

**Example 5C**  
**RESPONSE TO NOTICE OF INTENT**



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

November 21, 2006

Contract:  
T.I.P. No.:  
Federal Project:  
County:

Description: (Project Description)

Subject: Receipt of Cost Records Week Ending 11/04/06 – Intent ID #14

Mr. I. B. Contractor  
Any Construction Company  
P.O. Box 1234  
Anywhere, North Carolina 27777

Dear Mr. Contractor:

This is to acknowledge receipt of your letter dated November 13, 2006, in which you transmit your cost records for the week ending November 4, 2006 for the associated intent to file claim, Intent ID #14. This intent to file claim is for additional costs to repair or replace damaged curb throughout the project.

Please keep in mind that this acknowledgement of receipt does not imply that the Department agrees this is a valid claim.

Additionally, the cost records received were for the week prior to receipt of your written notice of intent to file claim letter dated November 6, 2006. According to Article 104-8(B), of the 2006 Standard Specifications, the failure on the part of the Contractor to perform any of the following shall be a bar to recovery under the provisions of Articles 104-3 or 104-7: "The failure to notify the Engineer in writing prior to performing the work in dispute that he intends to file a claim." Inasmuch as the work performed during the week ending November 4, 2006 was performed prior to the notification of your intent to file a claim, these records will not be considered if you choose to pursue a claim for the work in dispute.

I.B. Contractor  
November 21, 2006  
Page 2

However, please be advised that future cost records for this work that are submitted in accordance with the time frames established in Article 104-8 will be considered.

Please advise if you have any questions or require additional information regarding this subject.

Sincerely,

I. M. Engineer, PE  
RESIDENT ENGINEER

IME

cc: State Construction Engineer  
Division Engineer  
Roadway Construction Engineer  
Lead Project Inspector  
File