Your route through Underpayment Claim

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

Your answers suggest no valid Payment Notice came, and you applied the way your subcontract requires. If so, your application may stand as the sum due. That is the strongest position in this service, because the sum can be claimed without arguing what the work is worth.

A Pay Less Notice that came late, from the wrong person, or without the sum and how it was worked out may not lower the sum due.

With no valid Pay Less Notice either, the full sum in your application may be due. If it stays unpaid after the final date for payment, a smash and grab adjudication can claim it without arguing what the work is worth.

Several payments are involved. Each one has its own notices and dates, so each is tested on its own, and each has its own time limit for recovery.

What to do now

In order of priority.

1. **Check the notices, then demand the sum in writing**
   Why: A written demand is the first step to recovering a sum the notices fixed. Built on a notice that did in fact work, though, it can weaken your position, so the notices are checked first.
   How: Check each notice you received against your subcontract: who sent it, when it arrived, and whether it states a sum and how that sum was worked out. If none of them worked, write to your main contractor asking for the sum in your application by a set date, quoting the application. If you want the notices tested before you write, send them to us and we prepare the demand for you to send in your name.

2. **List every payment that came up short**
   Why: Each payment has its own notices and dates, and each one can have its own time limit for recovery. A list stops any of them being missed.
   How: For each payment, note the date you applied, the sum you applied for, any notice you received and its date, and what was paid and when. A simple table is enough.

3. **Find proof of when your application went**

   Why: Whether your application can stand as the sum due turns on when it was sent. Without proof, the cautious date is used, which can cost you.

   How: Search the sent items of whoever sent it for the job name or the application number. Check the project portal's upload log, and any reply from your main contractor that mentions it. Forward the original email, not a copy, so its date and time stay intact.

4. **Close the gaps in your records now**

   Why: A line with no record behind it is treated as unsupported, however strong the point. Records made at the time count for much more than ones made later.

   How: For each cut line without a record, look for anything dated at the time: emails, photos on your team's phones, delivery notes, the site diary, allocation sheets. Ask your site team now, before they move on or forget.

5. **Keep every notice and email exactly as it arrived**

   Why: Most of this turns on dates. A forwarded original keeps its date and time; a copy, a printout or a screenshot may not.

   How: Make one folder for this payment. Save your application, every notice and every reply in it as the original emails, and 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 application as it was sent. You said you do not have this yet.** As originally issued, forwarded as the original email or as dated PDFs, with proof of when and how it was sent.
  Where to find it: The sent items of whoever issues your applications; forwarding the original emails carries the send dates with them.
- **The records behind the disputed lines. You said you do not have this yet.** Measures, drawings, instructions, photographs, allocation and daywork sheets, exactly as they were kept at the time.
  Where to find it: Whoever manages the site records, or the site team's own folders and phones.
- **The signed subcontract.** A complete PDF or scan, every schedule and amendment included.
  Where to find it: The order email or the job's commercial folder normally holds the signed copy; if it was never signed, send the last version exchanged and say so.
- **Every Payment Notice and Pay Less Notice received.** As received, with the date and route it arrived by, including the ones that came late or say nothing useful.
  Where to find it: The email trail with the main contractor's commercial team, and any project portal; the cycles where nothing came back are exactly the ones to flag.
- **The payment history.** What was certified and paid, and when, as your records hold it: certificates, remittances and bank receipts.
  Where to find it: Your accounts package or bank statements show what landed and when; the certificates come from the main contractor's emails.

- **Your figures and valuations.** The build-up behind each application, as the working Excel files, not PDF printouts.
  Where to find it: The working files of whoever values your account each month.

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 fee agreed after we see the notices, before work starts. Adjudication support has a separate fixed fee agreed first. If the work runs over, the cost is ours, not yours.
- **Fast where it matters.** An urgent notice check the same day where you instruct by early afternoon; otherwise the timetable is agreed in writing at scoping and then kept. A fixed fee also gives us every reason to finish quickly.

How Underpayment Claim 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 what has happened

One call on the job, the notices and the dates running. The first conversation is free and commits you to nothing.

Step 02 We check the fit and confirm the scope, fee and timetable in writing

From the call and the notices you send with it, we check what is at stake, which cycles are involved and what it will take. You get the scope, the fixed fee and the timetable in writing before any work starts.

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

- **Where past cycles are in scope:** each one is rebuilt from its own documents and given a limitation date, and the timetable allows for that.

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 the notices and the paperwork

Everything in the list below, in one go. Send each application and notice as the email that carried it, with its date and time intact.

Step 05 We fix the true deadline and read the payment terms

We read the signed subcontract and everything it brings in: the due dates, the notice periods, the final date for payment, and who must send notices and how.

What you get: The true deadline, confirmed to you in writing

Step 06 We test each notice and find the sum due

Each notice is tested for sender, timing, stated sum, basis and service. That decides which sum was due for the cycle, and so which route is open.

What you get: A written finding on each notice, and the sum due for each cycle

- **If no valid Payment Notice came and you applied the way your subcontract requires:** your application stands as the notified sum under the Housing Grants, Construction and Regeneration Act 1996. Unless a valid Pay Less Notice follows, it is due in full by the final date for payment.
- **If a Pay Less Notice came late, from the wrong person, or with no sum or basis:** it may not lower the notified sum. We set out why in writing, so the full notified sum can be demanded before the final date for payment.

Step 07 We rate the evidence behind each disputed line

Each disputed line is rated on its evidence: strong, arguable or thin. You have the notice findings and the ratings in writing before any valuation starts.

What you get: The evidence rating for every disputed line: strong, arguable or thin

- **If a gap can be closed, such as a missing measure or daywork sheet:** we ask you for it, or rebuild it from dated records, before the line is valued.

Step 08 We value what you are owed, with every figure traced

We value what the subcontract and the records support, head by head. We reconcile the running total, so a shortfall a later certificate put right is not counted twice.

What you get: A valuation of what you are owed, head by head and cycle by cycle, every figure traced

- **Where past cycles are in scope:** we rebuild each one and find the sums where a valid application went unanswered. Each gets its limitation date, and limitation questions go to your solicitor.

Step 09 We report the position and recommend a route

You get the notice findings, the sum due, the value of each head and the route we recommend, with each head and cycle ranked by strength.

What you get: A written position and the route we recommend, each head and cycle ranked by strength

- **If the notices fixed a sum that has not been paid:** we recommend demanding it in writing first. If it stays unpaid, a smash and grab adjudication can claim it without arguing what the work is worth.

Step 10 You decide what to pursue and approve it

What goes forward, and how hard, is your commercial decision. Nothing goes to your main contractor until you approve it.

Step 11 We track the reply and the payment

We read every reply against the position, and check what is paid against what was due by the final date for payment.

What you get: What was paid against what was due, with the next step and its date

Step 12 We negotiate and record any settlement in writing

We negotiate on the figures, in letters and meetings. Anything agreed is recorded in writing, with the sum and the date it will be paid.

What you get: A written record of anything agreed, and the options on whatever is still open

Step 13 You decide whether to settle or go to adjudication

Once negotiation has gone as far as it will, you choose the next step. We set out the options with the sums at stake.

Step 14 We prepare the money side of any adjudication

Where you decide to adjudicate, we prepare the figures, the schedule and the bundle. We work alongside whoever runs the adjudication; the procedure and the law stay with them.

What you get: The figures, the schedule and the bundle for the adjudication, every figure traced

Step 15 We track the decision and the payment

We check the decision against the figures referred, and track the payment until it arrives.

What you get: A check of the decision and the payment against what was awarded

Step 16 We hand over the recovery and the Handover Pack

You receive a notice review and an evidenced calculation of the shortfall, followed by your payment challenge and support through negotiations. The final record identifies the result, outstanding sums and gaps to address.

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.

What has happened to this payment?

They paid less than I applied for | They paid nothing at all
They took money off for damage, cleaning, defects or work they did for me | They took off delay damages
I am not sure why it was cut

Does a payment date, a notice deadline or an adjudication date fall this week?

Yes | **No** | Not sure

Has anyone started an adjudication about this money?

No | Yes, we started it | Yes, my main contractor started it

Is this about one payment, or several?

One payment | **Several payments**

Do you have a signed copy of your subcontract?

Yes | No, it was never signed, or the terms are disputed | Not sure

Did you send your application on the date, and in the way, your subcontract says?

Yes | No, it was late or sent another way | Not sure

Can you show when you sent it, such as the email that carried it?

Yes | No | **Not sure**

Did your main contractor send a Payment Notice for this payment?

Yes | **No** | Not sure

Did they send a Pay Less Notice?

Yes | No | Not sure

Did the Pay Less Notice arrive in time, from the right person, with the sum they will pay and how they worked it out?

Yes, all of that | **No, something is late or missing** | Not sure

Has the final date for payment passed?

Yes, it has passed | No, it is still ahead | Not sure

What did they cut?

Measured work | Variations | Dayworks | **A mix of these** | Not sure

For the work they cut, do you have the records behind it?

Yes, for most of it | **For some of it** | Very few

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.