

September 18, 2008

Dispute Review Board
Dallas L. Wolford, Chairman
387 Winsford Ct.
Heathrow, Florida 32746

PBS&J

SEP 18 2008

SR60
FDOT DISTRICT 4

Teresa Driskell, P.E.
Senior Engineer
PBS&J Construction Services Inc.
9055 Americana Rd., Suite 24
Vero Beach, Florida 32966

Aaron Watts
Division Engineer
Elmo Greer & Sons LLC
16505 State Route 60
Vero Beach, Florida 32966

RE: Dispute Review Board Recommendation (Natures Keepers Increased Cost Claims)
RE: Dispute Review Board Recommendation (Coquina Rock Shortage – EGS)
RE: DRB Recommendation (Aggregate for Asphalt – Price Escalation – Entitlement Only)
Financial Project Nos: 22859815201, 22859915201, 22860115201
Federal Aid Project Nos: 2004042P, 200449P, 2004038
Contract No: T4003
County: Indian River
Description: SR60 (Osceola Boulevard) From MP 14.624 to MP 19154, MP 10.154 to MP 21.998 and from MP 11.657 to MP 14.625

Dear Madame/Sir:

A Dispute Review Board Hearing was held on September 9, 2008. The meeting was requested by the FDOT. The request was for Entitlement on three issues in EGS final estimates exception claim letter of 11/05/07. The issues are:

Aggregate for Asphalt
Natures Keepers claim/(subcontractor)
Coquina Rock/

EGS objected to the Hearing as untimely and claimed that they had Entitlement for the three issues through the other DRB recommendations granting time. Some of the DRB recommendations were rejected by FDOT with no time granted. Further, the issues present questions of Quantum and not Entitlement and should not be brought to the Board.

The meeting was requested by FDOT because the FDOT would not waive the contract requirements that all issues must go through the DRB as part of the contract administrative requirements.

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FDOT requested a recommendation from the DRB based on contract and specification requirements of Section 8-7.3.2 and 5 – 12.

The FDOT is asking for a recommendation of Contractor Entitlement only for the above stated three issues.

EGS has not asked for anything with regard to the three issues but did give notice in their letter of 11/05/07 that these were outstanding for a final settlement. EGS states it is not ready to present a formal claim until such time a higher authority rules on the time allowed by previous DRB recommendations.

EGS personnel attended the Hearing but did not speak with regard to the three issues presented by the FDOT.

Despite the fact that EGS did not respond to the Entitlement issue request of FDOT, the DRB must make a recommendation based on the facts of the three issues on the day of the Hearing based on the FDOT Specifications, Contract, Plans, and Special Provisions.

DRB RECOMMENDATION

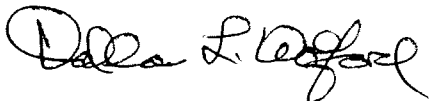
For the issues as presented on September 9, 2008 there is no Entitlement at this time.

The Board sincerely appreciates the cooperation of all parties and the information presented for its review in making this recommendation.

Please remember that a response to the DRB and the other party of your acceptance or rejection of this recommendation is required within 15 days. Failure to respond constitutes acceptance of this recommendations.

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

Signed for and with the concurrence of all the Dispute Review Board Members,



Dallas L. Wolford, Chairman

Cc: Mark Puckett
John Swengel