

Step 1. General Information

Contract _____ Location _____

Claim Description _____

PE/PS _____

AE _____

Prime Contractor _____

Sub-Contractor _____

Original Contract Dollars \$ _____

Step 2. Contractor's Notice of Changed Condition - 105.16(a)

Date of Notice of Changed Condition _____

The Contractor's written notification shall include the minimum information:

- 1) Statement that the submittal is notification of a changed condition.
- 2) The date the circumstances believed to have caused the changed condition were discovered and an explanation of how and by whom the changed condition was discovered.
- 3) A detailed and specific statement describing the nature and circumstances of the changed condition.
- 4) A statement of the estimated effect of the changed condition on the controlling operation and the cost and contract time of the project.

Step 3. INDOT Review and Response for Contractor's Notice of Changed Condition - 104.02

*NOTE: The PE/PS will respond to the Contractor, as to the justification and remedy of the notification of changed condition within **2 business days or other mutually agreed time**. 104.02(d)*

a) Indicate the applicable Changed Condition(s) from the possible choices.

- Differing Site Conditions - **104.02(a)**
- Suspension of Work Ordered by the Engineer - **104.02(b)**
- Significant Changes in the Character of Work - **104.02(c)**
- No Apparent Changed Condition

b) Is there entitlement? Yes No

c) What is the response/remedy - **104.02(d)** _____

For example, is the response to the Notice of Changed Condition a letter of acceptance/denial of the changed condition, or is the remedy a change order?

d) Date of response/remedy to Notice of Changed Condition _____

NOTE: If the PE/PS's response or remedy mutually resolves the issue, entitlement should be verified and a contract adjustment should be processed. If the issue is not resolved after the PE/PS's response or remedy, progress to Step 4 Documentation of the issue should be made within Site Manager.

Step 4. Contractor's Notice of Intent - 105.16(b) and 104.02(d)

Date of Notice of Intent to File a Claim _____

- Contractor's written notification has been received within **15 days** of the receipt of the PE/PS's notification of a remedy to the changed condition. **105.16(b)**

NOTE: If the Contractor fails to submit a Notice within the time specified, they shall waive further rights to a contract adjustment due to the circumstances from which the claim arose.

- The PE/PS and the Contractor keep separate records and meet for review of records on a weekly basis. **104.02(d)**

Step 5. Contractor's Claim Document - 105.16(b)1

Date of Claim Submittal to the PE/PS _____

Claim Document Requirements - the Contractor's claim document shall contain the following:

- 1) A detailed factual statement of the claim providing all necessary dates, locations, and items of work affected by the changed condition.
- 2) The date on which the changed condition resulting in the claim occurred or became evident and an explanation of how and by whom the changed condition was discovered.
- 3) A copy of the notification of changed condition as originally submitted by the Contractor.
- 4) Copies of the Contractor's daily records of the changed condition as kept in accordance with 104.02(d).
- 5) The name and function of each individual involved in or knowledgeable about the claim.
- 6) The specific provisions of the contract which support the claim and a statement of the reasons why the provisions support the claim.
- 7) A detailed factual statement of any actions taken by the Contractor to mitigate the claim.
- 8) The identification of documents and the substance of communications relating to the claim.
- 9) A detailed factual statement supporting the Contractor's contention that the Department's decision was a breach of contract if the claim is related to a decision that the contract leaves to the Department as discretionary or final.
- 10) The specific amount and basis of costs sought broken down in the categories specified for force account in 109.05, including a separate calculation of markup as allowed in 109.05.
- 11) The specified amount of contract time extension sought and the basis for the request, including approved and as-built bar chart or critical path method schedules depicting the affected work.
- 12) A notarized statement, signed by an officer of the Contractor, under the penalties of perjury, that the claim is made in good faith, that no portion of the claim has previously been paid and that the amount of the claim and the supporting documents are true, accurate, and reflect what the Contractor believes to be the Department's liability.

Claim Dollars Requested \$ _____ > \$150,000 ? No Yes

Claim Time Requested _____ > 100 days ? No Yes

_____ > 20% of contract ? No Yes

Date of PE/PS's Written Notice of Receipt of Claim _____

NOTE: If all three questions above are answered " No ", then the Contractor's claim would require completion of Step 6 and Step 7, Part a). If any of the three questions above are answered " Yes ", then the Contractor's claim would require completion of Step 6 and Step 7, Part b).

Step 6. INDOT's Project Level Review - 105.16(c)1

NOTE: The PE/PS will review the claim and make an effort to resolve the claim at the project level within 30 days of receipt of the Contractor's claim document, or other time as mutually agreed . AE involvement is recommended.

Date of Project Level Review _____

NOTE: If the Contractor disagrees with the project level ruling, or if a ruling is not issued within the specified or agreed upon time, a written request for a District Office review may be submitted by the Contractor to the PE/PS within 30 days of receipt of the project level ruling or the end of the time for the ruling to be issued .

Date of Contractor Disagreement (if any) _____

Step 7. INDOT's District Office Review - 105.16(c)2

Date of Dist Office Review/Opinion _____

- a) If the claim is \leq \$150,000, or \leq 100 days, or \leq 20% of the contract, the DCD and AE will review the project level ruling and issue a written **District Office ruling** within **45 days, or other time as mutually agreed**. A District Claim Review Board would be the next step if the Contractor disagrees with the District Office ruling.
- b) If the claim is over the limits indicated in part a), the District will forward the claim, along with the Project Level ruling and a **District Office written opinion** to Central Office for a Central Office ruling.