

CONTRACT KING

Defending your contractual entitlement

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Golden Rules

- 1. Pre-contract review** - check and negotiate terms & conditions before signing/performing any work. Remove ambiguity, clearly define and understand your contractual obligations, risk and liabilities.
- 2. Keep detailed daily records** - diary, timesheets, site signing in register, invoices, delivery notes, on/off hire tickets, inspection/test sheets etc. In respect of claims, the burden of proof (evidence) is on the party making the assertion.
- 3. Issue valid payment applications** - send payment applications to correct person/email address as identified in the contract, on time, provide basis of calculation and relevant substantiation.
4. Ensure any assumptions, clarifications, exclusions etc (qualifications) form part of your offer (tender / quotation) and are sent at the same time the offer is made.
5. Price risk (cost and time) into your offer and prospective compensation event/variation quotations.
6. Issue contractually compliant cause and effect programmes, logic linked, showing all delay events, critical path and impact on planned completion date.
7. Get all instructions, agreements or requests to deviate away from what is expressly written in the contract, in writing, before acting.
8. Compose emails with a view that they will be read by a third party (adjudicator or court).
9. Issue valid and timely notifications (early warnings, compensation events etc). Consider appointing a contract administrator to ensure contractual compliance.
10. Setup project controls and processes (cost capturing system, setup cost heads, record keeping system, project gateways, performance dashboards, flash results reports, reporting calendar, CVRs, responsibilities, delegation of authority levels etc).

Do not worry if you have not followed all the Golden Rules, we can still provide support.

The Golden Rules are a general set of suggestions and are intended to help improve the effectiveness of contract administration and contractual compliance. Contract King Ltd accepts no liability as to the use and distribution of these Golden Rules.