

DRB Hearing

Anderson Columbia Co., Inc. vs. FDOT District Three

FDOT Project No. 411102-2-52-01

Contact No. T3471 SR 123, Segment 2

County: Okaloosa

"Claim No. 1-Additional Compensation for Hauling"

October 11, 2016

Members of the Dispute Review Board:

Tom Shafer, Member
Jim Weeks, Member
Bill Deyo, Chairman

Project Information:

Bid Date: May 7, 2014 **Type:** Bid-Build **EOR:** URS Corp. (now AECOM) **CEI:** Stantec Consulting

Scope of Work: Reconstruction and widening from 2-lane undivided to 4-lane divided highway **Location:** SR 123 from North of SR 85 to North of Toms Creek (Segment 2)

Contractor's Position:

Anderson Columbia Co., Inc.(ACCI) bid the project with approximately 548,926 CY of excess material to be hauled to a section of property ACCI has leased from Eglin AFB. The haul route began at SMF 1 north on SR 123 to SR 85 South to SR 293 (Mid-Bay Connector) onto the leased property. In April, 2016 the MOT plan for contract T3474 (SR 123 Segment 4 north of Segment 3 adjacent projects) was modified to close the northbound turn lane on SR 85 denying access to SR 123. This caused ACCI's trucks to haul an additional 1.5 miles north on SR 85 to a median crossing adding a total of 3 miles to ACCI's haul route.

FDOT Position:

The FDOT finds NO ENTITLEMENT for the request for additional compensation for "lost time and production due to the additional haul mileage (6 miles round-trip) added to the project caused by the traffic control plan on FIN: 411102-4-52-01 SR 123 Segment 4."

DRB Responsibility: As agreed to by the Contractor and the FDOT, the DRB convened a hearing to determine entitlement for impacts due to additional haul mileage added to the project by the modified traffic control plan on the Segment 4 contract.

Sequence of Events:

1. The project was bid on May 7, 2014 with an estimated total of 931,719 CY excess excavation.
2. ACCI began the project hauling excess material to leased Eglin AF Base property off of SR 293.
3. On April 10, 2016 ACCI notified FDOT that the contractor for Segment 4 had closed the northbound SR 85 left turn onto southbound SR 123 causing ACCI dump trucks to continue north to the next median opening with a left turn, approximately 1.4 miles north, thus increasing their hauling costs.
4. ACCI was hauling the material to a section of property leased from Eglin AF Base located off East College Boulevard near SR 293 and SR 285 intersection.
5. On April 16, 2016 ACCI submitted the Notice of Intent (NOI) to claim for additional compensation for extra hauling distance cost impacts.
6. On July 26, 2016 ACCI submitted the Certified Claim Package to the FDOT.
7. On September 6, 2016 the FDOT denied the claim.
8. On September 13, 2016 the DRB was charged with hearing the disputed claim.

DRB Findings:

1. The contractor submitted the NOI in a timely manner.
2. The DRB requested additional information regarding the traffic control plan changes for the Segment 4 contract which both parties referenced in their position papers. The plans depicting before and after the contract change was made were provided to the DRB for information.
3. ACCI was required to travel an additional 2.8 miles per haul trip to deliver the excess material to leased property on Eglin AFB property near SR 293 and SR 285.
4. There was no coordination between FDOT projects on Segment 2 and Segment 4 regarding the traffic control phase change on the Segment 4 contract that may impact Segment 2.
5. The traffic control plan for Segment 4 was modified to eliminate the turn lane northbound on SR 85 onto SR 123 southbound.

DRB Conclusion:

The DRB has reviewed all submittals and determined that changed conditions off project beyond ACCI's control did in fact change a pre-bid condition upon which ACCI based the bid for hauling the excess material from Segment 2.

DRB RECOMMENDATION:

After thorough consideration of the submittals and contract provisions, the DRB agrees with the Contractor's position that ACCI has entitlement due to the additional haul distance for the excess regular excavation.

Submitted with concurrence of all DRB members,

Bill Deyo, DRB Chairman

A handwritten signature in blue ink, appearing to read "Bill Deyo", written in a cursive style.