1. Notice of Claim to Engineer (Contractor and Employer) (Cl. 20.2.1)

Within 28 days after claiming party became aware or should have become aware of the event/circumstance

Yes

Within 14 days of receipt of Notice

2. Engineer’s initial response (Cl. 20.2.2)

Notice of Claim is valid

28 days after claiming party became aware or should have become aware of the event/circumstance

3. Fully detailed Claim to Engineer (Contractor and Employer) (Cl. 20.2.4)

- Interim fully detailed Claim
- Interim Claims at monthly intervals
- Final fully detailed Claim within 28 days after the end of the effects of the event/circumstance (Cl. 20.2.6)

Continuous effect of the event/circumstance

- Notice of Claim is deemed valid
- Within 14 days after expiration, the Engineer shall give Notice to the claiming party
- If not, Notice of Claim will be deemed as valid

4. Engineer’s agreement or determination (Cl. 20.2.5)

Consultations with the parties jointly or separately to reach an agreement within 42 days (Cl. 3.7.1, 3.7.3)
No agreement of the parties or the parties advise Engineer that no agreement will be reached

- Engineer shall make a fair determination on the matter (Cl. 3.7.2)
- Notice by Engineer within 42 days (Cl. 3.7.2, 3.7.3)

Within 28 days after Engineer’s determination

If a party fails to comply with the Engineer’s determination or the agreement achieved under Cl. 3.7.1, the other party can refer this failure directly to arbitration and seek enforcement by summary or expedited procedure (Cl. 3.7.5)

Agreement of the parties

Notice of the agreement from Engineer (Cl. 3.7.1, 3.7.3)

Engineer’s determination is final and binding

If no NOD is given within the deadline

5. Notice of dissatisfaction (NOD) to Engineer’s determination (Cl. 3.7.5)

- These parts along with any other affected by them are severable from the determination
- The remaining parts are considered final and binding (Cl. 3.7.5)

6. Constitution of the DAAB (Cl. 21.1)

- 1 or 3 qualified persons (default is 3)
- Appointment within 28 days of receipt of the Letter of Acceptance by Contractor
- All DAABs are standing

Failure to agree on member(s) of the DAAB

The appointing entity shall make the appointment (Cl. 21.2)
- At the request of one of the parties
- After consultation with both parties

7. Avoidance of Disputes (Cl. 21.3)

- Joint request by the parties to the DAAB to provide assistance for the resolution of any disagreement, or
- The DAAB on its own motion can invite the parties to make such a request
- The request can take place at any time except during the Engineer’s deliberations for the Engineer’s determination

Not binding on the parties or the DAAB

Notice of dissatisfaction (NOD) to Engineer’s determination

Within 28 days after Engineer’s determination

If the NOD refers only to certain parts of the determination

- These parts along with any other affected by them are severable from the determination
- The remaining parts are considered final and binding (Cl. 3.7.5)
Reference within 42 days of giving or receiving the NOD (Cl. 3.7.5) regarding the Engineer’s determination (Cl. 21.4.1)

Any party can refer a dispute to the DAAB irrespective of whether discussions took place under Cl. 21.3

Within 84 days after receiving the reference (Cl. 21.4.3)

- Reasoned decision
- Binding on the parties
- Prompt compliance regardless of a NOD with respect to the decision

If no decision has been given within the 84-day period, either party may give NOD within the 28-day deadline after expiration of the DAAB’s deadline

Within 28 days of the receipt of the decision

Mandatory settlement attempts

9. Dissatisfaction with DAAB’s decision (NOD) (Cl. 21.4.4)

If a party fails to comply with the DAAB’s decision

Direct commencement of arbitration
- No DAAB decision (Cl. 21.4) or Amicable settlement (Cl. 21.5)
- Summary or expedited procedure
- Interim or provisional measure or an award to order enforcement of DAAB decision which has not been complied with (Cl. 21.7)

10. Amicable Settlement (Cl. 21.5)

Not possible without NOD

28 days after NOD

11. Arbitration (Cl. 21.6)

In relation to the DAAB’s decision that has not become final and binding (after NOD and amicable settlement attempts)

- ICC Rules
- 1 or 3 arbitrators