

Event	Contractor Action	Department Action	Time Limit from Event
1. Dispute/Issue on the jobsite	Contractor and Resident Engineer should work together to resolve disputes as they arise.		
2. Contractor knows or should of known of events causing claim	The claims process is initiated by the Contractor notifying the Resident Engineer of the intent to file a claim by submitting TC 63-32 "Notice of Changed Condition/Disagreement."		10 Days; Prior to beginning any disputed Extra Work (as define in the standard specifications)
3. Resident Engineer receives form TC 63-32		The Resident Engineer must respond to form TC 63-32 by submitting TC 63-33 "Acknowledgement of Notice of Changed Condition/Disagreement" to the Contractor.	7 Days
4. TC 63-32 and TC 63-33 submitted	The Contractor must complete the work as directed by the construction documents and the Engineer. Both parties should carefully track and document the work with costs tracked according to specification 109.04.		Immediately
5. Work involved in the claim is complete		The Resident Engineer determines if the claim is justified. If so, it is paid for as Extra Work under specification 104.03.	
6. The Resident Engineer determines the claim is not justified	<p>1. If the claim involves extra work, the Contractor must submit a report detailing the dollar amount of the claim, the basis of the claim, and any supporting documentation to the Resident Engineer no later than 30 days after the receipt of form TC 63-44, "Final Inspection and Formal Acceptance Report of Completed Construction."</p> <p>2. If the claim involves final quantities and payments, the Contractor must submit a report detailing the dollar amount of the claim, the basis of the claim, and any supporting documentation to the Resident Engineer no</p>		<p>30 Days from receipt of TC 63-44</p> <p>60 days from receipt of TC 63-34.</p>

	later than 60 days after receipt of form TC 63-34, "Final Release," as sent to the Contractor by the Cabinet.		
7. Submission of the claim materials to the Resident Engineer by the Contractor		At this point in the process, the Resident Engineer should notify the Central Office Field Engineer and Contract Administration Branch of the claim. The Resident Engineer and the District TEBM will attempt to settle the claim with the Contractor.	60 Days
8. The claim is not settled in 60 days		The Director of the Division of Construction will hold an informal conference with the Contractor to try to reach a settlement or identify issues needing resolution. If the conference does not successfully settle the claim, the Director will make a final determination.	90 Days
9. Conference unsuccessful and the Director makes a final determination regarding the claim		The Director will notify the Contractor in writing of the Cabinet's decision and of the Contractor's right to an Administrative Hearing according to KAR 603 2:015 Section 10.	
10. Contractor receives written notice of the Cabinet's decision and wishes to have an Administrative Hearing	The Contractor requests a hearing pursuant to KAR 603 2:015 Section 10.		30 Days

**The parties of the claim may mutually agree to have the claim mediated by a mutually agreed upon mediator with costs shared equally. If mediation is terminated the Contractor still has the right to a hearing pursuant to KAR 603 2:015 Section 10.

**This process is governed by KAR 603 2:015 Section 9 and KRS 13B.140.

Resident Engineer Timeline for Draft Specification 105.13 Claims for Adjustments and Disputes

