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RE: SR 111Edgewood Avenue Signal Installation
Project 426333-1-52-01
Contract Number T2284
Duval County, Florida

SR 10A Arlington Expressway Signal Installation
Project 209650-4-52-01
Contract Number T2319
Duval County, Florida

The District 2 Regional Dispute Review Board (DRB) held a hearing January 27, 2011, at the Duval room of the Jacksonville Urban Office. The hearing involved a dispute between the Florida Department of Transportation (FDOT) and American Lighting, & Signalization (ALS), the contractor on the subject projects. The Dispute concerns payment for the installations of the fiber optics locate wire, and whether it was included in the original contract or if it was an additional requirement.

CONTRACTOR'S POSITION

The Contractor's position is based on the fact that the contract referenced only *Specification 630 Conduit*, and included only the pay items associated with that Specification. The Contractor believes that the plan note allowing directional boring does not incorporate the entire *Specification 555 Jack and Bore*, but only

provides direction for the navigation of the directional bore. Therefore the provisions for fiber optic locate wire did not apply. The contractor asserts that in order for this locate wire to be a requirement the Contract Drawings must show it. The Contractor states in his letter of November 23, 2010, Contract T2319:

“630-3.1.2 fiber Optic Cable Locate Wire: Under this provision locate wire is to be installed only as shown on the plans. The contract plans do not show locate wire being installed as part of this project. The FDOT may assert that the spec also states that the Engineer may direct the placement of the wire, but that is only in respect to location and only in the event that the installation of the locate wire is clearly shown in the plans or part of a technical spec.....”

In this same letter the contractor also states the following:

“555-1-2 General: The second paragraph of this specification states “Accomplish alignment of the bore by proper orientation of the drill head as it is being pushed into the ground by hydraulic jack. Determine orientation and tracking of the drill bit by an above radio detection device which picks up a radio signal generated from a transmitter located within the drill bit head. Then electronically translates the radio signal into depth and alignment”. This is the portion of the 555 spec that applies to the guidance boring system.....”

DEPARTMENT’S POSITION

The Department’s Position is quoted as follows:

“Installation of the fiber optic locate wire is inclusive with the conduit as described in *Specification 630 Conduit and Specification 556 Jack and*

Bore. The contract Plans included *on Sheet T-4 Signalization General Notes:*

2. When jacking conduit under pavement the Contractor may use a FDOT approved guided boring system in accordance with Section 555 of the FDOT Specification as an alternate method of construction.

The contractor chose to install the fiber optic conduit under pavement utilizing a directional bore as allowed by the Plan Note and therefore, incorporated the requirements of *Specification 555 Directional Bore* for the installation of fiber optic conduit as part of the Contract. Work under *Specification 630 Conduit, Specification 556 Jack and Bore and 555 Directional Bore* included the requirement of installation of locate wire. Further, the Contractor is required to comply with the entirety of the Specification pertaining to the *installation method*, either *Specification 556 Jack and Bore* or *Specification 555 Directional Bore*.

The Installation of the locate wire is not extra work, but is included in the Pay Item 630-1-14 Signals, Furnish and Install, Jacking, as provided in the Contract. The Contractor is not entitled to payment for installation of the locate wire.”

FINDINGS

- The Board believes that Specification 630 Conduit is the governing specification for this work. Specification 555 Directional Bore and Specification 556 Jack and Bore provide guidance on various ways to install the conduit.
- The Board noted that installation of fiber optic locate wire is included in all three specifications in question.

- The Board noted that the plans do not show any details for installation or location of the fiber optic locate wire.
- The Board believes that the method of payment utilized by the FDOT was correct and appropriate.

RECOMMENDATION

The Regional DRB is of the opinion that the locate wire was required by the Contract and the referenced Specifications. The requirement was indicated in all three specifications and not required to be specifically stated or shown on the plans. The specifications are meant to be inclusive and are not intended to be pulled apart and only referenced a paragraph at a time to reference singular issues. The governing specification is 630 and **630-3.1.2 *Fiber Optic Cable Locate Wire*** is explicit when it states:

“Bury locate wire along the centerline of the top outer surface of the installed conduit, as shown in the plans, or as directed by the engineer.”

Additional amplification and details are provided in the other two Specifications, but the Board did not find any indication of a nullification of or conflict with this requirement in the other specifications or Standard Details

The Board therefore recommends that the Contractors’ request for additional compensation is not valid and that the request should be denied.

The Board appreciates the cooperation of all parties and the information presented for our review in making this recommendation

The Board unanimously reached the recommendation and reminds the parties that it is only a recommendation. If the Board has not heard from either party that the recommendation is rejected, within 15 days of receiving this recommendation, the recommendation will be considered accepted by both parties.

Submitted by the Regional Disputes Board

Jim MacLaughlin, Chairman, Ralph Ellis, Member Pete Markham,
Member

Signed for and with concurrence of all members

Jim MacLaughlin
February 2, 2011