



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Memorandum

November 16, 2009

CONSTRUCTION MEMORANDUM 09-21

TO: District Deputy Commissioners
Technical Services Directors
District Construction Directors
District Testing Engineers
District Area Engineers
Project Engineers/Supervisors
Office of Materials Management

FROM: Mark A. Miller, Director *Mark Miller*
Division of Construction Management

SUBJECT: M-39 and Contract Closeout

REFERENCE: 2010 Standard Specifications Section 109.08

The purpose of this memo is to set out the policy for the districts to follow with regards to how to proceed with the closeout of a contract with respect to the Contractor signing the M-39.

It is the intent of INDOT to make final payment to the Prime Contractor within 180 days after acceptance of a project in accordance with 109.08. One factor that has delayed the closeout is waiting for a response from the prime contractor on the M-39.

Therefore when a contract final has been checked and the material records have been certified, the prime contractor should be contacted to make sure where and to whom the M-39 and the IC-642s need to be sent. The documents should then be sent to the Prime Contractor for their review and signing of the M-39. Along with these documents, the District will attach a cover letter (attached) informing the Contractor that it has 30 days from the date of the cover letter to review the documents and sign the M-39 or provide a reason with backup documentation for any changes that it feels need to be made or a valid reason as to why they are not signing and returning the M-39.

At 30 days from the time the information is sent, the District Construction Director or designee will need to contact the individual with the Prime Contractor to whom the documents were sent and inform them that the 30 days has expired and that the contract will be processed without their concurrence. This contact will also need to be followed up by correspondence (attached) either by e-mail or letter to the Prime Contractor.

Once this has been accomplished the district may continue to final and closeout the contract.

MAM/GGP

Date

Contractor Name

Contractor Address

Subject: Contract # X-XXXXX
M-39 and IC-642s

Attached please find copies of the final IC-642's for the above referenced contract.

You have 30 calendar days from the date of this correspondence to review the information, sign the M-39 and return it to the district. If there is an issue or a problem with the information provided the Contractor must submit within the same 30 day period detailed documentation on what is incorrect.

At the end of the 30 day period if the district has not received either a signed copy of the M-39 or received information from you with documentation on any issues or disagreements on quantities for this contract, the district will continue the process of closing out the contract without the signed M-39.

Correspondence will be sent to you at the end of the 30 day review period informing you of the above.

Sincerely,

District Review Officer

CC: Cheryl Sweeny, Central Office Final Review
District Construction File

Date

Contractor Name

Contractor Address

Subject: Contract # X-XXXXX
M-39 and IC-642s

This correspondence is being sent to you to inform you that since 30 days have gone by and the district has not received from your company either the signed M-39, detailed documentation on any issues or problems or a valid reason why the M-39 has not been signed and returned, the district will now proceed to process the final paperwork for the above referenced contract in order to close-out the contract and make final payment.

Sincerely,

District Review Officer

CC: Central Office Final Review
District Construction File