

Notice: Writing the Letter

Executive summary. There's almost nothing more important than notifying your client, in accordance with the Contract, of a time and/or cost impact. Learn how to do it here.

What is "notice" and why is it so important? If you had a contractor working on your home and on the presumed last day of the job he told you he would be a month late and he needed another \$10,000, you would certainly be upset. Well, why? Well, because you were never notified and given the chance to rectify the matter.



Public agencies and private companies are no different. They deserve timely notice of potential time and cost impacts.

When and how do I notify my client? The answer is located in one place. The Contract. Read it and make notes on how many days you have to provide notice. Find out to whom you send the notice. I recommend you write a letter, but likely email, or even a text, will qualify. If you fail to notify timely, you may very well waive your rights to all time or cost relief. You will get nothing!



Help me with the language. A letter is best and here is a basic letter for your use:

February 24, 20xx

Ms. Jane Doe, P.E.
City of Anytown
123 Main Street, Suite 100
Anytown, State 21044

Project: Anytown Wastewater Treatment Plant, Phase 1
RE: Notification of Potential Time and Cost Impact as a Result of Discovery of
Subsurface Rock – Differing Site Condition

Ms. Doe:

In accordance with Section 4.1, Paragraph A, you are hereby notified that this afternoon at approximately 2:00 pm, XYZ Construction, Inc., encountered subsurface conditions which differed from those described in the Contract Documents. Subsurface conditions within the footprint of the Chemical Feed Building were described as clayey silt in the Contract; however, hard basalt rock was encountered.

Excavation of this material will negatively impact both time and cost for XYZ Construction, Inc. We reserve our right to assess the full impact of this changed condition on both the Project schedule and cost until such time as a complete analysis can be performed.

Please do not hesitate to contact the undersigned should you wish to discuss this matter.

Very truly yours,
John Smith
Project Manager

My story. I've written hundreds of these letters. And there are several variations depending on the situation. Generally speaking, structure the letter as follows:

- Make sure your letter is on time.
- Reference the applicable section of Contract pertaining to Notice of Change.
- Briefly describe the change you encountered.
- If you know the time and cost impact, provide it.
- If you do not know the time and cost impact, reserve your right to provide it at a later time.

That's it! Work safe!