access to the Site 2.1*
- (c) *Setting Out 4.7*
- (d) *Unforeseeable Physical Conditions 4.12*
- (e) *Fossils 4.24*
- (f) *Testing 7.4*
- (g) *Extension of Time for Completion 8.4*
- (h) *Consequences of Suspension 8.9*
- (i) *Taking-Over of Parts of the Works 10.2*
- (j) *Interferences with Tests on Completion 10.3*
- (k) *Delayed Test 9.2*
- (l) *Payment in Applicable Currencies 13.4*
- (m) *Adjustments in Legislation 13.7*

Or otherwise in connection with the Contract:

.....

The Contractor notifies the following events or circumstances as reasons for the Claim:

.....
.....

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

**3 Contractor's sample letters: Contractor's claim
No. _____ submission (quantification)**

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Engineer (according to Sub-Clause 1.1.2.4 and 1.3):

Date:

CONTRACTOR'S CLAIM NO. _____ SUBMISSIONS (QUANTIFICATION)
In accordance with Sub-Clause 20.1

Dear,

With Reference to the Contractor's Claim issued onsubmitted to the Engineer we send you:

- (a) *fully detailed claim,*
- (b) *fully detailed claim, stating that the event or circumstance giving rise to the claim has a continuing effect. This fully detailed claim shall be considered as interim; we shall send further interim claims at monthly intervals, giving the accumulated delay and/or amount claimed.*

Therefore under this claim the Contractor requests:

- 1. days of Extension of Time for Completion.
- 2. To adjust the contract amount by an additional payment of

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

4 Contractor's sample letters: Request for evidences of financial arrangements

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Employer (according to Sub-Clauses 1.1.2.2 and 1.3):

Date:

REQUEST FOR EVIDENCES OF FINANCIAL ARRANGEMENTS

In accordance with Sub-Clause 2.4

Dear,

The Contractor requests from the Employer to submit reasonable evidence that financial arrangements have been made and are being maintained which enable the Employer to pay the Contract Price in accordance with Sub-Clause 14. Any adjustments to the Accepted Contract Amount will be considered.

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

5 Contractor's sample letters: Written confirmation of oral instruction

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

WRITTEN CONFIRMATION OF ORAL INSTRUCTION

In accordance with Sub-Clause 3.3

Dear,

On (date) the Engineer gave an Instruction to the Contractor which was understood as

.....
.....
.....

Due to the fact that this instruction was made orally, the Contractor confirms this instruction and will comply immediately.

As far as a possible Extension of Time for Completion (according Sub-Clause 8.4) is concerned, the Contractor will give notice within 28 days after issuing this confirmation.

Further remarks:

.....
.....
.....

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

6 Contractor's sample letters: Notice of dissatisfaction with a determination of the engineer

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the other Party with a copy to the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

NOTICE OF DISSATISFACTION WITH A DETERMINATION OF THE ENGINEER

Dear,

We give you notice of dissatisfaction with the Engineer's determination dated (*insert date*) with reference to Claim notice no. (*insert number*).

We give notice that the Engineer failed to render its determination within due time after receiving the claim notice no. (*insert number*) and supporting particulars on

We consider that failure to render a determination in due time constitutes a dispute under Sub-Clause 20.4.

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

7 Contractor's sample letters: Notice of contractor's entitlement to suspend work

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Employer (according to Sub-Clauses 1.1.2.2 and 1.3):

Date:

NOTICE OF CONTRACTOR'S ENTITLEMENT TO SUSPEND WORK
In accordance with Sub-Clause 16.1

Dear,

The Engineer failed to certify in accordance with Sub-Clause 14.6 (*or the Employer failed to comply with Sub-Clause 2.4 or Sub-Clause 14.7*) in the following manner

.....

We give you notice that on the ... of 202X we will suspend work (*or reduce the rate of work*) unless and until we receive the Payment Certificate (*reasonable evidence or payment, as the case may be and as described in the notice*)

.....

.....

.....

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

8 Contractor's sample letters: Notice of contractor's claim under the Sub-Clause 16.1

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

NOTICE OF CONTRACTOR'S CLAIM UNDER THE SUB-CLAUSE 16.1

In accordance with Sub-Clauses 20.1 and 16.1

Dear,

Following our letter Nr/Ref ... we give you notice of claim for

(a) an Extension of Time for Completion according to Sub-Clause 8.4

.....

(b) additional payment

.....

The Contractor considers itself to be entitled referring to the Sub-Clause 16.1.

The Contractor notifies the following events or circumstances as reasons for the Claim:

The Engineer failed to certify in accordance with Sub-Clause 14.6 (*or the Employer failed to comply with Sub-Clause 2.4 or Sub-Clause 14.7*) in the following manner

.....

.....

The Contractor, after giving not less than 21 days' notice to the Employer, suspended work.

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

9 Contractor's sample letters: Application for taking-over certificate

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

APPLICATION FOR TAKING-OVER CERTIFICATE

In accordance with Sub-Clause 10.1

Dear,

We hereby apply for a Taking Over Certificate for the following works:

.....

Yours sincerely

.....

Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Copies to:

Attachments:

10 Employer's sample letters: Notice of employer's claim

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Contractor (according to Sub-Clauses 1.1.2.3 and 4.3) and the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

NOTICE OF EMPLOYER'S CLAIM

In accordance with Sub-Clause 2.5

Dear,

We give you notice of claim in connection with the following event(s) or circumstance(s) as reason for the claim

(a) *for the below described payment under the Contract Conditions or otherwise in connection with the Contract.*

.....

(b) *for delay damages according to Sub-Clause 8.7 for:*

.....

(c) *for extension of Defects Notification Period of The expiry of the Defect Notification Period is....., therefore this claim notice is made in time.*

The Engineer is requested to proceed in accordance with Sub-Clause 3.5.

Yours sincerely

.....

Employer (according to Sub-Clauses 1.1.2.2 and 1.3)

Copies to:

Attachments:

11 Employer's sample letters: Answer to request for evidence of financial arrangements

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Contractor (according to Sub-Clauses 1.1.2.3 and 4.3) and the Engineer (according to Sub-Clauses 1.1.2.4 and 1.3):

Date:

ANSWER TO REQUEST FOR EVIDENCE OF FINANCIAL ARRANGEMENTS

In accordance with Sub-Clause 2.4

Dear,

- (a) *With the attached documents the Employer gives evidence of its financial arrangements at the request of the Contractor.*
- (b) *The Employer informs the Contractor of material changes in the financial arrangements. The attached documents are the detailed particulars.*

Yours sincerely

.....

Employer

Copies to:

Attachments:

12 Engineer's sample letters: Engineer's determination

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Parties

Date:

ENGINEER'S DETERMINATION

In accordance with Sub-Clause 3.5

Dear ,

We give you notice of my determination as to claim no. (*insert number*). With regard to all relevant facts and circumstances, we determine that the Contractor is entitled to days Extension of Time for Completion.

We have given approval/ disapproval with comments on

.....

We have consulted with the parties who have submitted the following statements:

.....

.....

.....

The Contractor has submitted

- (a) particulars
- (b) supported by evidence
- (c) including contemporary records
- (d) which we have monitored

The Contractor has given notice of..... on (*insert date*):

- (a) *This was in time because the Contractor became aware of the relevant facts on*
.....
- (b) *This was out of time because the Contractor became aware of the relevant facts on*
.....

In accordance with Sub-Clause..... the Contractor is entitled to an extension of Time for Completion. In accordance with Sub-Clause 8.4 the relevant event must have an impact on an activity which lies on the critical path. Both requirements are met.

Yours sincerely

.....

Engineer (according to Sub-Clauses 1.1.2.4 and 1.3)

Copies to:

Attachments:

13 Engineer's sample letters: Engineer's instruction

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Instruction no. (*insert number*)

Date:

ENGINEER'S INSTRUCTION
In accordance with Sub-Clause 3.3

Dear,

We formally instruct you according to Sub-Clause 7.6:

- (a) *To remove from the Site and replace any Plant or materials which is/are not in accordance with the Contract.*
- (b) *To remove and re-execute any other work which is not in accordance with the Contract.*
- (c) *To execute any work which is urgently required for safety of the Works.*

In particular we instruct you (choose the appropriate remedy) to remove, to re-execute and/or to execute (describe the Plant, material, work).

Yours sincerely

.....

Engineer (according to Sub-Clauses 1.1.2.4 and 1.3)

Copies to:

Attachments:

14 Engineer's sample letters: Engineer's notice to correct

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Instruction no. (*insert number*)

Date:

ENGINEER'S NOTICE TO CORRECT

In accordance with Sub-Clause 15.1

Dear,

The Contractor failed to carry out the following obligation under the Contract:
.....

We give you a notice to make good the failure and to remedy it within ... days.

Yours sincerely

.....

Engineer (according to Sub-Clauses 1.1.2.4 and 1.3)

Copies to:

Attachments:

15 Engineer's sample letters: Engineer's instruction to remove a person employed on the site

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Instruction no. (*insert number*)

Date:

**ENGINEER'S INSTRUCTION TO REMOVE A PERSON EMPLOYED
ON THE SITE**

In accordance with Sub-Clause 6.9

Dear,

We hereby require the Contractor to immediately remove the following person
.....who:

- (a) persists and engages in misconduct or lack of care;
- (b) carries out duties incompetently or negligently;
- (c) fails to conform with the provisions of the Contract; or
- (d) persists and engages in conduct which is prejudicial to safety, health, or the protection of the environment.

Yours sincerely

.....

Engineer (according to Sub-Clauses 1.1.2.4 and 1.3)

Copies to:

Attachments:

16 Engineer's sample letters: Engineer's instruction – lack of mobilisation

Contract identification:

Letter identification:

Connected to:

Related correspondence:

Related Sub-Clauses:

Addressed to the Contractor (according to Sub-Clauses 1.1.2.3 and 4.3)

Instruction no. (*insert number*)

Date:

ENGINEER'S INSTRUCTION – LACK OF MOBILISATION

In accordance with Sub-Clauses 4.21, 6.10, 8.3, 8.6

Dear,

The Contractor submitted the following number of each class of Contractor's Personnel and of each type of Contractor's Equipment on the Site:..... The actual state on the Site does not correspond with the planned mobilization and actual progress is too slow to complete within the Time for Completion (*and/or (b) progress has fallen (or will fall) behind the current programme under Sub-Clause 8.3*),

We hereby instruct you to submit, under Sub-Clause 8.3, a revised programme and supporting report describing the revised methods which the Contractor proposes to adopt in order to expedite progress and complete within the Time for Completion.

Yours sincerely

.....

Engineer (according to Sub-Clauses 1.1.2.4 and 1.3)

Copies to:

Attachments: