

## When can the Contractor claim an EOT and delay costs under AS 4902?

Cause of delay	EOT	Delay costs	Clause
Any act, default or omission of the Superintendent	✓	✓	QCOD, CC
Any act, default or omission of the Principal or its consultants or agents	✓	✓	QCOD, CC
Any act, default or omission of other contractors engaged by the Principal	✓	✓	QCOD, CC
Any act, default or omission of other contractors engaged by someone other than the Contractor or the Principal	Probably	Probably	QCOD, CC, 24.1
Industrial conditions occurring on or before the date for practical completion	Probably	✗	QCOD
Industrial conditions occurring after the date for practical completion	✗	✗	QCOD
Inclement weather before the date for practical completion	Probably	✗	QCOD
Inclement weather after the date for practical completion	✗	✗	QCOD
A direction by the Superintendent as to the interpretation and construction of documents prepared for the purpose of carrying out WUC to resolve any inconsistency, ambiguity or discrepancy except in relation to design documents or between design documents and the Principal's project requirements.	Probably	Probably (if yes, the Contractor can only claim costs that would not have been incurred had the direction not been given)	QCOD, CC, 8.1
A change to a legislative requirement that comes into effect after the 14th day before the closing of tenders but that could not reasonably have been anticipated	Probably	Probably	11.2
Reinstatement of WUC following loss or damage caused by an excepted risk	Yes or arguably yes, depending on whether the Principal or its agents are at fault	Yes or probably, depending on whether the Principal or its agents are at fault	14.2 (possibly QCOD, CC)
Discovery of valuable minerals, fossils, articles or other articles of value	Probably	Probably	24.3
The effect of a latent condition	✓	✓	25.3
Rectifying an error in setting out caused by incorrect data, survey marks or information given by the Superintendent	✓	✓	QCOD, CC, 26.2
Disturbance of a survey mark by the Superintendent or other person given access to the Site by the Superintendent	✓	✓	QCOD, CC, 26.3
Direction by the Superintendent to re-sequence work or carry out WUC at different times	✓	✓	QCOD, CC, 32
Direction by the Superintendent to suspend WUC (provided the Contractor was not the cause)	✓	✓	QCOD, CC, 33.4
Direction by the Superintendent to carry out a variation	✓	✓	QCOD, CC, 36.4
Anything else	Probably not	Probably not	

*This table is intended only as a high level summary. It is not a substitute for reading the contract. Please refer to the terms of the contract, or seek legal advice, for further details.*