

3.4.3 Clarification and Claims

References:

- Special Provision No. 100S55 February 2016

All Claims shall be addressed using the Claim Review Process in Special Provision No. 100S55.

Claim Review Process

Unless the issue is resolved; the Claim shall proceed through the Claim Review Process as follows:

Level	Parties involved with the Contractor at each level of Dispute
Field	The Contract Administrator (CA) for the Contract
Regional	Regional Manager, Operations Office where the Contract work is being performed
Head Office	Owner's Head Office

***note:** the Contractor has the option of entering the Referee process following the completion of any of the 3 levels above.

CA Responsibilities with respect to RFCs, EOTs, and CO Price Negotiations

Prior to the expiry of 30 Business Days of the receipt of the Request For Clarification (RFC), Extension Of Time (EOT) or the contractor's receipt of a Change Order (CO), the CA shall provide a written response to the Contractor explaining the rationale and basis of the Field Level position. This shall be deemed as the initial site response.

The CA shall at a minimum:

- Check that the Contractor submits Daily Work Records in accordance with the contract
- Reconcile Daily Work Records and note disagreements prior to signing and return a copy to the Contractor.

- Monitor and record Contractor Work activities (manpower, materials and equipment) for work affected by (or likely to be affected by) the Claim
- Check that Contractor's RFC submissions fully comply with contract requirements both for content and time.
- Consult with the Project Manager and appropriate MTO personnel (CSA, ACE, RCE) prior to providing a response to the Contractor.

Roles of the CA at the Field Level

Where the Contractor desires to pursue the Claim at the Field Level, upon receipt of the Notice of Claim from the Contractor, the CA shall make reasonable efforts to try to negotiate resolution of the Claim at the earliest opportunity.

At the Field Level, the CA shall as a minimum:

- Review the Notice of Claim to confirm completeness.
- Notify the Contractor by INC that the claim has been received and will be reviewed in conformance with the timelines contained in the Contract Documents.
- Notify by email the CSA and ACE that the Contractor has submitted a Notice of Claim.
- Conduct a detailed analysis and review of each Notice of Claim based on the Contract Documents. This shall include, as a minimum, pictures, background details and all other pertinent documentation.
- Complete the Claim review report and assemble all relevant documents.
- Consult with PM, CSA and ACE with respect to the recommendations of the Claim review report prior to responding to the Contractor.
- Prior to the expiry of 30 Business Days from the receipt of the Contractor's Notice of Claim, the CA will provide the Contractor with a written Field Level decision on the Claim. The CA will provide the Contractor with a written explanation of the rationale and basis of the Field Level decision.

Roles of the CA at the Regional Level

At the Regional Level, the CA shall as a minimum:

- Inform Ministry staff when the Contractor has notified of his intent to proceed to subsequent stages of the Claim process. (CSA, ACE, RCE, Head Regional Contract Claims)
- Provide a copy of the Field Level Claim review report immediately upon request to the Head, Regional Contract Claims and Manager, Operations.

In addition to the aforementioned responsibilities, the CA shall also provide any requested additional documentation or support to the Ministry for Regional Level dispute resolution.

Roles of the CA at the Head Office Level

At the Head Office Level, the CA shall provide any requested additional documentation or support to the Ministry.

Roles of the CA during the Referee Process

When the Contractor has notified the CA of his intent to enter the Referee Process, the CA is responsible to perform the following actions:

Referee Request at Field Level

- Notify by email: CSA; ACE; RCE; Manager, Operations; Head, Regional Contract Claims; Manager, Claims Office; and Claims Engineer Dispute Resolution.
 - Attach to email: Contractor's letter requesting Referee, RFC, CA response to RFC
- Provide Claim Review report and assemble all relevant documents within 3 Business Days of request to go to Referee.
- Complete and sign Referee Services Agreement.
- Participate in Referee commencement teleconference.
- Review and provide comments on "Position Brief" and submission package.
- Attend meeting with Referee if meeting required (Regions to decide appropriate staff for attendance).

Referee Request at Regional Level

- Complete and sign Referee Services Agreement.
- Participate in Referee commencement teleconference.
- Review and provide comments on “Position Brief” and submission package
- Attend meeting with Referee if meeting required.

Referee Request at Head Office Level

- Complete and sign Referee Services Agreement.
- Participate in Referee commencement teleconference.
- Review and provide comments on “Position Brief” and submission package
- Attend meeting with Referee if meeting required.

CA Conduct with Referee

The CA shall cooperate with the Referee’s reasonable requirements to complete the Referee Process and continuously keep the CSA informed.