

CHAPTER 3 ADMINISTRATIVE MANAGEMENT

3.1 PURPOSE

The purpose of this procedure is to outline the activities of the District Final Estimates Office (DFEO). It outlines the priority selection criteria used by the District Final Estimate Manager (DFEM) in assigning contracts to minimize the Florida Department of Transportation's exposure to the risk of overpayment errors and interest on delayed payments.

3.2 PROCEDURE

3.2.1 General DFEO Administrative Functions

~~(A)~~ ~~Initiating and maintaining the DFEO file.~~

~~(A)~~ Receive and process the final estimate packages.

~~(C)~~ ~~Updating the final estimate.~~

~~(E)~~~~(B)~~ ~~Retaining the submit letters (Offer of Final Payment) to the contractors and~~
~~Track the contractor's acceptance of the offer of final payment.~~

~~(F)~~~~(C)~~ ~~Updating the Final Estimates Status Reports. Note: the DFEO shall be~~
~~responsible for the update of these reports to a current condition as~~
~~needed.~~

~~(G)~~~~(D)~~ ~~Assembling and forwarding the pass package (see Chapter 14 of this~~
~~Manual)s.~~

~~(H)~~ ~~Processing unpaid bill claims.~~

~~(E)~~

~~(F)~~ ~~Provides Quality Control Plan guidelines for receiving and maintaining final~~
~~estimates packages (see Chapter 4 of this Manual).~~

The forms referenced in this chapter can be found on the Department's website:

<http://www.dot.state.fl.us/proceduraldocuments/formsandprocedures.shtm>

~~(I)~~ _____

~~3.2.2 Final Estimates Support Records~~ Final Estimate Processing ~~3.2.2~~

~~(A)~~ _____ The DFEO office file:

~~(D)~~ _____ Create the DFEO office file when you receive any preliminary documents.

~~(F)~~ _____ Accumulate any records related to the Final Estimate and any correspondence received or dispatched by the DFEO shall be filed, including:

~~()~~ _____ Copies of Supplemental Agreements and routing sheets

~~()~~ _____ Extra Work Records, Form Nos 700-050-58 and 700-050-59. (See Figure Nos. 3-1 and 3-1a).

~~()~~ _____ Test Reports and Disposition Letters.

~~()~~ _____ A copy of SiteManager Pay Item list.

~~()~~ _____ All Warranty/Maintenance Bonds are completed if required.

~~()~~ _____ Notice of Beginning and Completion of Construction Letter. (See Figure No. 3-2).

~~()~~ _____ Copies of paid monthly or progress estimates with fuel reports attached, if applicable.

~~()~~ _____ Any negative estimates.

~~()~~ _____ Official Time Correspondence File.

~~(A)~~ _____ Final Estimates Package:

~~(CG)~~ (A) _____ When a notification of final estimates package submittal is received, the DFEO will verify that that the information shown on the Final Plans and Estimate Transmittal, Form No. 700-050-20, (See Figure No. 3-3 & 3-3a) shall be completed as fully as possible by the Resident Office (RO) project

~~personnel. The DFEO uses the transmittal form to verify that the package contains the records shown~~ has been submitted with the final estimate package.

- (a) If the package does not contain the records outlined, send a list of the missing items along with the **Final Plans and Estimate Transmittal Form** to the Resident Office (RO).
 - (b) If the package contains records not pertaining to that Ccontract, ~~return them to~~ notify the RO ~~with a note that they were of the documents~~ inadvertently included in the final estimate ~~s~~ package.
- ~~(DD)~~ (1) ~~Separate Verify~~ tabulation forms according to that backup information is delineated by pay item number.
- ~~(EE)~~ (2) ~~Count Verify that~~ the **Field Books-Records** are scanned into the Electronic Document Management System (EDMS). ~~and e~~ Check against the total number listed on the transmittal memo. Verify the ~~f~~ Field book-Records numbers ~~s~~ (s) and general description are listed on the transmittal memo.
- ~~(FF)~~ (3) ~~Verify that that the number and general contents of the Computation Books along with Certification Aas to Accuracy of Final Payment Estimates, Form No. 700-050-38 is submitted~~ (if ~~a~~ Applicable).
- ~~(GG)~~ (4) ~~Review the Final As-Built Plans to ensure~~ Verify that the words "Final As--Built Plans" have replaced the words "Contract Plans" on the k Key s Sheet, and that changes occurring during construction have been ~~drawn on them~~ detailed on the Final "As-Built" Plans set.
- ~~(HH)~~ (5) ~~Verify that that the Project/Resident Engineer's Correspondence File has been transmitted with the Final Estimate Packages~~ scanned into EDMS.
- ~~(H)~~ (6) Check the time folder to ensure that it contains contract time changes that have occurred during the life of the Ccontract. Make sure it contains a summary sheet showing the original contract time and all time added, ~~along with a copy of each of the documents affecting contract time~~.

- (a) For Federal Aid contracts, each ~~copy of a~~ time extension or Supplemental Agreement must show the break-down of Federal Aid participation in the contract time changes.
 - (1) On Projects of Division Interest (PoDi)~~Full-Federal Oversight~~ contracts and Central Office Oversight Acceptance contracts, the ~~e~~District's requests for approval of federal participation may be included with the contract time changing document, in lieu of showing the actual breakdown, if the ~~e~~District has received no response to its request by the time the Final Estimates Package is submitted to the DFEO.
 - (2) On projects where oversight is assumed by the State (Assumed)~~exempt, -contracts~~ the ~~D~~istrict has the responsibility of determining and approving federal participation in time changes. All time changing documents on these contracts must show the determined federal participation.

~~(JJ)~~(7) When all items on the transmittal memo are accounted for, mark it "All Items Received", ~~date and initial it. Send a copy to and submit written notification to~~ the Project Administrator (PA).

~~(KK)~~(8) Contract Claim Settlements arriving with or after the Final Estimates Package may require payments be made to the Contractor in advance of the final payment. Payment of construction contract claims prior to submittal of the final estimates package to the ~~District Final Estimates Manager (DFEM)~~ will be made by the PA on a progress estimate. Final Payment for Contract Claim Settlements after the final estimates package has been received by the DFEM shall be made by the DFEO on a progress estimate within thirty (30) days after such settlement is made. These settlements include:

- (a) Litigation or court orders.
- (b) Arbitration board rulings.
- (c) Supplemental Agreements for the settlement of claims which were executed after the ~~C~~contract is ~~essentially~~ completed.

~~(B) The : The DFEO is responsible for completing the information on this form accurately and timely since it represents the history of the estimate as it occurs. (See Figure No. 3-4)~~

~~(D)(B) DFEO Work Sheet DFEM Work Sheet (Form 700-050-32): This form is to be filled in completed by the DFEO staff and remain with the Final Estimates Packagscanned into EDMS. ~~(See Figure No. 3-5 & 3-5a)~~ Items attached and recorded on this form include:~~

~~(A)(1) Progress Final Estimate.~~

~~(B)(2) Overruns and Underruns with explanations.~~

~~(C)(3) Joint Project Agreements.~~

~~(D)(4) Test Pile Letters.~~

~~(E)(5) All correspondence concerning quantities, etc.~~

~~(E) Storing Plans and Other Records: From the time the final estimate packages are received by the DFEO until they are passed for final payment, they are categorized and stored according to status. Have a storage area with bins assigned for the purpose of categorizing and storing contract records. This storage should be in close proximity to the location where the engineering review is to take place. Identify bins in the storage area for at least the following categories:~~

~~(-) N = New Contracts records received and awaiting review by the DFEO.~~

~~(-) A = Completely reviewed contract records submitted by the Contractor for acceptance.~~

~~(C) The Status Reporting System: The Final Estimates Record of Final Plans Form No 700-050-28 will be initiated in CARS by the Resident Office to start the status reporting process. The status reporting system will continue to be updated by the DFEM to provide accurate information on the status of the project close out.~~

~~(K) This report gives the location and current status of every contract in the DFEO. The report is sorted by district and by Financial Project ID. **Note: reports abbreviated codes are in parentheses.**~~

~~(B)(1)~~ The Status Categories are:

- ~~(a) Construction Complete (CONST CPL) FINAL ACCEPTED – Construction Complete, Job in Resident Office~~
- ~~(b) Contracts not submitted by RE to the DFEM within time frame specified in QC Plan with earliest of the final acceptance date (Delinquent) FE PGK NOT SUBMITTED – Final Estimate Package not Received as Required by DFEO~~
- ~~(c) Final Plans received, no review started, (New) NEW – Final Estimate Being Checked~~
- ~~(d) Final Estimates Package being Initially Reviewed (Front 1,) ADD. FIND. – Verify Changes, Prepare for Submit to Contractor~~
- ~~(e) Final Plans being held for additional information (Front Hold) BEING HELD FOR INFORMATION~~
- ~~(f) Final Plans waiting Overview (Back) SUBMIT – Final Estimate has been submitted to Contractor for their review and acceptance~~
- ~~(g) Final Plans being Overlooked (Back 1) RESERVE – Contractor has submitted a Qualified Acceptance Letter indicating a claim~~
- ~~(h) Final Plans being held for additional information (Back Hold) PASSED – Comptroller has been advised to pay/close Contract~~
- ~~(i) Offer of final payment has been submitted to Contractor for review and acceptance (Submit or Resubmit) PAID OFF – Contractor has received final payment/Closed~~
- ~~(j) Contractor has accepted final estimate with qualifications (Reserve) FE PACKAGE RECEIVED – Submitted to DFEO~~
- ~~(-) The Disbursement Operations Office/Contracts Section has been advised to pay the final amount owed to the Contractor and all records complete. (Passed)~~
- ~~(-) Contractor has been sent final payment and the contract is closed (Paid-off)~~

~~3.2.73.2.3~~ **Completion of Final Estimates Package for - Establishing**
Processing Priority Initial Review by DFEO/Resident Office

~~(A) In addition to the DFEO office file, the Reviewer must use some of the District Construction Engineer (DCE's) Office Files. After the Final As-Built Plans, field records, and other source documents are received and checked in, secure the following:~~

~~(1) The executed Contract includes:~~

~~(1) Special Provisions and Supplemental Specifications, quantities, and bid unit prices by item number.~~

~~Standard Special Provisions that applied to that contract at the time of the letting.~~

~~(2) All subcontract authorizations.~~

~~(2) All Supplemental Agreements, Change Orders, and Work Orders.~~

~~(2) All pertinent execution data (i.e., date of execution, Surety Company, etc.).~~

~~(1) General correspondence pertaining to the contract during the span of construction.~~

~~(1) Project Diary: This is a complete legible set of **Daily Reports of Construction, Form No. 700-010-13** for the Contractor and each subcontractor who worked on a specific day as well as the **Engineer's Weekly Summaries, Form No. 700-010-14** for each week from the first chargeable contract day to the day of contract final acceptance.~~

~~(A) Establishing processing priority~~

~~(1) Need for Establishing Priority: **Section 337.141 of the Florida Statutes (F.S.)**, provides for interest to be paid to the Contractor for delay by the Department in making final payment. ~~One of the following two cases shall govern the establishment of the date by which final payment shall be made:~~~~

1
2
3

~~(7) Case 1: If the Contractor provides all documents required by the contract with the exception of the Form 21-A (Contractor Affidavit and Surety Consent,~~

1 ~~Form No. 700-050-21) (hereinafter called "21-A") and the acceptance letter~~
2 ~~within thirty (30) days of final field acceptance, payment shall be made within~~
3 ~~seventy-five (75) days of final field acceptance.~~

4
5 ~~(9)——Case 2: If the Contractor fails to provide the documents which are~~
6 ~~required by the contract with the exception of the 21-A and acceptance letter,~~
7 ~~within thirty (30) days after final field acceptance, payment shall be made within~~
8 ~~forty-five (45) days of the receipt of such documents by the Department.~~

9
10 ~~(11)——If the documents submitted in either case are inadequate, then the~~
11 ~~Department must notify the Contractor of the inadequacy within twenty (20)~~
12 ~~days of receipt of the inadequate documents. Should the Department fail to~~
13 ~~notify the contractor within twenty (20) days regardless of completeness of the~~
14 ~~documents, the documents must be accepted and the time required for payment~~
15 ~~shall begin.~~

16
(A) A record of the dates on which the required documents were received by the
Department shall be maintained on each contract. See Chapter 14 of this
Manual for details on calculating the Pay-off Date.

(B) To assign jobs to the Initial Reviewer based on priority, use the following
guidelines:

~~(13)——~~

~~(2)——**Documents Establishing Priority:** The last date for interest-free final~~
~~payment to a Contractor can be determined by selecting the later of the~~
~~following: the date seventy-five (75) days after final acceptance of the~~
~~contract or the date forty-five (45) days after the last required document was~~
~~received. Documents that may set the pay-off date in this way include:~~

~~(0)——Mill Analysis required from Contractor to complete testing~~
~~certification.~~

~~(0)——Any material invoices which the contract may specifically require the~~
~~Contractor to submit in order to calculate final payment due the~~
~~Contractor.~~

~~(0)——Any other documents which the specific contract stipulates the~~
~~Contractor will turn over to the Department prior to the conclusion of~~
~~the contract.~~

~~(3) Documents Not Establishing Priority: Do not use the Acceptance Letter and 21-A to calculate the required target date.~~

~~(4) Assigning jobs to the Initial Reviewer based on priority: Use the following guidelines to assign contracts for review in the DFEO:~~

(1) A priority job is defined as a job with all contract required documents submitted and approved. Assign these contracts first.

~~(2)~~ Once all priority jobs are assigned, the job with the oldest final acceptance date is normally the next job assigned by the DFEM for Initial Review.

~~(2)~~

~~(3)~~ (e) Exceptions to this assignment rule can occur when a Ccontract becomes a priority job by virtue of the Contractor's compliance with all of the Department's document submittal requirements.

3-2-83.2.4 General Liability Claims: Processing Insurance Claims against the Contractor's General Liability Insurance

Insurance claims are covered under the Contractor's general liability insurance. Such claims include personal injury, damage to vehicles in an area under construction, over spray on a vehicle due to bridge painting, structural damage to a home in the area of pile driving, etc. These types of claims shall be referred to the Contractor for attention. ~~A copy of t~~The particulars of the claim shall be sent to the Investigations Supervisor of the Office of General Counsel at ~~Mail Station 58, 605 Suwannee Street, Tallahassee, 32399-0450, in the Haydon Burns Building~~claims.review@dot.state.fl.us. (See **Figure No. 3-16**). To assist Department employees in processing and forwarding such claims, the Office of the General Counsel has developed **General Liability Claim Procedure No. 225-085-001**. The guidelines and requirements established in this procedure become a basis for assessing accountability ~~within the Department for meeting the requirements of the Florida Statutes~~ and to assist the Office of General Counsel and the Department of Insurance in processing these claims. Copies of this procedure may be obtained from the Office of General Counsel.

3-2-93.2.5 Department's Receipt of Unpaid Bill Notices from Subcontractors or Material Suppliers

~~(A)~~

Throughout the life of the Ccontract, complaints can be received alleging non-

payment on the part of the prime contractor to subcontractors and materials suppliers.

~~(B) Final Estimates Unpaid Bill Inquiry System—The Department is required by Florida law to keep a record of all notices of non-payment, along with the disposition of each complaint. To meet this requirement, the Department maintains a mainframe data base file that records of each notice of non-payment in the Unpaid Bills Tracking System in Construction Automated Reporting System (CARS). The entries shall consist of claims from subcontractors, subordinate subcontractors, and material suppliers on construction contracts let by both Central Office and the Districts. The DFEM will update this file by adding a record for new complaints or by resolving a record for satisfied complaints. A complaint will be considered resolved when the RO or DCE notifies the DFEM that the claim has been paid.~~

~~All such complaints and notices and their envelopes must be maintained in the project files.~~

~~(A) Unpaid Bill Notices from Subcontractors or Suppliers received during Construction — The RO processes unpaid bill notices received during construction. The RO must send copies of these complaints to the DFEO for tracking purposes. If the issues are resolved during construction, the RO will notify the DFEM of the resolution so the DFEM can update the Unpaid Bills Tracking System. CPAM 6.1 details the process for unpaid bills during construction.~~

~~(C)(1) The RO will ensure the DFEM is included in all correspondence, so the Unpaid Bills Tracking System can be maintained.~~

~~(1) — When the RO receives an unpaid bill complaint, he/she will send a letter (See Figure No. 3-7), including a copy of the unpaid bill complaint, to the prime contractor, initiating an investigation into the claim. Retain the original envelope with the original unpaid bills complaint and any subsequent correspondence. Send a copy of this letter and the unpaid bills complaint to the DFEM who will record it in the Unpaid Bills Tracking System.~~

~~(2) — The RO will investigate any good cause of non-payment. During the investigation, progress estimate payments will continue. Good cause is when the prime contractor and the sub-contractor/supplier have a legitimate dispute as to whether or not the money is due. The RO is not to resolve the dispute or determine who might win the dispute. The RE is only to determine where such a dispute exists.~~

~~(3) — If the RE determines that good cause is demonstrated then the progress~~

~~payments will continue. If the RO determines that good cause is not demonstrated, the next progress estimate will be withheld. The RE/PA will coordinate efforts with the DFEM so that the Unpaid Bills Tracking System can be kept current.~~

~~(D) Unpaid Bill Notices from Second Tier Subcontractors/Suppliers Received During Construction – If an unpaid bill complaint is received from a second tier subcontractor or supplier, the Resident Office (RO) will send a letter advising that it does not fall within the class of claimants entitled to protection under , and it's attorney should be consulted on how to further protect its rights. The RO will send the DFEM a copy of these unpaid bill complaints for input into the Unpaid Bills Tracking System. (See Figure No 3-8).~~

~~(B) CPAM 14.1.5 details the process for unpaid bills after final acceptance.~~

~~(E) Unpaid Bills Notices Received after Final Acceptance – When an unpaid bills notice is received by the RO after final acceptance, it is forwarded to the DFEM for processing. The DFEM will prepare a response letter that advises the claimant: (See Figure No. 3-9).~~

~~(1) – The contract will not be paid until the Contractor and Surety Company furnish the Department with a **21-A**.~~

~~(2) – The claimant should write the Surety Company. The Surety Company's name and address are included in the response letter. (See Figure No. 3-9).~~

~~Send copies of the letter to the Prime Contractor, the Surety Company, the Central Office Contracts Administration Manager, the DCE, and the Director, Office of Construction.~~

~~(F) Unpaid Bill Notices Received After Receipt of the 21-A - If the **21-A** is already on file when a notice of an unpaid bill is received, the Contractor shall be notified in a letter from the DFEM that the Contractor is required to show good cause before final payment may be made. (See Figure No. 3-10) Send copies of this letter to the claimant and the DCE.~~

~~(1) – When the Contractor has responded to the letter, the response must be reviewed by the District General Counsel's Office for determination of release of final payment.~~

~~(2) – Once the Contractor has been determined to have good cause, send a letter~~

~~to the Subcontractor advising him of the finding. **(See Figure No. 3-11)**~~

~~(G) Unpaid Bill Notices From Second Tier Subcontractors received after Final Acceptance – Handle unpaid bills complaints from second tier subcontractors received after final acceptance by processing a response letter of Unpaid Bills Notice from Second Tier Subcontractors **(See Figure No. 3-8)**. This letter advises that they do not fall within the class of claimants entitled to protection under , and they should consult with their attorney. The Resident's Office shall enter complaints from Second Tier Subcontractors in the Unpaid Bills Tracking System.~~

~~(H) Final Estimates Unpaid Bill Inquiry System – The Department is required by Florida law to keep a record of all notices of non payment, along with the disposition of each complaint. To meet this requirement, the Department maintains a mainframe data base file that records each notice of non payment. The entries shall consist of claims from subcontractors, subordinate subcontractors, and material suppliers on construction contracts let by both Central Office and the Districts. Update this file by adding a record for new complaints or by resolving a record for satisfied complaints. A complaint will be considered resolved when the RO or DCE notifies the DFEM.~~

~~(I) Unpaid Bills and the 21-A - When the DFEO receive a 21-A, take the following steps to address unpaid bills issues:~~

- ~~(1) Review Form 21-A for format, information, compliance, etc., as previously instructed. Return the form to the Contractor if there is any discrepancy other than unpaid bills issue(s) within twenty (20) days of receipt of the 21-A.~~
- ~~(2) Check the Final Estimates Unpaid Bill Inquiry Program (FEUNPAID) for unresolved issue(s). If there are no disputes listed on the 21-A, and there are unresolved issue(s) in the FEUNPAID system (or if all the issue(s) in the FEUNPAID system have not been listed on the 21-A), print a contract report from the FEUNPAID system. Send a copy of this report and a copy of the 21-A to the RO and request he/she contact the DFEO to review the conflicts with the 21-A and the report.~~
- ~~(3) When the RO contacts the DFEO, find out if the issue(s) have been resolved. If the issue(s) have been resolved during the life of the construction contract, revise the FEUNPAID system to reflect their resolution.~~
- ~~(4) If the DFEO finds there are discrepancies with the 21-A, and outstanding unresolved issue(s):
 - ~~(1) The RO will notify the DCE and the Central Legal Office. A determination will be made as to whether good cause exists for non-payment, whether payment should be withheld or whether the matter should be pursued concerning Revocation of Certification of Qualification.~~
 - ~~(2) Send a copy of the 21-A and any backup documentation to the State Construction Office (SCO) Prequalification Engineer. This information will be used during the review of the contractors prequalification for the coming year.~~~~
- ~~(5) If the 21-A is acceptable for all but unresolved unpaid bills issue(s):
 - ~~(1) If the unresolved unpaid bills issue(s) have been determined to be for good cause, send the final estimate for payment.~~
 - ~~(2) If the unresolved unpaid bills issue(s) have not been determined to be for good cause, hold the final estimate until the Prime Contractor~~~~

Topic No.: 700-050-005

Edition Date: January 1, 2000

Review and Administration Manual

Revision Date: ~~August 30, 2010~~ ~~June 17~~ ~~March 23, 2016~~

~~addresses the issue(s) with the subcontractor(s). The DCE will make the determination that the Prime Contractor has provided sufficient evidence for addressing the issue(s).~~

3.3 LIST OF SAMPLE LETTERS FIGURES FOLLOWING THIS CHAPTER

~~Figure No. 3-1..... Daily Record of Extra Work Form~~
~~Figure No. 3-1a..... Extra Work Summary Form~~
~~Figure No. 3-2..... Notice of Beginning/Completion of Construction Sample 1~~
~~Figure No. 3-3..... Final Plans & Estimates Transmittal Form~~
~~Figure No. 3-3a..... Final Plans & Estimates Transmittal Form~~
~~Figure No. 3-4..... Final Estimates Office Record of Final Plans and Documents Form~~
~~Figure No. 3-5..... District Final Estimates Engineer's Worksheet Form~~
~~Figure No. 3-5a..... District Final Estimates Engineer's Worksheet Form (Con't.)~~
~~Sample Letter Figure No. 3-16..... Acknowledgement of Property Damage Claim_Sample~~
~~Figure No. 3-7..... RE Notification of Unpaid Bills Sample~~
~~Figure No. 3-8..... Unpaid Bill Notice From Second Tier Subcontractors Sample~~
~~Sample Letter Figure No. 3-92..... Notification to Contractor of Property Damage Claim~~
~~Sample Letter 3-3DFEE Notification of Unpaid Bills to Surety Acknowledgement of Receipt of Notice of Unpaid Bills_Sample~~
~~Sample Letter Figure No. 3-410..... DFEE Notification to Contractor of Unpaid Bills where Contractor has Not Disclosed the Dispute to Contractor Sample~~
~~Sample Letter Figure No. 3-511..... Response to Good Cause Letter from Sub-Contractor/Supplier where Contractor has Claimed Good Cause_Sample~~

Sample Letter 3- 1
ACKNOWLEDGEMENT PROPERTY DAMAGE CLAIM

Claimant's Name _____ Date _____
Claimant's Address _____
City, State, Zip _____

Dear Sir / Madam:
APPLY, INDIVIDUALLY

PROPERTY DAMAGE CLAIM
Financial Project ID: _____
Federal Aid Project Number: _____
Contract Number: _____ County: _____
Description: _____

This is to acknowledge receipt of your letter dated _____ regarding damage to
_____.

In accordance with Section 7-12 of the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction, the contractor is responsible for any project related claims. The Department has submitted a copy of your letter to (Prime Contractor's Name) who is the contractor for this project. Future contact about this claim should be made directly with (Prime Contractor's Name, Address, and Telephone).

By copy of this letter, this office is also notifying the Department's Legal Office of your claim. Please submit any future correspondence to the Department's Legal Office at the following address:

State of Florida
Department of Transportation
Office of the General Counsel
Attn: Investigations Supervisor
605 Suwannee Street
Tallahassee, Florida 32399-0458

Sincerely,

Project Engineer _____
Address

Initial/Initial
Attachment
cc: Contractor
_____General Counsel, Investigations Supervisor, w/attachment*
_____District Construction Engineer, w/attachment*
_____District Final Estimate Manager, w/attachment*
_____Project correspondence file
*Attachment: copy of letter from claimant

Sample Letter 3- 2
NOTIFICATION TO CONTRACTOR
OF PROPERTY DAMAGE CLAIM

<u>Contractor's Name</u>	<u>Date</u>
<u>Contractor's Address</u>	
<u>City, State Zip</u>	
<u>Re: Claimant:</u>	<u>Date of Incident:</u>
<u>FPID No:</u>	<u>Contract No.:</u>
<u>County:</u>	
<u>Project Description:</u>	
 <u>Dear Contractor:</u>	
 <u>The Florida Department of Transportation (FDOT) has determined that the location and time in which the incident giving rise to this claim occurred is within the scope of your responsibility under Contract No.:</u> _____.	
 <u>The Contract includes insurance and indemnification provisions. (See FDOT's Standard Specifications for Road and Bridge Construction sections 7-12.1 and 7-13.2.) Accordingly, please promptly contact the claimant, or the claimant's attorney if applicable, to address and resolve this claim on behalf of FDOT. Attached are copies of the claim documents.</u>	
 <u>Also, please immediately forward this letter to your general liability insurer. FDOT, which is contractually required under section 7-13.2 (referenced above) to be an Additional Insured under your policy, hereby tenders this claim to your insurer for coverage thereunder.</u>	
 <u>We are confident that you and your insurer will satisfactorily resolve this claim, however, should this not occur, FDOT reserves the right to seek reimbursement against you and/or your insurer for any and all monies which may be ultimately paid or incurred by FDOT or others to resolve this claim.</u>	
 _____ Sincerely,	
 _____ Project Engineer (Area Code) Phone Number	
<u>Claimant's Name</u>	<u>Date</u>
<u>Claimant's Address</u>	
<u>City, State, Zip</u>	
 <u>Dear Sir / Madam:</u> <u>APPLY, INDIVIDUALLY</u>	
 <u>PROPERTY DAMAGE CLAIM</u>	

Sample Letter 3- 3
ACKNOWLEDGEMENT OF RECEIPT
OF NOTICE OF UNPAID BILLS

Claimant's Name _____ Date _____
Claimant's Address
City, State, Zip

Dear Sir / Madam:
APPLY, INDIVIDUALLY

NOTIFICATION OF UNPAID BILLS

Financial Project ID: _____
Federal Aid Project Number: _____
Contract Number: _____ County: _____
Description: _____

This office has received your notification of unpaid bills related to the above referenced job (copy attached), where (Prime Contractor's Name), is the Prime Contractor and Principal on the Contract Bond.

The surety company for this contract is (Surety's Name and Address) and it is suggested that you carefully review Florida Statutes Section 337.18 if you wish to preserve or pursue a claim against the Contract Bond or the Prime Contractor. You may also want to seek legal counsel concerning this matter.

Sincerely,

District Final Estimate Manager
(Area Code) Phone Number

Initial/Initial
Attachment
cc: Surety, w/attachment*
Prime Contractor, w/attachment*
Subcontractor, if applicable, w/attachment*
Manager, Contract Administration Office, w/attachment*
District Construction Engineer, w/attachment*
State Construction Engineer, w/attachment*
Project correspondence file
*Attachment: copy of letter from claimant

Sample Letter 3-4
NOTIFICATION TO CONTRACTOR OF UNPAID BILLS WHERE
CONTRACTOR HAS NOT DISCLOSED THE DISPUTE

<u>Claimant's Name</u>	<u>Date</u>
<u>Claimant's Address</u>	
<u>City, State, Zip</u>	
<u>Dear Sir / Madam:</u>	
<u>APPLY, INDIVIDUALLY</u>	
<u>NOTIFICATION OF UNPAID BILLS</u>	
<u>Financial Project ID:</u>	
<u>Federal Aid Project Number:</u>	
<u>Contract Number:</u>	<u>County:</u>
<u>Description:</u>	
<p><u>This office has received notification of unpaid bills from (Claimant's Name) on the above referenced job, a copy of which is enclosed.</u></p>	
<p><u>As we are in receipt of your 21-A (Bond Release) document stating under Item 4, page one, ..."there are no claims or suits pending against...said contract except as listed below", we are asking that you respond to the Florida Department of Transportation as to each such notice within ten (10) days by showing good cause for nonpayment or proof of payment to the claimant.</u></p>	
<p><u>Please send a copy of that reply to (Subcontractor/Supplier Claimant's Name and Address).</u></p>	
<p><u>No further payment will be made on this job until receipt of your response.</u></p>	
<p><u>Sincerely,</u></p>	
<p><u>District Final Estimate Manager</u> <u>(Area Code) Phone Number</u></p>	
<p><u>Initial/Initial</u> <u>Attachment</u> <u>cc: Claimant, w/attachment*</u> <u>_____ District Construction Engineer, w/attachment*</u> <u>_____ Project correspondence file</u> <u>*Attachment: copy of letter from claimant</u></p>	

Sample Letter 3-5
RESPONSE TO LETTER FROM SUB-
CONTRACTOR/SUPPLIER WHERE CONTRACTOR HAS
GOOD CAUSE

Claimant's Name _____ Date _____
Claimant's Address
City, State, Zip

Dear Sir / Madam:
APPLY, INDIVIDUALLY

NOTIFICATION OF UNPAID BILLS
Financial Project ID: _____
Federal Aid Project Number: _____
Contract Number: _____ County: _____
Description: _____

This letter acknowledges receipt of your letter dated (Date of Letter) to this office advising us that you have not been paid for labor and/or materials furnished by you on the above project. Your letter will be maintained in a central file in accordance with Section 337.11(11) Florida Statutes. In order that our records remain up to date, please keep us advised as to what efforts you are making to collect the sums you claim are due you and the ultimate resolution of your claim.

The contractor has certified that the sums you claim are due to you are disputed. This certification on the part of the contractor constitutes good cause in accordance with Section 337.11(11) Florida Statutes, and permits the Contractor to receive further progress payments. It is not the role of the Department to resolve payment disputes between the Prime Contractor and its subcontractors or suppliers.

The surety company for this Contract is (Surety's Name and Address), and it is suggested that you carefully review Florida Statutes Section 337.18 if you wish to preserve or pursue a claim against the Contract Bond or the Prime Contractor. You may also want to seek legal counsel concerning this matter.

Should you have any questions with regard to this or any other matter, please feel free to call or write at any time.

Sincerely,

District Final Estimate Manager _____
(Area Code) Phone Number

Initial/Initial
Attachment
cc: Claimant, w/attachment*
District Construction Engineer, w/attachment*
Project correspondence file
*Attachment: copy of letter from claimant