



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

## Memorandum

September 15, 2009

### CONSTRUCTION MEMORANDUM

09-16

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

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

SUBJECT: Claims Process for Contracts Let Prior to September 1, 2009

SUPERSEDES: Construction Memorandum 08-08

Construction Memorandum 08-08 was issued May 29, 2008 to provide instructions for processing of contract claims until section 105.16 of the Standard Specifications was revised. Revised section 105.16 was adopted with the 2010 Standard Specifications, which became effective for contracts let on or after September 1, 2009.

Effective immediately, the Department will process all construction contract claims, including those on contracts let prior to September 1, 2009, in accordance with the procedures outlined in section 105.16 of the 2010 Standard Specifications.

Note that the contractor's obligations, as defined in the 2010 section 105.16, cannot supersede any specific requirements set out in the contract documents for contracts let prior to September 1, 2009. However, it is the Department's stance that the requirements in the 2010 section 105.16 are reasonable and contractors should be expected to generally comply with those requirements unless they are in direct conflict with specific contract documents.

Questions about processing claims should be addressed to the State Construction Engineer.

MAM:rlh