

Selection Guidelines for Potential Design Issue Letter Templates

E&O Level 1 Selection*	E&O Level 2 Selection	E&O Level 3 Selection
Design Issue Inquiry Letter	Complete Claim/E & O Recovery Letters	<u>Vouch-in Letter</u>
1a) Contractor submits DC-161/notice to RE Or 1b) DOT identifies a potential Design Issue 2) Costs are not submitted or yet known 3) States a design issue inquiry has begun 4) States to not invoice for costs associated with the issue until liability established 5) Requests written response & poss. meeting 6) References/restates Agreement language 7) Letter sent by Program Manager	1a) Contractor submits complete Claim costs Or 1b) DOT seeks recovery for E & O costs 2) Complete costs are forwarded to review/defend 3a) Designer defends thru Claim Review Process Or 3b) Designer defends thru E&O Review Process 4) Letter may re-state Agreement language 5) Letter sent by Program Manager; but may require input/review from DAG's Office	 Vouch-in Letter sent if Designer does not agree to participate in the Claim Review Process Letter states that DOT may settle Claim without their participation and may still hold them liable and may file a Lawsuit to recover Claim costs DOT may offer Mediation to recover Claim costs DOT may file Lawsuit to recover Claim costs Letter may be sent by Program Manager if with DAG input/review or directly from DAG's Office
Design Issue Inquiry Template:	<u>Level 2 E & O Letter Templates</u> :	Vouch-in Letter Template:
A single template letter is available for either if a Contractor submits a DC-161/notice to RE or if DOT identifies a potential Design Issue; however. *the PM is alerted that, upon receipt of the Designer's initial response, if defense of the claim remains open, send follow-up (Pre-Level 2) template letter to advise the Designer of defense expectation!	Sent as 1st notice, forwards complete Claim (Consultant defends against Contractor's Claim) or Sent as 2 nd notice, forwards complete Claim (Consultant defends against Contractor's Claim) or Sent as 2 nd notice, DOT seeks recovery of its direct costs for a Change Order or other damages thru DOT's established E&O Review Process	There is no template for a Level 3 E & O Letter, referred to as a Vouch-in Letter; letter compels a Consultant to defend the Claim; if they refuse, informs them that the State has the right to settle the Claim and then take legal action to recover costs.

Procedures are subject to change without notice.

Check the Capital Project Delivery website to ensure this is the current version.