



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

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Mitchell E. Daniels, Jr., Governor
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November 29, 2012

CONSTRUCTION MEMORANDUM 12-11

TO: District Deputy Commissioners
District Construction Directors
District Testing Engineers
District Area Engineers
District LPA Coordinators
Field Engineers
Technical Service Directors
Project Engineers/Supervisors
Office of Materials Management

FROM: Mark A. Miller, Director *Malcolm*
Construction Management and District Support

SUBJECT: Damage to State Property during Construction

The purpose of this memo is to clarify instructions for communicating and resolving damage that occurs to State property during the time a construction contract is active.

Each district has an individual designated as the Damage to State Property (DSP) Administrator. Communication must take place between the District Construction Office and the District Administrator to ensure that the State is properly reimbursed for all damages.

The Contractor is responsible for maintaining the jobsite while under construction. The Specification references for this work are 107.17, 107.18 & 107.19. In accordance with 107.18, when portions of an incomplete contract are constructed under traffic or have been ordered opened to traffic, and the project time has not expired – the Department will assume responsibility for repairs of damages resulting directly from traffic.

When an accident occurs in a construction zone, the District Administrator will forward the police report to the District Construction Office. When the Contractor is directed to repair this damage and is unable to collect damages from the responsible parties, the Department will pay for this work by change order. A unique reason code for Damage to State Property has been established in order to track payment for this work. A copy of the change order is to be sent to the District Administrator.

When facilities are damaged by the Contractor during construction and are not part of the contract work items, for example an existing bridge, the damage should be communicated to the Administrator and

Department authority responsible for maintenance of that feature. For example, damage to a bridge must be inspected and the appropriate resolution determined by the Bridge Engineering Office. Upon approval from the Department authority, the Contractor may be directed to perform the repairs at his own expense or the repairs may be performed by the Department or by a separate contract. The Department will bill the contractor for all expenses incurred.

Open communication between the District Construction Office and the District DSP Administrator is critical to ensure all damages in the construction zone are recovered from the responsible party.

The District DSP Administrator will ensure that a Damagewise folder is created for the accident and move the folder to the appropriate status – ie Construction Zone Accident (contractor is repairing) or Ready for billing (INDOT is going to recover from Responsible party).

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