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The Dispute Review Board was asked to meet and hear a dispute involving Cross Slope corrections in all the curve sections on the project. The Board obtained position papers from the parties and held a hearing November 21, 2008 at the Department's Gainesville Office.

The work involved conversion of an existing two lane rural road from two nine foot lanes to two eleven foot lanes with a two percent cross slope. The project contained six curves that required overbuild to meet the super elevation requirements. The Contract required the project be constructed under the Contractor's approved Quality control plan and in accordance with the plans and specifications.

The Department hired an independent surveyor to take elevations on all the curves after the paving was complete and then provided to the Engineer of Record for his review. This information led the Department to instruct the Contractor to correct the cross slopes on all of the previously constructed curves. The Contractor placed the Department on notice that he would seek compensation for the corrective work.

PROJECT CONTROL INFORMATION

Standard Specification 330-12.3 and 330-12.3.1 require the Contractor to construct the pavement cross slope in compliance with the Contract documents with a tolerance of plus or minus 0.2%. If the difference between the measured cross slope and the design cross slope exceeds the tolerance corrections are to be made immediately.

Section 330-12.3.2 requires the Engineer to verify the Contractor's cross slope measurements by randomly taking a minimum of ten measurements of the cross slope over a day's production. If the average of the 10 measurements is more than the allowable 0.2% take immediate action to bring the cross slopes into compliance.

Based on the survey taken by the Department, after the project was complete, the superelevation in the curves was not within the allowable tolerance.

The Contractor did not comply with the Specification requirement of taking cross slope checks every 100 feet, instead, he took them at 250 foot intervals as per his Quality Control plan and out of tolerance cross slopes were not immediately discovered or corrected.

The Department did not take cross slope verification measurements in the curve sections and therefore did not pick up on the fact that the pavement was not being placed within cross slope tolerance. When asked why, they replied that the Contractor set grade stakes at close intervals for controlling the slopes. They were complimentary of the Contractor's efforts of utilizing grade stakes for control of the

operation. The Contractor was not notified of the deficiency until after the job was complete.

BOARD FINDINGS

The Contractor is responsible for building the project in compliance with the Contract documents and the Board finds that no entitlement is warranted for bringing the Pavement cross slopes into compliance. The Board does feel that if more emphasis had been placed on checking cross slope on the curves by both the Contractor and the Department's verification measurements, much of the corrective work would have been prevented.

Robert D. Buser


DRB Chairman

Signed for DRB Members with their consent