

**RECOMMENDATION
OF
DISTRICT 3 REGIONAL DISPUTES REVIEW BOARD**

June 11, 2007

TO: Mr. Mike Lenga Hatch Mott MacDonald 6555 Caroline Street, Suite B Milton, FL 32570	Mr. Taylor Davis Anderson Columbia Co., Inc. 1301-C Hwy. 90 West Holt, FL 32564
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Re: FDOT FIN # 220442-5-52-01
Santa Rosa Co
SR 87 from CR 184 (Hickory Hammock) to SR 10 (US 90)
Regional DRB hearing: June 8, 2007

On June 8, 2007 at the request of Hatch Mott MacDonald (representing FDOT), the District 3 Regional Disputes Review Board (the Board) met to consider the decision of the Florida Department of Transportation (FDOT) made to not allow additional contract time for utility work.

The following persons were at the hearing representing the Contractor and the FDOT:

Mr. Taylor Davis	Contractor
Mr. Gordon Shinley	Contractor
Mr. Billy Robinson	FDOT
Mr. Charles Baxley, P.E.	Hatch Mott MacDonald
Mr. Bob Worley, P.E.	Hatch Mott MacDonald
Mr. Eric Thomann	Hatch Mott MacDonald
Mr. Mike Lenga	Hatch Mott MacDonald

Both of the parties submitted documents to the Board prior to the hearing. Both parties gave testimony to clarify written documents.

Dispute:

The issue is: Is Anderson Columbia entitled to a time extension for the City of Milton Gas Main Relocation between stations 220+00 and 223+80 on US 90 and, if any, amount of time?

DEPARTMENT'S POSITION

COM-Gas's utility work schedule provides clear information that work to relocate facilities would begin within 48 hours of notice to their representative. This notice was provided on January 19, 2007. The utility work schedule that provides the COM-Gas 48

hours required 21 consecutive calendar days to complete the relocation efforts. COM-Gas's 48 hours ended Monday January 22, 2007, however no work was initiated and weather days were granted to the Contractor for Monday January 22, 2007 through Wednesday January 24, 2007, due to rain events. COM-Gas's 21 consecutive calendar days started January 25, 2007. COM-Gas completed the relocation work February 14, 2007, within the 21 consecutive calendar days. During these 21 consecutive calendar days AC was granted eight (8) weather days. These weather days do not alter the assessment since the utility work schedule identifies the days as consecutive. AC does not have an acceptable approved updated schedule identifying that the drainage, TY D, and the traffic separator as critical. In fact the traffic separator is clearly identified in Phase II construction on the project plans.

CONTRACTOR'S POSITION

Anderson Columbia relied on conversation by the gas company regarding the time that it would take for their utility line relocation on Highway 90, and if they had performed anywhere close to their own estimated time for completion, then there would have been no delay on the project regarding this issue. At a utility meeting regarding work in this area, it was stated by the gas company that it would only take them a couple of days to complete the work in this area. When the General Superintendent heard that it would only take a couple of days, he informed the gas company that they could just wait until Anderson Columbia put up barrier wall in the area and then work behind the barrier wall. If Anderson Columbia had not allowed them to wait, they would have been forced to perform the work under traffic and then patch back the roadway. By Anderson Columbia cooperating in this manner it prevented a disruption to the traveling public by eliminating lane closures on Highway 90. It seemed to be the correct decision at the time for all parties.

However, instead of a couple of days, it took over three weeks for the work to be performed by the gas company. This delayed a controlling item of work; therefore additional contract time is justified. Even though the utility relocate schedule allows for additional time for this work to be done, all parties rely on information received at utility meetings, and this information should take precedent over the utility relocation schedule which is often submitted long before the project is bid.

FINDINGS

Even though the minutes of the utility meeting did not include the conversation about the time to the utility work in question, there was general consensus that it was discussed. While it only took the amount of time that was discussed, it did not take into consideration the time necessary to acquire the materials. At the time of the meeting, the materials were on hand. At a later date the person making the statement retired. His replacement did not know of the discussion and used the materials at another location.

This required ordering more materials. Even after having to acquire the materials, the relocation was done within the originally estimated time

The crew that was laying the pipe was moved to another location on the project. Therefore the crew was still accomplishing work. Anderson Colombia did not produce a schedule that showed that this operation was the controlling item of work. Therefore, while it may have been an inconvenience, the crew was able to do productive work. Neither the project nor the crew was shut down by the utility. Some disruption to the pipe crew may have occurred.

RECOMMENDATIONS

The RDRB recommends that no additional time should be granted for the utility work done for the gas main relocation between stations 220+00 and 223+80 on US 90
Statement and Certification:

The Board appreciates the cooperation by all parties involved and the information provided to make these recommendations. Please remember that a response to the RDRB and the other party of your acceptance or rejection of this recommendation is required within 15 day. Failure to respond constitutes an acceptance of this recommendation by the non-responding party.

I certify that I have participated in all the meetings of this RDRB regarding this issue and concur with the findings and recommendations.

Respectfully Submitted

Regional Disputes Review Board

William E. Waddell, P.E., RDRB Chairman
Bill Deyo, P.E., RDRB Member
Glenn Ivey, P.E, RDRB Member

SIGNED FOR AND WITH THE CONCURRENCE OF ALL MEMBERS:

William E. Waddell, P.E.
RDRB Chairman