

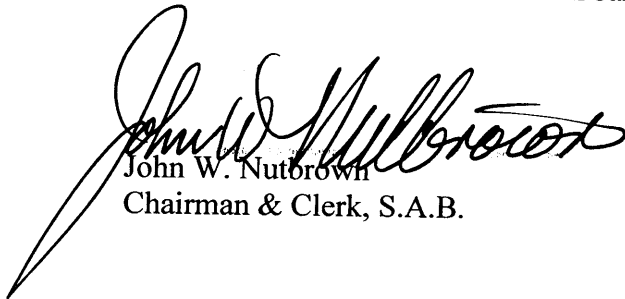
STATE ARBITRATION BOARD

Order 3-2001

to Jim Woulton
D-7 5-18-01
with transcript

/// NOTICE ///

In the case of Cone & Graham, Inc. versus the Florida
Department of Transportation on Project No. 10020-3524 in
Hillsborough County, Florida, both parties are advised that the State
Arbitration Board Order 3-2001 has been properly filed with
The Clerk of the State Arbitration Board on February 27, 2001


John W. Nutbrown
Chairman & Clerk, S.A.B.

S.A.B. CLERK
FEB 27 2001
FILED

Copy of Order & Transcript to:

Bill Albaugh, Highway Operations

Robert G. Graham, President, Cone & Graham, Inc.

STATE ARBITRATION BOARD

Order 3-2001

RE: Request for Arbitration
Cone & Graham, Inc.
State Project No. 10020-3524 in
Hillsborough County, Florida

The following members of the State Arbitration Board participated:

John W. Nutbrown, Chairman
Freddie Simmons, Board Member
John P. Roebuck, Board Member

Pursuant to a written notice, a hearing was held on a request for arbitration commencing at 10:00 AM, Tuesday, February 27, 2001.

The Contractor, Cone & Graham, Inc., presented a written request for arbitration of its claim in the total amount of \$24,795.84. The claim arises out of alleged differing site conditions requiring the removal of extra depth existing asphalt roadway under the clearing & grubbing item of SR 685 in Hillsborough County, Florida. The Department of Transportation presented a written rebuttal and summary of its position. The Board has considered the written submissions and the testimony and evidence presented at the hearing on February 27, 2001 and enters this Order Number 3-2001.

ORDER

The Board is unanimous in this decision.

Prior to bid the Contractor had access to the adjacent project on both ends of the subject project and discovered existing asphalt material to be 3" to 3.5" average depth. The plans required the removal of all existing asphalt as part of the Lump Sum Clearing & Grubbing item and provided no depth cores. During the removal actual depths of the existing asphalt material was noted to be actually 4.75" to 5.33" by both the Contractor and CEI. It was also disclosed to this Board that this same problem had happened on one of the adjacent projects and the Department had issued a Supplemental Agreement to cover the extra cost. This award is for the direct extra milling costs and trucking involved to remove the material from the site.

The Department is ordered to compensate the Contractor in the amount of \$8,900.00 including interest at the statutory rate since April 1998.

The Department shall reimburse the State Arbitration Board \$134.50 for court reporting costs.

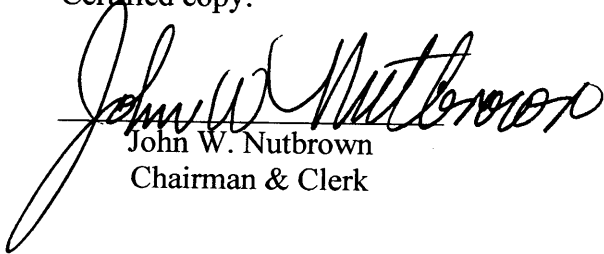
STATE ARBITRATION BOARD

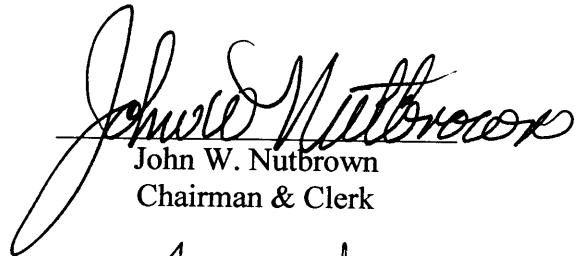
Order 3-2001

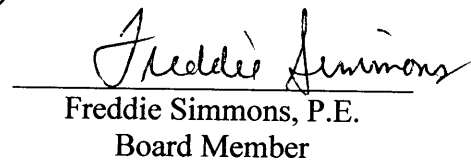
Lake Worth, Florida

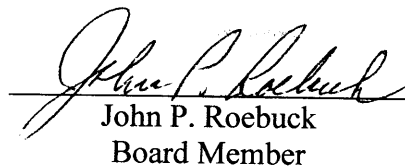
Dated: February 27, 2001

Certified copy:


John W. Nutbrown
Chairman & Clerk


John W. Nutbrown
Chairman & Clerk


Freddie Simmons, P.E.
Board Member


John P. Roebuck
Board Member

S.A.B. CLERK
FEB 27 2001
FILED