

FDOT DISTRICT FIVE
REGIONAL DISPUTES REVIEW BOARD
RECOMMENDATION

OCTOBER 3, 2007

Mr. Tony Williams, VP
Anderson Columbia Construction Co., Inc.
P.O. Box 1829
Lake City, FL 32056

Mr. Bert Woerner II, PM
FDOT
915 S. Clyde Morris Blvd.
Daytona Beach, FL 32124

Re: Hearing Dated September 28, 2007
SR 40, Marion/Volusia Counties
FN: 417154-1-52-01, Contract No. T5152

Dear Sirs:

The Contractor, Anderson Columbia Construction Company, Inc., (ACC), requested a hearing by the RDRB regarding the above-referenced contract. The contract requirements were to mill and resurface the existing lanes, shoulders, and side streets for approximately 13 miles, total length. The mainline milling was 2.5" average depth. The mainline resurfacing was SP 12.5 structural course (1.5"), and friction course FC-9.5 (1.0"). The project also included upgrading of guardrail attachments, retrofitting bridge railings, signing and marking, and installing traffic monitoring sites.

ACC was the low bidder on the above project when bids were taken on June 21, 2006. The contract was awarded on July 19, 2006 at the lump sum price of \$5,923,831.00. Construction began on February 7, 2007, with a total of 240 contract days. All asphalt work (including corrections) was completed on July 21, 2007.

CONTRACTOR'S CLAIM:

The issue being disputed is whether ACC should be required (as directed by the Department) to remove and replace approximately 3,925 LF of pavement due to surface deficiencies per Specification section 330-12.2. The Department's contention is that the pavement surface in these questionable areas contains ripples, which are in violation of Article 330-12.2 of the standard specifications. ACC disagrees with the Department that the pavement surface has ripples. A review of these questionable areas was made by ACC and no ripples were found. The isolated areas identified as ripples were actually paving shadows. Shadows are caused on the pavement surface when some inconsistency occurs with mix feeding under the paver screed. This is usually a film of asphalt binder

sticking to a portion of the screed and then breaking loose, causing a slight restriction of the flow of the mix intermittently. Even though these shadows can be seen on the pavement surface with the right reflection of light, they will fade as the pavement cures and will have no adverse effect on the rideability or structural integrity of the pavement.

It is the position of Anderson Columbia that these isolated shadows are not harmful to the pavement, and they are not addressed by the specifications. Therefore, no remedial work should be required.

DEPARTMENT'S POSITION:

The contractor completed all of the friction course on the project and requested laser profile testing on July 18, 2007. On July 19, 2007, FDOT located the potential laser deficiencies and proceeded to perform rolling straight edge testing to identify and locate the asphalt deficiencies indicated in the laser profiler report. On July 20, 2007, FDOT met with ACC on site to review the asphalt deficiencies, and on July 21, 2007, these areas were all corrected by ACC.

Following this, on August 10, 2007, the Department further directed ACC to remove and replace several sections of the FC from the intersection of SR 11 and SR 40 to the East end of the project. FDOT found these areas to ride poorly due to ripples in the pavement surface. Specification **Section 3330-12.2, Texture of the Finished Surface of Paving Layers**, states:

“Produce a finished surface of uniform texture and compaction with no pulled, torn, raveled, crushed or loosened portions and free of segregation, bleeding, flushing, sand streaks, sand spots, or ripples. Correct any area of the surface that does not meet the foregoing requirements in accordance with 330-12.5.1.”

These surface deficiencies, or ripples, give the driver the feeling of riding on a washboard. On August 22, FDOT met on site with ACC to discuss and review these areas, and transmitted a list of the areas to be removed and replaced.

FINDINGS OF THE BOARD:

The Board initially met with DOT and ACC personnel at the jobsite to basically understand and see the surface area of the pavement in the areas in question. It also provided an opportunity to drive over and “feel” the rideability of these areas. This was followed by a hearing in the Volusia County FDOT Maintenance Facility.

- The Board could see the appearance of shadows on the roadway surface, and it appeared that these shadowy areas were accompanied by a change in the physical appearance of the pavement surface.

- In these areas in question, a pavement surface unevenness could be detected by sliding a credit card under a four-foot straight edge.
- More importantly, in riding over the areas in question, the Board concurred with the FDOT assessment of the ride produced by the “ripples” in those shadowy areas of the friction course. These “ripples” definitely affected the overall rideability of the pavement surface in the areas noted.
- All other acceptance criteria for the pavement had been achieved.

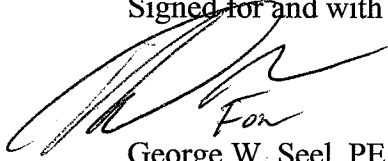
BOARD RECOMMENDATION:

It is the recommendation of the Board that the contractor, Anderson Columbia Construction Co., Inc. is **NOT ENTITLED** to reimbursement for removing and replacing the rippled areas of friction course as directed by the FDOT.

The Board sincerely appreciates the cooperation of both parties in conducting this hearing.. Please remember that a response to the RDRB and the other party of your acceptance or rejection of the Board’s recommendation is required with fifteen days. Failure to respond constitutes and acceptance of this recommendation.

Respectfully Submitted,
FDOT District Five Regional Disputes Review Board
George Seel, Chair
Jimmy Lairscey
Michael Bone

Signed for and with the concurrence of all Board Members.

A handwritten signature in black ink, appearing to read 'G. Seel', with the word 'For' written below it.

George W. Seel, PE
Chairman