

Awareness of Inconsistency in the Interim Claim Procedure?

Interim Claim with continuing effect pursuant to SC20.1 (a), (b), (c)

Reasons:

i.e. delayed Employer's Engineer's design drawings (SC01.9) or Possession of Site (SC02.1); Engineer's does not respond within 28 days SC03.1(c) > legal consequence of the idleness of the Engineer? Rejected? Latest period to submit the referral to DB?

1 _ Situation to Interim Claims SC20.1 (a), (b), (c)

1A _ Interim Claim Notice / Request (fully particulars) have been submitted in acc. with SC20.1

1B _ Next month the Contractor **submits again his Interim Claim** with fully particulars (monthly impact and accrued / accumulated impact in time, cost and profit.

1C _ The Engineer does not respond within 28 days pertinent to **SC03.1 (c)**, e.g. in compliance with his obligations laid down in the Conditions of Contract (GCC / PCC).

2 _ Clarification

2A _ Does the Engineer's ignorance mean, not to reply to any Contractor's request with 28 days, that the "Claim issue" is **rejected** in general?

2B _ The Engineer request contemporary records, but does not give a judgement about **"in principle"** accepted.

2C _ Is the Engineer obliged to provide interim / **preliminary / provisional assessment** towards an Extension of Time for Completion against the initial period for completion.

2D _ If the Claim is rejected due to ignorance of the Engineer, is the Contractor entitled to **refer the issue to the Dispute Board Member**

2E _ The timeline for submission to the DB is not defined in Red Book 1999 and MDB2010. When is the latest **deadline to refer** the case to the DB / DAB? The 2nd edition of Red Book give a time bar on Notice of Determinations SC03.5 (Agreement or Ascertainment by Engineer) only. The Contract is silent in this deadline respect.

2F _ Which **actions** are required to comply to the CoC? Notices, contemporaneous records for Quantum, **in principle judgement** / merits accepted, pro-active consultations to explore the issue, ... ?

3 _ Comments / Remarks to preliminary "determinations" and "referral to DB"

I look forward to receiving an **"un-bounded" legal opinion** from a highly qualified FIDIC experts.

Thank you very much for your valuable opinion in advance.