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RE: Regional Dispute Review Board Hearing
SR 55 (US 19) Citrus County Line to Ten Mile Creek
FIN 210376-2-52-01/210376-5-52-01
Contract No. T2178

January 7, 2008

Issue Summary

The Contractor's Quality Control Plan was rejected by the Department for failing to include all of the information required by the contract documents. The Contractor felt that his plan was complete and prepared in accordance with the contract requirements. The parties were unable to resolve the issue and requested the Regional Dispute Review Board to schedule a hearing, which was held December, 20,2007.

The Parties submitted position papers and rebuttals to the Board prior to the hearing. Both parties made oral presentations to the Board.

Owner's Position

The QC Plan does not meet specification requirements as outlined in Section 6-8 and Section 105. Specific materials lacking required information are; Galvanized metal products (i.e. mast arms, guardrail, Steel and miscellaneous metals (i.e. Drainage grates and pipe, Timber (i.e. guardrail post and guardrail blocks) Precast concrete products (Drainage pipe and Drainage Structures. The Contractor's Quality Control Plan shall include transportation, storage, delivery, placement and construction.

Contractor's Position

The Contractor's Quality Control Plan is in compliance with the Contract requirements as submitted. The Departments demand for CQC services in addition to those required by the specifications is unforeseeable work and compensable as such in accordance with the appropriate contract terms. The Contractor cited Technical Specifications and specific language defining those services within each respective material section. While the Specifications are constantly evolving the ones used for CQC and the Contractor's Quality Control Plan have remained relatively unchanged. Section 105-3 is identical in the 2004 and 2007 Specifications. The Contractor has submitted QC plans since 2002. Their plan has evolved as the Specifications have changed but remain essentially the same and still follow the general outline provided by the industry. The Contractor has produced 37 QC plans with this becoming the first rejection. The Department's review and approval of QC plans is based on a checklist found in the Construction Project Administration Manual that has not changed since 2002.

There is one noted exception to the QC system requirements under projects that are let under a Witness and Hold developmental specification, which increases the

Contractor's CQC obligation and is similar to what the Department is demanding in this case.

Board Findings

During closing presentations, the Department stated they did not want a witness and hold project. They also stated they were not asking the Contractor to include inspectors as part of their CQC plan. The Department believes there has to be some control for delivery, storage, handling acceptance and incorporation into the project

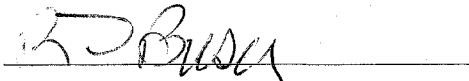
There is obvious confusion that has come to light on this project concerning CQC plan requirements and specification interpretation between Industry and the Department. This should be an item for discussion between the Owner and Industry representatives in order to reach a statewide practice. During rebuttals and discussion with the Board, Contractor, and Department representatives a consensus began to develop that could have resolved the issue on this project. The Board believes it is reasonable to expect that either the Contractor or Manufacturer/Supplier include language in their QCP that includes loading, transportation, handling, storage and incorporation of the material into the project. We recommend that language such as the following be added by the Contractor to his CQC plan and resubmitted. "All materials that are not produced by the Contractor will be transported, handled, stored, and incorporated into the project in a manner consistent with industry standards and the Manufacturer's Quality Control Plan. All material incorporated into the project will be under the supervision of a responsible competent person." The Board is of the opinion this will satisfy the requirements of section 105.

Respectfully Submitted,

Regional Dispute Review Board

Robert Buser, RDRB Chairman
Peter Markum, RDRB Member
Bill Downs, RDRB Member

Signed by Board Chairman with Consent of all



CC: Jon Karl Doke
Kevin L. Price