

STATE ARBITRATION BOARD

Order No. 2-2001

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 2-2001 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 No. 2-2001

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 \$231,899.68. The claim arises out of delays and inefficiencies caused by Tampa Electric Company (TECO) during the relocation of existing utility poles, transmission and distribution lines in conflict with proposed storm drainage construction while reconstructing 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; the testimony and evidence presented at the hearing on February 27, 2001 and enters this Order Number 2-2001.

ORDER

The Board is unanimous in this decision.

The Utility Relocation Schedule as executed by (TECO) states the electrical system within the project limits would be relocated and completed within 110 days after clearing and grubbing. This schedule does not show any detail as to how the work would be performed and in what sequence. Photographs taken of the project in the early stages showed transmission poles already in place. The project diary shows the utility company finished the project on Day 231. Allowing 19 days (days 15 to 34) as shown in the schedule attached to Exhibit 2 for the clearing and grubbing operation would mean the Contractor spent at approximately 90 days working in an inefficient manner in order to keep the project on schedule and crews working.

The claim package submitted by the Contractor includes a list of detailed costs for the inefficient operation and figures for extended home and field office overheads. The Board is only considering the direct costs as the Department already has provided for 68 days of extended field and office overheads compensation to the Contractor.

The Department is ordered to compensate the Contractor in the amount of \$40,170.00 including interest at the statutory rate since April 1998.

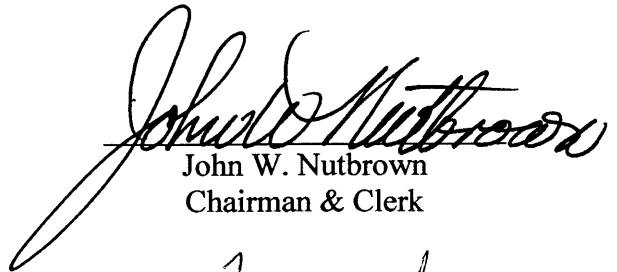
The Department shall reimburse the State Arbitration Board \$421.00 for court reporting costs.

STATE ARBITRATION BOARD


Order No. 2-2001

Lake Worth, Florida

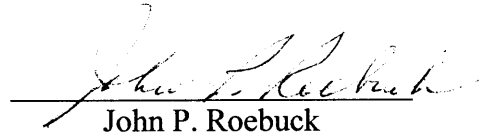
Dated: February 27, 2001



John W. Nutbrown
Chairman & Clerk

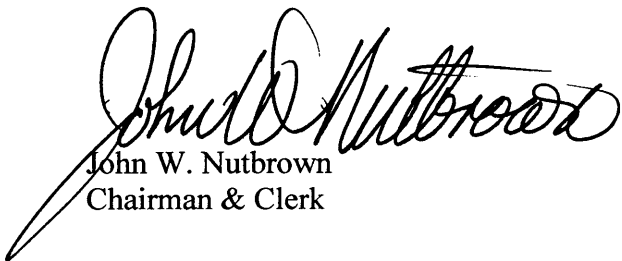


Freddie Simmons, P.E.
Board Member



John P. Roebuck
Board Member

Certified copy:



John W. Nutbrown
Chairman & Clerk

**S.A.B. CLERK
FEB 27 2001
FILED**