



Selection Guidelines for Potential Construction Inspection (CI) Issue Letter Templates

E&O Level 1 Selection*	E&O Level 2 Selection	E&O Level 3 Selection
CI Issue Inquiry Letter	Complete Claim/E&O Recovery Letters	Vouch-in Letter
1a) Contractor submits DC-161/notice to RE <u>or</u> 1b) DOT identifies a potential CI issue 2) Costs are not submitted or yet known 3) States a CI issue inquiry has begun 4) States to not invoice for costs associated with the issue until liability established 5) Requests written response & poss. meeting 6) References/restates Agreement language 7) Letter sent by Construction Services (CS&M) Consultant Manager	1a) Contractor submits complete Claim costs <u>or</u> 1b) DOT seeks recovery for E & O costs 2) Complete costs are forwarded to review/defend 3a) Consultant defends thru Claim Review Process <u>and/or</u> 3b) Consultant defends thru E&O Review Process 4) Letter may re-state Agreement language 5) Letter sent by CS&M Consultant Manager; but may require input/review from DAG's Office	1) Vouch-in Letter sent if Consultant does not agree to participate in the E&O Review Process 2) Letter states that DOT may settle Claim without their participation and may still hold them <u>liable</u> and may file a Lawsuit to recover Claim costs 3) DOT may offer Mediation to recover Claim costs 4) DOT may file Lawsuit to recover Claim costs 5) Letter may be sent by CS&M Consultant Manager with DAG input/review or directly from DAG's Office
Design Issue Inquiry Template:	Level 2' E & O Letter Templates:	Vouch-in Letter Template:
A single template letter is available for either if a Contractor submits a DC-161/notice to RE <u>or</u> if DOT IDs a potential inspection issue; <u>however,</u> *the PM is alerted that, upon receipt of Consultant's initial response, if defense of the claim remains open, send follow-up (Pre-Level 2) template letter to advise the Consultant of defense expectation!	Sent as <u>1st</u> notice, forwards <u>complete</u> Claim (Consultant defends against Contractor's Claim) <u>or</u> Sent as <u>2nd</u> notice, forwards <u>complete</u> Claim (Consultant defends against Contractor's Claim) <u>or</u> Sent as <u>2nd</u> notice, DOT seeks recovery of its direct costs for a Change Order or other damages thru DOT's established E&O Review Process	There is no template for a Level 3 E & O Letter, referred to as a Vouch-in Letter; letter compels a Consultant to defend the Claim; if they refuse, informs them that the State has the right to settle Claim and then take legal action to recover costs.

Procedures are subject to change without notice.

Check the Capital Project Delivery website to ensure this is the current version.