

**Example 6C**  
**Total Cost Claim**

***Belveder Contracting***

P.O. Box 904  
Sandy Hill, NC 27777

February 11, 2007

I. M. Resident, P. E.  
North Carolina Department of Transportation  
P.O. Box 222  
Casual, North Carolina, 27775

Project: 8.1234567 (R-7891) Big Bridge Project  
Beach County NFH-124-(83)

Subject: Contract Impacts

Dear Mr. Resident:

We have reviewed your letter RE:332 dated December 15, 2006 and express the wish to meet with you as soon as possible to discuss the ongoing document submissions relating to claims and related issues.

We would, however, restate that it is our understanding that the regular submissions of labor, overhead, and equipment costs do satisfy the contractual record keeping requirements of Sections 104-8 and 109-3 of the Standard Specifications for Roads and Structures. These submissions are being maintained in line with the many notices made to you. To assist you in interpreting the situation that has enveloped the project, please refer to the attached contract notice log. This clearly indicates the issues beyond the reasonable control of the Contractor that have, and continue to have an impact upon the work.

We recognize that the final evaluation of a claim must take into account the work for which payment has been made. We must, however, reiterate that the percussive nature of the design errors and omissions, the numerous modifications and changes to the contract documents, and the impositions of construction criteria beyond industry standards have dramatically affected our ability to construct the project in the manner in which it was bid. As a result, it is not possible at present to identify any portion of the work that has not been adversely impacted.

Sincerely yours,

Joe B. Green  
Project Manager

cc: Field File

**Example 6D  
Total Cost Claim**



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

February 20, 2007

Project: 8.1234567  
County: Beach County

Description: "US 45 From SR 1222, Carptown Road in Sandy Hill East of NC 467 North of Deer Path"

Subject: Belveder Contracting Correspondence NCDOT 359  
NCDOT Correspondence No. 332

Mr. Joe B. Green  
Project Manager  
Belveder Contracting  
P.O. Box 904  
Sandy Hill, NC 27777

Dear Mr. Green:

In our letter to you dated December 15, 2006, RE:332, we expressed our concern over the claim documentation being submitted on this project by Belveder Contracting. The letter indicated that the records being submitted do not satisfy the contractual requirements for record keeping for the various notices of intent previously submitted.

Your letter NCDOT 408, February 11, 2007, responded that the "*percussive nature of the design error and omissions, the numerous modifications and changes to the contract documents, and the impositions of construction criteria beyond industry standards have dramatically affected (your) ability to construct the project in the manner which it was bid. As a result, it is not possible at present to identify any portion of the work that has not been adversely impacted.*"

We do not accept these broad-sweeping generalizations as meeting the contractual requirements of record keeping. The items of contention on this project are finite events that can be identified as to point of beginning and duration, many of which could be resolved at the current time, if the proper documentation was provided for review. The Contract entered into by Belveder Contracting with the Department places the burden of documentation upon the Contractor,

PO Box 222, Causal, North Carolina 27775 (555) 468-7531

Mr. J. B. Green  
February 20, 2007  
Page 2

if he believes he is being affected by issues beyond his reasonable control or if work beyond the scope of the original Contract is requested. The documentation provides the proof of such impacts. To date, the documentation provided is not sufficient.

As in my letter of December 15, 2006, I am hereby requesting that you schedule a time for us to discuss the record keeping requirements. I am currently available February 21, 22, and 23.

If we can be of further assistance, or provide any additional information, please do not hesitate to call.

Sincerely,

I. M. Resident, P. E.  
Resident Engineer

cc: Division Engineer  
State Construction Engineer  
Bridge Construction Engineer