

Improper Approaches in EOT Submission – Unstructured / Random Submissions Relating to Multiple Events

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Abstract: *This article attempts to examine the critical issues that impede the accurate submission of contractor claims and Extensions of Time (EOTs). The analysis specifically focuses on the adverse consequences arising from contractors' practice of submitting multiple events in a single, indistinct submission without providing prior and adequate notification. This approach, frequently adopted by many contractors, poses significant risks that may adversely affect their entitlement and disrupt the overall progression and completion of projects. The research underscores that the disorganized submission of multiple events can introduce confusion, undermine the credibility of claims, and hinder project advancement. To substantiate its findings, the article will reference relevant studies and conduct a comprehensive analysis of a specific case study that illustrates common errors encountered in the claims process. This case study will elucidate the implications of such mistakes and their overall impact on submitted documentation. Furthermore, the article will identify the primary factors contributing to these challenges and propose constructive recommendations aimed at improving the efficacy of the claims process.*

Keywords: EOT submission, construction delay, contract claims, windows Analysis, time impact analysis

1. Introduction

The advantage of an Extension of Time (EOT) for the Contractor is that it alleviates liability for damages incurred due to delays, typically in the form of liquidated damages (LDs). Furthermore, it facilitates the reprogramming of work to ensure project completion. For the Employer, the benefit of an EOT lies in its establishment of a revised contract completion date, which prevents the timeline for project completion from becoming indeterminate and allows for effective coordination and planning of associated activities [8],[3].

Recent analyses of ongoing projects, along with prior studies and researchs [5], [7], and [4], have identified several common actions undertaken by contractors that can lead to significant issues, delays, and disputes [9]. It is essential to consider the most critical factors [10], [2] when submitting Extension of Time (EOT) requests or claims—activities that require meticulous examination and rectification—as outlined below:

- 1) Overestimating the extension of time (EOT) or claims is often a strategy to achieve a more favorable result, such as gaining additional time or recoverable costs. However, this approach typically stems from inadequate consideration of accurate information along with errors and modifications in the updated programs used [2].
- 2) Inappropriate methodologies employed in the analysis and calculation of the claimed event, frequently resulting from inadequate attention to the status of the event case and to the Particular Conditions of Contract (COC) that delineate the prescribed processes and methods for Contractor analysis [8], [10].
- 3) The Disorganized /Random submission of multiple events at one signal time without prior notification or separated claims, sometimes exceeding ten, causing confusion and diverting attention from the most critical

delays. Moreover, most of the events are due on time according to the general and particular COC.

- 4) A lack of comprehensive understanding of the COC, may lead to delays in notifying about the delay or in the submission of a detailed claim due to the lack of knowledge of the timeline duration [9].

This article will concentrate on the third point, the Disorganized /Random submission of multiple events, as this constitutes the most significant risk undertaken by the Contractor. Especially that, the timely submission of necessary extensions is critical for the project's execution, and any deficiencies in this process can adversely affect the overall project progress.

The purpose of this article is to evaluate the consequences of submitting unstructured EOT claims and to demonstrate through analysis and case evidence how such practices compromise contractor entitlements and project timelines.

2. Literature Review (Review of Previous Studies)

2.1 Issues Associated with Extension of Time (EOT) Claim in Malaysian Construction Industry:

We would like to present a concise overview of research conducted in Malaysia, as cited in reference [6] for [Norazian Mohamad Yusuwana & Hamimah Adnanb, 2013, *Issues Associated with Extension of Time (EoT) Claim in Malaysian Construction Industry*, Faculty of Architecture Planning and Surveying, Universiti Teknologi MARA, Shah Alam, 40450, MALAYSIA]. The objective of this study is to illuminate the primary challenges that contractors encounter when submitting claims during project execution. These challenges predominantly arise from ineffective strategies for managing delays and claims, as well as from inadequacies in claim

submissions, which are outlined in Table 2, and this article will concentrate further on items (3 & 5 & 9).

To facilitate this analysis, the researcher organized the knowledge and information of the participating individuals

using a questionnaire, which assessed two key factors: age and relevant professional experience. The findings are summarized as follows, Table 1:

Table 1: Respondent's Profile

Characteristics		ARCHITECT		CONTRACTOR	
Years of experience in the construction industry		Number	Percentage%	Number	Percentage%
0-10	years	13	13	43	33.3
11-20	years	48	44.4	50	38.8
21-30	years	34	31.5	31	24
31-40	years	11	10.2	5	3.9
Over	41years	1	0.9	-	-
Total		108	100	129	100
Years of experience dealing with EoT claims					
0-10	years	36	33.3	67	51.9
11-20	years	46	42.6	45	34.9
21-30	years	19	17.6	15	11.6
31-40	years	7	6.5	2	1.6
Over	41years	-	-	-	-
Total		108	100	129	100

The respondents were solicited to evaluate the frequency of occurrence of eleven prominent issues related to Extension of Time (EOT) claims, as well as their preferred methods for dispute resolution.

Additionally, respondents were invited to highlight any other concerns that they consider to be particularly problematic in relation to EOT claims. Table 2 presents the ranking of these contentious issues from the perspective of each party, alongside an aggregated ranking for all disputed matters. Meanwhile, Table 3 illustrates the respondents' preferred methods for resolving disputes arising from EOT claims.

Following the interpretation of the five (5) point Likert scale, overall data analysis indicates the eleven most contentious issues associated with EOT claims, with the mean scores ranging from 2.60 to 3.60 (see Table 3). The five issues, namely concurrent delay, eligibility of time extension claims,

failure to comply with contractual requirements, inadequate effort in mitigating the delay, and poor demonstration of the impacts of delays on the project schedule, were all very highly ranked by all respondents from both groups. The means of all five issues were greater than 3, equivalent to "occasionally" on the five-point Likert scale in the questionnaire.

In contrast to these top five issues, respondents contended that "choice of method for evaluating the delay" (mean=3.02), "global claim" (mean=2.89), and "conflicts on the ownership of float" (mean=2.60) were the top three least disputed issues in relation to EOT claims.

With regard to their preferred method to resolve disputes, both parties asserted that "negotiation" was their preferred method to deal with any dispute arising, while adjudication became the last choice of dispute resolution.

Table 2: Common Disputed Issues Associated with EOT Claims

No.	Issues	Architect		Contractor		Overall	
		Mean score	Ranking	Mean score	Ranking	Mean score	Ranking
1	Concurrent Delay	3.39	1	3.78	1	3.60	1
2	Eligibility of time extension claim i.e. the permissibility of any specific delay event for justifying a project time extension	3.30	4	3.48	2	3.40	2
3	Failure by the contractor to comply with the contractual requirement for EOT application	3.38	2	3.32	5	3.35	3
4	Inadequate effort in mitigating the delay	3.35	3	3.24	8	3.29	4
5	Poor demonstration of the impact of the delay event to the project schedule	3.24	5	3.31	6	3.28	5
6	Permissible period of time extension	3.09	6	3.34	4	3.23	6
7	Conflicting interpretation of contractual provisions	2.91	8	3.26	7	3.10	7
8	The absence of notice of delay by the contractor as required by Clause 23.1 (a) PAM 2006	3.02	7	3.13	9	3.08	8
9	The choice of method for evaluating the delay	2.56	10	3.40	3	3.02	9
10	Global Claim	2.89	9	2.88	11	2.89	10
11	Conflicts on the ownership of float	2.25	11	2.90	10	2.60	11

Table 3: Preferred Dispute Resolution Methods

Dispute Resolution	Architect		Contractor		Overall	
	Mean score	Ranking	Mean score	Ranking	Mean score	Ranking
Negotiation	4.40		4.28		4.33	1
Arbitration	2.30		2.47		2.39	2
Mediation	2.26		1.99		2.11	3
Litigation	1.79		1.99		1.80	4
Adjudication	1.58		1.79		1.79	5

In conclusion, the research has highlighted the most contentious issues in relation to EOT claims from the perspectives of Architects/Engineers and contractors, providing along with the most used and preferred method of dispute resolution. As we clarified earlier the analysing and results of Table 2 especially points (3-5 & 9) support this article's purpose and prove the necessity to be aware of and avoid these issues.

2.2 The Best Defence is a Good Offense: Keys to Effective Claims Management and Resolution-A Global Perspective

The research focuses on the perceptions of international authors regarding the fundamental elements of effective delay claim analysis, development, and presentation.

It encompasses the concept of an "issue database" and its significance in the adequate defense and presentation of claims, as well as the identification of delay claim triggers, discussions on contractual completion dates, maintenance of schedule integrity, selection of appropriate delay analysis methodologies, and the relationship between delay quantum and causation [2].

The purpose of reviewing this research is to underscore the importance of managing claims and extensions of time (EOTs) effectively. This entails maintaining a comprehensive database throughout the project timeline, in addition to employing the correct methodologies and tools for submitting

valid claims. The research concludes by providing case examples from both New Zealand and the United States courts to illustrate these principles [2].

2.3 Project Data Base

The project does not experience a singular major delay that disrupts its progress; rather, it is affected by numerous "micro delays." In reality, a project deteriorates through the "death of a thousand cuts" rather than through a single [2].

An issue database can effectively document these micro delays and their significant impact on both overall project delays and productivity losses.

These issues are best assessed after project completion by reviewing and analysing delay type frequency within the database. For instance, if the database contains 1,000 entries related to rework associated with the project, while only 5 pertain to equipment breakdowns, it can be inferred that rework was a considerable delaying factor, in contrast to equipment-related issues, which were not as impactful. The advantages of establishing and maintaining an issue database for both contractors and project owners are numerous [2] & [8]. This database facilitates the strengthening of delay claims by linking specific excerpts to critical path activities. Furthermore, as suggested by the researcher, the primary issues should be categorized according to their respective delay types, which may include:

Excusable Non-Compensable	Excusable Compensable	Non-Excusable
• Force Majeure	• Deficient Drawings	• Construction Equipment Problems
• Rain	• Errors in Design	• Labor Issues
• Lightning Stand-down	• Differing Site Conditions	• Lack of Manpower
• Wind	• Drawing	• Unskilled labor
• Excessive Cold	• Revisions/Holds	• Lack of Material
• Excessive Heat	• Late Client Responses	• Lack of Notice
• Union Strikes	• Late Delivery of Equipment	• Late Mobilization
	• Late issuance of Engineering	• Unauthorized Material Substitution
	• Out of Scope Work	• Quality Problems
		• Regulatory Non- Compliance
		• Rework
		• Site Maintenance/Safety Issues
		• Subcontractor Issues

The research delineates the methodology by which contractors should formulate their claims, emphasizing the development of delay trigger schedules and the necessity of accurately identifying the type of delay, as outlined in the referenced table. It underscores the significance of clear and comprehensive construction programs. Furthermore, the research highlights the critical nature of selecting and implementing Delay Analysis Methodologies. It elucidates that there are approximately eleven factors an expert must consider when determining the forensic analysis method to be

employed in support of a delay claim. According to the AACEi's Forensic Schedule Analysis Recommended Practice 29R-03, it is stated that "the selection of the analytical method should be based primarily on technical considerations related to the purpose, timing, availability of data, and the nature and complexity of the delay and scheduling information."

The eleven factors that an expert must consider when selecting a method are listed below:

- 1) Contractual Requirements
- 2) Purpose of Analysis
- 3) Source Data Availability and Reliability
- 4) Size of the Dispute
- 5) Complexity of the Dispute
- 6) Budget for Forensic Schedule Analysis
- 7) Time Allowed for Forensic Schedule Analysis
- 8) Expertise of the Forensic Schedule Analyst and Resources Available
- 9) Forum for Resolution and Audience
- 10) Legal or Procedural Requirements
- 11) Custom and Usage of Methods on the Project or the Case

In conclusion, the research [2] has demonstrated the importance of the proper database and event recording, besides explaining how to define the best methodology of event and claims analysis according to specific factors, and this supports our article's aims.

This study presented here is significant as it addresses a recurring procedural flaw in EOT submissions that leads to dispute escalation and project delays. By clarifying common errors and proposing structured analytical methods, the article offers practical solutions that can be applied across varied construction projects.

3. Research Methodology

Through extensive experience in managing delays associated with significant projects and conducting a comprehensive analysis of various Contractor Extensions of Time (EOT) requests for multiple types of construction projects, the Author will present a comprehensive example case study that highlights common errors made by contractors. This case study will address a range of delay event types and will concentrate on the prevalent missteps that are often observed within the contracting industry.

The Author will employ Primavera P6 for analysis and will present the findings in a comprehensive table format. Finally, the Author will discuss the underlying reasons for these issues and provide recommendations for future improvement.

4. Case Study

The case study will focus on a residential building project. The selected residential project reflects typical EOT submission patterns, making it suitable for highlighting construction-wide challenges, which is based on the following parameters:

- The project comprises 24 floors.
- The duration of the project completion is 24 months, and the project status as case study time is anticipated to reach completion within approximately 5 months.
- The Contractor has experienced a delay exceeding 1.5 months.
- In an effort to address the implications of this delay, the Contractor has submitted a claim for an extension of time (EOT) that unexpectedly includes six past events, five with no historical presentation.

During the course of the project, the Contractor submitted only one claim for an EOT, which lacked comprehensive detail, and accordingly was requested to resubmit but the Contractor didn't comply or follow up. Additionally, none of the other 5 events cited in this recent submission were previously communicated via formal letters or emails, and no prior analytical study was provided.

The six events in question occurred on varying dates, some of which are historical while others are more recent.

It should be noted that the new events did not comply with the notification timelines or full study requirements as stipulated in the Contract.

Furthermore, certain delay events lack contractual references, given that the project adheres to the conditions of the contract (FIDIC 1999) [3]. Of the six events now being submitted by the Contractor, only one had been previously reported in alignment with the contractual timeline. A summary of these events is provided in the accompanying table below- Table (4):

Table 4: Delay Events/Contractor's Entitlement/ Compliment with the Conditions of Contract/COC

EV-NO	Description	Contractor Claim (Days)	Notification as per Sub-Clause 20.1 (<=28 days)	Full Claim submitted During 42 days of Event	Interim Claim (Monthly)	Final Claim (28 days after Interim)	Contractor's used Technical Method
EV-01	Delay in the new Drawings/Instruction	21 Days	Submitted	Submitted	N/A	Submitted	Impacted as Planned
EV-02	Delay in nomination of Swimming Pool works subcontractor	46 Days	Not Submitted	Not Submitted	No	No	TIA (Time impact analysis)
EV-03	Delay in nomination of Shades Works subcontractor	36 Days	Not Submitted	Not Submitted	No	No	TIA (Time impact analysis)
EV-04	Delay in nomination of Entrance Decorative Works subcontractor	38 Days	Not Submitted	Not Submitted	No	No	TIA (Time impact analysis)
EV-05	Delay in delivery of Joinery/ cabinets	52 Days	Not Submitted	Not Submitted	No	No	TIA (Time impact analysis)
EV-06	Delay in delivery of Accessories	26 Days	Not Submitted	Not Submitted	No	No	TIA (Time impact analysis)
	Extension of Time Claim	52 days	The Higher claimed event value				The Higher claimed event value

According to the aforementioned table, the Contractor implemented the Time Impact Analysis (TIA) for each event individually utilizing a single data date that corresponds to the date preceding each event.

It is noted that the Contractor did not employ window analysis at all. Following the TIA evaluations for each event, the Contractor selected the highest value resulting from these analyses as the basis for their final claim.

To ensure a fair evaluation of the Contractor's case, in this article, we will re-analyze all the events and will ignore the contractual timeline while delving deeper into the methodology and technical study. Consequently, we will assume that the Contractor adhered to the timeline outlined in the contract, submitting the relevant notifications and the comprehensive study in a timely manner while also assuming that the events in question are valid as per the particular Clauses of (COC).

The central question then arises: Did the Contractor analyze the events appropriately?

There are approximately five events that are considered outdated, for which the Contractor has not submitted any claims. Only in one instance did the Contractor submit a claim earlier; however, this submission did not fulfill the analytical requirements.

The Contractor's approach involved submitting all events in a single instance and presenting a separate study for each without considering the effects of combined events. Therefore, in accordance with the Contractor's methodology, the event yielding the highest claimed value would be deemed as the Contractor's entitlement.

The Contractor's analytical study is deemed entirely unacceptable, as many of the events have a continual impact. In such cases, it is imperative to utilize window analysis in conjunction with TIA, taking into account the actual dates rather than planned/predicted dates, since all events have concluded and all relevant dates are available [8].

The analysis window may be segmented by month or aligned with the dates of subsequent events. This comprehensive analysis has been conducted, revealing a substantial reduction in the claimed duration from 52 days to 16 days.

The variance between the Contractor's claim and the Author's evaluation can be attributed to several factors discussed earlier in this article. Notably, the inadequacy of the database and the Contractor's reliance on outdated events, which have already been completed, hinder the evaluation process. It is essential to utilize actual dates rather than planned or predicted dates in order to achieve an accurate outcome. Furthermore, the use of window analysis in conjunction with the Time Impact Analysis (TIA) technique has proven to be an effective method for reaching the final conclusion, results cleared in Table (5).

Table 5: Events Windows analysis

Wind NO.	Programme Name	Shcedule Finsih	Delay Events	Bar-Impact	Excusable Delays	
Window 1	Baseline Programme	14-Mar-25	EV-01			
	Update	06-May-25			UD	
	Impacted Updated	06-May-25		100	IMPC	0
Window 2	Baseline Programme	06-May-25	EV-01			
	Update	04-May-25	EV-02		UD	
	Impacted Updated	04-May-25		100	IMPC	0
Window 3	Baseline Programme	04-May-25	EV-01			
	Baseline Update	29-May-25	EV-02 & 03		UD	
	Impacted Updated	10-Jun-25		112	IMPC	12
Window 4	Baseline Programme	29-May-25	EV-01			
	Update	20-Jul-25	EV-02 & 03		UD	
	Impacted Updated	24-Jul-25	EV-04	103	IMPC	4
Window 5	Baseline Programme	20-Jul-25	EV-01			
	Update	24-Aug-25	EV-02 & 03		UD	
	Impacted Updated	24-Aug-25	EV-04 & 05	100	IMPC	0
Window 6	Baseline Programme	24-Aug-25	EV-01			
	Update	04-Jul-25	EV-02 & 03		UD	
	Impacted Updated	04-Jul-25	EV-04 & 05 & 06	100	IMPC	0
			Final Entitlement			16

5. Discussion of the Case Study

5.1 Reasons for the Contractor's action (Disorganized /Random submission of multiple events):

Through the analysis of various projects' cases and previous studies, and further to the mentioned case study, the

predominant reasons for the Contractor's actions can be summarized as follows:

- Supporting the Contractor's Claim Case:** In certain instances, the Contractor submits claims involving multiple events, concentrating on a primary event while referencing others. This approach is undertaken to substantiate their mitigation efforts in addressing a variety of events in addition to the main claimed event.

- b) **Alternative Cases and Entitlement:** The Contractor often seeks to present multiple options within their claim, aiming to secure the maximum possible extension of time, with or without associated costs.
- c) **Preserving Relationships with Other Parties:** The Contractor is generally inclined to maintain amicable relationships with other stakeholders. However, this inclination may lead to delays in the notification and claims processes, which mostly are out of the contractual timeline.
- d) **Inadequate Understanding of the Contract:** It has been observed that in many instances, the Contractor lacks a comprehensive understanding of the nature of the signed contract. This often results from the insufficient review of the particular or general Conditions Of Contract/COC, and disregard for clauses that may adversely affect their claims [6],[3].

5.2 The disadvantages of the (Disorganized /Random submission of multiple events):

- a) **Confusing Entitlement:** The Contractor's approach may frequently place the Engineer/Reviewer in a state of confusion due to the submission of numerous disorganized events. This influx of information and overlapping details may significantly extend the time required for thorough analysis.
- b) **Outdated Events:** The Contractor often submits claims pertaining to events that have already been completed, accompanied by minimal evidence. This practice poses a considerable challenge for the Engineer/Reviewer, who must search for accurate references and review all relevant correspondence to validate these claims.
- c) **Analysis of Claims:** When the Contractor submits multiple events collectively, there is a tendency to overlook the necessary analytical rigor. Particularly, there may be instances where the events are historical or forecasted, each necessitating distinct analytical approaches [1] & [2] & [8]. It is important to note that delay impacts can be analyzed in two main ways. A prospective delay analysis identifies the likely impact of progress or delay events on a completion date. The conclusions of a prospective delay analysis may not match the as-built programme because the Contractor's actual performance may well have been influenced by the effects of attempted acceleration, re-sequencing or redeployment of resources in order to try to avoid liability for liquidated damages or due to other Employer and Contractor Risk Events. A retrospective delay analysis identifies the actual impact of the delay events on the identified actual or as-built critical path. More clarification regarding the used analysis could be provided [1].
- d) **Loss of the benefit of one case:** Claims that are focused on a single event generally receive heightened attention and scrutiny. Ensuring the proper submission of individual claims maximizes the probability of the Contractor obtaining at least minimal entitlement, which may be compromised when events are bundled together. Furthermore, if the Contractor is able to submit the one event claim accurately and in a timely manner, thereby securing even the minimum extension of time requested, there will be an opportunity to adjust and revise their

baseline program accordingly. This approach can provide significant advantages in minimizing the likelihood of Contractor's future delays

- e) **Method of Analyzing Multiple Events:** In cases of multiple event submissions, it is imperative to employ window analysis, along with Time Impact Analysis (TIA) and/as required (As-Built But-For Analysis), tailored according to the specifics and factors of the case of the events [2], [8].

6. Recommendation

- 1) The Contractor is expected to possess a comprehensive understanding of both the general and specific Conditions of Contract (COC) associated with the project.
- 2) The Contractor bears the responsibility for maintaining all records and correspondence, as well as for updating the Baseline program in accordance with the recommendations set forth in SCL [8], [2].
- 3) The Contractor is required to establish a tracker for anticipated Extensions of Time (EOT) that is regularly updated based on site conditions. This should include pertinent items such as Requests for Information (RFIs), variations, IFC change drawings, and any delay events [2].
- 4) The Contractor must strictly adhere to the timelines and procedures specified for the notification letter and the comprehensive claim, as delineated in the COC.
- 5) It is recommended that the Contractor document each event chronologically while remaining in compliance with the schedule prescribed by the COC.
- 6) All events must be submitted appropriately, accompanied by sufficient evidence and justifications.

7. Conclusion

In conclusion, submitting multiple delay events in a single EOT claim without structured analysis or proper notification significantly weakens the contractor's position. This practice leads to confusion, diminishes entitlement clarity, and may violate contract terms. By adhering to contractual procedures, using methodical delay analysis tools, and maintaining accurate records, contractors can improve claim legitimacy and contribute to smoother project delivery.

Moreover, the Contractor's failure to present their claims properly, and commit with the COC timeline, or follow the correct procedures of analysing methodology could jeopardize a request for an Extension of Time (EOT). This risk remains, even with the Contractor's timely efforts to expedite and mitigate delays.

The objective of this article is to underscore the necessity for contractors to submit their claims in a proper and systematic manner. Such practices will facilitate both the submission and review processes, thereby minimizing the likelihood of project completion being marred by numerous unresolved issues and delays.

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