

Mr. Taylor Davis  
Project Manager  
Anderson Columbia Co., Inc.  
1301-C Highway 90 West  
Holt, Florida 32564

Michael Lenga  
Project Administrator  
Hatch Mott MacDonald  
4100 S. Ferdon Blvd. Suite C6  
Crestview, Florida 32536

Re: Time Request Claim due to Hurricane Katrina  
FM#22042-1-52-01  
Contract No. T3043  
County: Santa Rosa  
S.R. 87 from S.R. 30 to North of 5 Forks Road

Dear Sirs:

A Hearing was held for the above referenced claim at Hatch Mott MacDonalds field office on January 24, 2006. The Contractor had requested forty (40) additional Contract days due to the impact that hurricane Katrina had on his work efforts.

The Department of Transportation issued a unilateral Agreement granting nineteen (19) Contract days. The Contractor requested a Dispute Review Board Hearing to consider entitlement for additional Contract days.

#### CONTRACTOR'S POSITION

The Contractor requested forty (40) additional days due to the impact that hurricane Katrina had on work efforts.

Five other Projects in the area were granted from twenty seven (27) to forty four (44) days due to the effects of Hurricane Katrina. Four other Projects were granted time on jobs in which the Notice to Proceed had not been sent. This time varied from sixty eight (68) days to one hundred twenty (120) days.

Anderson Columbia believes that it is unfair to only grant nineteen (19) days on this particular Project yet grant many more days on all the other Projects in the area.

Some of the reasons for Project delays are:

1. Ingram Signalization had to perform emergency work on other Projects.
2. Trouble locating landscaping trees due to Hurricane Katrina
3. Key employees took time off
4. Hours were reduced to save fuel.
5. Rental trucks left the area
6. Anderson and Fleshman was awarded emergency work.
7. Lack of paving production was due to liquid asphalt shortages
8. Management was working on scheduling work because of fuel and material shortages .

This Project had the same problems as other Projects in the area and the Contractor feels he deserves as many days as was granted on the other jobs.

Due to the "ripple effect" created by Hurricane Katrina, it is difficult for any employee of (AC), or anyone else for that matter, to sensibly identify the exact time frame when this delay and disruption impacted this project. However, we can use our best judgment to determine a fair number of additional allowable contract days that should be added to the contract. The hurricane impacts are actually still being felt in this area, as our availability for experienced subcontractors, skilled operators, laborers, truck drivers, and rental truck drivers is the worst in over a decade. The enormous amount of construction work created by Hurricane Katrina in our neighboring states to the West continues to deplete our market of these vital resources.

Page 2

### DEPARTMENTS POSITION

The Office of Construction issued a memorandum concerning the adjustment to Contract time due to Hurricane Katrina. The following information must be submitted for the Department to consider an adjustment.

1. Specific dates that operations have been impacted on the project(s).
2. Locations and projects where the contractor has been working/paving while the contractor has NOT been able to work/pave on the subject.
3. Reasons why the contractor could produce asphalt or other work for these purposes and NOT on the subject FDOT project(s).
4. Any additional backup from suppliers that support the contractor's contention of fuel or asphalt cement shortages (please refer to standard specifications section 8-7)
5. Schedule of when work is expected to proceed or be completed on the project.

Some of this information was supplied, but not in detail enough to ascertain if forty (40) days was justified.

The Department did review every daily report for the months of September and October. After this review, the Department granted nineteen (19) Contract days.

The Department did not receive a schedule detailing the effect of the Hurricane on project time.

The Contractor first requested a thirty (30) day project extension on October 17, 2005. On October 28, 2005 he revised his request to forty (40) days.

The Department did not consider the second request because his first request should have included all delay information.

For the months of September and October the Department did grant ten (10) weather days in addition to the nineteen (19) days for Hurricane Katrina.

### FINDINGS

The Contractor did not specify each day that operations were impacted by Hurricane Katrina on this Project. However, the Board does concur that the many ripple effects does make it difficult to identify the exact time frame and amount of disruption occurred due to Hurricanes.

The Department did do a good job of reviewing the daily log and making a judgment concerning the amount of work accomplished.

The Departments refusal to consider a revised time request seems to be unusual, if in fact, the delays were still ongoing.

Page 3

A schedule showing work completion date prior to Hurricane and an updated schedule indicating the effects of Hurricane would have been very helpful to the Board. These schedules were never provided by the Contractor.

Despite the lingering effects of Hurricane Katrina on this Project the daily reports indicate that considerable Work was accomplished by an average of about sixty (60) employees each day during September and October.

Although other Projects were granted more time due to the Hurricane, the Department should evaluate each Project separately and make a judgment based on conditions for each case.

It was prudent to delay the Notice To Proceed on jobs not yet started. This would free up materials and personnel to repair Hurricane damage on ongoing Project.

#### RECOMMENDATION

The Board, after reviewing all submitted data and oral testimony given at the hearing, recommends that no additional time be granted for Hurricane Katrina on this Project.

The Board appreciates the co-operation of all parties and the information presented for its review in making this recommendation.

Please remember that a response to the Dispute Review Board and the other party of your acceptance or rejection of the recommendation is required within fifteen (15) days.

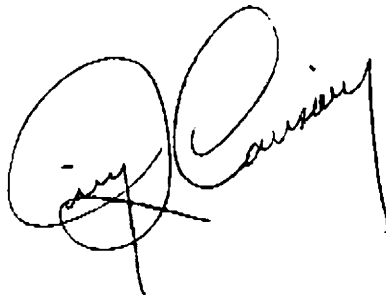
Signed with the approval and concurrence of all Board Members:

Jimmy Lairscey, P.E., Chairman  
Thomas P. Shafer, P.E., Member  
Glen N. Ivey, P.E., Member

I certify that I have participated in all of the meetings of this Dispute Review Board regarding these issues and review and concur with the findings and recommendations of the Dispute Review Board.

Respectfully Submitted,

Jimmy Lairscey, Chairman

A handwritten signature in black ink, appearing to read "Jimmy Lairscey", written over a circular stamp or seal.