

## **DRB Recommendation**

### **Dragados, FDOT District Two**

I-295 Express Lanes from the Buckman Bridge to I-95

Project 213345-7-52-01/213345-7-56-01

Contract No. E2S01

County Duval

OHT Foundations 5&6

June 19, 2019

1:00 AM

#### **Members of the Disputes Review Board:**

James MacLaughlin, Chairman

John Duke

William E. Waddell

#### **I. Issue in Dispute**

Dragados USA (DUSA) is requesting additional compensation and time for unforeseen conditions related to the design and construction of OHT 5&6 on the Buckman Bridge.

#### **II. Contractor's Position**

DUSA was required to design and construct pile caps to support overhead sign structures OH 5&6 utilizing existing piles on the Buckman Bridge. They utilized drawings provided as part of the Request for Proposal (RFP). Once they were awarded the contract and commenced design several inconsistencies were discovered related to pile spacing and elevations between the as built drawings and

field conditions. These conditions caused a delay and additional cost in the redesign and construction of the pile caps

### **III. FDOT's Position**

The DOT believes that DUSA made a decision to utilize the drawings for the design and not conduct a field survey of the existing structures. The FDOT believes that the RFP indicated that the Design-Build team was responsible for field verification of the existing conditions, and since this was apparently not done the contractor assumed the risk for any inconsistencies.

### **IV. Points of Discussion**

- There clearly were discrepancies between the as built drawings and the field conditions.
- The RFP Section V, G stated that the Design-Build team was responsible for verification of existing conditions, and that any information provided was to assist the Design-Build team in completing adequate site investigations.
- The released for construction plans prepared by TY Lin indicated that existing dimensions needed to be field verified.
- The RFP clearly stated that the information provided was general information and that it should not be representative of any field condition.
- Access to this site was not difficult and that the existing conditions could easily be observed from a small boat.
- At no time did DUSA show this item on the critical path on their CPM

### **V. Recommendation**

The DRB finds that the RFP clearly indicated that it was not certifying the information contained in the information provided and that field verification was required. The Board recognizes that there is a limited time to verify all the field information on a project of this size prior to submitting a proposal, but finds that a structure of this significance deserved field verification prior to the design of the replacement cap. This is particularly true since this verification could have been performed with relative ease. The Board recommends that the request for

additional compensation be denied and that since this work was never on the critical path that no additional time is warranted.

**Submitted on behalf of the Board:**

James W. MacLaughlin  
Chairman Disputes Review Board