**WRITTEN NOTIFICATION**

This bulletin replaces Construction Bulletin 2010-12 and provides guidance on the use of Form 105. It also replaces Section 120.3.1 of the Construction Manual (CM) with more complete guidance on communication by letter.

The CDOT specifications use the term “in writing” or other similar terms when referring to the Project Engineer communicating a decision or project information to the Contractor according to the Contract.

For example subsection 208.09 of the 2011 Standard Specifications states: *The Engineer will immediately notify the Contractor in writing of each incident of failure to perform erosion control in accordance with the CDPS-SCP, including, but not limited to items (1) through (14) above.*

Or

Subsection 108.03 of the Standard Specifications states: *When accepted by the Engineer in writing, the revised schedule shall become the Project Schedule.*

**Proper Use of Form 105 – Speed Memo**

Speed Memo is to be used as described in Section 120.4 of the CM:

*Use Form 105 – Speed Memo to document:*

* *directions and interpretations given the Contractor;*
* *instructions to Contractor for work formalized later with a change order;*
* *agreements between the Project Engineer and the Contractor; and*
* *transmittal of project documents and other project information.* (This includes transmitting information to the Contractor, internal CDOT staff, and consultants working on the project.)

Example: Failing to notify the Contractor on a Form 105 in accordance with subsection 208.09 of the December 23, 2008 standard special provision, the August 26, 2010 standard special provision, or the 2011 *Standard Specifications* is being viewed by CDPHE as a non-compliance issue. For instances relating to erosion control where action needs to be taken by the Contractor, the Project Engineer should prepare and issue a CDOT Form 105 to give the appropriate direction to the Contractor for correcting the noted deficiencies and place a copy in the project file and the SWMP notebook.

**Revision of Section 120.3.1 of the CM**

Replace Section 120.3.1 of the Construction Manual with the following:

**120.3.1 Letters**

Letters should be prepared on CDOT letterhead.

 Use Letters to document the following:

* Partial or Final Acceptance
* Dispute or Claim decisions
* Written Notice of intent to default
* Written Contract Termination Notice
* Complex issues involved in Contract performance that require lengthy responses