

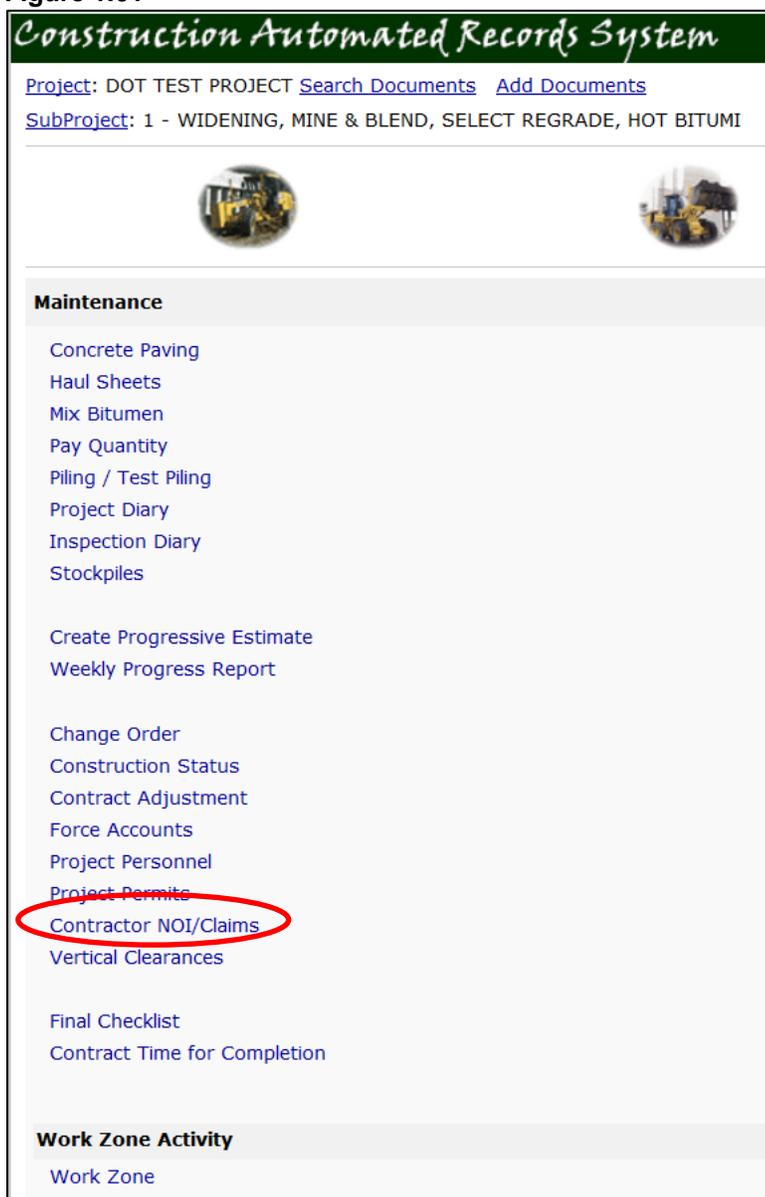
CARS: NOI/CLAIMS MANUAL

I. Getting Started

Purpose

The purpose of the NOI/Claims module in CARS is to provide users a method of storing and retrieving NOI's and Claims information for construction projects. Project, District, and NDDOT Central Office personnel will be able to readily retrieve information to view and create reports to assist in tracking NOI's and Claims. In addition, users will have the ability to retrieve historical information which may assist in identifying District and Statewide trends. This document provides information to assist users in entering the necessary data into CARS. Refer to [Section 8](#) of the Construction Records Manual and the [2014 Standard Specifications for Road and Bridge Construction](#) for additional information regarding NOI's and Claims. Any questions should be referred to Construction Services Division at (328-2568).

Figure 1.01



Location of the Contractor NOI/Claims Module in CARS

Definitions

- **Claimant:** A claimant may be either the Prime Contractor or a Subcontractor. However, if notice is provided by a Subcontractor it must be submitted through the Prime Contractor.
- **NOI:** Notice of Intention to File a Claim ([SFN 16743](#)) must be submitted in accordance with Section 104.04 of the Standard Specifications.
- **Claim:** Claims must be submitted in accordance with Section 104.05 of the Standard Specifications.
- **Filing** - A Filing refers to an unresolved issue or dispute for which Verbal Notice, Written Notice, and/or a Claim has been submitted. A Filing may be in the Verbal, Written, or Claim Stage.
- **Filing Group** - A Filing Group is synonymous with a Filing and is used to describe a Filing and the Stages that the Filing will proceed through until resolution. The Filing Group can be seen on the right hand side of the screen and is used in creating a new Filing ([See Figure 1.06 below](#)). Each dispute or project issue will have its own Filing Group. Separate disputes or issues are numbered sequentially. i.e. Filing #1, Filing #2, etc., on the Claim Filings screen ([See Figure 1.03 below](#)).
- **Stage:** Refers to the Stage that a Filing is in ([See Figure 1.03 below](#)).
- **Status:** Refers to the Status that the Stage of the Filing is in. For example, if an NOI has been submitted, all work has been completed as included in the NOI, and all documentation has been received within 30 calendar days of completing the work, as outlined in Section 104.04 B of the Standard Specifications, then the Status would be displayed as shown in [Figure 1.02](#) below. The intent is for the user to be able to identify the current Status of each Filing on the Claim Filings screen ([See Figure 1.03 below](#)).

The available Statuses for each Stage are as follows:

- Stage 1: Verbal
 1. Status: Receipt (Open)
 2. Status: Receipt (Closed)
 3. Status: Receipt (Withdrawn)
- Stage 2: Written
 1. Status: Receipt (Open)
 2. Status: Receipt (Withdrawn)
 3. Status: Pending Issues (Open)
 4. Status: Pending Issues (Withdrawn)
 5. Status: Pending Documentation (Open)
 6. Status: Pending Documentation (Withdrawn)
 7. Status: Pending Review (Open)
 8. Status: Pending Review (Withdrawn)
 9. Status: Pending Engineer Decision (Open)
 10. Status: Pending Engineer Decision (Withdrawn)
 11. Status: Pending Contractor Decision (Open)
 12. Status: Pending Contractor Decision (Withdrawn)
 13. Status: Contractor Decision (Open)
 14. Status: Contractor Decision (Withdrawn)
 15. Status: Contractor Decision (Closed)
- Stage 3: Claim
 1. Status: Receipt (Open)
 2. Status: Receipt (Withdrawn)
 3. Status: Pending Review (Open)
 4. Status: Pending Review (Withdrawn)

5. Status: Pending Engineer Decision (Open)
6. Status: Pending Engineer Decision (Withdrawn)
7. Status: Pending Contractor Decision (Open)
8. Status: Pending Contractor Decision (Withdrawn)
9. Status: Pending Arbitration/Mediation (Open)
10. Status: Pending Arbitration/Mediation (Withdrawn)
11. Status: Arbitration/Mediation (Open)
12. Status: Arbitration/Mediation (Withdrawn)
13. Status: Arbitration/Mediation (Closed)

Figure 1.02

Filing #: 11	Claimant: Dot Test Contractor	
Projects linked to this filing: 19201,19321		
Stage: Written	Date Received: 04/15/2015	Status: Pending Review (Open)

Individual Filing from the Claim Filings screen

Figure 1.03

<i>Construction Automated Records System</i>		
Project: DOT TEST PROJECT		
SubProject: 1 - WIDENING, MINE & BLEND, SELECT REGRADE, HOT BITUMI		
Claim Filings <<		
Prime Contractor: Dot Test Contractor		
Contractor Filings		
Filing #: 1	Claimant: Dot Test Contractor	
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 02/10/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 02/18/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 02/19/2015	Status: Pending Contractor Decision (Open)
Filing #: 2	Claimant: Dot Test Contractor	
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 02/10/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 02/25/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 03/13/2015	Status: Arbitration/Mediation (Open)

Claim Filings screen with two Filing Groups

Creating an NOI or Claim in CARS:

Create a new Filing in the NOI/Claims tracking module in CARS each time a notice or Claim is received from the Contractor. All known information should be promptly entered into CARS and the Filing must be updated as the notice or Claim progresses.

1. The first step, upon receiving a Verbal or Written Notice, is to create a new Filing Group. The 'Create New Filing Group' option is found on the right-hand side of the Claim Filings screen ([See Figure 1.06 below](#)).

- The Prime Contractor and approved Subcontractors are listed in the 'Claimant Name:' drop-down menu ([See Figure 1.06 below](#)). Select the Claimant's name from the menu and click 'Create'.
- You will then be prompted to select one of three Types or Stages for the Filing ([See Figure 1.04 below](#)). Select the applicable Stage and click 'Add Notice/Claim'. Each Stage is explained in further detail later in this manual.

Figure 1.04

Options for creating a Filing

The 'Add Filing' link

The 'Add Filing' link, located under the Filing Status toward the right of the Claim Filings screen, is used to add the next Stage to the Filing Group. For example: If a Verbal Notice has been created and a Written Notice is received, the 'Add Filing' link is used to advance the Verbal Notice to the Written Notice Stage and add it to the Filing Group.

Figure 1.05

Filing #: 3	Claimant: Dot Test Contractor	Filing Status: Active
Projects linked to this filing: 19201,19321		Add Filing
Stage: Verbal	Date Received: 02/28/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 03/05/2015	Status: Pending Issues (Open)

The Add Filing button is used to add the a Stage to the Filing Group

A new Filing is created for each separate issue or dispute. To create a new Filing, select the Contractor's name from the 'Create New Filing Group' drop-down menu and click 'Create'. Filing #2 will now be visible on the Claim Filings screen (See Figure 1.06 below).

Figure 1.06

Two Filing Groups have been created for this example project

A Filing whose Status is shown as (Open) can be edited by clicking anywhere on the row of the Stage of the Filing to be edited. A Filing whose Status is complete will be shown as (Closed). Once an issue or dispute has been resolved, the Filing Status will be shown as 'Filing Status: Not Active' (See Figure 1.07 below).

Figure 1.07

Claim Filings <<

Prime Contractor: Dot Test Contractor

Contractor Filings		
Filing #: 1	Claimant: Dot Test Contractor	Filing Status: Active
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 02/10/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 02/18/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 02/19/2015	Status: Pending Contractor Decision (Open)
Filing #: 2	Claimant: Dot Test Contractor	Filing Status: Not Active
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 02/10/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 02/25/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 03/13/2015	Status: Arbitration/Mediation (Closed)

II. Verbal Notice

Background

A Verbal Notice occurs when work has commenced on an item for which a Contractor requests a contract revision and it is not feasible to stop the work. In this case, the Contractor notifies the Engineer that work is continuing. A Written Notice must be submitted within 10 calendar days of Verbal Notice. Refer to Section 104.03 in the NDDOT Standard Specifications for more information regarding notice. If a Verbal Notice is not received prior to receiving a Written Notice, the Verbal Notice Stage of the CARS module can be skipped.

The Verbal Notice Stage is broken up into two steps or sections as follows ([See Figure 1.08 below](#)):

1. Receipt
2. Complete

Figure 1.08

Verbal Notice (Open) Update Filing Status

Receipt

Date of Verbal Notice
[Date Input Field]

Date Issues Started
[Date Input Field]

Available Claim Types

- Adverse Weather
- Cardinal Change
- Change in Method
- Change in Scope
- Constructive Acceleration
- Contractor Caused Delay
- Defective Drawings
- Defective Plans; Specifications
- Delay in Delivery of Materials
- Designer Caused Delay
- Differing Site Condition - Type I
- Differing Site Condition - Type II
- Directed Acceleration

Applicable Claim Types

Comments
[Text Area]

Continue Save and Finish Later Cancel

Complete

The Verbal Notice Stage

Receipt

The **Receipt** section is used to enter information related to the Verbal Notice. Enter the information required in the section, but only click 'Continue' if the entered dates are correct. After clicking 'Continue', the dates contained in the **Receipt** section will be locked. Clicking 'Save & Finish Later' will save the information, but allow the user to return to edit the information if needed. In the **Receipt** section, the user must enter all information and click 'Continue' in order to advance to the **Complete** section.

Complete

The purpose of the **Complete** section is to convert the Status of the Verbal Notice in the Claim Filings screen from (Open) to (Closed) ([See Figure 1.09 below](#)). The Verbal Notice should be converted to (Closed) when:

1. Ten days pass without the issuance of a Written Notice or
2. A Written Notice is received; in which case the Verbal Notice is closed and a Written Notice is opened.

A Contractor may also withdraw a Verbal Notice at any time. The Engineer should request that the Contractor provide a letter stating the Contractor's intention to waive their right to any additional compensation and/or time regarding the issue. Once received, the Verbal Notice can be withdrawn by clicking on 'Update Filing Status' as shown in [Figure 1.08 above](#). The user is then prompted to enter the date withdrawn and to provide any comments such as how it was withdrawn. The Filing Status will then be displayed as 'Receipt (Withdrawn)' on the Claim Filings screen.

Figure 1.09

Verbal Notice (Open) [Update Filing Status](#)

Receipt ✓

Complete

Comments

The contractor has filed a written notice within the 10 day time period allowed by Specification.

Complete Save and Finish Later Cancel

The comments field can be used to explain why the Verbal Notice is being closed.

Helpful Hints:

1. 'Date of Verbal Notice' refers to the date a Verbal Notice was received. A Contractor may claim that the 'Date Issues Started' was earlier than the 'Date of Verbal Notice', but the Contractor may only be entitled to additional compensation beginning from the date of Verbal Notice, unless the Contractor can prove that constructive notice was given or should have been evident earlier on.
2. Users can select multiple Claim types under the 'Available Claim Types' by selecting a Claim type and holding down the 'Ctrl' button on the keyboard while selecting additional Claim types or by selecting one at a time and clicking the '>' symbol. Conversely, the user can highlight claim types under the 'Applicable Claim Types' and remove them from the list by clicking the '<' symbol (See Figure 1.10 below).

Figure 1.10

Receipt ✓

Date of Verbal Notice

04/22/2015

Date Issues Started

04/15/2015

Available Claim Types

- Defective Drawings
- Defective Plans; Specifications
- Delay in Delivery of Materials
- Designer Caused Delay
- Differing Site Condition - Type I
- Differing Site Condition - Type II
- Directed Acceleration
- Early Occupancy
- Extra Work
- Force Majeure
- Higher Standards
- Impractical or Impossible
- Increase or Decrease in Quantities
- Material Breach

>

<

Applicable Claim Types

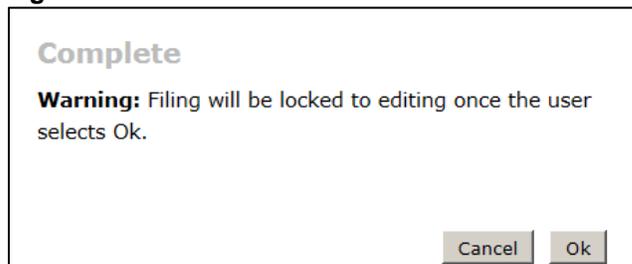
- Differing Site Condition - Type I
- Extra Work
- Increase or Decrease in Quantities

3. Clicking 'Save and Finish Later' saves the work, but allows the user to return to the Filing to edit information later. The 'Save and Finish Later' button should be used in place of the 'Continue'

or 'Complete' button until the user is sure that the information is accurate ([See Figure 1.08 & Figure 1.09 above](#)).

4. Clicking 'Continue' locks the dates to editing but 'Available Claim Types' and 'Comments' can still be edited after clicking 'Continue'.
5. The NDDOT Help Desk (701-328-4589) must be contacted to unlock fields which have been locked to editing.
6. After clicking 'Complete', a dialog box will pop up to remind the user that the following action cannot be undone without contacting the NDDOT Help Desk (See Figure 1.11 below). The purpose of completing the notice is to convert the Status of the Verbal Notice from (Open) to (Closed) for tracking purposes. The Status is shown on the Claim Filings screen ([See Figure 1.07 above](#)).

Figure 1.11



III. Written Notice

Background

The Written Notice Stage is divided into 7 steps or sections. The sections were designed to correspond with the progression of the NOI process:

1. Receipt
2. Issues
3. Documentation
4. Review
5. Engineer Decision
6. Contractor Decision
7. Complete

As with the Verbal Notice Stage, the bottom of each section contains options for 'Continue', 'Save and Finish Later', and 'Cancel.' Clicking 'Continue' will advance the user to the next section, but will also cause some items (such as dates) to be locked to editing ([See Figure 1.12 below](#)). If dates are unclear while entering information into the Filing, click 'Save and Finish Later' until dates are firmly established. Some information, such as the comment box, can still be edited after clicking 'Continue' and advancing to the next section.

Figure 1.12

Confirm

Confirm changes? By choosing Ok this will complete the step.

Dates will lock upon completion of the step

Receipt

The **Receipt** section is used to enter general information about the NOI.

Figure 1.13

Receipt

Date of Verbal Notice **Date of Written Notice**

Date Issues Started

See Box 6 of SFN 16743

Contract Adjustment Requested

Amount	Number of Days	Day Type
<input type="text"/>	<input type="text"/>	<input type="text"/>

Available Claim Types

- Adverse Weather
- Cardinal Change
- Change in Method
- Change in Scope
- Constructive Acceleration
- Contractor Caused Delay
- Defective Drawings
- Defective Plans; Specifications
- Delay in Delivery of Materials
- Designer Caused Delay
- Differing Site Condition - Type I
- Differing Site Condition - Type II
- Directed Acceleration

Applicable Claim Types

Comments

Issues

Documentation

Review

Engineer Decision

Contractor Decision

Complete

The Written Notice **Receipt** section

- Date of Verbal Notice: Enter the date that the Verbal Notice was received. If a Verbal Notice has been previously entered for the Filing, the date will be populated automatically.
- Date of Written Notice: Enter the date that the Written Notice was received.
- Contract Adjustment Requested: This information may be left blank if unknown at the time the Written Notice is first entered. The user can still edit this information after clicking 'Continue' and moving onto the next section.

Issues

Date Issues Ended: The date of the completion of work included in the NOI as described in Section 104.04 B of the Standard Specifications. The 'Date Issues Ended' cannot be edited after clicking 'Continue' (See Figure 1.14 below).

Figure 1.14

Written Notice **Issues** section

Documentation

This section refers to the documentation described in Section 104.04 B of the Standard Specifications. Within 30 calendar days of the completion of work included in the NOI, the Contractor is required to submit the total amount of additional compensation requested and a detailed explanation of the requested compensation. For an NOI involving time, the Contractor must also submit specific days requested and an analysis of the construction schedules as a basis for the request. The 'Documentation Due Date' is automatically calculated based on the 'Date Issues Ended' entered in the preceding section (See Figure 1.14 above). If documentation is not received before the documentation due date, this does not end the NOI reporting process. Click 'Not Received' and 'Continue' to proceed to the next section.

Figure 1.15

Written Notice **Documentation** Section

Review

The **Review** section contains a series of questions to assist the Engineer in determining whether all requirements for a properly submitted NOI have been met (See Figure 1.16 below). Time limits may be extended, as defined under the Dispute Resolution process outlined in Section 104.04 B, if mutually agreed upon.

Figure 1.16

Receipt ✓
Issues ✓
Documentation ✓
Review
Was verbal notification provided? <input checked="" type="radio"/> Yes <input type="radio"/> No
If verbal notification provided, was written notification provided on SFN 16743 within 10 days? <input checked="" type="radio"/> Yes <input type="radio"/> No
Is the Contractor requesting an extension to the contract time? <input checked="" type="radio"/> Yes <input type="radio"/> No
Did the Contractor submit Contractor Request for Extension of Contract Time (SFN 14461) per 104.03? <input checked="" type="radio"/> Yes <input type="radio"/> No
Did the Contractor provide proper facilities and assistance in keeping strict account of actual costs in accordance with 104.03? <input checked="" type="radio"/> Yes <input type="radio"/> No
Did the Contractor define the basis for which additional compensation and/or time will be sought for each claim issue? <input checked="" type="radio"/> Yes <input type="radio"/> No
Did the Contractor provide totals for compensation and/or time within the 30 calendar days of completing work outlined in NOI? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> No, Extension Granted Date of receipt: _____
Did the Contractor request a meeting to resolve dispute? <input checked="" type="radio"/> Yes <input type="radio"/> No
Yes - arrange meeting within 30 calendar days of request and provide written response within 30 calendar days of meeting. Enter Date of Request: _____ Enter Date of Meeting: _____
Comments <div style="border: 1px solid gray; height: 40px; width: 100%;"></div>
<input type="button" value="Continue"/> <input type="button" value="Save and Finish Later"/> <input type="button" value="Cancel"/>

Written Notice Review section

After clicking 'Continue' the **Review** section can be expanded to show whether the requirements of a properly submitted notice have been met. If all required information has been received, the following information will be displayed if the **Review** section is expanded ([See Figure 1.17 below](#)).

Figure 1.17

Receipt ✓
Issues ✓
Documentation ✓
Review ✓
Properly Submitted? Yes
Comments No Comments
<input type="button" value="Edit"/>
Engineer Decision

Review section showing properly submitted Written Notice

If the NOI was not properly submitted, the **Review** section can be expanded to display the reasons the NOI was not properly submitted (See Figure 1.18 below).

Figure 1.18

Review ✓
Properly Submitted? No
If verbal notification not provided, was written notification provided on SFN 16743 before continuing construction on the affected work? No
Did the Contractor submit Contractor Request for Extension of Contract Time (SFN 14461) per 104.03? No
Comments No Comments
<input type="button" value="Edit"/>

Review section showing an incorrectly submitted Written Notice.

The fields of the **Review** section can be edited, if needed, by clicking the 'Edit' button to return to the previously answered questions in the **Review** section ([See Figure 1.16 above](#)). The user may also use the 'Edit' button to view answers to the previously answered questions when formulating a response to the Contractor.

Engineer Decision

The **Engineer Decision** section is used to record the date of the Engineer's response to the NOI. The Engineer will respond with a letter to the Contractor stating the reasons for approval, partial approval, or disapproval of the NOI. Authority levels to settle an NOI are as defined on page 4 of [Section 8](#) in the Construction Records Manual.

- Approval: The Engineer has reviewed the NOI and approves granting the requested additional compensation and/or time related to the NOI.
- Partial Approval: The Engineer has reviewed the NOI and believes granting additional compensation and/or time is partially justified.
- Disapproval: The Engineer has determined the NOI does not have merit. The Engineer's response should outline the reasons additional compensation and/or time is not warranted.

Figure 1.19

Engineer Decision

Date of Engineer's Response

Decision
Approved Partial Approval Disapproved

Contract Adjustment
Amount _____ Number of Days _____ Day Type _____

Comments

Continue Save and Finish Later Cancel

Contractor Decision

Complete

Engineer's Decision Section

If extra compensation and/or time are granted for an approved or partially approved NOI, then a change order and settlement statement should be created to resolve the Written Notice and absolve the NDDOT of responsibility for future Claims related to the NOI. A statement should be included in the change order stating that the change order resolves the NOI. Examples of NOI settlement agreements can be found on pages 11-13 of [Section 8](#) in the Construction Records Manual. Upon signing of the change order and attached settlement agreement, the Contractor agrees to the terms of the settlement and any additional compensation regarding this issue will be denied.

The fields in the **Engineer Decision** section can be edited, if needed, after continuing to the next section.

Contractor Decision

Three things can happen after the Engineer responds to a Written Notice (NOI):

1. The Engineer's decision is accepted by the Contractor
2. The Engineer's decision is formally rejected by the Contractor or
3. The Contractor does not respond

1. Engineer's Decision is Accepted:

If the Engineer approves granting additional time and/or compensation, a change order and settlement agreement is created for the Contractor's signature. Once the Contractor signs the change order and settlement agreement, enter the date of the Contractor's response under the 'Date of the Contractor's Response' and select 'Yes' for 'Engineer's Decision Accepted' (See Figure 1.20 below).

Figure 1.20

The screenshot shows a form titled "Contractor Decision". It contains three main sections: "Date of Contractor's Response" with an empty text input field; "Engineer's Decision Accepted" with radio buttons for "Yes" and "No", where "No" is selected; and "Comments" with a large text area and a vertical scrollbar. At the bottom of the form are three buttons: "Continue", "Save and Finish Later", and "Cancel".

Contractor Decision section

The user then clicks 'Continue', advances to the **Complete** section, enters any comments, and completes the section to change the Status of the Filing to 'Contractor Decision (Closed)'.

If the Engineer's response denies additional compensation and the Contractor accepts this decision, then the NOI should be rescinded by the Contractor in writing. Once received, the Engineer should withdraw the Filing Instead of clicking 'Complete' in the **Complete** section. This is explained in more detail on page 16.

2. Engineer's Decision is Rejected:

If the Engineer's response is formally rejected by the Contractor, the user will enter the 'Date of the Contractor's Response' and select 'No' under 'Engineer's Decision Accepted'. Upon completing the **Contractor Decision** section, the user will click 'Continue' to advance to the **Complete** section (See Figure 1.21 below). Do not click 'Complete' until either a Claim is filed or 90 days has expired from the submittal of the Final Estimate. The Claim Filings screen will appear as shown in [Figure 1.22](#) below until the user clicks 'Complete'. Clicking 'Complete' will show on the Claim Filings screen a Status of 'Contractor Decision (Closed)'. If a Claim is filed, the Engineer should go to the Claim Filings screen and click 'Add Filing' to advance the Filing to the Claim Stage ([See Figure 1.23 below](#)).

Figure 1.21

The screenshot shows two sections of a software interface. The top section is titled "Contractor Decision" and has a green checkmark icon. It displays the following information: "Date of Contractor's Response: 04/15/2015", "Engineer's Decision Accepted: No", and "Comments: A claim was submitted by the Contractor on 4/15/15." Below the comments is an "Edit" button. The bottom section is titled "Complete" and contains a "Comments" text area with a scrollbar. At the bottom of this section are three buttons: "Complete", "Save and Finish Later", and "Cancel". At the very bottom of the interface is a "Project Filings" button.

Contractor Decision and Complete Sections

Figure 1.22

Contractor Filings		
Filing #: 1	Claimant:	
Projects linked to this filing: 18726,18727		
Stage: Verbal	Date Received: 04/01/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 04/04/2015	Status: Contractor Decision (Open)

The Status of the Written Notice should remain open until a Claim is filed or time limit expires

Figure 1.23

Filing #: 14	Claimant: Dot Test Contractor	Filing Status: Active
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 04/30/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 05/04/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received:	Status: Receipt (Open)

3. Contractor Does Not Respond:

If the Engineer's response to the NOI is not responded to by the Contractor, then the **Contractor Decision** section should be left blank. The Claim Filings screen will show the Status of the Written Notice as 'Pending Contractor Decision (Open)'. The Filing will remain in this Status until the Written Notice has been rescinded, 90 days expire after submittal of the final estimate, or a Contractor submits a Claim.

If a Claim is filed by the Contractor, complete the **Contractor Decision** section by entering the date of the Claim under 'Date of Contractor's Response' and check 'No' for 'Engineer's Decision Accepted'. Proceed to the **Complete** section, enter any comments and select complete. This will convert the Status to 'Contractor Decision (Closed)' on the Claim Filings screen for the Written Notice Stage. The Engineer should then go to the Claim Filings screen and click 'Add Filing' to advance to the Claim Stage (See Figure 1.23 above).

Complete

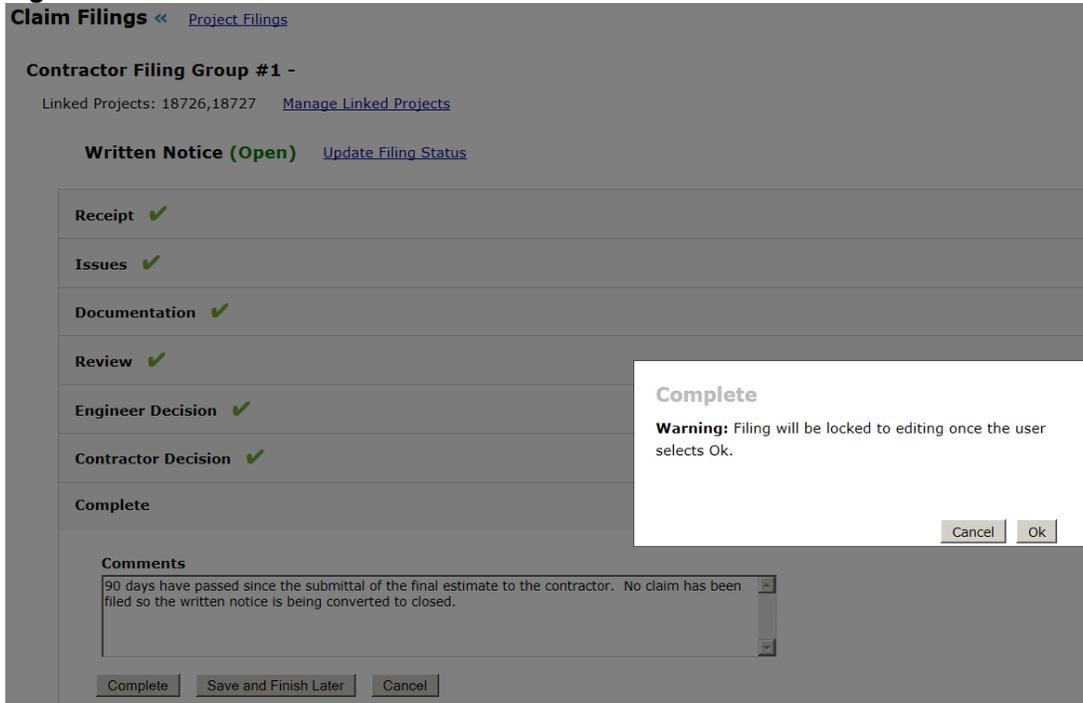
The purpose of the **Complete** section is to change the Status of the Written Notice from (Open) to (Closed). The Status is displayed on the Claim Filings screen to assist the Engineer in tracking unresolved issues or disputes.

A Written Notice displays a Status of (Closed) when:

- An NOI is resolved by Change Order
- 90 calendar days pass after submittal of the final estimate or
- A Contractor files a Claim

Upon clicking 'Complete', a dialog box will pop up to warn the user that the Filing will be locked to editing. Locked notices can only be unlocked by calling the NDDOT Help Desk at 701-328-4359 (See Figure 1.24 below)

Figure 1.24



Complete is the final section in the Written Notice Stage. Clicking 'Ok' will close the Filing and lock it to editing.

Clicking 'Ok' will convert the Status to (Closed) on the Claim Filings screen (See Figure 1.25 below).

Figure 1.25



The completion of the **Complete** section converts the filing to (Closed) on the CARS NOI/Claim home screen and in tracking reports.

A Contractor may also withdraw a Written Notice at any time. If this is done, the Engineer should request that the Contractor provide a letter stating the Contractor's intention to waive their right to any additional compensation and/or time regarding the issue. The Written Notice is then withdrawn by clicking on 'Update Filing Status' and selecting 'Withdraw' (See Figure 1.26 below). The user is prompted to enter the date withdrawn and to provide any comments. For example, if the Engineer has made a decision and the Contractor responds with a letter of withdrawal, the Status of the Filing would be changed to 'Pending Contractor Decision (Withdrawn)' (See Figure 1.27 below).

Figure 1.26

Claim Filings << [Project Filings](#)

Contractor Filing Group #3 - Dot Test Contractor

Linked Projects: 19201,19321

Written Notice (Open) **Update Status**

Withdraw [Cancel](#)

Date Withdrawn
05/04/2015

Comments

Receipt ✓

Issues ✓

Documentation ✓

Review ✓

Engineer Decision ✓

Contractor Decision ✓

Complete

Comments

Shows withdrawing an NOI

Figure 1.27

Filing #: 7		Claimant: Dot Test Contractor	
Projects linked to this filing: 19201,19321			
Stage: Verbal	Date Received: 02/23/2015	Status: Receipt (Open)	
Stage: Written	Date Received:	Status: Pending Contractor Decision (Withdrawn)	

Shows NOI that was in the Pending Contractor Decision Status before it was withdrawn

IV. Claim

Background

The Claim Stage is divided into 5 steps or sections. The sections were designed to correspond with the progression of the Claim process:

1. Receipt
2. Review
3. Engineer Decision
4. Contractor Decision
5. Complete

As with the Written Notice Stage, the bottom of each section contains options for 'Continue', 'Save and Finish Later', and 'Cancel.' Clicking 'Continue' will advance the user to the next section, but will also

cause some items (such as dates) to be locked to editing. If dates are unknown when entering information into the Filing, click 'Save and Finish Later' until dates are firmly established. Some information, such as the comment box, can still be edited after clicking 'Continue' and advancing to the next section. Figure 1.28 below shows a Filing that is in the Claim Stage with a Receipt (Open) Status.

Figure 1.28

Claim Filings <<

Prime Contractor:

Contractor Filings

Filing #: 1	Claimant:	Filing Status: Active
Projects linked to this filing: 18726,18727		
Stage: Verbal	Date Received: 04/01/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 04/04/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 12/31/2015	Status: Receipt (Open)

The Claim Filings screen showing an open Claim

Receipt

Similar to the Written Notice Stage, the **Receipt** section is used to enter general information about the Claim.

Review

The **Review** section contains a series of questions to assist the Engineer during the review process to determine whether all requirements for a properly submitted Claim have been met (See Figure 1.29 below).

Figure 1.29

Receipt ✓

Review

Date of Final Estimate: 10/31/2014

This claim is not properly submitted if any of the questions below are answered as 'No'

Did the Contractor submit the claim within 90 calendar days of the final estimate?
 Yes No

Does the claim describe and detail all claim items originally submitted within the NOI?
 Yes No

Is a detailed narrative provided according to 104.5 A?
 Yes No

Were copies of project documentation provided in support of the claim?
 Yes No

Were bid documents provided (If the contract did not require escrow of bid documentation)?
 Yes No

Was the amount of compensation and or time requested, detailed explanations and calculations provided for each claim item according to 109.03?
 Yes No

Were copies provided of all information previously required under 104.04 B, "Dispute Resolution"?
 Yes No

Did the Contractor sign and notarize the claim in accordance with 104.05 B?
 Yes No

Comments

Contractor failed to submit the claim within 90 calendar days of the final estimate

Engineer Decision

Similar to the Written Notice Stage, the **Engineer Decision** section is used to record the date of the Engineer's response to the Contractor's Claim. The letter will state the approval, partial approval, or disapproval of the Claim. Authority levels to settle a Claim are as defined on page 7 of [Section 8](#) in the Construction Records Manual.

- Approval: The Engineer has reviewed the Claim and approves granting the requested additional compensation and/or time related to the Claim.
- Partial Approval: The Engineer has reviewed the Claim and believes granting additional compensation and/or time is partially justified.
- Disapproval: The Engineer has determined the Claim does not have merit. The Engineer sends a response to the Contractor stating the reasons additional compensation and/or time is not warranted.

If extra compensation and/or time are granted for an approved or partially approved Claim, then a change order and a Release and Settlement Agreement are created to resolve the Claim and absolve the NDDOT of further liability. A statement should be included in the change order stating that the change order resolves the Claim. Upon signing of the change order and the Release and Settlement Agreement, the Contractor agrees to the terms of the settlement and any additional compensation regarding this issue will be denied.

The fields in the **Engineer Decision** section can be edited, if needed, after continuing to the next section.

Contractor's Decision

Three things can happen after the Engineer responds to a Claim:

1. The Engineer's decision is accepted by the Contractor
2. The Engineer's decision is rejected by the Contractor or
3. The Contractor does not respond

1. Engineer's Decision is Accepted:

If the Contractor accepts the Engineer's decision, the Engineer selects 'Yes' under 'Engineer's Decision Accepted'. This signifies that the Claim has been resolved and the **Complete** section can then be completed in order to show a Status of 'Contractor Decision (Closed)' on the Claim Filings screen.

2. Engineer's Decision is Rejected:

If the Contractor disagrees with the Engineer's decision, the Engineer will enter the date of the Contractor's response and select 'No' under 'Engineer's Decision Accepted'. The section will then prompt the Engineer whether arbitration or mediation has been requested by the Contractor.

- a) If 'Arbitration' is selected, the CARS program will automatically calculate the deadline by which the Contractor can request arbitration, which is 90 days after the Engineer's response to the Claim (See [NDCC Chapter 24-02-26.1](#)). The Engineer is then asked to enter the date of the request under 'Date of Arbitration Request' and any comments before continuing to the **Complete** section ([See Figure 1.30 below](#)).

Figure 1.30

Claim (Open) [Update Filing Status](#) [Linked Notices](#)

Receipt ✓

Review ✓

Engineer Decision ✓

Contractor Decision

Date of Contractor's Response
02/19/2016

Engineer's Decision Accepted
 Yes No

Arbitration or Mediation?
 Arbitration Mediation

Request for Arbitration due on/before: 05/14/2016

Date of Arbitration Request
03/01/2016

Comments

Continue Cancel

The **Contractor Decision** section in the Claim Stage

If the Contractor doesn't respond to the Engineer's letter denying the Claim, then the **Contractor Decision** section should remain in an (Open) Status until the Claim is either rescinded, 90 days expire from the date of the Engineer's response, the Claim is resolved, or the Contractor signs the final payment statement. The Claim Filings screen should show the Status of the Claim as 'Pending Contractor Decision (Open)' ([See Figure 1.31 Below](#)).

If 90 days pass after the Engineer's response without the Contractor requesting arbitration, the Claim is resolved, or the Contractor signs the final payment statement, the user should continue to the **Complete** section and the Claim should be (Closed).

- b) If 'Mediation' is selected, there is no deadline for the Contractor's request to mediate, except that which is stated in Section 104.05 of the Standard Specifications. Section 104.05 states that by signing the final payment, the Contractor accepts the amount stated as full and final payment on the contract and waives all rights to any further payments to the contract. After selecting 'Mediation', the Engineer should enter any comments before advancing to the **Complete** section.

If the Contractor doesn't respond to the Engineer's letter denying the Claim, then the **Contractor Decision** section should remain in an (Open) Status until the Claim is either rescinded, the Claim is resolved, or the Contractor signs the final payment statement. The Claim Filings screen should show the Status of the Claim as 'Pending Contractor Decision (Open)' ([See Figure 1.31 Below](#)).

Figure 1.31

Project: DOT TEST PROJECT
SubProject: 1 - WIDENING, MINE & BLEND, SELECT REGRADE, HOT BITUMI

Claim Filings <<

Prime Contractor: Dot Test Contractor

Contractor Filings

Filing #: 1 **Claimant: Dot Test Contractor**

Projects linked to this filing: 19201,19321

Stage: Verbal	Date Received: 02/10/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 02/18/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 02/19/2015	Status: Pending Contractor Decision (Open)

The Claim Filings screen showing an open Claim

Arbitration/Mediation

If a Contractor rejects the Engineer's decision, the Engineer will complete the **Contractor Decision** section as outlined above before advancing to the Arbitration/Mediation section. This section will only be visible if the Contractor rejects the Engineer's decision. This section is used to enter the details of the settlement (See Figure 1.32 below). The settlement reached during arbitration is legally binding. However, the decision reached during mediation is not. In the event of mediation, the Contractor may choose to pursue the Claim further.

Figure 1.32

Claim (Open) [Update Filing Status](#) [Linked Notices](#)

Receipt ✓

Review ✓

Engineer Decision ✓

Contractor Decision ✓

Arbitration / Mediation

Date of Settlement

Contract Adjustment

Amount Number of Days Day Type

Comments

The **Arbitration/Mediation** section is unlocked if selected in the **Contractor Decision** section

Prior to clicking 'Continue' in the Arbitration/Mediation section, the Claim Filings screen will display the Status of the Claim as 'Pending Arbitration/Mediation (Open)' (See Figure 1.33 below).

Figure 1.33

Filing #: 3	Claimant: Dot Test Contractor	Filing Status: Active
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 02/28/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 03/05/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 05/05/2015	Status: Pending Arbitration/Mediation (Open)

A Filing Group pending arbitration

Complete

Once a Claim has been either resolved in the **Contractor Decision** section or the **Arbitration/Mediation** section, the Engineer can advance to the **Complete** section. The Engineer will be prompted to enter in any comments before clicking 'Complete'. After clicking 'Complete', the Status will then be shown as either Contractor Decision (Closed) or 'Arbitration/Mediation (Closed)' and the Filing Status will be shown as 'Filing Status: Not Active' (See Figure 1.34 Below).

Figure 1.34

Filing #: 14	Claimant: Dot Test Contractor	Filing Status: Not Active
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 04/30/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 05/04/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received:	Status: Contractor Decision (Closed)

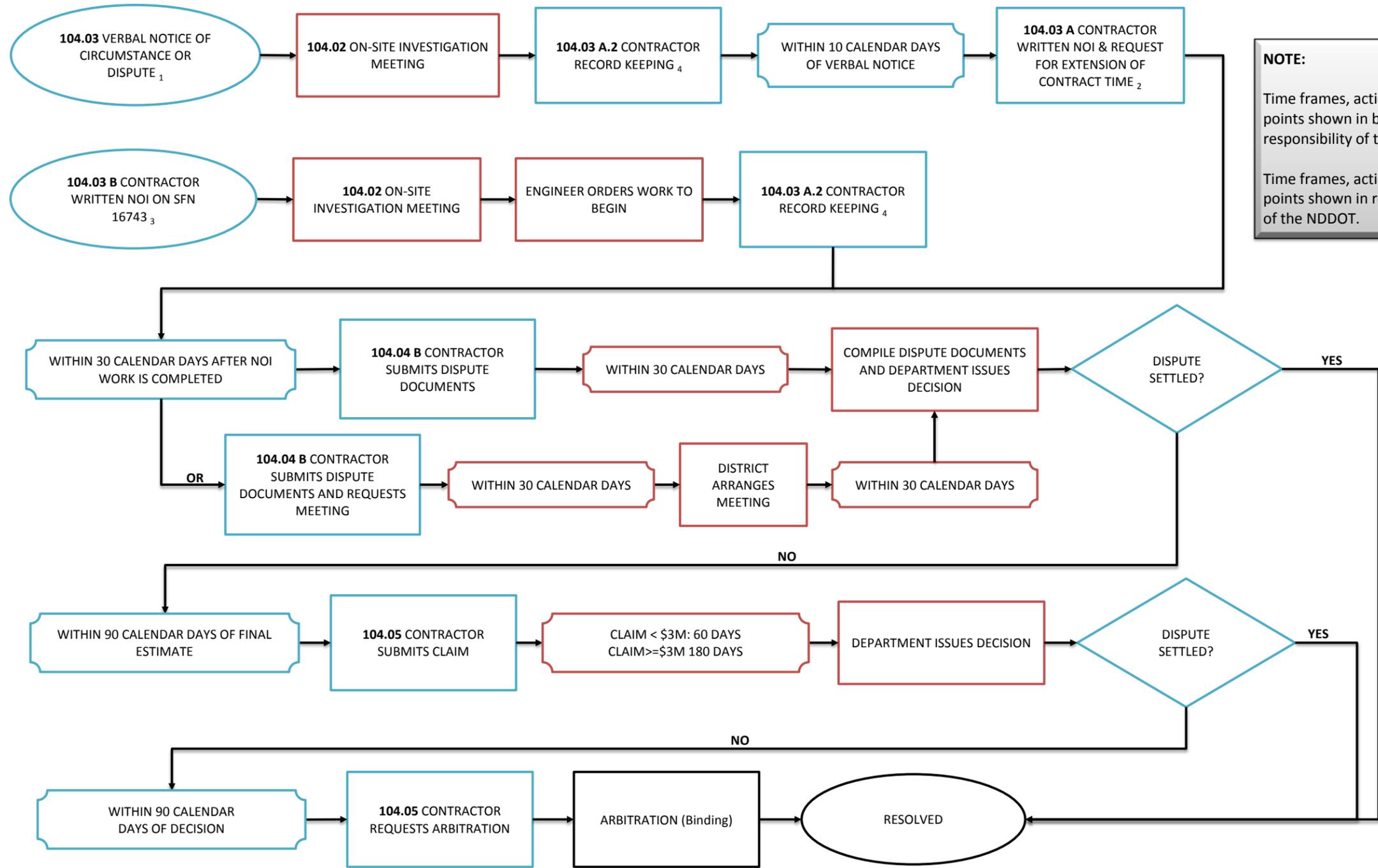
Filing #: 1	Claimant: Dot Test Contractor	Filing Status: Not Active
Projects linked to this filing: 19201,19321		
Stage: Verbal	Date Received: 02/10/2015	Status: Receipt (Closed)
Stage: Written	Date Received: 02/18/2015	Status: Contractor Decision (Closed)
Stage: Claim	Date Received: 02/19/2015	Status: Arbitration/Mediation (Closed)

NDDOT CONSTRUCTION CLAIMS FLOWCHART

*** LEVEL 1: PROJECT ENGINEER**
*SEE CHANGE ORDER APPROVAL PROCESS CHART BELOW

*** LEVEL 2: DISTRICT ENGINEER**
*SEE CHANGE ORDER APPROVAL PROCESS CHART BELOW

*** LEVEL 3: DIRECTOR OF OPERATIONS OR DEPUTY DIRECTOR FOR ENGINEERING**
*SEE CHANGE ORDER APPROVAL PROCESS CHART BELOW



NOTE:
Time frames, action items and decision points shown in blue are the responsibility of the Contractor.
Time frames, action items and decision points shown in red are the responsibility of the NDDOT.

AUTHORITY TO SETTLE NOI OR CLAIM		
Approval Level	Amount	Time
Project Engineer:	<= \$10,000	Up to 5 WD
District Engineer:	> \$10,000, but <= \$50,000	>5 to 15 WD
Director of Operations or Deputy Director of Engineering:	> \$50,000, but < \$500,000	>15 WD
Director:	>= \$500,000	

- 1 Begin here for work already started and is continuing.
- 2 For NOI involving time, Contractor must submit SFN 14461 Contractor Request for Extension of Contract Time along with SFN 16743 Notice of Intention to File a Claim
- 3 Begin here for work that hasn't yet started.
- 4 Contractor must reconcile records with Engineer in accordance with 109.03 E and 109.03 F.
- 5 Time may be extended if mutually agreed upon.