28 days: the contractor's claim event checklist

Under Sub-Clause 20.2.1 of FIDIC 2017 the contractor has 28 days from when it became aware (or should have become aware) of the event to give a Notice of Claim. Missing the deadline = losing the right to an Extension of Time and compensation. This checklist keeps you on track.

DAY 0–1

1 Record the event

- ☐ Write down: what happened, when, where, who was present.
- ☐ Date-stamped photos and video, site diary entries.
- ☐ Fix the moment you became aware of the event — the 28 days run from it.

DAY 1–3

2 Identify the contractual basis

- ☐ Find the clause giving the right to EOT / Cost (8.5, 4.12, 13 etc.).
- ☐ Check the Particular Conditions — time bars and procedure may be amended.
- ☐ Identify the recipient of the notice (normally the Engineer).

BY DAY 28

3 Give the Notice of Claim (Sub-Clause 20.2.1)

- ☐ In writing, via the communication channels set by the contract.
- ☐ Expressly call the document a Notice of Claim.
- ☐ Describe the event; detailed calculations are NOT required at this step.

CONTINUOUSLY

4 Keep contemporary records

- ☐ Site diaries, correspondence, weather data, timesheets, deliveries.
- ☐ Separately record resources standing idle because of the event.
- ☐ Records made at the time outweigh any later explanations.

DAY 28–84

5 Prepare the fully detailed claim (Sub-Clause 20.2.4)

- ☐ Full description of the event and the contractual basis.
- ☐ Critical-path impact analysis against the current programme (Sub-Clause 8.3).
- ☐ Calculation of the EOT and additional Cost claimed.

IF THE EVENT CONTINUES

6 Interim notices

- ☐ For a continuing event — monthly interim claims.
- ☐ Final claim — within 28 days after the effects of the event end.

Red flags — this is how money gets lost

- ! “We'll do the paperwork later” — the 28 days will not stop.
- ! Notifying “once the scale is clear” — time runs from the event, not from the damage estimate.
- ! A claim with no reference to a specific clause of the contract.
- ! “We were delayed 60 days — give us 60 days” without critical-path analysis.

Need help with a claim or an EOT? Bridge Consult — contract engineering and claims management.

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