Your route through Underpayment Prevention

A sample report, built from invented answers, to show what yours will look like.

> This report is based only on your answers, before we have seen any of your papers. It is not legal advice, and you should not rely on any date or time limit in it: check every date against your subcontract. Legal questions go to your solicitor.

Where you stand

In your routine, the first thing to fix is the dates. Your answers suggest they are not read from each signed subcontract, and every other check depends on them.

When no Payment Notice comes, your team treats the application as the sum due. That only works if the application went on the date, to the person and in the form your subcontract names. Your answers suggest yours may not always do that, so the position you rely on may not be there when you need it.

With no dates read from the subcontracts and no named cover, nobody else could pick up the cycle at short notice. A deadline can pass without anyone knowing it was there, until the payment comes in short.

Some of your applications go through a portal, and you cannot always show when they went. The portal's record of submission, saved the same day, is that proof.

Notices are still not tested when they arrive, so nothing yet stops the next cut standing the way the last ones did.

Most underpayments are decided by the paperwork around the valuation, not by the valuation itself: a date missed, or a notice nobody checked. That paperwork is what this service fixes.

The notices behind your past cuts were never checked. Some may not have been valid, and a cut made without a valid notice may still be recoverable. Each payment has its own notices and dates, and each can have its own time limit.

Each main contractor's subcontract sets its own dates, recipients and form of application, and some use their own portal. A routine built around one of them is where the others slip.

Some of your subcontracts were never signed, or you hold only the tender version. Which terms apply is a legal question for your solicitor. Until it is settled, we name the signed copy as missing and ask for it, rather than assume its dates.

Many subcontracts amend the standard form's dates, so a date carried over from the standard form or another job can be wrong by days.

Each subcontract says how its applications must go. With email on some jobs and a portal on others, it is easy to send one the wrong way.

Someone reads your notices, but not against the dates or the rules. Reading a notice is not the same as testing it: a late notice, or one with no basis, can look just like a valid one.

One person runs the whole cycle with no cover. That gap shows in a holiday, a sick week or a busy month, when an application goes late or a notice sits unread.

What to do now

In order of priority.

1. **Write down each job's payment dates from its signed subcontract**

   Why: A notice can only be tested against a deadline you know, and an application that misses its date by a day may not count.

   How: Open each subcontract at its payment clause and schedule of amendments. For each job, note when the application goes, to whom and how. Then note the last day for a Payment Notice and for a Pay Less Notice, and the final date for payment. Where the subcontract sets none, the Scheme for Construction Contracts (England and Wales) Regulations 1998 fills the gap. Put every date in one diary that more than one person can see.

2. **List every past payment that came up short**

   Why: Each one has its own notices and dates, and each can have its own time limit for recovery. A list lets you decide whether recovering them is worth it.

   How: For each payment, note when you applied and for how much, any notice you received and its date, and what was paid and when. A simple table is enough. If you want them tested, that is Underpayment Claim.

3. **Gather every version of the terms for those jobs**

   Why: Which terms apply decides the payment dates, and who must send which notice.

   How: Collect the order, any letter of intent, the last draft each side sent and any emails agreeing changes. Keep each one as the email that carried it, so its date shows.

4. **Save the portal's record the day you upload**

   Why: The portal's record of submission is your proof of when the application went, and it is easiest to keep on the day.

   How: After each upload, download or save the confirmation that shows the date and time, and put it in the job folder with the application. If the portal gives no confirmation, also email the application to the person your subcontract names.

5. **Check your next application against the subcontract before it goes**

   Why: An application sent the way your subcontract requires can become the sum due if no valid notice answers it. One that was not may not.

   How: Find the clause that says when, how and to whom applications are made. Make sure your next application states the sum and how you worked it out. Send it that way, on or before the date, and keep the proof.

6. **Keep proof of when every application goes**

   Why: Whether a notice was in time, and whether your application can stand as the sum due, turns on when your application went. Without proof, the cautious date is used, which can cost you.

   How: Send each application the way your subcontract names, and keep the sent email or the portal's record from that day. Put it in the job folder, unedited. For past applications, search the sender's sent items for the job name.

7. **Check every notice the day it arrives**

   Why: A notice that is late, from the wrong person, or without a sum and its workings may not lower what you are owed. That only helps you if it is spotted before the final date for payment.

   How: Note the date and time each notice arrived and who sent it. Check it against the deadline in your subcontract, and check it states a sum and how that sum was worked out. If it fails any of these, tell whoever runs payments that day, and do not accept the lower figure until it has been looked at.

8. **Write down who does each step, and who covers it**

   Why: A step nobody owns is the one that slips in a busy month, and a role with no cover is a gap in the routine.

   How: List it by role, not by name: who prepares, signs and sends the application, who reads the notices, and who keeps the diary. Put a second person against each one for when the first is away.

9. **Keep every application and notice exactly as it went or arrived**

   Why: If a payment is ever disputed, it turns on dates. The original email or portal record keeps its date and time; a forwarded copy or a printout may not.

   How: Make one folder for each job. Save each application as the email that sent it, and each notice as the email or portal record it came in. Do not edit or rename the attachments.

What to gather

Everything the work is built from. Copies are fine: send what you have and we will tell you what is missing.

- **Each subcontract as signed, with its amendments. You said you do not have this yet.** The signed subcontract or order for every live job, with its schedule of amendments and every document it brings in.

  Where to find it: The order email or the job's commercial folder normally holds the signed copy; the amendments usually sit as a schedule attached to it.

- **A recent application and what came back, per contract.** The last application as issued, with the email or portal record of how it went, and any Payment Notice or Pay Less Notice received against it.

  Where to find it: The sent items of whoever issues your applications, and the inbox or portal where the main contractor's notices arrive.

- **An honest description of the current routine.** A page or two, written by whoever runs the cycle day to day: what actually happens, not what the procedure says should happen.

  Where to find it: Written by whoever actually prepares and sends the applications, not the person who wrote the procedure.

- **The templates in use.** The real, current versions of your application and any trackers, including anything kept on someone's own machine.
  Where to find it: Whatever spreadsheet or document people actually use day to day.
- **Who does what, by role.** A short list by role, not by name. Who prepares, signs and sends the application, who reads the notices that come back, and who covers each when they are away.
  Where to find it: A short list from whoever manages the commercial team.

Why Quantsurv

You can do a good deal of this yourself, and the steps above show how. If you would rather have it done for you, or want the notices checked before you act, this is the work we do.

- **Specialists in exactly this.** We work only for subcontractors, on the claims and disputes that cost them money. Behind it: 10 years on the commercial side of construction, and £100m+ of construction projects worked on.
- **A fixed fee, agreed first.** We never bill by the hour. Fixed set-up fee agreed after we see your subcontracts, before work starts. Includes support through one live payment cycle. Optional monthly checks have a fixed fee agreed first. Pause between jobs or stop at month-end. If the work runs over, the cost is ours, not yours.
- **Fast where it matters.** Ten working days for the set-up, then one live payment cycle alongside your team. A fixed fee also gives us every reason to finish quickly.

How Underpayment Prevention would run for you

The whole service, step by step. Where your answers decide a route, it is shown under the step it belongs to.

Step 01 You tell us how your payment cycle runs today

One call on your jobs, your subcontracts and who sends what to whom. The first conversation is free and commits you to nothing.

Step 02 We confirm the scope and the fixed fee in writing

We look over a copy of each subcontract, then confirm which jobs are covered, the fixed fee and the timetable. It is all in writing before any work starts.

What you get: A written scope, fixed fee and timetable

- **Where you run several jobs or main contractors:** every job goes into one diary, with each subcontract's own dates, forms and recipients.

Step 03 You decide whether to go ahead

You have the scope, the fee and the timetable in writing. Nothing starts until you say so.

Step 04 You send us your subcontracts and a recent cycle

Everything in the list below, so the set-up is built from what each subcontract actually requires, not from a standard form.

- **If a subcontract was never signed, or only the tender version is held:** send what you have and say so. We name the signed copy as missing and ask for it, rather than assume its dates.

Step 05 We take every date and requirement from the documents

We read off each subcontract's application dates, recipients and required form. We also read off the Payment Notice and Pay Less Notice windows and the final dates for payment, from the signed wording and the amendments.

What you get: Every application date, notice window and final date for payment, taken from each signed subcontract

Step 06 We check how your cycle runs now against each subcontract

We lay your recent application and what came back against the dates and forms each subcontract requires. We find where the cycle leaks: late, to the wrong person, in the wrong form, or never checked.

What you get: A written note of where your payment cycle leaks, and why

- **If a past cycle looks underpaid but no date is pressing:** we list it with its sum, so you can decide whether Underpayment Claim is worth it.

Step 07 We set up the applications, the diary and the notice check

We set your application templates to each subcontract's form and recipients, and put every date across your jobs in one diary. We add a one-page check your team runs on every Payment Notice and Pay Less Notice the day it arrives.

What you get: Application templates for each subcontract, one diary across your jobs and the one-page notice check

- **If a notice fails the check, such as arriving late or giving no basis:** the routine says who is told that day and how your reply goes in, before the final date for payment.
- **If no Payment Notice arrives by its deadline:** the routine checks whether your application stands as the notified sum, or your own default notice is needed, and puts it in the diary.
- **If you apply through your main contractor's portal:** the routine saves the portal's record of submission on the day, as proof of when the application went.

Step 08 We write the routine and name who does what

A short routine for each subcontract: who prepares, signs and sends each application, and who logs what comes back. It also names who covers each role when that person is away.

What you get: The written routine for each subcontract, with a named person and cover for every step

Step 09 We walk your team through it

We take the people named in the routine through the templates, the diary and the notice check, using your own last cycle as the example.

Step 10 You run one live cycle with us alongside

Your team sends the next application and checks what comes back using the new set-up, with us beside them. The old routine keeps running in parallel until the new one has survived the cycle.

Step 11 We check the live cycle and correct the set-up

What the live cycle showed is corrected in the templates, the diary and the routine.

What you get: The corrected templates, diary and routine, proven on a live payment cycle

Step 12 You decide whether to add the Ongoing check

Your team runs the cycle from the written routine and the diary. The optional Ongoing check is a second pair of eyes on it.

Step 13 We hand over a payment cycle your team runs

You receive application templates and one payment diary for your jobs, supported by a checklist for late, incorrect or missing notices. We test the routine and set out who does what and when.

Your path through the questions

The questions you answered, in order, as the page drew them. Your answers are in yellow, with the line running through them.

Which is closest to where you are now?

Nothing has gone wrong yet; we want our payment routine tight

We have been paid short before, and want it to stop happening

A notice has just cut this month's payment

Our problem is money paid late, or not at all

Does an application date, a notice deadline or a final date for payment fall this week?

Yes

No

Not sure

Were the notices behind those cuts ever checked against your subcontract?

Yes, and the cuts stood

No, we took what was paid

Some of it is still being argued

Not sure

How many live jobs do you apply for payment on?

One live job

Several jobs, all with one main contractor

Several jobs with different main contractors

Do you have a signed copy of the subcontract for each live job?

Yes, for every job

Some were never signed, or we only have the tender version

Not sure

How does your team know each job's application date and notice deadlines?

Read from each signed subcontract, and kept in one diary

From habit, the last job, or the standard form

We work to dates our main contractor gives us

Not sure

How do your applications reach your main contractor?

By email | Through their online portal | **Email on some jobs, a portal on others**

Does every application go on the date, to the person and in the form your subcontract names?

Yes, every time | **Mostly, but some go late or to the wrong person** | We send it our usual way; nobody has checked the subcontract | Not sure

Could you prove the date and time each application went?

Yes, for every one | **For some of them** | No | Not sure

When a Payment Notice or Pay Less Notice arrives, does anyone check it that day?

Yes, the same day, against the subcontract | **Someone reads it, but not against the dates or the rules** | Not really; we see what gets paid | Not sure

If no Payment Notice comes back on an application, what does your team do?

Treat our application as the sum due, and chase it | Wait and see what gets paid | Not sure

Who runs the payment cycle, and who covers when they are away?

A named person, with named cover | **One person does it all, with no cover** | Whoever is free that week | Not sure

Roughly how much is at stake?

Under £5,000 | £5,000 to £25,000 | **£25,000 to £100,000** | Over £100,000 | Not sure

Your report

Next step

> **The first conversation is free and commits you to nothing.** Reply to the email this report came with, or email contact@quantsurv.com, and we will already have your answers.