

# DISPUTES REVIEW BOARD RECOMMENDATION

11 January 2002

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Ref: SR 45 (US 41 Business) from Palermo Place to US 41 Bypass N.  
Contract No: 20934, State Project No: 17020-3501. Financial Project  
No: 198005-1-52-01/198005-56-01, Disputes Review Board hearing  
Concerning temporary signal payment.

Dear Sirs:

The Florida Department of Transportation's representative (PBS&J) and Highway Safety Devices (HSD), a subcontractor to GLF Construction Corp., requested a hearing concerning the above referenced issue. HSD is seeking to be paid under pay item 2102-104-2 for temporary traffic control signal work performed by them. The Department believes that the work performed by HSD is covered under pay item 2101-1. Summaries of the Department and HSD positions were forwarded to the Board for review. A hearing was held at the project site on 17 Dec. 2001. Both parties presented their case to the Board.

## CONTRACTOR'S POSITION

Highway Safety Devices, Inc. (HSD) states that they have performed temporary traffic control signal work to facilitate and maintain traffic through this project. The work has involved the installation, adjustment, relocation and maintenance of existing and new signalization equipment to provide signalized intersections at several locations.

HSD is of the opinion that work performed in providing temporary traffic control meets the criteria set forth in the Contract Documents for **Pay Item 2102-104-2, Temporary Traffic Control Signals**. As such, the temporary traffic control signal work performed by HSD should be paid for by the FDOT on a per each day basis. Further, the payment should commence on the first day any temporary signal work was performed on

an intersection and continue uninterrupted for each day the temporary traffic control signals are in operation.

HSD states that pay item 2102-104-2 is included in the contract to pay for completed installations of temporary traffic control signals. HSD request that the Disputes Review Board consider the documentation and rule on whether the temporary traffic control signal work performed by HSD for MOT purposes should be paid for using pay item 2102-104-2, Temporary Traffic Control Signals.

#### DEPARTMENTS POSITION

1. Pay Item No. 2102-104-2; Signal Temporary Traffic Control (Fixed) is listed with the Structure Bid Items. It is a bridge pay item. The Temporary Signal is shown on Plan Sheet No. B- 15.
2. Pay Item No. 2102-104-2 is not listed with the Roadway Bid Items. There are no Temporary Signals shown in roadway plans. The roadway plans include the Traffic Control Plan. The Traffic Control Plan shows existing signal heads being redirected or relocated to keep the signals lined-up with the MOT lanes. Note No. 18 on Plan Sheet no. 92 specifically states,  
THE CONTRACTOR SHALL MAINTAIN ALL TRAFFIC SIGNALS DURING ALL PHASES OF CONSTRUCTION. SIGNAL HEADS SHALL BE DIRECTED OR RELOCATED AS REQUIRED TO THE CENTER OF THE RELOCATED LANES DURING ALL PHASES. THE COST TO BE INCLUDED IN PAY ITEM 2102-1"

Furthermore, the Temporary Signal referred to in the Traffic Control Plan Phasing Notes, Phase II, Note 7 is the Temporary Signal on the bridge.

The Department feels that the contract is clear. The Temporary Signal is shown on the bridge and should be paid for as such. The roadway plans describe the signal head redirection and relocation needed at the intersections. The roadway plans state how this work is to be paid for, i.e., under item 2102-1; Maintenance of Traffic.

#### DISPUTES REVIEW BOARD RECOMMENDATION

The Board has reviewed all the information provided by the Department and the contractor. We took onto consideration the presentation and discussion of all parties at the hearing held on the 17<sup>th</sup> of December 2001. Our determination is based on the following contract documents.

## Traffic Control Plans Sheet No. 92

Note 18. *The contractor shall maintain all traffic signals during all phases of construction. Signal heads shall be directed or relocated as required to the center of the relocated lanes during all phases. The cost to be included in pay item 2102-1*

Note 21. *Signal pole relocations shall include the relocation of the signal heads, pedestrian signal (if attached to the signal pole) and the controller cabinet (if pole mounted). Cost to be included under pay item No. 2102-1.*

These two notes describe how the MOT reconfiguring of the existing signals are to be paid. Neither of these notes alludes to nor mentions temporary signals. Pay item No. 2102-1 is to be used for all maintenance and adjustments to the existing signal system during construction for MOT purposes.

## Phasing Notes Sheet No. 92

Phase II Note 7. *Install temporary construction signing, pavement markers, temporary signal, and safety devices as shown on the phase III traffic control plans.*

This note indicates a singular signal to be installed for the phase II traffic control operation. This note is consistent with the bid item 2102-104-2 in the bid tabs under STRUCTURE BID ITEMS of requiring only 548/each/day for pay purposes, not the full duration of the project. The total contract time for the project is 1065 days.

## Bid Item Notes

Sheet B-5 *PAY ITEM NO. 2102-104-2, Signal, Temp. Traffic Control (ED) Includes the cost to furnish, Install and remove a Temporary monotube supported Traffic Control Device per Index 17890.*

*The cost of supports, pilasters or platforms, for Temporary Traffic Control, signals and gates, shall be include in the cost of signals and gates. Pilasters and platforms shall not be removed.*

This note is consistent with the above listed bid documents and shows the pay item for a temporary device at a single location. The location for the temporary signal is shown on sheet B-15 of the bridge plans at station 139+85.00. This is the only location shown for temporary signal.

This pay item is for the furnishing and installation of one temporary traffic control device located on the new southbound bridge.

The significant difference between the two pay items is one (2102-1) is for maintenance of existing signals while the other (2102-104-1) is to furnish and install a signal.

After analyzing all the data provided and all the testimony the Board has determined that there is no entitlement due the contractor.

SIGNED FOR AND WITH THE CONCURRENCE OF ALL MEMBERS.

A handwritten signature in black ink, appearing to read "Don Henderson". The signature is written in a cursive style with a large initial "D".

Don Henderson, P.E.  
DRB Chairman

Cc; Rammy Cone  
Jack Norton