

February 26, 1996

Mr. Gary M. Granata, P.E.  
PBS & J Construction Services, Inc.  
5430 West Tyson Avenue  
Tampa, Florida 33611

Mr. John Glass  
Misener Marine Construction, Inc.  
P. O. Box 13427  
Tampa, Florida 33681-3427

Re: WPI No: 7113770  
State Project No: 10130-3544  
F.A.P. No.: ACBRF-295-1(36)-[70]  
Contract No: 1834  
Description: SR 600 (US 92) Gandy Bridge  
Counties: Pinellas/Hillsborough

Subject: Gandy Bridge Project Disputes Review Board,  
Findings of Fact Pertaining to Delays to the Statnamic Testing

At the request of PBS & J Construction Services, Inc., (PBS & J) and Misener Marine Construction Inc., (Misener) hereafter referred to as the parties, the Gandy Bridge Project Disputes Review Board (DRB) was furnished written documentation as well as oral presentation, relating to the referenced claims on the subject project.

Issue: Misener requests time extension in the amount of four (4) days and to be reimbursed associated overhead costs at \$ 10,143.00 / day plus markup, due to delay in receiving "sole source" testing equipment on the project site.

In arriving at its decision, the DRB reviewed in detail, all of the material presented. It was determined that Misener's then current approved baseline schedule provided for Statnamic and Lateral Tests to commence on December 16, 1994, and complete January 18, 1995. Misener contended that this schedule was in error and furnished a "corrected" schedule with a start date of December 8, 1994, and finish date of January 9, 1995. Additionally, Misener furnished an internally used schedule which was communicated to Berminghammer, the specialty contractor involved in statnamic testing, on November 21, 1994. This schedule showed statnamic testing beginning on December 5, 1994, and completing December 20, 1994. Neither of the above schedules were furnished to the FDOT prior to performance. Misener also did not advise the FDOT that Misener was looking to the FDOT to coordinate delivery of the needed testing equipment. Actual Lateral and Statnamic testing began on 12/08/94 and was completed on 12/17/94. (Well within the 01/18/95 finish date called for in the current approved Progress Schedule, the 01/09/95 finish date on the "corrected" schedule, or 12/20/94 finish date on the internal schedule).

It was also determined that the owner (FDOT), had no input whatever in the negotiations between Misener Marine and Berminghammer. The schedule in effect, at that time, does not support any delay to the project. Any inability to better the "as planned" schedule that occurred was not the responsibility of FDOT.

It is therefore, the conclusion of the DRB that Misener's claim for Statnamic Testing delays be "Denied".

Gandy Bridge Project Disputes Review Board



Richard M. Noblet  
Chairman

CC: Marc Knapp