January 28, 2003

E-mailed - January 28,2003
Original VIA US Mail

Mr. Joseph Greer
Project Manager
Modern Continental South, Inc.
585 North Nova Road
Ormond Beach, Florida 32174
JGreer@ModernContinental.com

Mr. Stephen E. Majewski, PE
Project Resident Engineer
Parsons Brinckerhoff Construction Services, Inc.
533 North Nova Road
Ormond Beach, Florida 32174
PBCSNova@aol.com

RE: SR 5A (Nova Rd) from Flomich Avenue to SR 5 (US 1)
FIN No.: 240758-1-52-01
Contract No: 21266
County: Volusia
District 5
Disputes Review Board

DISPUTE: Request for Equitable Adjustment due to encountering coquina rock boulders in pipe trench.

Dear Sirs:

The Contractor, Modern Continental South, Inc. (MCS), requested a hearing to determine **entitlement** of MCS to additional compensation for encountering coquina rock boulders in the pipe trench on the referenced project. Should entitlement be established, the Disputes Review Board (DRB) was not to decide quantum of such entitlement at this time, as the parties, the Florida Department of Transportation (FDOT) and MCS would attempt to negotiate the value of the entitlement.

Pertinent issues, correspondence and other information relating to MCS's, and FDOT's positions were forwarded to the DRB for review and discussion at the hearing that was held on January 14, 2003.

CONTRACTOR'S POSITION:

"MODERN CONTINENTAL SOUTH ENCOUNTERED A CONDITION WHICH VARIED SIGNIFICANTLY FROM THAT WHICH COULD HAVE BEEN REASONABLY ANTICIPATED BY THE CONTRACT DOCUMENTS.

THE IMPACTS OCCASIONED BY THIS CONDITION ARE:

1. DIFFICULTY IN EXCAVATION.

2. OVER EXCAVATION REQUIRED BY THE COQUINA BOULDERS

3. DISPOSAL OF ADDITIONAL BOULDERS

4. FURNISH, HAUL, AND PLACE ADDITIONAL BACKFILL REQUIRED BY OVER EXCAVATION

5. INABILITY TO USE SAFE TRENCHING PROCEDURES. (TRENCH BOX IN LIEU OF OPEN CUT, THEREBY CAUSING A MUCH GREATER EXCAVATION QUANTITY.

6. LARGER EXCAVATION REQUIRED GREATER STORAGE AREA FOR COQUINA WHICH IN TURN PREVENTED MCS FROM EFFICIENTLY FOLLOWING ON WITH INSTALLATION OF OTHER UTILITIES.

THERE IS NO ATTEMPT IN THIS PRESENTATION TO QUANTIFY THESE IMPACTS AS TO COST AND TIME.

THIS PRESENTAION OF MODERN'S POSITION PAPER REGARDING THE ABOVE ISSUE IS AT THE REQUEST OF THE OWNER'S REPRESENTATIVE.

PLEASE NOTE THAT THE OWNER'S REPRESENTATIVE DID NOT FURNISH A POSITION PAPER BUT UTILIZED MODERN'S POSITION PAPER TO FORMULATE A REBUTTAL. THIS IS CONTRARY TO THE AGREED UPON PROCEDURE. MODERN WILL COMMENT ON THE REBUTTAL.

1.) THE NOTE INCLUDED ON THE CONTRACT DRAWINGS IS EXCULPATORY AND COVERS A WIDE RANGE OF CONDITIONS WITH NO INFORMATION WHICH A PRUDENT CONTRACTOR COULD HAVE USED TO ARRIVE AT A SCOPE OF WORK AND A PRICE. THIS NOTE WAS ADDED AS AN AFTERTHOUGHT DURING REVIEW. MCS HAS BEEN UNABLE TO DETERMINE JUST WHAT THE 2,200 CY REFERS TO. MCS TAKEOFF OF DISPLACED STORM SEWER IS 9,381 CY. THIS IS A CONFUSING STATEMENT AND HAS NO BEARING ON THE ISSUE. IT PROVIDES NO INFORMATION WHICH A PRUDENT CONTRACTOR COULD USE IN PREPARATION OF THE BID.

2.) THE ROADWAY SOIL SURVEY DOES NOT MENTION COQUINA IN EITHER THE DISCRIPTION OF STRATAS 3 OR 9. STRATA 3 DESCRIBES A "TRACE TO SOME" CEMENTED SAND AND SHELL. STRATA 9 DESCRIBES, "YELLOW TO ORANGE FINE SAND AND SHELL WITH CEMENTED SAND AND SHELL ". NEITHER DESCRIPTION WOULD LEAD A PRUDENT CONTRACT TO ANTICIPATE THE CONDITIION ENCOUNTERED AS SHOWN IN THE PHOTOGRAPHS AND AS OBSERVED BY THE DRB MEMBERS IN THIS AND THEIR PREVIOUS VISIT.

3.) THESE SECTIONS OF THE STANDARD SPECIFICATIONS SUPPORT RATHER THAN PRECLUDE PAYMENT FOR OVER EXCAVATION CAUSED BY THE PRESENCE OF LARGE QUANTITIES OF COQUINA BOULDERS.

4.) THIS NOTE IS ACKNOWLEDGED. MCS MOBILIZED LARGER EXCAVATORS TO PERFORM AT A HIGHER PRODUCTION AND TO EXCAVATE CEMENTED SAND AND SHELL. THE QUANTITY OF COQUINA BOULDERS REQUIRED LARGER LOADERS.

5.) THE LARGE QUANTITY OF COQUINA BOULDERS DENIED MCS THE OPPORTUNITY TO PERFORM MORE EFFICIENTLY.

6.) THE LARGE QUANTITY OF COQUINA BOULDERS DENIED MCS THE OPPORTUNITY TO PERFORM MORE EFFICIENTLY.

7.) THE SOIL BORINGS AND CROSS SECTIONS PROVIDE NO INDICATION OF THE COQUINA BOULDERS ENCOUNTERED DURING THE WORK.

8.) THESE SECTIONS OF THE STANDARD SPECIFICATIONS SUPPORT RATHER THAN PRECLUDE PAYMENT FOR OVER EXCAVATION CAUSED BY THE PRESENCE OF LARGE QUANTITIES OF COQUINA BOULDERS.

9.) THE LARGE QUANTITY OF COQUINA BOULDERS DENIED MCS THE OPPORTUNITY TO PERFORM MORE EFFICIENTLY.

10.) THESE SECTIONS OF THE STANDARD SPECIFICATIONS SUPPORT RATHER THAN PRECLUDE PAYMENT FOR OVER EXCAVATION CAUSED BY THE PRESENCE OF LARGE QUANTITIES OF COQUINA BOULDERS.

EXHIBTS:

PHOTOGRAPHS SHOWING CONDITIONS






TYPICAL TRENCH VS: TRENCH WHERE COQUINA WAS ENCOUNTERED[1]

CONCLUSION;

THE SOILS ENGINEER PSI SHOULD HAVE COORDINATED THE SOILS INFORMATION WITH THE NOTES AND QUANTITIES. THE CONDITIONS ENCOUNTERED WERE NOT INDICATED ON THE CONTRACT PLANS. THE AFTERTHOUGHT NOTE SHOULD HAVE PROVIDED A VEHICLE FOR THE CONTRACTOR TO RECOVER COSTS AS PROVIDED IN MISCELLANEOUS CONCRETE AND ASPHALT WHERE THE SCOPE OF THE WORK COULD NOT BE DETERMINED. THIS IS A TYPICAL PROCEDURE FOLLOWED BY FDOT.

MCS REQUESTS THE BOARD FIND IN FAVOR OF MERIT AND THAT FDOT ENTER INTO NEGOTIATIONS WITH MCS TO ALLOW MCS TO RECOVER COSTS ALREADY EXPENDED AND TO PROVIDE A PAYMENT VEHICLE FOR FUTURE CONDITIONS THAT ARE THE SUBJECT OF THIS DISPUTE."

[1]This exhibit was not given to the Board.

DEPARTMENT'S POSITION:

We reviewed Modern Continental South's letter dated 12/13/02 concerning their request for equitable adjustment due to encountering coquina rock in the pipe trench (see attachment "D").

"Attachment D" - Letter dated December 13, 2002, from MCS:

"MCS has been requested to expand on our request for equitable adjustment to contract for extensive coquina rock encountered in trenching on the north end of the project.

Note 4 on the Utility Adjustment Plans states "Contractor attention is directed to the likelihood the utility excavation on this project may encounter coquina rock."

Not with standing that the note is exculpatory, the rock is not quantified and no payment vehicle is offered.

None of the project borings indicate coquina nor is there any classification for coquina even given in the boring index.

Obviously the rock is not suitable for backfill and was disposed of and suitable material brought back in.

The coquina rock required larger equipment, backhoe and loader, than would have been necessary with normal earth, as well as separation, complete offhaul and replacement for backfill of trench.

The quantity of coquina rock prevented concurrent activities of water main, reclaimed and force main, as the excavated rock had to be removed prior to the installation of the parallel line. These lines could have otherwise have been installed more or less simultaneously.

The coquina rock also caused the ditch excavation to be considerably wider than required and precluded using trench boxes.

The coquina was encountered two and a half to three feet below subgrade and continuous to trench bottom which was up to nine feet in some cases.

All lines installed in areas highlighted on attached drawings, including 18" cross drains, encountered considerable coquina.

Aside from the increased costs of handling and disposing of the rock, then replacing with suitable material, there was considerable time impact to the schedule.

MCS costs and schedule indicate that pipe production was down by as much as 50%.

Calculated on trench width and depth an estimated 3200 cubic yards of coquina rock was disposed of and a similar amount of suitable material trucked in for backfill."

We contacted the Designer of Record concerning the issue of entitlement and agreed with his findings (see attachment "C").

"Attachment C" - Letter dated November 21, 2002, from Metric Engineering, Inc.:

Dear Steve:
The intent of this letter is show how the coquina (cemented sand and shell) was identified in the roadway plans and how the contractor was informed to anticipate the need for special equipment to excavate the coquina.

The first issue is the identification of coquina within the roadway plans. On the Summary of Quantity Sheet (Sheet 6B) below the Summary of Earthwork, a note was added to inform the contractor that the unclassified material excavated for the storm sewer system would contain coquina. The Roadway Soil Survey Sheet (Sheet 75) identifies strata 3 and 9 as containing some cemented sand and shell. The roadway cross sections show all the soil borings for the project and almost half of the borings show strata 3 or 9. Additionally any soil borings that had to be terminated due to encountering hard material were noted as such in the cross sections.

The second issue is on the need for special equipment to excavate the coquina. On the Summary of Quantity Sheet (Sheet 6B) below the Summary of Earthwork, a note was added to inform the contractor to anticipate the need for special equipment to remove the coquina. The Roadway Soil Survey Sheet (Sheet 75) includes note number 9 which states that special equipment and/or procedures may be required when excavating strata 3 and 9.

With the additional notes in the plans and the soil boring information on the cross sections adequate information was provided in the plans. The information pertaining to the coquina was added to the plans after the Phase II review, based on requirements from FDOT construction and geotechnical departments.

If you have any questions, or need additional information, please do not hesitate to contact me at the number above.

Sincerely,

METRIC ENGINEERING, INC.

Brian Fuller

C. Brian Fuller, P.E.

We believe there are no differing site conditions concerning this issue and disagree with their contention that the contract drawings did not adequately note that coquina rock could be encountered because the rock was not quantified and no payment vehicle was provided (see attachment "B").

"Attachment B" - Letter dated December 18, 2002, from CEI:

Dear Mr. Greer:

We reviewed your letter dated 12/13/02 concerning your request for equitable adjustment due to encountering coquina rock in the pipe trench. We agree with the area detailing where the coquina rock was encountered (approximate Stas 772+00 to 790+00) and the specific soil borings that were shown on the Drainage Map on plan sheet no.3 of the contract drawings. However, we disagree with your contention that the contract drawings did not adequately note that coquina rock could be encountered because the rock was not quantified and no payment vehicle was provided. There are no differing site conditions concerning this issue.

We contacted the Designer of Record concerning this issue to determine entitlement. We agree with Mr. Fuller's recommendation (copy attached) that the contract drawings are clear on this issue in the following areas:

- Plan Sheet No. 6B states "the contractor shall anticipate the need for special equipment to excavate the unclassified material containing muck, coquina, plastic, etc. to be displaced by the storm sewer system". In addition, the contractor was notified that 2,200 c.y. of this unclassified material is displaced by the storm sewer system and is not included in the Summary of Embankment quantities.
- The Roadway Soil Survey, Plan Sheet No. 75 specifically classifies the materials to be encountered on this project. The soil boring information shown on the cross sections between Stas 772+00 and 790+00 specifically identifies strata 3 or 9 as containing some cemented sand and shell. Adequate cross sections show soil borings with strata 3 and 9.

We observed the construction operations during the removal of the coquina rock. All of the coquina rock was excavated with conventional methods (backhoe) and hauled off the project site. Payment for excavation and backfill of this material is covered under the area of pipe installation, Standard Specification Section 125-2 and 430-13.1. Backfill operations complied with Standard Specification Section 125-12.7 where information in the contract drawings clearly notified the contractor of potential unsuitable material (coquina rock). No compensation is justified for the disposal of rock and replacement with suitable material.

If you have any questions concerning this matter, please contact us.

Sincerely,

Stephen E. Majewski, P.E.
Senior Project Engineer

The contractor has requested that the Disputes Review Board review this issue to determine entitlement.

Attached, for your review, is a point by point summary of the coquina rock issue. (see attachment "A").

"Attachment A" **SUMMARY SHEET**

(Coquina Rock in Pipe Trench)

	Modem Continental South's Issues	FDOT Position on Issues
1)	Note #4 on the Utility Adjustment Plans states "Contractor attention is directed to the likelihood the utility excavation on this project **may encounter coquina rock**". Not withstanding that the **note is exculpatory**, the **rock is not quantified and no payment vehicle is offered.**	Plan Sheet No. 6B notes state "the contractor shall anticipate the need for special equipment to excavate the unclassified material containing muck, coquina, plastic etc, to be displaced by the storm sewer system and that an "**estimated 2,200 C.Y. of unclassified material contain plastic muck, coquina, etc. to be displaced by the storm sewer system** not included in quantities" of the Summary of Earthwork. There are no differing site conditions with issue.
2)	None of the project borings indicate coquina nor is there any classification for coquina even given In the boring index.	The Roadway Soil Survey on Plan **Sheet No. 75 classifies the material** to be encountered on the project. The description for Stratas 3 and 9 are "**trace** to some **coquina sand and shell** and "fine sand and shell with **cemented** sand and shell". Adequate **cross sections show borings with stratas 3 and 9**. (See plan Sheets Nos. 76 to 99)
3)	Obviously, the **rock is not suitable for backfill** and was disposed of and **suitable material brought back in.**	Plan Sheet 6B note states that an "estimated 2,200 C.Y. of unclassified material contain plastic muck, coquina, etc. to be displaced by the storm sewer system not included in quantities" of the Summary of Earthwork.. **Payment** for excavation of material is **covered under the area of pipe installation, Standard Specification Sections 125-2 and 430-13.1**
4)	The **coquina rock required larger equipment, backhoe and loader, than would have been necessary with normal earth**, as well as separation, complete with haul and replacement for backfill of trench.	Soil Survey on Plan **Sheet No. 75** classifies the material to be encountered on the project. **Note #9** states that "strata 3 and 9 contain cemented sand and shell and may be difficult to dewater, excavate and/or penetrate and **may require special equipment and/or procedures to facilitate dewatering**, **excavation and/or penetration**".
5)	The quantity of **coquina rock prevented concurrent activities of water main, reclaimed and force main**, as well as the excavated **rock had to be removed prior to the installation of the parallel tine**. These lines could have otherwise have been installed more or less simultaneously.	The **contract did not dictate the means and methods** for the contractor to complete the construction operations.
6)	The coquina rock also caused the **ditch excavation to be considerably wider than required and precluded using trench box.**	The contract did not dictate the means and methods for the contractor to complete the construction operations.
7)	The coquina was **encountered two and a half to three feet below subgrade and continuous to trench bottom which was up to nine feet in some cases**.	Contractor should have been able to **reasonably anticipate coquina based on the soil borings** in the plan cross sections.
8)	Aside from **the increased costs of handling and disposing of the rock**, then replacing with suitable material, there was considerable **time impact to the schedule**.	The contract did not dictate the means and methods for the contractor to complete the construction operations. **Backfill operations complied with Standard Specification Section 125-12.7 where information in the contract drawings clearly notified the contractor of potential unsuitable material** (coquina rock).
9)	MCS costs and schedule indicate that **pipe production was down by as much as 50%.**	The contract did not dictate the means and methods for the contractor to complete the construction operations.
10)	Calculated on trench width and depth, an estimated **3200 cubic yards of coquina rock was disposed of and similar amount of suitable material trucked in for backfill**	Contractor should have been able to **reasonably anticipate coquina** based on the soil borings in the plan cross sections. **Payment for excavation and backfill is based on Standard Specification Section 430-13.1.**

BOARD FINDINGS:

The Florida Department of Transportation Standard Specifications for Road and Bridge Construction, 2000 edition, Section 125 governs excavation for pipe culverts and drains, catch basins, drop inlets, manholes, and similar structures.

SECTION 125
EXCAVATION FOR STRUCTURES
125-1 Description.
Excavate *for bridge foundations, box culverts, pipe culverts, storm sewers and all other pipe lines, retaining walls, headwalls for* ***pipe culverts and drains, catch basins, drop inlets, manholes, and similar structures****.* ***Also****, (1) construct and remove cofferdams, sheeting, bracing, etc.; (2) pump or otherwise dewater foundations; (3) remove and dispose of any existing structures or portions of structures not covered by other items in the Contract, including foundations, abutments, piers, wings, and all other materials, obstructions, etc., found necessary to clear the site for the proposed work; (4)* ***backfill****,* ***dispose of surplus material****, and perform final cleaning, as may be necessary for the proper*

execution of the work. This Section does not include excavation for bases or pavements, curbs, curb and gutter, valley gutter, ditch pavement, or rubble gutter.

125-2 Classification.
Consider all materials excavated as unclassified *and as excavation regardless of the material encountered.*

125-4 Excavation.
125-4.2 Earth Excavation:
125-4.2.3 Removal of Obstructions: ***Remove boulders****, logs, or any unforeseen obstacles encountered in excavating.* ***Compensation will be in accordance with the requirements of 4-3.4.***

4-3.4 states:

SECTION 4
SCOPE OF THE WORK
4-3 Alteration of Plans or of Character of Work.
4-3.4 Conditions Requiring a Supplemental Agreement or Unilateral Payment: *A* ***Supplemental Agreement or Unilateral Payment will be used to clarify the plans and specifications of the Contract****; to document quantity overruns that exceed 5% of the original Contract amount; to provide* ***for unforeseen work****, grade changes, or alterations in plans which could* ***not reasonably have been contemplated*** *or* ***foreseen in the original plans*** *and specifications; to change the limits of construction to meet field conditions; to provide a safe and functional connection to an existing pavement; to settle documented Contract claims; to make the project functionally operational in accordance with the intent of the original Contract and subsequent amendments thereto. ....*

Section 125 continues**:**

125-4.4 Pipe Trench Excavation: *Excavate trenches for pipe culverts and storm sewers to the elevation of the bottom of the pipe and to a width sufficient to provide adequate working room.* ***Remove soil not meeting the classification specified as suitable backfill material in 125-8.3.2.2,*** *to a depth of 4 inches [100 mm] below the bottom of the pipe elevation.* ***Remove rock, boulders or other hard lumpy or unyielding material to a depth of 12 inches [300 mm] below the bottom of the pipe elevation****. Remove muck or other soft material to a depth necessary to establish a firm foundation. Where the soils permit, ensure that the trench sides are vertical up to at least the mid-point of the pipe.*

…
125-6 Disposal of Surplus.
Use suitable excavated materials for backfilling *over or around the structure.* ***Dispose of unsuitable materials****. ...*

…
125-8 Backfilling.
125-8.1 Requirements for all Structures:
125-8.1.3 Backfill Materials: *Backfill to the original ground surface or subgrade surface of openings made for structures, with a sufficient allowance for settlement. The* ***Engineer may require*** *that the material used for this backfill* ***be obtained from a source entirely apart from the structure****.* ***Use only material accepted by the Engineer.***

…
125-8.3 Requirements for Pipe Culverts and Storm Sewers:
125-8.3.1 General: *Trenches for pipe may have up to four zones that must be backfilled.*

Lowest Zone: The lowest zone is backfilled for deep undercuts up to within 4 inches [100 mm] of the bottom of the pipe.

Bedding Zone: The zone above the Lowest Zone is the Bedding Zone. Usually it will be the backfill which is the 4 inches [100 mm] of soil below the bottom of the pipe. When rock or other hard material has been removed to place the pipe, the Bedding Zone will be the 12 inches [300 mm] of soil below the bottom of the pipe.

Cover Zone: The next zone is backfill that is placed after the pipe has been laid and will be called the Cover Zone. This zone extends to 12 inches [300 mm] above the top of the pipe. The Cover Zone and the Bedding Zone are considered the Soil Envelope for the pipe.

Top Zone: The Top Zone extends from 12 inches [300 mm] above the top of the pipe to the base or final grade.

125-8.3.2 Material:

125-8.3.2.1 Lowest Zone: *Backfill areas undercut below the Bedding Zone of a pipe with coarse sand, or other suitable granular material, obtained from the grading operations on the project, or a commercial material if no suitable material is available.*

125-8.3.2.2 Soil Envelope: *In both the Bedding Zone and the Cover Zone of the pipe,* ***backfill with materials classified as A-1, A-2, or A-3****. Material classified as A-4 may be used if the pipe is concrete pipe.*

125-8.3.2.3 Top Zone: ***Backfill*** *the area of the trench above the soil envelope of the pipe with materials allowed on Roadway and Traffic Design Standard,* ***Index No. 505.***

…

125-11 Method of Measurement.

125-12 Basis of Payment.

125-12.1 When No Direct Payment Provided: When direct payment for Excavation for Structures is not provided for in the proposal, **all work specified** in this Section, **other than as specified in** 125-12.3 **through 125-12.7,** shall be included in the Contract price for the concrete or for other items covering the applicable structure.

…

125-12.7 Removal and Replacement of Material Unsuitable for Backfill: When it cannot reasonably be anticipated from information contained in the plans, that material excavated for the structure will be unsuitable for use as backfill, and such material proves to be unsuitable for this use, the work of disposing of such material away from the site will be paid for as unforeseeable work*, and the work of bringing in substitute material for the backfill will be paid for as specified for the particular case shown below:…*

The description of Stratum No. 3 on Sheet 75 of the plans indicates:

Tests (Sieve)	*14*
AASHTO Group	*A-3, A-1-b*
Description	*Yellow-brown to gray-brown fine sand to fine sand with silt,* ***trace to some shell, trace to some cemented sand and shell****.*

The description of Stratum No. 9 on Sheet 75 of the plans indicates:

Tests (Sieve)	*3*
AASHTO Group	*A-3, A-1-b*
Description	*Yellow to orange fine sand and shell,* ***cemented sand and shell****.*

Note 9 on that same sheet states:

Strata 3 and 9 contain cemented sand and shell and may be difficult to dewater, excavate and/or penetrate and ***may require special equipment and/or procedures to facilitate dewatering, excavation and/or penetration****.*

Note 4 on sheet U3 states:

CONTRACTOR ATTENTION IS DIRECTED TO THE LIKLIHOOD THAT THE UTILITY EXCAVATION ON THIS PROJECT ***MAY ENCOUNTER COQUINA ROCK****.*

- The soils classification of strata 3 and 9 would allow their use in the backfill of the pipe trench, subject to meeting size requirements.
- The Contractor should have expected harder digging than normal and anticipated the use of special equipment to excavate and/or penetrate strata 3 and 9.

- There is no reference in the plans that the Contractor would encounter **Coquina Boulders**.
- The expectation that he would find boulders, that require disposal, is not conveyed to the bidder.
- Section 125-4.2.3 specifically allows for compensation for removal of boulders when it could not be reasonably contemplated or foreseen in the original plans.
- Likewise, Section 125-12.7 allows for payment for removal and replacement of material unsuitable for backfill when it could not be reasonably contemplated or foreseen in the original plans.

BOARD RECOMMENDATION:

Based on materials supplied to the Board and presentations to the Board at the DRB hearing, the Board finds that the Contractor is entitled to additional compensation for encountering coquina boulders.

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 an acceptance of this recommendation.

I certify that I have participated in all meetings of the Board regarding this issue and concur with the findings and recommendations.

Respectfully Submitted,

Disputes Review Board
John H. Duke, Sr.; DRB Chairman
George W. Seel; DRB Member
John B. Coxwell; DRB Member

SIGNED FOR AND WITH THE CONCURRENCE OF ALL MEMBERS:

John H. Duke, Sr.
Chairman

Parsons Brinckerhoff
533 N. Nova Road
Ormond Beach, Florida 32174
386-671-0898
Fax: 386-671-1031

February 12, 2003

Mr. John Duke, Sr.
EMSI – Engineering Management Solutions, Inc.
P.O. Box 680597
Orlando, FL 32868-0597

RE:
Road No:	SR 5A (Nova Road, Ormond Beach)
WPI:	5119138
FIN:	240758/240719
FAP:	8093-013-U
Contract No:	21266
County:	Volusia

Subject: DRB Recommendation, Coquina Rock Boulders in Pipe Trench

Dear Mr. Duke:

We reviewed the Dispute Review Board's (DRB) recommendation concerning the coquina rock boulders in the pipe trench and accept the DRB's findings that the contractor is entitled to additional compensation for encountering coquina boulders.

We are currently negotiating with the contractor to resolve all costs due.

If you have any questions concerning this matter, please contact us.

Sincerely,

Stephen E. Majewski, P.E.
Senior Project Administrator

SM

cc: George Gilhooley, P.E.
Frank O'Dea, P.E.
Larry Littlefield, P.E.
Suzanne Phillips, P.E.
File # 630.9