

June 12, 2000

Anderson Columbia, Co. Inc.
Mr. Bill Andrews
PO Box 1829
Lake City, FL. 32056

PBS&J Construction Services, Inc.
Mr. John Leavengood
1507 Commerce Blvd.
Lake City, FL. 32205

Re: State Project No. 35090-3428
Ellaville Weigh In Motion Station
Second District
Issue # 1, Inspection Pit Slab

Dear Sirs,

The Florida Department of Transportation (Department) and Anderson Columbia Construction Company (ACC) requested a hearing concerning Mislocated Inspection Pit Slab. Summaries of the Department and ACC's positions were forwarded to the Disputes Review Board (DRB), and a hearing was held on June 1, 2000.

ISSUE: Is the Contractor due additional compensation and time for delays in reconstructing the Westbound Inspection Pit Slab caused by erroneous control points laid out by the Department's representative?

Contractor's Position

Anderson Columbia Co., Inc. is of the opinion that Department personnel incorrectly stationed a point on base line "D" which caused the inspection pit to be located approximately 50' west of the intended location.

Mr. Willie Simmons, surveyor for Anderson Columbia verified that the iron pin designated as Sta. 22+40.50 was on baseline "D" and proceeded to layout the scale pit relative to this point. Anderson Columbia had poured the pit foundation floor and tied all pit wall steel when it was discovered that the pit was in the wrong location. The point designated as Sta. 22+40.50 was later found to actually be Sta. 21+90.50. Again, it is the opinion of Anderson Columbia that Departmental personnel incorrectly stationed and set the iron pin referenced as Sta. 22+40.50 and that Anderson Columbia is entitled to additional time and compensation for removal and replacement of the inspection pit.

Once it was determined that the mislocated point was actually the reason that the layout of the inspection pit was incorrect then Departmental personnel advised that the point was not any good and should have not been used. Section 5-7.1 of the Standard Specifications states that "The FDOT Engineer will provide centerline control points and bench marks at appropriate intervals along the line of the project to facilitate proper layout of the work". Anderson Columbia is of the position that if the point in question was not a good point, then it should not have been located by an iron pin and guard stakes and designated as Sta. 22+40.50.

Department's Position

Anderson Columbia has submitted a claim for their cost to demo and reconstruct the westbound inspection pit slab and wall forms. Their claim also requested additional time and delay damages. The basis of the claim is their reliance on a station written on a lathe at a P.O.T. located on Baseline "D". It is our understanding that the purpose of this hearing is for the Board to hear arguments and make a recommendation on entitlement. This narrative will address two (2) issues and requests that the Board make a recommendation on one or both depending on the outcome of the first. The issues are 1) does the contractor's construction layout surveyor have a responsibility to verify information written on a lathe found on the job site and 2) if the Board makes a recommendation in favor of the contractor we will make the argument that the contractor is entitled only to direct costs to demo and relocate the pit slab and wall forms and is not entitled delay damages since the affected activity had over 3 months of float and was not driving the schedule.

Contractor's Responsibility to Verify Survey Information

The standard specifications, 5-7. 1. Control Points Furnished by the Department states:

"The Engineer will provide centerline control points (Begin Project, End Project, Pls, PTs, etc.) to facilitate the proper layout of the work."

Under its CE&I consultant agreement, PBS&J Construction Services retained the services of Vedder and Associates out of Gainesville to perform the pre-construction survey including recovery of horizontal control, setting and referencing control points shown on the plans and conducting a survey of the original terrain.

Since the clearing and grubbing operation would disturb the original terrain and to avoid delaying the contractor's start, the pre-construction survey was done ahead of the contractor's start date and before clearing and grubbing. When the survey notes were transmitted to Anderson Columbia (see PBS&J letter no. 008) they were cautioned to use care during the clearing and grubbing operation and it was recommended that they use the reference points to reestablish or check each control point before it is used.

The project site consisted of planted pines and the survey party chief elected to set an interim P.O.T. at the mid point between the east and west PI's on Baseline "D" because of line obstructions such as trees or brush and he felt that the point was needed to aid in establishing future points to the East. The P.O.T. was 1) indicated on page 4, of the survey notes as "SET R/C", however no stationing was shown. Stations were shown, however on plan control points such as PI's, PT's, etc. 2) referred to on page 5, showing a distance of 730.001' from the West P.I. and 3) not shown on page 17, which contains information about reference points that were set to reestablish control points.

Based on the information presented in the survey notes the correct station for this P.O.T. is 21+90.50. The stationing on the lathe at the P.O.T. apparently read 22+40.50. Anderson Columbia's surveyor used the point and the station written on the lathe to layout the inspection pit. In utilizing the station written on the lathe their surveyor 1) disregarded the survey notes that were made available to him (sufficient information was given in the notes to determine stationing) 2) ignored PBS&J's recommendation to recheck all control points following the clearing and grubbing operation utilizing the reference points (reference points were not set for the P.O.T.) and 3) violated common construction layout practice in not verifying a given point using two known points. Project records show that the concrete crew moved over and began work on the eastbound inspection pit after the error was discovered. Other sites available to them were the eastbound and westbound administration/control buildings and the eastbound comfort building.

From an analysis of their approved schedule and observation of what was happening on the project, it is clear that relocation of the pit slab had no impact on the completion of the project.

From observations on this and other projects, it is apparent that the contractor's survey crew was providing survey support on multiple projects. This creates pressures to find the most expedient means to get the superintendent the stakes he needs to keep the job moving and move on to the next job. It is our opinion that time constraints was a contributing factor resulting in Anderson Columbia not using methods common in the industry to safe guard against this type of error.

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DRB Findings

- An iron pipe was used to set the POT on line.
- The POT was not referenced in the field notes and no station was given.
- The POT was marked with lathe stakes ("pig penned").
- The wrong station was written on the lathe.
- The Inspection pit slab was not on the Critical Path
- Standard survey industry practice warrants always checking into another survey point to establish line, location, and if applicable, grade.
- The Department and ACC attempted to mitigate damages by contacting various agencies to ascertain the possibility of leaving the Inspection Pit at the constructed location. It is the Board's understanding that leaving the pit "as is" was not possible.

DRB Recommendation

Given the facts that the location of the point in question was never referenced in the survey notes and ACC's surveyor never checked the location of the POT in question by measuring from a known, correct control point, the Board finds no entitlement to the Contractor's position and recommends in favor of the Department.

The Board appreciates the cooperation by all parties involved and the information provided to make this recommendation. Please remember that failure to respond to the DRB and the other party concerning your acceptance or rejection of the DRB recommendation within 15 days will be considered acceptance of the recommendation.

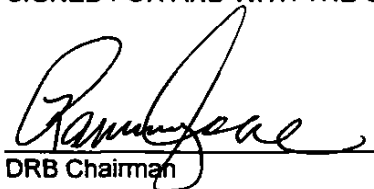
I certify that I participated in all of the meetings of the DRB regarding the Dispute indicated above and concur with the findings and recommendations.

Respectfully Submitted,

Disputes Review Board

Rammy Cone, DRB Chairman
John Coxwell, DRB Member
Jimmy Lairscey, DRB Member

SIGNED FOR AND WITH THE CONCURRENCE OF ALL MEMBERS:



DRB Chairman

CC: John Levensgood, PBS&J Construction Services, Inc.
Mr. Bill Andrews, Anderson Columbia Company, Inc.



ANDERSON COLUMBIA CO., INC.

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SCANNED

June 14, 2000

Mr. Rammy Cone, President
ARC Construction Services, Inc.
3409 McKay Avenue
Tampa, Florida 33609

RE: SR 8 (I-10) at Weigh In Motion In Ellaville, Madison County
FIN No. 213433-1-52-01
FAP No. 999 165 A
ACCI No. 29105

Dear Mr. Cone:

Per standard procedure of the Disputes Review Board, Anderson Columbia Co., Inc. is submitting the following response in reference to the Board recommendation relative to the westbound inspection pit. Anderson Columbia rejects the Dispute Review Board's recommendation that Anderson Columbia does not have entitlement to additional costs associated with demolition and reconstruction of the westbound inspection pit. Anderson Columbia maintains its position that the inspection pit was layed out from a point erroneously placed by the Department's consultant.

The Board's position that standard construction layout practice was not followed can also be applied to the Department's survey which would have prevented the improper placement of the point initially. Again, Anderson Columbia Co., Inc. rejects the Disputes Review Board's decision of non-entitlement.

Yours truly,


Williams S. Andrews
Chief Estimator