

October 1, 1998

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RE: State Job No. 97160-3308/6315
W.P.I. No.: 1157808
Contract No. 19388
Polk County Parkway - Section 3A
Disputes Review Board

Subject: Geosynthetic Fabric Dispute

Dear Sirs:

On September 21, 1998, at the request of the Contractor, Cone Constructors, Inc. (Cone), and the Florida Department of Transportation (FDOT), the Disputes Review Board (DRB) held a hearing to consider the subject dispute. Cone and the FDOT presented certain testimony and copies of data prior to and during the hearing. Additional information was requested by the Board following the hearing the last of which was received on September 29th and is incorporated into this review.

The Board was requested to determine "Entitlement" for the issues. Should Entitlement in favor of the Contractor be found, the parties would negotiate the time and value.

ISSUE:

Although there was some dispute as to what "ISSUE" was to be examined by the DRB, the parties identified the following as to the issues involved in the dispute:

Cone:

"Is Cone Constructors, Inc. entitled to receive a Supplemental Agreement (monetary & time) to its contract for Geosynthetic Fabric Related Issues, Impacts and Delays?"

FDOT:

"Is there a sole source supplier situation with Nicolon, and if so is the Department responsible for the actions or inactions of Nicolon?"

As it were, in order to address either issue the DRB was obliged to examine both.

FINDINGS:

As to the sole source issue:

It is evident that:

by establishing performance specifications and inviting multiple fabric vendors to submit alternate designs for geosynthetic reinforcement for embankment to be included in the subject project plans,

by including in the plans the multiple designs accepted by the FDOT,

and by providing multiple alternate bid items in the proposal,

the FDOT intended for the Contractor to have a choice of vendors.

The FDOT was forewarned prior to the bid date that there was only one valid bid item available.

Nicolon wrote the Department on 01/19/96 stating:

***NO BID ITEM FOR THE HUESKER PRODUCT** – There is also one last concern we must mention. Presently the bid tabs show Matrex and Nicolon as the only bid items. The first problem is that there is no Matrex design in the plans and therefore there should not be a Matrex bid item. The second problem is that Huesker has offered a design for bidding, however a Huesker bid item is absent from the bid documents. This creates the potential for contractors and Huesker to protest the bid since without a Huesker bid item there is only one valid bid item available which is Nicolon. This would not be fair and we ask that you correct this.*

The Department could have delayed bidding on this project to correct the bid form, but elected to proceed with accepting bids January 24, 1996. The FDOT bid form contained item Alt. BA 145 75 2 Geogrid Reinf. Foundations Over Soft Soil (Matrex) and item Alt. BB 145 75 6 - Geogrid Reinf. Foundations Over Soft Soil (Nicolon). Both items had identical quantities of 101,628 Sq. Yds.

Florida Department of Transportation Standard Specifications for Road and Bridge Construction Section 6 – Control of Materials states:

“6-2 Designation of a Specific Project as a Criterion (“Or Equal” Clause). Reference in the plans or special provisions, to any proprietary article, device, product, material or fixture, or any form or type of construction, by name, make or catalog number, with or without the words “or equal,” shall be interpreted as establishing a standard of quality and shall not be construed as limiting competition. The Contractor may use any article, device, product, material or fixture, or any form or type of construction, which in the judgment of the Engineer (expressed in writing) is equal, for the purpose intended, to that named.

Therefore, even at bid time the Contractor was free to consider the use of another supplier (especially one that had been identified in the plans as having an acceptable design).

This is exactly what appears to have occurred.

Multiple vendors quoted the project at bid time and multiple contractors apparently used different suppliers.

used different suppliers.

On 08/01/96, in Progress Meeting No. 21:

*"Cone stated to the Turnpike that they forced them to use these characters. The Turnpike responded this was not true, Cone made a choice at the time of bid. **Cone stated the Turnpike gave them a list of two (it was clarified as four), so they picked the lesser of the few evils, and they picked a manufacturer that had a design that the Turnpike accepted and Cone cannot get the design approved.**"*

On 08/22/96, in Progress Meeting No. 22:

*"...Cone stated that the Turnpike forced them to use this manufacturer. The Turnpike clarified that Cone chose to use them. **Cone stated there was a pot of three and they chose this one and they have been a problem.**"*

On 09/10/96, in DRB Meeting No. 5

Cone stated:

"They started trying to get submittals from the sole source designer in March. The other designer had a more elaborate design with more layers of fabric, so they chose the one with the least elaborate design."

The DRB asked Cone:

"... if the main contention was, Cone was stating their designer was a sole source supplier even though there were two designers and they were Cone's sub and the State's contention was that there was a pick of two suppliers and it was Cone's design. Cone stated they felt that since it was pretty much a sole source in the plans and Cone had to pick the best of the two, it was the State's designer."

Cone stated:

"...the FDOT has accommodated them and their beef was with Nicolon and their argument was that they were forced to choose one of the two and they chose Nicolon. The Tensor design was ridiculous, because they had 8 or 9 layers."

The Board finds:

- That at the time of bidding (01/24/98), there was but one line item in the bid for which the Contractor could submit a price without running the risk of having his bid challenged as being non-responsive or irregular.
- Cone did consider the other supplier(s) and elected to use Nicolon.
- The Department did not write an overly restrictive specification that resulted in a disguised proprietary specification.
- The Department did not seek to enforce any duty on Cone to only use Nicolon. Indeed, if the FDOT had rejected a functionally equivalent product it would have been a constructive change to the contract.

As to the Supplemental Agreement (monetary & time) to its contract for Geosynthetic Fabric Related Issues, Impacts and Delays issue:

Cone states that it really does not matter whether you call Nicolon a "sole source" or some other term. What really matters is:

- Cone's bid assumed and the FDOT warranted that the Geosynthetic Design was complete and constructible.

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- Cone's bid assumed and the FDOT warranted that the Geosynthetic Design was complete and constructible.

- Cone's bid assumed and the FDOT warranted that its plans and specifications were complete and constructible.
- Cone issued a purchase order to the FDOT's Geosynthetic Designer to Furnish, Engineer and Install its Fabric.

FINDINGS:

On 01/26/95, PSI, on behalf of the Department, wrote Nicolon:

*"Your participation will involve submitting to Reynolds, Smith and Hills, Inc. three (3) sets of prints of your **final design** for review, and upon **notification of acceptance**, the submittal of drawings on polyester film material for **inclusion in the final plan assembly**. The drawings shall be made on standard size (36"x24") sheets.*

Design is scheduled to be completed by the end of February, 1995; therefore, the final plan and design calculations and tracings should be submitted not later than February 8, 1995."

PSI had previously written Reynolds Smith on 08/12/94:

*"On behalf of the Florida Department of Transportation Turnpike District we would like to extend your company an invitation to participate in **alternate designs for geosynthetic reinforced embankment to be included in the subject project**. Submittals as well as schedule and general design questions should be directed to:*

*...
General: The **geosynthetic designer** shall provide the Engineer with the information requested in accordance with the Department's letter of invitation.*

*Plans: **Complete plans** shall be provided which include: plan view, elevation view, and details in accordance with the Plans and Specifications. These shall show the extent, number of layers of geosynthetic types of geosynthetic, vertical spacing of geosynthetic, orientation of geosynthetic facing details, **details at special structures or obstructions**, typical construction at special structures or obstructions, typical construction sequence, and top and bottom elevations of the geosynthetic reinforcement. All plans are to be signed and sealed by a Professional engineer registered in the State of Florida and employed by the QPL geosynthetic supplier."*

Ultimately multiple alternate designs were included in the plans.

The Department must be responsible for the adequacy and sufficiency of the design included in the plans. **The relevant questions are:**

Does the design included in the plans work?

Did the Department redesign the project or supplement the plan design using the Shop Drawing Process?

Who requested the redesign?

On 02/22/96 Earth Improvement Technologies (EIT) wrote Nicolon-Mirafi:

"EIT's proposal to evaluate and produce the VE (Value Engineering) Proposal will be broken into two parts:

- A. A feasibility design review of the VE Proposal to determine the potential magnitude of reinforcement strength reduction. Nicolon-Mirafi has requested this feasibility review to assess the potential for cost reduction due to changes in total reinforcement strength requirements."*

On 03/05/96 Cone transmitted PO # 16916 to Nicolon with a letter stating:

*"It is my understanding that Nicolon Mirafi (Nicolon) is **proceeding with the redesign** of the geosynthetic reinforcement requirements on this project."*

On 05/08/96 Cone wrote the engineer stating:

*"It was mentioned that certain restrictions exist regarding partial placement of fill inside of one roadway. In order to expedite the installation of the geosynthetic reinforcement fabric, Cone Constructors **proposes to place partial fill on the west side geosynthetic reinforcement area**. This partial fill would be from the north edge of the fabric up to about 20 feet from the edge of existing Drane Field Road. Specifically, Cone Constructors would like to place approximately 5 feet of fill, including the designed fabric layers. This bottom five feet is significantly lower than the final grade"*

EIT's Chronology 05/14/96 (FDOT Exhibit 8) page 8 of 28:

*"EIT receives from Will Hanusch (Cone) a copy of the design reviewers comments requiring re-submittal (see attached items BA1-BA3). EIT discusses submittal review comments with Norm Amend (NM). A plan of action is devised to resolve these issues. **Norm will ascertain if they want whole west side redesigned to account for the improved foundation soils reported by PSI.**"*

05/16/96 EIT's Chronology:

*"EIT meets with Will Hanusch (Cone) and Jerry Smith (Cone) relative to geotextile reinforcement. They are pleased with new geotextile layout drawings showing exact elevation and location relative to centerline stationing. EIT explains reinforcement layout to them. **Will and Jerry direct EIT to whenever possible utilize more layers of lower strength geotextile rather than less layers of strong reinforcement. (see BE1)** Before meeting with owner's representative, EIT and Hanusch site visit the borrow pits and geotextile installation from Sta. 360 to 363. EIT indicates that it will take 7 to 10 days to revamp the design and return to Cone for re-submittal. **Cone does not object.** Drane Field Road had not been rerouted at this time."*

05/16/96 Geosynthetic Reinforcement Meeting Minutes:

*"...EIT explained, as discussed before, there are two functions of the fabric. One is base stabilization and the other is reinforcement. **Now that there are better soils at the abutment, than anticipated, the need for the base stabilization fabric is vastly reduced.** Based on the initial soil report, they thought they would need to have a working platform to be able to move the crane around to drive piles. But that is not the case, so the fact that there will be cuts in the fabric, will not be critical.*

*... **The Turnpike questioned Cone, where are the results for the test taken for the Phi Angle of the fill material?** Cone responded that the test lab is working on this.*

*... The Turnpike also asked what would happen to the design if **the Phi Angle test results do not come back at 30?** EIT responded that the design will **have to be redone, because the design is based on a Phi Angle of 30 and a unit weight of 125 PCF on the fill material.** The maximum average wet unit weight should not exceed 125 PCF. EIT explained that Cone provided them some test results that **they were running on Section 2 and this project.** This is where EIT came up with the values. **Based on the gradation that Cone's quality control tester provided, EIT estimated the Phi Angle to be a minimum of 30 on the fill."***

06/20/96 EIT wrote Nicolon:

At your (N-M) request we have incorporated two additional geotextile types ("B" and "E"), please see calculation page 45 for design strengths, associated with each. Please submit the technical and quality control data required by the FDOT.

"E"), please see calculation page 45 for design strengths, associated with each. Please

09/22/98 EIT wrote:

Re: *Reasons for Re-Design of Geotextile Reinforcement*

- a.) *The initial redesign, as explained in EIT proposal 202 on Feb. 22, '96, was to produce a value engineering proposal based on the reduction of geotextile reinforcement strength due to incorporating the stabilizing effects of the MSE walls. The wall designs were now defined by the wall supplier VSL, (as selected by Cone) an unknown during formulation of Nicolon/Mirafi's initial (contract) design.*
- b.) ...
- c.) *On Mar. 13, 1996 VSL informed EIT that soil parameters for their analysis were going to change and the contractor was currently running tests. EIT requested Cone provide soil parameters. On Mar. 19 Cone provided soil parameters verbally indicating a unit weight of 126.3 pcf and a phi angle of 29.3 degrees, which are heavier (> 105 pcf) and weaker (< 30 degs.) than the properties stipulated in the contract documents. EIT requested Cone verify the estimated phi angles with soil shear test results. The selection of these fill soils rendered Nicolon/Mirafi's initial (contract) design invalid. This now made the primary reason for redesign, accommodating the use of fill soils from Cone's borrow pit.*

Without the participation of both EIT and Nicolon in the DRB process, it is apparent to the Board, that no matter what additional information is requested, the question as to whether the redesign was requested by Nicolon or Cone will not be definitively answered. Further, whether the original design was adequate given the soils used for embankment will remain in question.

Therefore, the Board is forced to make its findings and recommendations based on the state of the record as it presently exists.

The Board finds:

- The design in the plans was to be the complete final design furnished by the geosynthetic vendor.

“Complete plans shall be provided which include: plan view, elevation view, and details in accordance with the Plans and Specifications. These shall show the extent, number of layers of geosynthetic types of geosynthetic, vertical spacing of geosynthetic, orientation of geosynthetic facing details, details at special structures or obstructions, typical construction at special structures or obstructions, typical construction sequence, and top and bottom elevations of the geosynthetic reinforcement.”¹
- The design furnished by the various geosynthetic vendors once approved and incorporated into the plans became the Department's design.
- The plans sheets incorporated into the contract did not incorporate all of the elements as defined in “Complete plans”.
- The shop drawings would have to incorporate the properties of the embankment actually encountered.
- The embankment would have to meet the minimum properties specified in the contract.

¹ PSI letter 08/12/94.

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- Irregardless of whether the plan geosynthetic design was redesigned there would have been obstructions to contend with in the plan design.
- These obstructions and the details to deal with structures and obstructions as well as the top and bottom elevations of the fabric were not shown on the geosynthetic drawings.
- This would have caused some delay in the shop drawing process.
- On 08/14/96, Cone filed intent to claim No. 9 – Geosynthetic Reinforcement Design Delay.
- On 08/22/96, in Progress Meeting No. 22, Cone stated a probable cost of the outstanding issues:

"...The Turnpike stated what we needed to look at the frequency of the Disputes Review Board Meetings for the remainder of the project. Cone stated they would like to meet once every two months or have special ones if needed. The Turnpike would like to keep them every month for right now, but it would be evaluated at the next DRB meeting. KCA stated that if all of the claim issues were resolved, we could go to once every quarter. Cone stated those issues would probably add up to \$ 10,000. Cone stated this really needed to be looked at, because it was very time consuming."

Recommendation:

Based upon the Board's review of all documents presented by both parties to this dispute, and additional documents requested after the hearing, and the current state of the record, it is our opinion that it is in the best interest of the parties that:

The Contractor be granted a noncompensable time extension of 53 days.

The Contractor be compensated for those penetrations and obstructions that would have been encountered in the original design.

The Board has spent an inordinate amount of time on this issue because it was not made aware of the issue contemporaneously as stated in DRB meeting No. 1:

... when every Board meets, Mr. Wegman stated that he hopes that in these round table discussions that the Board is made aware of the three or four items that are being argued over, for the lack of a better word. There could be three or four items, so that when the Board rides through the job, they are made aware of them. The Board can look at those problems on a real time basis as compared to waiting a year and a half from now to get a written report to review and make a decision on. The Board could at least look and say "Yes, I remember when the crossing held up the Access Road, because we talked about it when we drove through."

Mr. Richardson stated that this is objectively how the Board on Section 2 has been functioning and on the other Board that he sits on. It is to try and keep current with anything that is an area of concern. The Board should be kept aware of any of those issues at the round table discussions to see them weekly how they progress and watch the settlement, hopefully by the parties involved, the Contractor and the Department.

The Board, John Norton went on to say, that what the Specifications and the Agenda takes into account, is to review and discuss potential problems and proposes both parties not to be bashful and bring up issues that may or may not become before the Board, but at least they

into account. is to review and discuss potential problems and proposes both parties not to be

DISPUTE REVIEW BOARD DECISION

know what's going on, on the job. That is one of the reasons why he likes to attend the weekly meetings, and that's what he does on a couple of the other Boards that he sits on, and have the DRB meeting afterwards. This way you don't rehash what's been said at the previous meeting. Also, as on the other jobs, the tour of the jobs after the meetings, has been very informative.

All parties should, in accordance with the Dispute Review Board Specification, strive to keep the Board advised of all challenges encountered as they arise.

The Board appreciates the cooperation by all parties involved and the information provided to make this recommendation.

I certify that I participated in all of the meetings of the DRB regarding the Dispute indicated above and concur with the findings and recommendations.

Respectfully Submitted,

Disputes Review Board

Keith Richardson, DRB Chairman

John H. Duke, DRB Member

John Norton, DRB Member

SIGNED FOR AND WITH THE CONCURRENCE OF ALL MEMBERS:



Keith Richardson

DRB Chairman

Enclosure: Dispute Review Board Chronology

CC: Joseph M. Chao, Jr., P.E.

Jerry Smith, Cone Constructors, Inc.

Kent Seltzer, Cone Constructors, Inc.

Charles B. Wegman, P.E., FDOT

Cone Constructors, Inc. - DRB Dispute 1 - Geosynthetic Chronology

Date	Source	Code	Remarks ¹
8/12/94	LTR	PSI	<p><i>To John DeBellis of Reynolds, Smith – From PSI</i> <i>Re: Purchase/Instrumentation/Geogrid Reinforcement Construction Procedures Report (Page 41 of 43)</i></p> <p>General: <i>The geosynthetic designer shall provide the Engineer with the information requested in accordance with the Department's letter of invitation.</i></p> <p>Plans: <i>Complete plans shall be provided which include: plan view, elevation view, and details in accordance with the Plans and Specifications. These shall show the extent, number of layers of geosynthetic types of geosynthetic, vertical spacing of geosynthetic, orientation of geosynthetic facing details, details at special structures or obstructions, typical construction at special structures or obstructions, typical construction sequence, and top and bottom elevations of the geosynthetic reinforcement. All plans are to be signed and sealed by a Professional engineer registered in the State of Florida and employed by the QPL geosynthetic supplier.</i></p>
01/26/95	LTR	PSI	<p><i>To Jerry R. Payne, Jr. of Nicolon-Mirafi Group - From Henri V. Jean, PSI</i> <i>Re: Invitation Letter</i></p> <p><i>On behalf of the Florida Department of Transportation Turnpike District we would like to extend your company an invitation to participate in alternate designs for geosynthetic reinforced embankment to be included in the subject project. Submittals as well as schedule and general design questions should be directed to:</i></p> <p style="padding-left: 40px;"><i>Reynolds, Smith and Hills, Inc.</i> <i>1715 N. Westshore Boulevard</i> <i>Suite 500</i> <i>Tampa, Florida 33607-3999</i> <i>Attn: Mr. David Wantman, P.E.</i> <i>Phone: 813/289-5550 FAX: 813/289-0263</i></p> <p><i>Geotechnical questions may be addressed to:</i></p> <p style="padding-left: 40px;"><i>PSI</i> <i>5801 Benjamin Center Drive</i> <i>Suite 112</i> <i>Tampa, Florida</i> <i>Attn: Mr. Ching Kuo, P.E., Ph.D.</i> <i>Phone: 813/886-1075 FAX: 813/888-6514</i></p> <p><i>Your participation will involve submitting to Reynolds, Smith and Hills, Inc. three (3) sets of prints of your final design for review, and upon notification of acceptance, the submittal of drawings on polyester film material for inclusion in the final plan assembly. The drawings shall be made on standard size (36"x24") sheets.</i></p> <p><i>Design is scheduled to be completed by the end of February, 1995; therefore, the final plan and design calculations and tracings should be submitted not later than February 8, 1995.</i></p> <p>We are enclosing the following for your use:</p> <ul style="list-style-type: none"> • 100% Surcharge Drawings • 100% Wall Drawings • 100% Roadway Drawings • Geotechnical Report Dated August 29, 1994 • Purchase/Instrumentation/Geogrid Reinforcement Construction Procedures Report Dated August 12, 1994 <p><i>Please note that Sheets E11 through E15 of the plans are void as such details should be dependent on your specific design. Design methodology requirements are outlined in the attached copy of the Geogrid Reinforcement Construction Procedures Report.</i></p> <p><i>Your design must conform strictly with the above information.</i></p> <p><i>Your acknowledgment of this invitation and acceptance/or rejection will be appreciated. In the event of non-acceptance, the enclosed material may be discarded. Also, your firm will not be considered for a Value Engineering Concept Proposal for this project at a later date.</i></p>
08/31/95	PREBID		<p>Prebid Conference: Polk County Parkway, Section 5</p> <p style="text-align: center;">...</p> <p><i>This meeting is going to be recorded by Precision Reporting, that is the first part, the pre-bid portion. A copy of the transcript will be forwarded to you and all plan holders within ten business</i></p>

¹ The following information was taken verbatim from their respective reports, including errors in spelling, usage and grammar.

Note that following excerpts are taken verbatim from their respective reports, including errors in spelling, usage and grammar.

days. It is also important to note at this time that **nothing said and/or transcribed here today, nor any responses to questions, either verbally or in writing later constitute a change to the bid documents.** The only way the bid documents will be changed is through issuance of an addendum to these documents from Tallahassee.

...

Beginning immediately east of the Mainline Toll Plaza and ending approximately 1,500 feet west of Saddle Creek is the third critical area of earth work. These areas also involve placement of wick drains, embankment surcharge and geosynthetics. The surcharge duration in this area is ~30 calendar days. Immediately east of this area is located Stormwater Treatment Pond-3.

...

The contractor should note that even though a product is called out for in the plans as a specified company, the shop drawing requirements, calculations for connections, support, et cetera, are still required for that shop drawing, and the specified product is not necessarily automatically approved for the use on the project.

...

I'd like to point out that we anticipate a second supplement, which should be issued sometime either late this week or first of next week, and some of the key items that that addendum will address. ...

...

I'd like to also mention that in that addendum there may be a change or an addition to the wick drain supplier, which would allow American Wick Drains as well to be a provider of the wick drains. That's still under review and I'm not sure what the outcome yet is on that.

...

Under Geotechnical Services, the Department will be hiring a general consultant to assist in the –
AUDIENCE MEMBER: Neal, we can't hear back here.

MR. PENNY: Well, I'm sorry. I'm talking as loud and as close as I can get.

Pages 26 through 62 of the Technical Special Provisions covers the Surcharge Construction, Installation of settlement plates, Digital Inclinometer Casings and Pore Pressure Transducers, Geosynthetic Material and Installations of Wick Drains.

...

Pages 46 through 55 specify the requirements for conditions for design and installation of geosynthetics materials. Payment is also discussed.

Pages 56 through 62 specify installation requirements, locations, depth, spacing between drains, sole source – I've been corrected now. It's not sole source supplier, sampling, shipping and storage, method of installation, payment and quantity to be paid for.

...

MR. MARTIN: My name is Jim Martin, I'm with Huesxer, Incorporated. And I have a question dealing with the geosynthetic reinforcement embankment section, particularly Station 1771 to 1780 plus 50. This deals with the vendor designs that are incorporated into the plans. I have a question. There's four particular companies that have supplied vendor designs.

Three of the companies have strengths in this particular section over the slime pit that are in the area of 28 to 36,000 pounds per foot requirements. One particular company has a design which is 20 times less than that, which gives me the feeling that there is some discrepancy as far as the design requirements on this particular section.

I have a concern as to how the state views this, particularly in light of the gentleman's question here about failures. Is there anybody can shed light as to why there is a difference in the vendor designs and the strength requirements over this particular section?

MR. MOULTON: First thing I'd like to say and then I'll turn it over to the geotechs is that those designs, designers for those four companies were given certain parameters and they were to come up with a design that fell within those parameters and they were to sign and seal those. So there is a professional and a legal liability here that we're talking about. So then, in turn, I will let PSI or –

MR. STEWART: That is answered.

MR. MOULTON: So if what you're saying is true, then that needs to be passed on to the contractors that would be bidding this job and also hopefully someone would talk to that particular firm and say, hey, I think you might have missed something here and maybe they will, you know, come clean on it or something.

MR. MARTIN: Just a follow-up question. Will there – maybe this is a different type of procedure. I'm not sure as far as how the state approaches these types of designs. But will there be a design – I mean, will there be a review of the vendor designs at the state level beyond the stage that they are in the plans at this point?

you know, come clean on it or something.

MR. MOULTON: *There will be shop drawing review, but obviously that is just a cursory review and it's up to the designer who is signing and seal that, which would be one of the firms that the contractor chose to use.*

MR. MARTIN: *I'd just like to make one more comment and I'll shut up.*

MR. MOULTON: *Yes.*

MR. MARTIN: *Our particular company feels like, particularly sheets No. TE14 to TE18 are underdesigned and we would – we'd like to go on record as saying we feel like that ought to be removed from the plans.*

MR. MOULTON: *That's TE14 through TE18; is that correct?*

MR. MARTIN: *Yes sir.*

MR. MOULTON: *So noted.*

...

MR. PAYNE: *Jerry Payne with Nicolon Mirafi, reinforcement vendor. Question about the wick drain installation. The question I have is are – is the wick drain installation and the, I guess, the A-3 material that's being placed, is that going to be placed on top of the first lift of geosynthetic in the surcharge area? Or are you going to put the geosynthetic on top of the wick drain?*

MR. CASPER: *Wick drain is first. The intent was only put enough A-3 material in to provide a working surface, and we didn't really anticipate that they would have to put A-3 material in everywhere before they put the wick drains in.*

MR. MOULTON: *So the second part of your question would be would you be putting your wicks through the geosynthetic fabric, and the answer is no.*

MR. PAYNE: *Well, the other question is without a separator fabric in there, you're in these soft soils, how is the A-3 going to drain when you put a load on it and get migration of the fines (phonetic) up into the A-3?*

MR. CASPER: *I don't think that they'll penetrate entirely through the two foot thick layer. I think we're going to have – I mean, that's something, again, that takes time. And I think we're going to have enough of a drainage effect.*

MR. PAYNE: *Could that be at the option of the contractor if he felt better about putting a working layer in there with the geosynthetic and the A-3 material and then punch his wick drains through the fabric?*

MR. MOULTON: *I think that that option, any of those options, if you've got – the contractor has a geotechnical engineer working for him and he's recommending something like that, sure, we would consider it. It shouldn't be any additional cost involved, but we would consider it. If there was the feeling that this would be a more adequate design or construction methodology:*

MR. CASPER: *The contractor has to submit a wick drain installation plan, so that could be part of his installation plan.*

MR. WEGMAN: *The real question is whether or not we would pay for it. And I think our position right now is we would not.*

MR. MOULTON: *I don't think the question had anything to do with pay; from his perspective. This is a supplier.*

MR. CASPER: *That's as long as we're comfortable that them punching through the geosynthetics, as provided isn't going to compromise the strength of the geosynthetics.*

MR. MOULTON: *I hope everybody could hear all that that's going on.*

...

MR. BUENAVENTURA: *Right. I was going to follow up on that by asking that the specs clearly indicate what expectations or what filling rates we can use in those locations. So it's not going to be a situation of how fast we want to build it, but we're governed by what's in the specs that we can only place the fill at a certain amount of filling per day or per week. So that information should have been utilized by the geotechnical engineers to determine the rate of placement, and hopefully that information can be –*

...

MR. GRAHAM: *Bob Graham with Cone Corporation. Neal talked about the steel casings that you put in for the utility work, and apparently some of them go under the surcharge areas. So you'll be restricted to put those in after the surcharge is in place. I'm just curious if you try to open cut those in you're going to dig up your geogrid or –*

AUDIENCE MEMBER: *Storm sewer will be the same way.*

MR. GRAHAM: *So you'll be allowed to cut through the grid?*

MR. PENNY: *After the surcharge is completed you go back to do your storm sewer installation, then at the same time you put some of those casings in that are in the surcharge area.*

AUDIENCE MEMBER: *Storm sewer will be the same way.*

MR. GRAHAM: Doesn't it affect the design if you cut through the geogrid?

MR. CASPER: By that time it doesn't matter anymore.

...

MR. PAYNE: Jerry Payne with Nicolon Mirafi. In addressing the reinforcement areas in the surcharge zones, there are several different designs that incorporate panel to panel interface. Some designs have a one foot overlap, some designs are seamed, some designs just geosynthetics abutted up to each other adjacent – with adjacent panels. A two part question. The first part is **how will the state propose to check the panels after the fill has been placed to assure that a hundred percent coverage has been effected during the installation?**

And the second part is as part of the vendor designs and the contractor's installation of these systems, whose responsibility is it to achieve that hundred percent coverage?

MR. MOULTON: I'll answer the second part of that question, which both parts of the question deal with geosynthetic fabrics and hundred percent coverage of the area. Some require an overlap and is that overlap sufficient once you put equipment on it, so forth or some require materials to be butted up against each other. The first part of that question was how will the Department guarantee that we get a hundred percent coverage.

We have our CEI that will be in the field and if it requires doing some test strips and so forth with this material, I can envision that. Secondly, what was the second part of that question again?

MR. PAYNE: The second part is as part of the engineer's design or the vendor design, some say to maintain a certain overlap, say a foot, some say to seam the geotextile to a certain strength, and some just have just put the geosynthetic side by side with no overlap or no seaming.

MR. MOULTON: I think you said whose responsibility will it be to –

MR. PAYNE: Who is responsible –

MR. MOULTON: -- to guarantee whether it will be the suppliers or the contractors that we have that hundred percent coverage. I would say that it would be the prime contractor's responsibility, but obviously if the design requirements or the supplier's requirements need to be modified, then they will need to be modified. If they've specified a foot overlap and that foot overlap doesn't work and you're getting – ending up with a foot and a half gap between the two fabrics, then obviously they'll have to start with maybe a three foot overlap or something like that.

Those are important things to discuss with the supplier that you may be using, up front, because that could significantly impact the amount of material needed, geosynthetic needed to cover these areas. Any other questions?

...

12/14/95 PREBID

Prebid Conference: Polk County Parkway, Section 3A

...

It is also important at this time to note that nothing said and/or transcribed here today, nor any responses to questions either verbally today or in writing later, constitute a change to the documents. The only way the bid documents will be changed is through the issuance of an addendum to these documents from Tallahassee. In other words, this is just the same as any other job.

Any questions which may arise after this meeting must be sent in writing to Charles Wegman attention in Lakeland, the fax number is area code 941-646-8098, no later than 5:00 p.m. Tuesday, December 19th. This will enable the questions to be responded to and distributed to all plan holders in a timely manner.

...

These two surcharge areas involve the placement of geosynthetic fabric and embankment surcharge over unstable soils to consolidate the soil to provide foundation of roadway construction. The surcharge duration for these areas is 180 calendar days. ...

...

...It is imperative that the site preparation including surcharge consolidation and utility work for these ramp plazas be completed within the frame allotted for the Turnpike Master Schedule. Special Provision 14 establishes the toll plaza site delivery date as August 8, 1997.

...

...It should be noted that Ramp A plaza site is within the area requiring placement of geosynthetic fabric and surcharge embankment. 180 days of monitoring settlement time has been established for the surcharge embankment after achieving the surcharge elevation.

...

Special attention is recommended to the utility construction notes 1 through 14, which define when the utility installations including storm sewer structures need to be installed to permit other section contractors to proceed as well as to coordinate construction sequencing for their project

and this project.

...
All surcharge embankment, including monitoring devices and geosynthetic fabrics are detailed in Surcharge Plans, Plan Sheets E1 through E41, shall be installed during Phase I. The second sentence of Phase I note 8 states "Contractor shall coordinate installation of steel casings shown in the utility relocation plans with the placement of all embankment."

...
Shop drawings. *All shop drawings shall be handled in the same manner. a copy of the requirements will be distributed at the preconstruction meeting.*

A few highlights The procedure that will be utilized specifies that the contractor will send drawing submittals to the Engineer of Record, copies of the transmittal letter will be required to go to the resident engineer, Turnpike program manager and Turnpike production. Addresses will be provided at the preconstruction meeting. This way we can check on the status and location of any submittal very easily.

Before submitting any shop drawings, the contractor shall submit a schedule for the shop drawing submittals to the resident engineer and Turnpike production shop drawing review section. This will help them schedule their time appropriately and help expedite shop drawings in a manner that will keep the job running smoothly.

Each submittal will be stamped, reviewed and initialed by the contractor. This is written confirmation that he has reviewed the submittal to ensure its compliance with plans and specification requirements as defined in Standard Specifications Section 5-1.4.4. Shop drawing submittals are frequently held up due to not having them signed. The Engineer of Record can do nothing with the submittals that are not signed and sealed, where required. Turnpike District Construction wants to reinforce how important it is for the contractor to coordinate these shop drawings, make sure that they are reviewed with the various disciplines, confirmed to comply with the contract requirements and submitted early in the contract.

This coordination effort can greatly decrease the time required for the shop drawing reviews, like all other FDOT districts, shop drawings for the Turnpike District go the Designer of Record and district production. Thorough and timely reviews to expedite the construction progress is the goal of the Turnpike District.

The contractor should note that even though a product is named in the plans as a specified company, the shop drawing requirements, calculations for the connections, supports, etc. are still required for that shop drawing and without this information, the specified product is not necessarily automatically approved for the use on the project.

...
Addendums. *Three supplements to the Supplemental Special Provisions have been added to the specification package dated October 6th. They are dated November 2nd, November 7 and November 14, 1995.*

...
Submission of a working schedule. *Within 21 calendar days after the contract has been awarded or at the preconstruction conference, whichever is earlier, the successful bidder shall submit to the engineer a Critical Path Method schedule for the project.*

...
Other schedule considerations include milestones listed in the Turnpike Master Schedule for site work and utility connections associated with the Ramp A and B toll plazas. The ramp toll plaza site work and utility connections must be placed to allow an August 8, 1997 delivery date. In order to meet these toll plaza milestones, the contractor must consider the surcharge operations and settlement durations.

...
Special Provision 21. *Allowance for delays caused by the effects of inclement weather will not be made. Delays caused by catastrophic occurrences, such as a hurricane, may be considered as basis for contract time extension.*

Liquidated damages for failure to complete the work. Special Provisions cover, on page 22, for this contract, a daily rate of \$5200 will be assessed for revenues that would be lost due to failure to complete the work within the approved contract time. This lost revenue assessment shall be cumulative with the assessment of the liquidated damages assessed in accordance with the Specification 8-10.2.

Special Provision 23. *Such liquidated damages shall be the amounts established in the following schedule. The schedule is shown on page 19 of the Special Provisions.*

Combining lost revenues and damages for this project approach \$13,000 per day.

...
Supplement Specifications, under Supplemental Agreements. *At the beginning of the project, as schedule. The schedule is shown on page 17 of the Special Provisions.*

Charlie earlier mentioned, a Contingency Supplemental Agreement will be processed. This valuable asset enables the contractor to keep moving when extra work or changed conditions are encountered.

Additional or unforeseen work having no quantity or price approved in the contract will be paid at a negotiated price. Where the cost is negotiated, the contractor shall submit an estimate to the Department in terms of labor, materials, equipment, overhead and other expenses incurred solely as a result of additional or unforeseen work.

Next area, Geotechnical Services. A geotechnical general consultant will be selected by the Department to provide PDA and initial surcharge instrumentation services.

There are several geotechnical issues that all bidders should be familiar with. Surcharge operations are covered under pages 56 through 58. Settlement plates, digital inclinometer casings and pore pressure transducers are covered on page 59 through 71. Geosynthetic reinforcement is covered under pages 72 through 83.

Pages 57 through 71 covers the requirement for the installation of those settlement plates, casings and the pore pressures transducers.

The pore pressure transducer installation shall be performed by a qualified geotechnical engineering firm meeting the approval of the engineer. The contractor is responsible for the protection of all installation of plates, casings and transducers. Payment will only be made for acceptably installed, protected and maintained in a satisfactory operating condition, equipment until the final acceptance of project.

Pages 72 through 83 specify the requirements and conditions for the design and installation of the geosynthetic materials. Payment shall be per square yard per Section 145A 3.4, on page 78.

Close coordination will be required with the City of Lakeland contractor who will remove the existing asbestos piping after roadway contractor has proposed water lines operational. Plan sheet R15 has a note reminding the contractor that protection of existing plant materials will be required. TSP 1613 contains additional information in this area.

01/19/96 LTR

NI
C

To Michael Stewart of Florida Turnpike District – From Nicolon-Mirafi Group²
Re: Differences in Geotextile Reinforcement Designs

As a follow up to your discussions with Michael Cowell yesterday we wanted to express our concern over the differences in the design supplied by Huesker versus that of Nicolon/Mirafi.

The key concern is that the Huesker submittal either is under designed or has an error in the stationing on the table designating the geotextiles to be used. Specifically in the zone of the large temporary surcharge there are significant differences in the geotextile requirements. The embankment in the surcharge area ranges from 28 to 40 feet high. Therefore to maintain embankment stability the Nicolon/Mirafi designs required that some of our strongest geotextiles be used in the surcharge area. Two layers of geotextiles with design strengths totaling approximately 33,000 and 23,000 lbs/ft respectively were used. However, the Huesker design used only one layer of their two lowest strength geotextiles with design strengths of 10,500 and 1745 lbs/foot respectively. A summary of the design strength used in each design by station in the surcharge area is summarized on the following page:

Design Strength Required

Station	Embankment Height (ft)	Nicolon/Mirafi Design	Huesker Design
375+00	40	34,250	10,500
376+00	38	34,250	1,745
377+00	23	23,000	1,745
381+00	19	23,000	1,745
381+25	18	1,500	1,745

It seems that at a minimum, there is an error in the stationing in Huesker's table and a difference in design strength assumptions per the spec. The difference in the Huesker design presents two problems:

1. **POTENTIAL FOR EMBANKMENT FAILURE** – Since this section is very much under designed there is a potential for a bearing failure of the embankment if it is built per the Huesker plans.
2. **POTENTIAL FOR BID PROTESTS AND CHANGE ORDERS** – Presently you have designs from two bidders which are vastly different for an area 500+ feet long and both designs are approved by the owner as valid. Therefore you have the potential for a large change order to make it safe and the potential for a number of protests to the bid from contractors and suppliers due to the unequal alternate provided.

² Stamped as Received by Fla Dept of Transportation, Tallahassee on January 23, 1996 at 11:20 AM
designs from two bidders which are vastly different for an area 500+ feet long and both designs are approved by the owner as valid. Therefore you have the potential for a large

You still have an opportunity to make the bids both technically safe and to limit your liability by making sure the Huesker design is corrected.

NO BID ITEM FOR THE HUESKER PRODUCT – There is also one last concern we must mention. Presently the bid tabs show Matrex and Nicolon as the only bid items. The first problem is that there is no Matrex design in the plans and therefore there should not be a Matrex bid item. The second problem is that Huesker has offered a design for bidding, however a Huesker bid item is absent from the bid documents. This creates the potential for contractors and Huesker to protest the bid since without a Huesker bid item there is only one valid bid item available which is Nicolon. This would not be fair and we ask that you correct this.

Please understand that we bring these differences up in order to maintain a fair and safe bid for all parties. We feel very strongly it is critical that to assure both a safe design and to limit your liability the Huesker designs be corrected and the bid items listed correctly.

01/24/96

CONTRACT BID DATE

02/22/96

LTR

EIT

To J. Rusty Payne of Nicolon-Mirafi – From Michael R. Simac of Earth Improvement Technologies

Re: **Proposal for Feasibility VE Design Review of the Nicolon/Mirafi Geosynthetic Reinforcement Design and Preparation of Final VE Construction Documents**

Earth Improvement Technologies (EIT) is pleased to provide the following proposal for the potential Value Engineering (VE) proposal alternative to the Embankment Reinforcement Design originally generated and bid by Nicolon/Mirafi on this project. EIT understands Nicolon/Mirafi's basis for a VE proposal would be:

A reduction in the required reinforcement strength may be realized (from Stations 360 to 375) by incorporating the stabilizing effects of the reinforced soil mass from the MSE walls supporting the Polk County Parkway traffic surface, now defined by the contractor selected VSL design.

EIT's proposal to evaluate and produce the VE (Value Engineering) Proposal will be broken into two parts:

- A. **A feasibility design review of the VE Proposal to determine the potential magnitude of reinforcement strength reduction.** Nicolon-Mirafi has requested this feasibility review to assess the potential for cost reduction due to changes in total reinforcement strength requirements.
- B. **Should a switch to lower strength reinforcement be determined viable by Nicolon/Mirafi, EIT would develop the detailed design calculations, engineering submittal, and construction drawings/specifications for the VE proposal.**

SCOPE of WORK

For the Part A feasibility design review EIT proposes to:

- ❖ Review the project Plans, Specifications & Soils Report
- ❖ Review the design input parameters & stratigraphy at two target Sections: Sta. 364 & 373
- ❖ Review the material property determinations
- ❖ Perform Global Stability calculations
- ❖ Perform Bearing Capacity Analysis of each section
- ❖ Perform Base Sliding Analysis of each section
- ❖ Provide letter report of results, indicating potential reinforcement strength reductions along alignment.

EIT estimates the initial design review will take between 10–12 hours by the principal engineer, Michael R. Simac. Using standard rates (\$ 125.00 / hour) the budget for the initial design review should be \$1,250 to \$1,500, plus expenses. A preliminary verbal report could be provided on Friday, February 23, with the letter report by Monday morning February 26, 1996.

For the Part B design EIT proposes to perform the final design calculations, plan/project review, and preparation of submittal documents which would be completed upon Nicolon/Mirafi (N/M) receiving a purchase order for this project. EIT proposes to:

- ❖ Final review of the project Plans, Specifications & Soils Report
- ❖ Site visit to meet with PSI, RSH & FLDOT Engineers
- ❖ Verify backfill source & review the design parameters
- ❖ Review the material property & soil stratigraphy determinations
- ❖ Perform detailed Global Stability analyses at each Station, verify the revised VE design (from part A) for more detailed soils
- ❖ Perform Bearing Capacity & Base Sliding Analysis of all sections
- ❖ Prepare Construction sequence, procedures & monitoring plan
- ❖ Prepare submittal: calculations, construction plans & specs
- ❖ Seal the calculations & construction drawings

EIT estimates the final design review will take about 60 hours by the principal engineer, Michael R. Simac, roughly 60 hours of CADD time and about 16 hours of administrative/clerical time. Using EIT's standard hourly rates the budget for the final design review and plan preparation

- ❖ Seal the calculations & construction drawings

should be \$12,200 which includes expenses. Additional project/site meetings extra.

SCHEDULE

Earth Improvement Technologies is prepared to start the feasibility design review (A) as soon as we receive written or verbal authorization from N/M. A preliminary verbal report could be provided on Friday, February 23, with the letter report by Monday morning February 26, 1996.

Preparation of final documents (B) will take four to five weeks to complete, so the earliest notice on the start or completion date would be appreciated.

SUMMARY

EIT has proposed a two part VE design process to provide an Embankment Reinforcement Design that meets the feasibility assessment needs of Nicolon/Mirafi. This two-part approach is necessary to meet project timing and manufacturing resource allocation decisions by N/M. EIT will perform an initial design review (A) to permit N/M to accurately evaluate the cost-savings that could initiate from this type of VE proposal. EIT also proposes to provide stamped plans, specs and submittals (B), if the Nicolon/Mirafi VE proposal is selected by the contractor. EIT is currently staffed and capable of performing the work in the stated time frame.

Provided this proposal meets Nicolon-Mirafi's needs for engineering design services, EIT will provide two copies of our standard contract for execution by both parties.

03/04/96 NTP

NOTICE TO PROCEED

03/05/96 LTR

To Greg Roscoe of Nicolon Mirafi – From L. F. Buenaventura of Cone Constructors

Please find attached a copy of Purchase Order #16916 for the geosynthetic reinforcement on the above referenced project. This P.O. covers all labor, materials, taxes, equipment, freight, design and engineering services required to supply and install the geosynthetic reinforcement.

It is my understanding that Nicolon Mirafi (Nicolon) is proceeding with the redesign of the geosynthetic reinforcement requirements on this project. Additionally, Nicolon indicated that your redesign would be completed and shop drawings would be submitted to Cone no later than March 12, 1996. Further, Nicolon is to proceed immediately with the production of the reinforcement materials required west of the CSX railroad track between stations 360+00 and 370+00.

According to Nicolon, the delivery date for the materials required west of the CSX RR will be no later than March 29, 1996. Cone Constructors, Inc. (Cone) would appreciate Nicolon's best efforts to achieve this deadline. Cone has received a Notice to Proceed on this project and commenced work on March 4, 1996. Our crews will rapidly approach this area but can not proceed further without these materials. As such, please give the production of these materials your utmost attention to ensure compliance with the March 29, 1996 date.

03/08/96 PRECO
N

Pre-Construction Conference – Polk County Parkway Section 3A

MR. CHAO: The notice to proceed for this contract was on March 4th, 1996, Monday, which is the same day as begin construction. The contract duration is 778 calendar days. There will be no time granted for inclement weather or contractor vacation. And the contractor is notified that liquidated damages for this project is \$7,022 per day, plus .0002 of any amount over \$20 million. And lost revenue damage is \$5,200 per day. And these damages are cumulative.

MR. CHAO: Thank you. Just to clarify that, Lou, all correspondence will go to Jerry unless it's a direct response to –

MR. BUENAVENTURA: Unless it's a direct response to something I may have generated or Jim Lundy, yeah everything should go to Jerry. It needs to be addressed to the home office.

MR. CHAO: Everything through the home office.

MR. BUENAVENTURA: Yes, copy Jerry.

MR. CHAO: Okay. Thank you. As I stated, the begin construction was on March 4th, 1996. I would like to ask Cone at this time if they have a CPM schedule to submit.

MR. BUENAVENTURA: We have a draft of the baseline CPM schedule to submit today.

MR. CHAO: ...Then we also have a shop drawing submittal procedure. Most shop drawings will go through the engineer of record, Reynolds, Smith & Hills.

Please be sure because I think you submitted some the other day that went to the Turnpike and they returned them. Those go straight to the engineer of record. And please provide us with a letter of transmittal so that we may track them for you and we'll discuss it at the weekly meetings so we can push those through for you and see where they're at and get them back to you as soon as possible. Please also try not to flood them in, if you can give us a schedule of the ones you're going to be submitting.

returned them. Those go straight to the engineer of record. And please provide us with a letter of

MR. CHAO: ... I would also like at this time to set up the weekly progress meetings. Those will be on Thursday afternoons at 1:00 p.m. in our office beginning next week. We use those weekly progress meetings to discuss job progress and any job issues, design issues, utility issues you may have at the time. We'll also go through the tracking logs for RFI's, sublets, shop drawings, so that we can all be on the same page and track them and get them back to you.

I'd like to ask Cone at this time are there any VECP's that are coming up in the near future?

MR. BUENAVENTURA: Not at this time.

MR. CHAO: Okay. The last area I'd like to bring up. I'd like to ask Cone at this time are there any errors or omissions that you're aware of in the plans at this time?

MR. SMITH: The only ones I'm aware of is the RFI's that we've submitted at this time.

03/14/96 PMM #1

Progress Meeting Minutes: Meeting No. 1

Outstanding Shop Drawings & Submittals

...The Contractor noted the Geogrid will be submitted with a request to splice.

Contractor Delays

The Contractor has stated that there have been no delays to construction since begin construction.

Action Items

...A field review of the Contractor's request to place utility casings prior to surcharging was scheduled immediately follow the progress meeting.

Errors and Omissions

The Contractor stated that there were no errors or omissions in the plans encountered to date other than what has been transmitted by RFIs.

03/19/96 LTR EI

T

To J. Rusty Payne of Nicolon-Mirafi – From Michael R. Simac of Earth Improvement Technologies
Re: Request for Additional Soils Data & Information in the Nose Area (Bin Walls) of MSE Abutments

As part of the final design to prepare construction submittal drawings Earth Improvement Technologies (EIT) is examining many potential failure mechanisms for the MSE wall systems supported by the geosynthetic embankment reinforcement on this project. During this examination EIT has determined that the design for the walls/embankment in the acute angle (nose) area of the west (and probably east) bridge abutment may be controlled by bearing capacity. In particular, the bearing capacity failure mechanism will be lateral plastic flow, commonly known as squeezing, of the soft (cohesion, c = 600 psf) clay layer out from beneath the tall, narrow wall sections at the nose area.

With very limited subsurface information and test data available for the soils in this area of the project, EIT has examined the effects of the soft clay layer initiating at Elevation (El.) 130 feet with a 10 foot thickness and also beginning at El. 135 feet for a 15 foot thickness. Attached (see page 9 calcs) please find graphs of the bearing capacity safety factor for squeezing versus centerline stationing. The top graph is appropriate for the nose area, formed by Walls 1C and 1E. This scenario is appropriate provided Wall 1A from station 369+32 to 368 is built in conjunction with or after Walls 1C and 1E. In the event that Wall 1A and 1C behind station 369+32 are constructed before Wall 1E, then two critical wall bearing capacity scenarios develop. The initial one created during construction of Wall 1A, depicted in the lower graph and then the long term scenario created by Walls 1C and 1E.

The generally accepted minimum bearing capacity safety factor for retaining walls is 2.0 (see AASHTO Bridge Manual section 5.8.1), with the specifications for this project requiring 2.5 (see Sheet W-1). The calculated safety factors presented in the attached graphs are significantly below those requirements. The range of net allowable (ES = 2.0) bearing pressure for the soft clay layer would be:

- 1,500 psf to 3,000 psf starting at El. 135 ft.
- 1,550 psf to 4,000 psf starting at El. 130 ft.

These allowable soil pressures are significantly different than the range of allowable bearing capacity of 5,400 to 5,800 psf for 30 to 34 feet tall MSE walls shown on Sheet W-2 (Table 2) of the plans. However, EIT's analysis did not include any beneficial confinement effects from the abutment piles.

Since the entire base width of the wall/embankment structure is part of the failing part of the structure, geosynthetic reinforcement will NOT mitigate or alleviate this situation. The factors that control the performance of the structure are as follows:

Height of Structure Strength of Soft Layer

Density of Fill in Structure Depth to Soft Layer
Width of Structure Thickness of Soft Layer

Consequently, prior to recommending any potential solution for the problem it is prudent to obtain more information on the subsurface conditions in this area of the project. EIT is requesting that a supplementary subsurface investigation be performed to determine the depth, thickness, and strength of the clay layer in the nose area of both abutments. Ideally, the strength of the clay layer should be tested both insitu (vane shear), and in the laboratory (UU and CU) to quantify the potential gain in strength with time under the consolidating load of the constructed abutment walls. Since the undrained shear strength (c) of the clay will need to be in the range of 900 psf (El. 130) to 1200 psf (El. 135) to achieve the minimum required safety factors, quantification of the soil shear strength is extremely important. In the event that any or all of this information already exists, please forward a copy to EIT as soon as possible.

Therefore, even though the original Nicolon-Mirafi embankment reinforcement design specifically excluded bearing capacity, the issue should be addressed prior to proceeding to construction. Please be aware that proceeding with construction, without specifically addressing the bearing capacity of the MSE abutment walls in the nose area could lead to catastrophic failure without warning during construction or shortly thereafter. If there are any questions concerning the information provided herewith or the recommended request for soils data please call me.

03/21/96 PMM #2

Progress Meeting Minutes: Meeting No. 2

Future Work Plan / 2 Week Look Ahead Schedule

...Settle plate installation requires installation plan prior to any installation. A meeting can be set up with Cone's Geotechnical Engineer to discuss all installation plans and submittals.

Contractor Delays

Cone stated that there have been no delays to construction this past week.

Errors and Omissions

Cone stated that there were no errors or omissions in the plans encountered since last week's meeting other than what has been transmitted by RFIs.

03/26/96 LTR

NI
C

**To Lou Buenaventura of Cone Constructors – From Jerry R. Payne of Nicolon-Mirafi
Re: MSE Wall Abutments/Bearing Capacity**

In Nicolon Mirafi's effort to develop final shop drawings for the reinforced embankments on the above referenced project, our designer (Earth Improvements Technologies – EIT) has identified a possible bearing capacity problem in the nose area (Bin Walls) of the MSE abutments. This situation may result in a catastrophic failure, without warning if the issue is not addressed.

As a courtesy, I have contacted PSI (Geotechnical Engineer of record), VSL (selected MSE wall vendor) and Paul Stays (Polk County Parkway Program Manager), in an effort to daylight as quickly as possible this bearing capacity issue. As directed by Mr. Stays, Nicolon Mirafi is presenting this correspondence to you as a beginning in bring this issue to a resolution.

Please understand, as we have previously discussed, that this potential problem is not something that can be corrected solely with geosynthetic reinforcement and is therefore outside of our present scope. However, if needed our design consultant, EIT, would be interested in the opportunity to enter a contract with you to analyze and develop an engineering solution to this problem.

It is recommended that the additional subsurface investigation in the Bin Wall areas should include information which would be beneficial in the development of possible solutions such as resting the Bin Wall corner on a pier, or to support the Bin Wall corner with a column, or to place a series of shallow piles along the wall foundation in the problem areas and bridge support the soil mass between piles geosynthetic reinforcement. However, the most important result of the additional subsurface investigation should be to qualify, locate limits, and quantify the problem.

03/28/96 PMM #3

Progress Meeting Minutes: Meeting No. 3

Progress of the Contractor (This Week)

...Tuesday April 2, 1996, the contractor plans a test placement of Geogrid, in preparation towards surcharging. This will be a small test strip using applicable fill to verify geotextile design.

The Contractor was reminded to submit the Geogrid Installation Plan. A meeting between his Geotech Engineer and the Department was suggested to the Contractor. ...

Errors and Omissions

The Contractor stated there were no errors or omissions in the plans encountered since last week's meeting other than what has been transmitted by RFIs.

04/02/96 LTR

EI
T

**To Henri Jean of PSI – From Michael R. Simac of Earth Improvement Technologies
Re: Transmittal of Bearing Capacity Calculations**

Pursuant to your recent request for a copy of Earth Improvement Technologies (EIT) bearing capacity calculations for the above referenced project, enclosed please find same. Included with the bearing capacity calculations is the technical reference upon which the analysis for lateral

04/02/96 LTR

EI
T

**To Henri Jean of PSI – From Michael R. Simac of Earth Improvement Technologies
Re: Transmittal of Bearing Capacity Calculations**

plastic flow (squeezing) is based.

04/03/96 GEO
TECH

Geotechnical Meeting Minutes

This was an introductory meeting conducted between the Department, KCA and the Contractor to gain a better understanding of pertinent issues related to the geotechnical requirements of this project.

To date the Contractor has submitted:

*Piezometer Installation Plan and Piezometers.
Settlement Plate Assembly Plan.
Digital Inclinometer Casing.*

The Contractor is working to submit the geotextile Fabric Design.

The Contractor has scheduled a test strip for the installation of this fabric to determine the installation coefficient in an effort to produce a more precise design. Upon determination of this coefficient, the geotextile design will be finalized and submitted for review as required.

Regarding the installation of the digital inclinometer, the Department was concerned if the Contractor was proposing to utilize telescopic couplings. The couplings are proposed as outlined in the submittal except at three locations. The department will review for the need of couplings where none were proposed.

It was noted the specifications required "Peter P-102 Pressure Transducers." Mr. Hawkins stated that he feels there is a no-equal to this piece of equipment. However, the Department will review the equipment proposed, and if the Department feels the equipment proposed will accomplish the task then it may be approved.

General discussion occurred regarding the geotextile fabric and in particular the soil property values (ϕ , c) depicted in the plans. Mr. Hawkins felt the values given were intended for the design of the MSE Walls and that the Contractor may need to perform the stability analysis utilizing the soil properties of actual soils to be used. It was suggested that the Contractors submit an RFI with the proposed design criteria values and method. This is suggested in an effort to avoid potential problems in the future.

The Contractor was concerned about making penetrations through the fabric as required for the settlement plate stems etc. Mr. Hawkins stated, penetrations may be made by cutting a small slice in the fabric, in the direction and parallel to the primary tensile forces.

The Contractor had ideas related to installation of the geotextile fabric that would possible open some of the project site to Construction. The Contractor was notified to submit these ideas in writing for consideration including his request for splicing the fabric. The Contractor was reminded, that splicing may not be done without the prior approval of the Engineer.

The Contractor was reminded that the backfill material within the reinforced volume of the geotextile fabric has specific requirements in the specifications. He was also reminded of the sand bedding requirement in the trenches of the piezometer tubing.

The Department requested that the Contractor submit his proposal sequencing of construction for this related work.

04/03/96 LTR

**To Joseph M. Chao of KCA – From William J. Hanusch of Cone Constructors
Re: Confirmation of Meeting of 3 April 1996**

This letter confirms several items discussed at today's meeting with Cone Constructors, Kisinger Campo & Assoc., Corp., FDOT and Bromwell & Carrier (BCI). In this meeting the designs of several items were discussed including the surcharge instrumentation, the retained earth walls, and the geotextile surcharges.

Surcharge instrumentation

Mr. Dick Hawkins of the FDOT met Mr. Godwin Nnadi of BCI and instrumentation installation was discussed and agreed upon. The instrumentation submittals are currently under review by the FDOT and these were discussed as well. Cone Constructors requested that review of this item be expedited to allow major earthwork to begin.

The scope of work under the digital inclinometer pay item 144-073 required clarification in that Cone Constructors bid price includes only the single FDOT-provided digital inclinometer.

Retained Earth Walls designed by VSL

The design requirements of this item were discussed at length by all parties. Mr. Hawkins provided clarification on the design vs. construction parameters and Mr. Nnadi concurred in the following:

- *The 30 degree Phi angle and 105 gamma weight were limits placed on the design team to ensure a safe and reliable design.*
- *The purpose of these design restrictions was based on the assumption that actual fill placed at these walls would have a gamma weight in excess of 105 and a phi angle greater than 30.*
- *A higher gamma weight improves the structural integrity of the fill and 105 is the minimum ensure a safe and reliable design.*

acceptable gamma weight. Geotechnical reports performed on Cone Constructors' A3 fill material put this gamma weight much higher than 105, and is therefore unacceptable for use in these walls.

- Multiple geotechnical tests have been, and are being, performed on Cone Constructors' A3 fill material and will be forwarded to KCA upon receipt of the latest test. This testing was and is being performed by ASC Geosciences Inc.

Geosynthetic Material Design by Nicolon Mirafi

Cone Constructors informed FDOT and Kisinger Campo & Assoc., Corp. that tomorrow, Thursday, 4 April 1996, a field test of the Geosynthetic Material (geofab) will be performed on site. This test will be performed by a subcontractor of Nicolon Mirafi, Geosyntec Consultants, Inc. The purpose of this test was clarified via the following items:

- One of the strength reliability factors is a coefficient called "installation damage."
- In order to find a proper strength design, this factor is obtained from an in-field test installation.
- This test will yield a more "real-world" coefficient than a simple guideline value.
- This test will be overseen by geotechnical experts who can monitor and verify proper installation. The results of this test will yield values for the calculations necessary for the forthcoming submittal on the design of this item.
- A target date of 15 April 1996 was discussed as being the submittal date for this item.

Cone Constructors appreciates your help in arranging this meeting and addressing these issues in a timely manner.

04/04/96 PMM #4

Progress Meeting Minutes: Meeting No. 4

Outstanding Shop Drawings & Submittals

...Submittal Nos. 251, 252, and 253 for the Geotechnical items are in KCA's and the Turnpike's office for review. The Geotechnical Engineer will probably be approved and the sublet has been sent for approval. ...

Design Issues / RFIs

...Cone stated that there are RFIs on the geotechnical issues forthcoming and will be sent right away instead of waiting. ...

Contractor Delays

Cone stated that the only delay has been getting the permit for the cranes for pile driving.

Errors and Omissions

Cone stated that there were no errors or omissions in the plans encountered since last week's meeting other than what has been transmitted by RFIs.

04/11/96 LTR

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To J. Rusty Payne of Nicolon-Mirafi – From Michael R. Simac of Earth Improvement Technologies
Re: Influence of Fill Parameters on Embankment Design

In finalizing the design calculations for the geotextile reinforcement for embankment foundation support, Earth Improvement Technologies has encountered several items that should be brought to Nicolon-Mirafi's (N-M) attention and we would hope that you would share these items with other members of the project design team. On March 19, 1996 Will Hanusch of Cone Constructors, Inc. (CCI) provided data on the soils anticipated to be the borrow source for the embankment fill on the above referenced project. That data indicated an average phi (ϕ) angle of 30 degrees and a moist unit weight of 125 pcf. Selection of that borrow soil has the following impacts on the project:

- 1.) The increase (from 105 to 125 pcf) of fill unit weight has necessitated a significant increase in the amount of geotextile reinforcement required to stabilize the embankment foundation. The increase is approximately 50 and 30 % for the type "C" (20,000 lbs/ft) and type "D" (8,000 lbs/ft) geotextile reinforcements, respectively.
- 2.) The increase in weight of the embankment fill will also provoke more settlement in the foundation soils. Additional settlement may have impacts on other aspects of the overall project design that should be evaluated by those original designers. Please notify the FLDOT, FL Turnpike Authority, the civil engineer of record Reynolds, Smith and Hills, and PSI the geotechnical engineer of this change.
- 3.) EIT's global stability analysis in the vicinity of the MSE walls has indicated low (< 1.5) safety factors for circles above the geotextile reinforcement but below and through the steel reinforcement. Although this behavior does not appear to threaten performance of the structure, since safety factors are generally above 1.4, the low shear strength ($\phi = 30$ degrees) embankment fill has an influence on that mode of failure and the wall designer. VSL should be made aware of this possible failure mode. This is not a part of the embankment foundation reinforcement design.
- 4.) On the south (right) side of the west approach embankment, there is a 2:1 (H:V) side slope structure, since safety factors are generally above 1.4, the low shear strength ($\phi = 30$

from Station 366+00 to 369+50. This side slope varies in height from 5 to 25 feet. The factor of safety for shallow slope circles varies from 1.15 to 1.25. This is below the minimum 1.5 safety factor required for the other structures (walls and foundation) that make up the west approach embankment. Since this stability problem is created by using a low strength ($\phi = 30$ degrees) soil, on a steep (26.5 degree) slope and not related to foundation stability, it should not be part of the embankment foundation reinforcement design. This slope is a perfect candidate for geotextile slope reinforcement. EIT would be pleased to provide the additional design services to develop a reinforcement layout for this slope.

In light of the influence and impact of the selection of embankment borrow soils, EIT encourages N-M to suggest to CCI a program of shear strength testing of the borrow soils to determine the ϕ angle directly.

04/11/96 P/M #5 Progress Meeting Minutes: Meeting No. 5

Outstanding Shop Drawings & Submittals

... KCA review comments for the Geotechnical submittal Nos. 251, 252 and 253 were sent down to the Turnpike this morning so they should be returned soon. ...

Design Issues / RFIs

... Cone stated that they are very happy with the response time on all of the RFIs from RS&H. ...

Contractor Delays

Cone stated that there have been no delays to construction this past week with the exception of the outcome of the discussions after this meeting on the 30" temporary RCP drainage pipe.

Errors and Omissions

Cone stated that there were no errors or omissions in the plans encountered since last week's meeting.

04/16/96 LTR PSI To David Wantman of Reynolds, Smith & Hills, Inc. – From Henri V. Jean of PSI
Re: MSE Bin Wall

PSI has completed the follow-up foundation study for the MSE Bin Walls located at the CSX railroad and Dranefield Road bridge structure. The study was prompted by the results of the wall design calculations completed by Earth Improvements Technologies (EIT). The review of the bearing capacities for areas where slenderness (height/width) over apparent soft soils (clay) revealed factors of safety for soil bearing of less than 2.0. The soil parameters utilized in this area were for the general conditions encountered along the roadway embankment.

The subsequent study consisted of performing four (4) Standard Penetration (SPT) borings within the bin wall locations to obtain specific site soil conditions. The borings were performed at Stations 369+00, 60' Right, 369+75, 100' Right, 370+00, 100' Left and 371+00, 72' Left. Drawing 1 of 1 provides the results of our subsequent study. The in-situ soil conditions encountered in the proposed bin wall locations are significantly better than the conditions encountered along the roadway embankment. A review of the geotechnical structures report for the CSX railroad crossing will confirm the subsequent soil data.

Based on the results of our subsequent review, PSI recommends utilizing a cohesion value of 1,500 pounds per square foot for the shallow clay layer within the tested areas. Based on calculations provided by EIT, the pertinent factors of safety would increase to greater than 2.

04/18/96 P/M #6 Progress Meeting Minutes: Meeting No. 6

Outstanding Shop Drawings & Submittals

... KCA review comments for the Geotechnical submittal Nos. 251 and 253 were sent to Cone yesterday. Settlement plates (No. 251) were approved for order and will be inspected after they are put together prior to installation. The Pore-pressure transducers (No. 253) were returned so that the type can be depicted by Cone. This was received today and will be sent to the Turnpike today. The piezometers (No. 252) are down at the Turnpike under review. ...

The Geo-Fab submittal was submitted to KCA, but Cone took it back to have all copies signed and sealed and sent to RS&H.

Action Items

...Note: CPM Schedule is not approved at this time. Contractor submitted CPM schedule on April 17, 1996.

Errors and Omissions

Cone stated that there were no errors or omissions in the plans encountered since last week's meeting.

04/19/96 LTR To Joseph M. Chao of KCA – From William J. Hanusch of Cone Constructors
Re: Geotechnical Sequence of Work

Pursuant to the Geotechnical Meeting held at Kisinger Campo & Assoc., Corp. on 3 April 1996, Cone Constructors herein provides its planned general sequence of geotechnical work. This

04/19/96 LTR To Joseph M. Chao of KCA – From William J. Hanusch of Cone Constructors

includes geotextile reinforcement and surcharge operations.

1. **Begin installation of select settlement plate assemblies that do not require instrumentation on Monday, 22 April 1996;**
2. **Behind the veterinarian's hospital proceeding east to Drane Field Road;**
3. **From Harden Blvd. proceeding west to CSX Railroad;**
4. **North Frontage Road;**
5. **South Frontage Road (Frontage sequence and direction to be decided closer to commencement of these areas).**

If you have any questions or comments please do not hesitate to contact me at 941 644 6727.

04/23/96 PMM #7

Progress Meeting Minutes: Meeting No. 7

Outstanding Shop Drawings & Submittals

...The CPM schedule, 2nd submittal is being reviewed by the Turnpike and KCA. ...

The Geo-Textile Fabric submittal was sent to PSI on April 22, 1996. The calculations for one of the numbers in this package is being overnighted to RS&H today from Cone to complete the package....

Contractor Delays

Cone stated that there have been no delays to construction this past week. ...

Action Items

... Note: CPM Schedule is not approved at this time. Contractor submitted CPM schedule on April 17, 1996.

Errors and Omissions

Cone stated that there were no errors or omissions in the plans encountered since last week's meeting.

New Issues / Open Discussion

Cone was asked why Scott Vulger, of Cone, sent a letter to the Turnpike without going through the normal channels. Turnpike will respond to this correspondence, but all correspondence from Cone should be submitted through the normal channels. ...

Cone was asked if they had a issue with the construction of the reinforced earth walls down in the apex at the CSX railroad that they are aware of. **Is there a stability problem from either their R.E. wall manufacturer or geosynthetic fabric subconsultant.** Cone responded that they did. Cone needs to send KCA what the issue is. The Turnpike thinks they probably have a resolution after some geotechnical exploration was done on the project. It may not be an issue but the Turnpike would like to know what the perceived problem is before they give a recommended solution. The Turnpike would like to resolve this issue.

There has been some discussion on the unit weight of the material to be placed on the geosynthetic fabric from Cone's Subconsultant. Cone said that Nikolai Mirafra has taken this into account in their design. Cone needs to provide copies of the results of the phi-angle tests and strength tests to the E.O.R. and KCA.

05/02/96 PMM #8

Progress Meeting Minutes: Meeting No. 8

Future Work Plan / 2 Week Look Ahead Schedule

...Also will continue installation of the settlement plates. Nicolai Mirafra will mobilize Tuesday to install geofab material. Turnpike will check to see if plan is approved. Cone will submit sublet tomorrow. ...

Outstanding Shop Drawings & Submittals

...The Geo-Textile Fabric material has been approved for order. The design will have to be resubmitted to include the boring data that was transmitted to Cone today. ...

Turnpike questioned the strength tests of the Geo-Fab material and the Phi-angle tests of the soil. These have both been submitted by Cone and the Turnpike has a copy of the phi-angle tests. ...

Cone asked if there was another submittal required for the Geo-Fab material. The lightweight material has been approved for order and the heavier weight material will be submitted once results from the light weight material are received. Cone said that this was critical to their embankment operations and if they can get the same turnaround time on the review process, it will be very helpful.

Design Issues / RFIs

...RFI No. 32 has been received and the response is in Cone's basket. Procedure was approved for partial placement of fabric. Cone needs to submit a list of the areas for this procedure.

Contractor Delays

Cone stated that there have been no delays to construction this past week.

...RFI No. 32 has been received and the response is in Cone's basket. Procedure was approved for partial placement of fabric. Cone needs to submit a list of the areas for this procedure.

Action Items

... *Note: CPM Schedule is not approved at this time. Contractor resubmitted CPM schedule on April 17, 1996.*

Errors and Omissions

Cone stated that there were no errors or omissions in the plans encountered since last week's meeting.

New Issues / Open Discussion

... Turnpike wanted everyone to take a look at the fact that 19.3% of the work has been completed in only 7.2% of the time. Everyone present should be proud of this. Cone pointed out that the team that has been assembled has had good working relationship and there has been a good flow. Cone asked if there were upcoming issues that could be a snag. Cone stated that once the fabric is installed and once the traffic is switched to CSX Access Rd., the project should move even faster. ...

05/02/96 DRB #1

Disputes Review Board Meeting Minutes: Meeting No. 1Introductions & Review of DRB Specification

...

Mr. Richardson said that when an issue gets to a point that both parties acknowledge that they are not making any further progress, then it should be pushed up and finally up to the Board. The field level should make every effort to resolve all issues that can be resolved, instead of letting the Board try to work out normal day to day operations.

Mr. Wegman agreed with this, but there is one thing that he would hope the Board would do in addition to this. In the part of the charter where you have a round table discussion with the Engineer and the Contractor, when every Board meets, Mr. Wegman stated that he hopes that in these round table discussions that the Board is made aware of the three or four items that are being argued over, for the lack of a better word. There could be three or four items, so that when the Board rides through the job, they are made aware of them. The Board can look at those problems on a real time basis as compared to waiting a year and a half from now to get a written report to review and make a decision on. The Board could at least look and say "Yes, I remember when the crossing held up the Access Road, because we talked about it when we drove through."

Mr. Richardson stated that this is objectively how the Board on Section 2 has been functioning and on the other Board that he sits on. It is to try and keep current with anything that is an area of concern. The Board should be kept aware of any of those issues at the round table discussions to see them weekly how they progress and watch the settlement, hopefully by the parties involved, the Contractor and the Department.

The Board, John Norton went on to say, that what the Specifications and the Agenda takes into account, is to review and discuss potential problems and proposes both parties not to be bashful and bring up issues that may or may not become before the Board, but at least they know what's going on, on the job. That is one of the reasons why he likes to attend the weekly meetings, and that's what he does on a couple of the other Boards that he sits on, and have the DRB meeting afterwards. This way you don't rehash what's been said at the previous meeting. Also, as on the other jobs, the tour of the jobs after the meetings, has been very informative.

...

Description of the Work by the Contractor

...

Mr. Richardson questioned if a round table meeting like today had been held prior to this meeting to discuss this issue and how to resolve this.

Mr. Moulton stated that permits were obtained within two days of this type of meeting.

Mr. Wegman stepped in and asked why is the sarcasm in this discussion in the way it is being conducted. Why is this being done today when we have not had this for any other issue. This is not how we got to 7% of time and 19% of construction. We're at a point of severe friction and we don't want it to effect the bigger issue of the construction of this project.

Mr. Cone stated that on behalf of everyone there from Cone Constructors, they are not going to let this thing spoil a good working relationship.

...

Mr. Richardson stated that he hopes that this issue can get resolved without it going before the Board. He also questioned, to clarify, that this was about a 2-week delay?

Mr. Adams replied that the extent of the delay to the overall Project cannot be determined at this time because there is not an approved Baseline Schedule.

...

Discussion of DRB Meeting Schedule

Mr. Adams replied that the extent of the delay to the overall Project cannot be determined at this

...

Mr. Richardson asked if there were any other issues to bring before the Board. He also asked about a review of the job. It was decided that the Board members would go out with Mr. Chao of KCA and Mr. Smith of Cone.

...

Any objections with these meeting minutes should be notified in writing to Kisinger Campo and Associates at 2525 Drane Field Road, Suite 3, Lakeland, Florida 33811 by Monday May 20, 1996, or the minutes will stand as written.

05/08/96 GEO
TECH

Geotechnical Meeting Minutes

This meeting was conducted between Turnpike, KCA, Cone Constructors, and Nicolon Mirafi.

The following items were discussed:

The Turnpike requested that the contractor provide additional test results of the fill material from 3 different areas of the proposed pit, including direct shear tests for phi angle results on all material to be utilized as backfill over the fabric. Cone agreed to have these tests run and to provide the Turnpike with the results.

The Turnpike and KCA provided Cone with their comments of the contractor's previous geotechnical submittals. Cone agreed to incorporate the appropriate comments in their re-submittals.

The manufacturer, Nicolon Mirafi, of the fabric stated that the fabric could be exposed to the sunlight for a period not to exceed 7 days, but should be covered as soon as possible to prevent damage to the fabric. He also stated that the rolls of unused fabric should be supported off the ground. Cone agreed to meet the manufacturer's requirements.

The Turnpike and KCA reminded the contractor that none of his geo-technical submittals with the exception of his settlement plate submittal has been approved at this time. Cone stated that he intended to place fabric and backfill "at his own risk" until his re-submittals were approved.

05/08/96 LTR

To Joseph M. Chao of KCA – From William J. Hanusch of Cone Constructors

This afternoon Cone Constructors met with KCA and Mr. Rhett Leary and Mr. Dick Hawkins of FDOT to discuss submittals for geosynthetic reinforcement fabric installation. Pursuant to this meeting Cone Constructors has proceeded to incorporate items discussed into a resubmittal for the geosynthetic reinforcement west of CSX Railroad (West Side Package). The submittal package for the east side of CSX Railroad (East Side Package) will be sent to your office in about two weeks.

It was mentioned that certain restrictions exist regarding partial placement of fill inside of one roadway. In order to expedite the installation of the geosynthetic reinforcement fabric, Cone Constructors proposes to place partial fill on the west side geosynthetic reinforcement area. This partial fill would be from the north edge of the fabric up to about 20 feet from the edge of existing Drane Field Road. Specifically, Cone Constructors would like to place approximately 5 feet of fill, including the designed fabric layers. This bottom five feet is significantly lower than the final grade.

05/09/96 PMM #9

Progress Meeting Minutes: Meeting No. 9

Utility Issues

...Cone stated that they submitted a letter on the conflict of the 16" forcemain with the Geotextile material. They also submitted a letter on the conflict of the 36" storm sewer outfall, for Structure S-210, with the Geotextile material at approximately Sta. 370+00. ...

Progress of the Contractor (This Past Week)

Cone worked on erosion control throughout the project and finished driving production piles on the east side of Harden Blvd. Laid sod on the CSX Access Rd. slopes and stabilized on the CSX Access Rd. Installed jack and bores under the railroad and laid watermain and forcemain along the mainline. Installed settlement plates on the east side of Harden Blvd. and started the geotextile material installation this week. Also laid storm sewer pipe on the west side of the railroad and Fulton Construction (subcontractor) is laying storm sewer pipe and drainage structures along Harden Blvd.

Future Work Plan / 2 Week Look Ahead Schedule

... Fulton Construction will be working on Harden Blvd. and Nicolon Mirafi will try to finish the geofab material. ...

Cone's Two Week Ahead Schedule was modified to show Nicolon Mirafi working on the geofab material on Monday and Tuesday, May 13 and 14, 1996. Also Cone was requested on the next Two Week Look Ahead, to break down the activities to be performed by their subcontractor, Fulton Construction. ...

Subcontractors / Sublets

Sublet for Nicolon Mirafi was verbally approved by the Turnpike on May 7, 1996. ...

Outstanding Shop Drawings & Submittals Construction. ...

...The Geotextile Material Shop Drawings, submittal No. 257-258, will be returning from Post Buckley today or tomorrow. The shop drawing log was clarified as a verbal O.K. on the material for acquisition only and not the shop drawings themselves. ...

Contractor Delays

Cone stated that they have had problems getting density on the stabilized subgrade on the CSX Access Rd. They have removed the material from this area, replaced it with sand and re-mixed the area. This relates back to the issue discussed under Pending Issues / Claims.

Action Items

...Note: CPM Schedule is not approved at this time. Contractor resubmitted their CPM Schedule on April 17, 1996. The resubmittal is rejected and will be returned to Cone tomorrow with comments.

Errors and Omissions

Cone stated that the only errors or omissions encountered in the plans since last week's meeting have been the two survey problems and the one utility conflict that were transmitted with RFIs.

05/10/96	LTR		<p>To Jerry Smith of Cone Constructors – From Joseph M. Chao of Kisinger Campo</p> <p>Re: Geosynthetic Reinforcement – Fill Material</p> <p>This letter is to confirm our conversation yesterday concerning the fill material for the Geosynthetic Reinforcement. All fill material must meet the requirements as set forth in Section 145A-3.2 of the Technical Special Provisions. This office sampled the material yesterday and is waiting for the results. Cone has stated that they will proceed with the fill operation at their own risk until the sample results are obtained. Once the results are obtained, it will be determined whether this material is acceptable or not.</p>
05/14/96	CHRON O	EI T	<p>Chronology of TC Mirafi & EIT's Involvement in the VE Design of Geotextile Reinforcement for Approach Embankments</p> <p>EIT receives from Will Hanusch (Cone) a copy of the design reviewers comments requiring re-submittal (see attached items BA1-BA3). EIT discusses submittal review comments with Norm Amend (NM). A plan of action is devised to resolve these issues. Norm will ascertain if they want whole west side redesigned to account for the improved foundation soils reported by PSI in their April 16, '96 letter. Norm will work on geotextile layout drawing and detail changes. (see item BB1). EIT provides information to Greg Roscoe (NM) and Norm Amend (NM) relative to design strength of geotextiles and soil parameters for design from project specifications and PSI report. (See attached item BC1).</p> <p>EIT sends Greg Roscoe (NM) and Norm Amend (NM) fax concerning geotextile design strength and fill soil design properties (see attached items BD1-BD3).</p>
05/15/96	CHRON O	EI T	<p>Chronology of TC Mirafi & EIT's Involvement in the VE Design of Geotextile Reinforcement for Approach Embankments</p> <p>Greg Roscoe (NM) requests that EIT be present at a site meeting the next day in Lakeland, FL. EIT travels to site in PAI.</p>
05/16/96	CHRON O	EI T	<p>Chronology of TC Mirafi & EIT's Involvement in the VE Design of Geotextile Reinforcement for Approach Embankments</p> <p>EIT meets with Will Hanusch (Cone) and Jerry Smith (Cone) relative to geotextile reinforcement. They are pleased with new geotextile layout drawings showing exact elevation and location relative to centerline stationing. EIT explains reinforcement layout to them. Will and Jerry direct EIT to whenever possible utilize more layers of lower strength geotextile rather than less layers of strong reinforcement. (see BE1) Before meeting with owner's representative, EIT and Hanusch site visit the borrow pits and geotextile installation from Sta. 360 to 363. EIT indicates that it will take 7 to 10 days to revamp the design and return to Cone for re-submittal. Cone does not object. Drane Field Road had not been rerouted at this time.</p> <p>Smith (Cone) indicate that all utilities on "east" side will be installed after surcharging is complete. However, they were told at pre-construction conference at that point fabric is no longer needed and it could be severed by trenching operations.</p> <p>EIT participates in meeting with owner's representatives, owner's designers, and Cone concerning installation of geotextile. The meeting focuses on the following issues (see attached item BE1)</p> <ol style="list-style-type: none"> Geotextile conflicts with utilities and other penetrations. Typical repairs for damaged areas of geotextile. ...

05/16/96	GEO		<p>Geosynthetic Reinforcement Meeting Minutes</p> <p>The meeting was opened with everyone in attendance introducing themselves.</p> <p>KCA stated that the purpose of the meeting was two-fold. It was set-up to discuss issues that were arising with the geotextile fabric. These issues were conflicts with the storm sewer, watermain and forcemain pipes. These pipes either need to be cut through the fabric or the fabric needs to be</p> <p>The meeting was opened with everyone in attendance introducing themselves.</p>
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placed on top of the pipe, at the conflict locations. The second issue that will be discussed, is the fabric has been placed below the elevation of 145 that was depicted in the layout. The third issue that will be discussed, is the fill material that was placed on top of the fabric, which came back from the lab with a lower pH value than is allowed by the Specifications. The Specifications permit a pH range of 6-10 on the backfill material, and the backfill material that was tested, had a pH value of 5.2.

The Meeting was adjourned to the project site to look at the geotextile fabric, possible conflicts and to discuss technical issues.

The meeting was resumed in KCA's field office. KCA summarized what was discussed in the field. KCA stated that the first issue that was discussed in the field was the conflict situations that exist with the storm sewer, watermain and forcemain pipes and where they will cross the fabric. Cone was asked if they will submit a procedure for each of these conflicts, that will show how the fabric is to be installed at these locations?

CONFLICT LOCATIONS

Earth Improvement Tech. (Cone's Subcontractor) stated they will submit a set of standard details for different types of penetrations. These details will be referenced on their layout, so that a particular detail will be designated to be used for each penetration location. If there exists an unusual situation that cannot be addressed by these standard details, a special detail will be provided for review. KCA stated that the one conflict, Structure S210, that was addressed by RS&H, needs to be addressed by Cone, since it is their design. EIT responded that they have a standard detail for manholes and drainage structures, that they will submit for review.

Cone will submit these standard details as an addendum to their shop drawing package for the geosynthetic reinforcement material.

20" WATERMAIN CONFLICT

Cone wanted to address the specific conflict with the 20" watermain. Cone wants to lower this 20" watermain so that it is completely below the fabric. Cone needs to resolve this conflict today, so that they can keep their subcontractor moving today.

EIT stated that the fabric can be humped up over this pipe, but that we need a minimum of 6" separation between the fabric and the pipe with the soil.

KCA brought up to Cone that the 20" watermain should be pressure tested prior to laying the fabric. If there is a problem with one of the joints in the pipe after the fabric and fill has been placed, then Cone would have to go down through the material to fix the pipe. Cone responded that they need to review this situation.

ELEVATION AND SEPARATION OF FABRIC LAYERS

RS&H wanted to know the separation between the first and second layer of the fabric and how will we know where we are at where the material is humped?

EIT responded that there is a minimum of one foot separation. In the outer reaches, there is only one layer of fabric anyway. The only place that there is multiple layers of fabric will be within the alignment of the MSE walls.

KCA wanted to clarify that it is only the first layer that cannot be above elevation 145.

EIT responded that this was correct because the second layer is fixed at elevation 146. If you read the plans, EIT is allowing them to adjust the level of fabric once you find out the elevations of straps or welded wire of the VSL walls. The geotextile fabric must come in between the sets of straps so they will have some play in the elevation of 146. The most important fact is to keep the one foot separation between the layers of fabric.

KCA stated that the situation with the fabric, as it is installed, will be that one end may have the one foot separation and the other end may have a three foot separation. Will this be acceptable as long as the first layer is not above elevation 145? EIT responded that this will be acceptable.

EIT was asked to clarify the bottom layer elevation of 145 (max.) for the fabric.

EIT explained that the base layer of the geotextile fabric has two functions. One is overall reinforcement and the other function is to act as a stabilization layer for the initial earthwork construction. So this first layer was designed to be installed at existing grade, once clearing and grubbing is completed. It is to be placed on natural ground, provided it is below elevation 145. If the elevation of the natural ground is above elevation 145, Cone will be required to dig down to elevation 145 to ensure the separation requirements of the layers of fabric.

Before moving to the next issue, the conflict with the 20" watermain was discussed again. It was discussed whether to lower the pipe or leave as is and hump the fabric over the pipe. After discussions, it was decided to lay the 20" watermain as it is in the plans, backfill with 6" of fill material, place the layer of geotextile fabric and continue with backfilling. Everyone in attendance agreed with this solution.

TEST PILES DRIVEN PRIOR TO INSTALLATION OF FABRIC

Cone will submit a procedure for driving the test piles first and then installing the geotextile fabric.

agreed with this solution.

EIT explained that the procedure that is in the plans is for installing the fabric first. They will add a detail for driving the piles first and then wrapping the fabric around the piles.

The Turnpike Geotechnical Engineer brought up that the pile template has H-beam legs that pin it to the ground. If piles are driven after the fabric is placed, there must be allowance for penetration of these legs.

Cone responded that all of the piles, test and production, will be driven prior to the fabric being placed. EIT explained, as discussed before, there are two functions of the fabric. One is base stabilization and the other is reinforcement. Now that there are better soils at the abutment, than anticipated, the need for the base stabilization fabric is vastly reduced. Based on the initial soil report, they thought they would need to have a working platform to be able to move the crane around to drive piles. But that is not the case, so the fact that there will be cuts in the fabric, will not be critical.

The Turnpike Geotechnical Engineer wanted to clarify if vastly reduced meant that the base stabilization layer is not needed. EIT responded probably.

EIT explained that the fabric will be installed up to whatever working distance will be required to drive piles. The fabric will be rolled up and protected at this point. The piles will be driven, the fabric will be rolled up to these piles and marked. Then the fabric will be slit parallel to the seam line because it cannot be cut perpendicular to the wall. The fabric will be folded around the piles like fingers. The fabric will not be needed to be sewn for strength, but butted up together and backfilled. The fabric will then dive down under the leveling pad, about 6" below the bottom of the pad. The procedure was explained on the board where the slits will be at the center of the piles and joined on the other side. The backfill will be hand placed around the piles. EIT will review this procedure to see if additional stabilization will be required behind the piles. Additional procedures will be provided if this operation jeopardizes the structural integrity of the fabric.

The Turnpike wanted to know if there could be general procedures provided that can cover certain types of punctures and tears, or does it have to be a case by case situation? EIT can provide a general fix to cover most situations. The best thing that can be done when there is a tear will be to provide an additional piece of fabric over the entire tear. If it is in the strength direction, a large piece will have to be overlapped, 20 feet on either side of the tear or an additional roll of fabric.

PH TEST RESULTS FOR SELECT BACKFILL

EIT explained that generally they use pH requirements to control the durability or degradation due to chemical exposure to the geosynthetic material. The polyester fabrics that are being utilized on this project; generally the pH range for this fabric is 3-10. EIT said they could provide additional information to allow the usage of a wider range of pH for the fill.

PSI explained that the pH requirement in the Specifications are not just for the geosynthetic fabric. It is also for the strap reinforcements for the MSE walls, for protection of the piling, protection of the ductile iron and several other items.

KCA explained that PSI does not control the Specifications at this point anyway. Any Specification changes at this point, will have to go through FDOT, Tallahassee.

The Turnpike explained that Cone should submit that the fabric they are using is non-sensitive to pH, and if they have a wider pH range, they should submit this with their resubmittal.

PSI brought up that someone made a statement that the pH was only 0.8 off, but you have to remember that molarity is a factor base of 10. So the difference between 6 and 7 is ten times, not just a percent of what it is.

KCA pointed out that the Specifications for RE wall is a pH range of 5-10. Cone meets the Specification for RE wall. Cone stated that their expert says that the pH of 5.2 is allowable for this type of fabric.

PSI responded that what the State will probably come back and say is that there is an unknown, of long term acidic effects on a geotextile fabric. Nicolon Mirafi will not be able to refute this because, they probably do not have pH tests for over a 20-30 year period.

EIT stated that the design life of the geosynthetic reinforcement is currently set at 75-100 years, depending on the particular specifications. The reduction factors that are used in determining the strength are based on one of those two design lives, and the factors vary based on that. There is some long term exposure testing of the geosynthetics and it comes down to how far you can extrapolate the data. PSI was right in that, how much data do you have, and currently they have 1-2 years of data. Then you have to look at the standardized methods to extrapolate that over the lifetime of the structure. It would be up to the Department on what type of scientific data they will accept.

The Turnpike Geotechnical Engineer wanted to ask: is the stability of the embankment, after the surcharge is removed, dependent upon continued performance of the fabric? In other words, does the embankment design include continued reliance on the tensioning provided by the fabric after the surcharge is removed?

PSI responded that this is a question that only God could answer. Exactly, what are the effects of post construction?, how much strain is taken by each layer of fabric?, and can you make a broad-brush statement that when you cut this reinforcement, it should give you zero, but does it? The embankment design include continued reliance on the tensioning provided by the fabric after the surcharge is removed?

Turnpike Geotechnical Engineer responded by saying he did not think that this was a question that only God could answer. What he is asking is what is the basis of the design of the embankment? PSI responded that it is based on long term stability of the fabric. The Turnpike clarified: so that the design of the embankment, as on the prints right now, based on PSI's calculations, depends on continued performance of the geotextile fabric after the surcharge is removed? PSI responded yes: that is theoretical design. The Turnpike stated that this means that if you cut the fabric transverse to the tendons, it will have to be fixed. PSI responded yes.

Cone stated that they have several results, tested by FDOT, in Borrow Pit No. 2 that have results of 5.2, 6.1, 4.6, ... EIT stated that lime treatment will not be a solution because of the possible degradation of the fabric on this project.

KCA explained to Cone that a change in the Specifications will have to be signed off by FDOT, Tallahassee, probably Mr. Goodman. Cone asked if this should be submitted as a RFI. The Turnpike responded that this should be in the form of a proposal, because it is a modification to the Specifications. It will have to go through the normal channels, then to Charlie Wegman for signature and then to FDOT, Tallahassee for a determination.

KCA asked Cone if they will proceed with the installation of the fabric based on the failure of the fill material? Cone responded that they will not install any additional layers of the fabric until the pH issue is resolved.

The Turnpike questioned Cone, where are the results for the test taken for the Phi Angle of the fill material? Cone responded that the test lab is working on this. Cone was also asked about the status of all the other tests, as required by the Specifications, for approval of the material prior to placement. Cone stated that more tests are being run out of Pit A and will be submitted with the Phi Angle test results. The test lab has not decided whether they are going to perform the Phi Angle test in-house or send it out to PSI. It was explained to Cone that PSI could not run these tests, because they are the Designer of Record, and this could be a conflict of interest.

Cone was asked if the design calculations are forthcoming incorporating the additional boring data provided? EIT responded that the calculations are being worked on based on the additional borings taken in the bin wall locations. The Turnpike also asked what would happen to the design if the Phi Angle test results do not come back at 30? EIT responded that the design will have to be redone, because the design is based on a Phi Angle of 30 and a unit weight of 125 PCF on the fill material. The maximum average wet unit weight should not exceed 125 PCF. EIT explained that Cone provided them some test results that they were running on Section 2 and this project. This is where EIT came up with the values. Based on the gradation that Cone's quality control tester provided, EIT estimated the Phi Angle to be a minimum of 30 on the fill.

05/16/96 PMM
#10

Progress Meeting Minutes: Meeting No. 10

Utility Issues

...Cone brought up the 20" water main that was in conflict with the geo-fab material that was resolved this morning. It will only be in a one foot cut and not the required three foot cut. KCA stated, being it is only about a 300 or 400 foot run, they do not see a problem with this. The City of Lakeland's only concern would be heavy equipment on top of the pipe, but if Cone flags it off, then they do not have a problem with this. The City of Lakeland will inform their inspector on-site of this situation. ...

Outstanding Shop Drawings & Submittals

...The Geotextile Material Shop Drawing submittals were discussed at this morning's meeting. ...

Design Issues / RFIs

...Cone wanted to mention that the one item that they wanted to bring up on the geotextile fabric, pursuant to this morning's meeting, is the permanent condition of the fabric after the surcharge period. Especially, in light of having to put in storm sewer pipe below the fabric after the surcharge period. This fabric will have to be ripped up to put in the storm sewer pipe. PSI mentioned this morning, that the integrity of the fabric had to remain intact after the surcharge period. The Turnpike stated that they could not answer this question at this time, but that they understood it the same way, that once the surcharge period is over, the fabric is not needed. If PSI is changing their position, and it will cost the Department money, then the Turnpike production needs to get involved. Cone will submit a letter on this issue. Cone needs to submit the specific pipes and locations involved with this issue.

Action Items

...Note: CPM Schedule was rejected on May 10, 1996. Cone was reminded, as previously discussed, that a meeting could be set up to discuss the comments. Cone stated that they do not need to meet and that they will submit the schedule. ...

Errors and Omissions

Cone stated that the only errors or omissions encountered in the plans since last week's meeting, was the jack and bore at Pipkin Rd., which was previously discussed under contractor delays.

05/23/96 PMM

Progress Meeting Minutes: Meeting No. 11

Cone stated that the only errors or omissions encountered in the plans since last week's meeting, was the jack and bore at Pipkin Rd., which was previously discussed under contractor delays.

#11

Utility Issues

... **Cone wanted to bring up again if they will be able to plug some of the existing 12" asbestos lines.** Cone needs to submit by letter, which areas they want to plug. Cone added, that since these lines were supposed to be removed by the City of Lakeland, will they cut and grout fill these lines. The Turnpike stated that for this special situation, the City will probably take care of this. Cone needs to submit the specific areas and KCA will send it through the City. Cone wants to plug some of these areas so that their bridge crews will not be delayed.

Outstanding Shop Drawings & Submittals

... The Geotextile Shop Drawing submittals were rejected by PSI at this time, until the items discussed in last week's Geosynthetic Reinforcement Meeting are submitted. ...

The submittal from Cone on the pH range for the select backfill for the geotextile fabric did not address the pH range for the straps for the R.E. wall. Cone needs to clarify their letter, because it was requested to allow a pH range of 3-9, which is not allowable for the straps for the R.E. wall. Cone will resubmit a letter requesting a pH range of 5-10 for the backfill material.

Contractor Delays

Cone stated that they were delayed with weather this past week.

Action Items

... Note: CPM Schedule was rejected on May 10, 1996 and returned to Cone. As discussed earlier, the 3rd submittal is to be submitted by Cone this afternoon.

Errors and Omissions

Cone stated that the only errors or omissions encountered in the plans since last week's meeting have been submitted through RFIs.

An issue came up this morning on the grades for the temporary pavement at the intersection of Harden Blvd. and CSX Access Rd. The grades are being shot today and will be faxed to RS&H this afternoon. RS & H will be coming out tomorrow to look at this situation so that it can be resolved. The problem is in the supers going northbound and southbound on Harden Blvd.

05/29/96 PMM
#12Progress Meeting Minutes: Meeting No. 12Outstanding Shop Drawings & Submittals

... The Geotextile Shop Drawing submittals. Waiting on the revised calculations from Cone, which will include the repair and installation procedures discussed at the Geosynthetic Reinforcement Meeting. Cone stated they should be receiving them on Friday for the east side of the R/R tracks and the submittal for the west side of the R/R tracks should come in about two weeks. It was discussed that the fabric has to be placed west of Harden Blvd., prior to embankment, for which the submittals have not been turned in to RS&H. The area east of Harden Blvd. only requires the instrumentation prior to the embankment, which is now being installed. Also need the revised letter, from Cone, on the pH range for the select backfill for the fabric and the letter for the specific stations and elevations for the partial width embankment construction. ...

Contractor Delays

Cone stated none other than the first two issues discussed above.

Action Items

... Note: CPM Schedule, the 3rd submittal, was submitted by Cone on May 25, 1996 and is being reviewed by KCA. A meeting will be set up on Friday, possibly, to discuss the submittal.

Errors and Omissions

Cone stated that there were no errors or omissions encountered in the plans since last week's meeting.

New Issues / Open Discussion

Cone wanted to bring up that there may be some concern with the VSL walls on this project. There has been a lot of time taken to get in shop drawings and Cone hopes that this will not carry over into delivery of materials. KCA clarified, that at this point, the only delays have been with getting in shop drawings. Cone wanted to further clarify the FDOT's sole supplier was never asked if they could handle the work load and get these jobs up and running. ...

06/03/96 DRB #2

Disputes Review Board Meeting Minutes: Meeting No. 2DESCRIPTION BY THE CONTRACTOR OF:Future Schedule

The main item to be completed, upcoming, is the switching of traffic from Drane Field Rd. to the CSX Access Rd. Cone has given a date of June 17, 1996, as the date of the traffic switch. Cone mentioned that there are some problems to be worked out with the utilities on Harden Blvd., but

Future Schedule

that this is in the negotiation phase and there are no hold-ups on either side.

Potential Problems

Mr. Hanusch, wanted to come back to "Potential Problems" after KCA's discussion of the Contractor's work schedule. Mr. Hanusch brought up a **potential problem** which is not a problem at this time, but could be in the future. He pointed out the bottleneck of utilities along the front side of the R.E. wall, on the west side of Harden Blvd. There is storm sewer pipe, force main casing, small casings for cable tv, and an existing A.C. water line that has to be removed or plugged in a very narrow space. Cone stated that this is the closest thing to a potential problem in that there may be a coordination problem with all of the owners of these utility lines. KCA stated that it has been discussed to possibly cut and plug this water line instead of removing it. ...

DISCUSSION BY THE ENGINEER OF:

Work Schedule As He Views It

... The submittal has just been received for the fabric on the west side of the railroad bridge to open this area up for embankment. ...

Status of Past Disputes or Claims

- A. The first intent to claim is the Polk County Aviation Authority Permit delay. ...
- B. The second intent to claim is the water line that was hit, at the CSX Bridge, by the pile driving operation....
- C. The third issue is unsuitable material / Pond 3 - CSX Access Rd., east of the railroad tracks. ...
- D. The last issue is the unsuitable material - CSX Access Rd., west of the railroad tracks. ...

Potential New Disputes or Claims

Mr. Richardson, with the DRB, asked if there were any new disputes or claims? Cone responded, none, other than what has been talked about. ...

06/06/96	PMM #13	Progress Meeting Minutes: Meeting No. 13
		<u>Contractor Delays</u>
		Cone stated none that they can think of right now.
		<u>Errors and Omissions</u>
		Cone stated that there were no errors or omissions encountered in the plans since last week's meeting.
06/13/96	PMM #14	Progress Meeting Minutes: Meeting No. 14
		(No excerpts)
06/20/96	LTR	EI T
		To Michael Koutsourais of Nicolon-Mirafai - From Michael R. Simac of Earth Improvement Technologies Re: Summary Design Calculations & Construction Drawings Submittal
		On June 13, 1996 Will Hanusch of Cone Constructors, Inc. (Nicolon-Mirfai's [N-M] customer) requested Earth Improvement Technologies (EIT) accelerate preparation of the construction drawings and engineering calculations for the east approach embankment and surcharge area. EIT is pleased to submit six sets of the Engineering Calculations & Construction Drawings for review and approval. Summarized below are some key issues and highlights contained in this submission:
		<ol style="list-style-type: none"> 1.) An underdrain is required in the surcharge area to remove water expelled from consolidating soils beneath the embankment. This has necessitated placing the Base Geotextile layer (type "D" or "E") on a slight grade to promote drainage. The underdrain was designed to attempt to stay just above the groundwater table (El. 137) at the site. 2.) At your (N-M) request we have incorporated two additional geotextile types ("B" and "E"), please see calculation page 45 for design strengths, associated with each. Please submit the technical and quality control data required by the FDOT. 3.) This design prepared by EIT requires geotextile reinforcement from Sta 389 to 390+50 and the Harden Road abutment which are outside the limits indicated in the construction documents. The quantity of this extra geotextile reinforcement is approximately 7,750 sq. yds. of Type "E", 2,200 sq. yds. of Type "D", and 2,300 sq. yds. of Type "B". Should the FDOT not require this reinforcement to be installed based upon engineering recommendations or design performed by others. Please notify EIT in writing of this change as a professional courtesy. 4.) EIT calculated bearing capacity safety factors of about 1.5 in the surcharge embankment area for the proposed surcharge height. Although this is below the desired 2.0 safety factor, recommendations or design performed by others. Please notify EIT in writing of this change

the specific purpose of the surcharge program to improve those soils. Therefore, these safety factors are acceptable to proceed with construction under the surcharge placement and monitoring program outlined in the project specifications.

- 5.) *The increased weight of the embankment fill could affect both the rate of fill placement and the final design height of the surcharge fill to obtain the target consolidation settlements. Neither of these factors were considered in this design being submitted.*

Outside the surcharge areas the increased weight of fill may provoke additional settlement that could impact other aspects of the overall project design. Please notify the appropriate parties of this change.

- 6.) *EIT's global stability analysis in the vicinity of the MSE walls has indicated low (< 1.5) safety factors for circles above the geotextile reinforcement but below and through the steel reinforcement. Although this behavior does not appear to threaten performance of the structure, since safety factors are generally above 1.4, the low shear strength ($\phi = 30$ degrees) embankment fill has an influence on that mode of failure and the wall designer, VSL, should be made aware of this possible failure mode. This is not a part of the embankment foundation reinforcement design.*
- 7.) *On the south (right) side of the east approach and surcharge embankment, there are temporary and permanent 2:1 (H:V) side slope from Station 374+50 to 390+50. These side slope varies in height from 5 to 30 feet. The factor of safety for shallow slope circles varies from 1.15 to 1.25. This is below the minimum 1.5 safety factor required for the other structures (walls and foundation) that make up the highway embankment. Since this stability problem is created by using a low strength ($\phi = 30$ degrees) soil, on a steep (26.5 degree) slope and not related to foundation stability, it has NOT been considered part of the embankment foundation reinforcement design. This slope is a perfect candidate for geotextile slope reinforcement. EIT would be pleased to provide the additional design services to develop a reinforcement layout.*

These calculation and drawings were prepared without the benefit of receiving final comments and/or approval from the Florida DOT (FDOT) or the Florida Turnpike's representative (PBSJ) on the amended submittal (dated May 30, 1996) for the west approach to the CSX railroad overpass.

EIT was waiting on these comments, as previously agreed to by N-M and Cone, in order to streamline the approval for the east side. With this submittal EIT has attempted to respond as quickly and professionally as possible to meet this change in Cone's submission schedule.

06/20/96 PMM
#15

Progress Meeting Minutes: Meeting No. 15

Utility Issues

... Cone brought up RFI No. 54 that dealt with the proposed 16" forcemain within the surcharge area. RS&H has discussed this with Greiner and they will probably allow Cone to install the 16" forcemain prior to the installation of the fabric and surcharge, east of the railroad. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal No. 258, should be going out of Post Buckley's office tomorrow. ...

Design Issues / RFIs

... RFI Nos. 53 and 54 are at RS&H for review and should be coming back early next week. ...

Maintenance of Traffic / Safety Issues

... Cone was asked, if they are going to modify the maintenance of traffic phasing on Harden Blvd.? Cone responded possibly. KCA stated that Cone needs to submit a proposal on this so that it can be reviewed by RS&H. CSX was contacted and the railroad signals will be switched on Wednesday, June 26, 1996. ...

Pending Issues / Claims

... Intent to Claim No. 4, filed on June 18, 1996, CSX Railroad utilities impact. KCA stated that the only two conflicts are the three piles that cannot be driven because of the video house and the 8" CSX waterline. Cone stated that there are piles on the north side that cannot be driven because of the CSX little "shack". KCA replied that Cone's bridge superintendent stated that the only two conflicts are the video house on the south side and the waterline on the north side. Cone also mentioned that GTE cable is now a conflict. This will be checked into after the meeting to see if it is a conflict. GTE will also be contacted. KCA clarified with Cone, if the crew is impacted now? Cone responded no, but these issues may cause an impact. KCA also mentioned that some piles may not be able to be driven because of the existing 12" watermain and 16" forcemain. Cone is just putting us on notice that they could be delayed, but they are not at this time.

Contractor Delays

Cone stated none other than rain.

Errors and Omissions

Contractor Delays

Cone stated that there were no errors or omissions encountered in the plans since last week's meeting.

06/27/96 LTR NI C To Will Hanusch of Cone Constructors, Inc. – From Greg Roscoe of Nicolon-Mirafi
Re: High Strength Geotextile Requirement

In response to your letter dated June 25, I have the following comments.

1. *The proposed underdrain system was recommended in the PSI report, but not specifically in the project specifications. The specifications imply the use of drainage materials but do not specify an underdrain system. We believe this is either an oversight in the specifications or it was deemed unnecessary by FDOT. Per our teleconference this morning, we will remove the underdrain system from the plans and include a note referring to drainage of the embankment design as not being in the scope of our design. This should put the responsibility on FDOT to accept the design as is, or issue a change order to Cone to include a drainage system.*
2. *Nicolon-Mirafi is not responsible for the cost or installation of any drainage system or any components (i.e., sand) of a drainage system.*
3. *The base geotextile layer is an exact elevation per our plans if a drainage layer is required. Our revised plan as outlined above will require the base layer of geotextile at a maximum elevation.*
4. *All upper layers of geotextiles will be fixed to the base layer elevation. There will be a tolerance of 6" where the geotextile may coincide with steel reinforcement for the MSE wall structures.*
5. *The issue of 7,000 lb/ft material versus 8,000 lb/ft material in the West Section submittal is being corrected today. We will replace only sheet NM-3. We will include a letter from Mike Simac explaining that this change will not have an impact on the design calculations. You should receive these corrections no later than Tuesday, July 2. Furthermore, the same mistake in the East Section submittal will be corrected and resubmitted with the adjustments previously mentioned regarding the underdrain system.*

Further to our teleconference this morning, our resubmittal of the East Section should leave our office Wednesday, July 3 and arrive on Friday, July 5, if you are working, or Monday, July 8. I will update you if we have any problems meeting this schedule.

Also, in your letter #9604-358, you asked for us to mobilize our installation crews to be on site July 8, provided the West Section submittal gets final approval. However, in letter #9604-360 of the same date, you asked us to be prepared to mobilize for installation of both East and West Sections on August 5. Please clarify your needs for installation schedules. If you need us there on July 8, I need to know by tomorrow, June 28. (Hand Note: Called Greg R. on Monday, 1 July 96 and informed him not 8 July 96. Signed NJH)

06/27/96 PMM #16

Progress Meeting Minutes: Meeting No. 16

Utility Issues

... Cone was reminded to submit a letter to give the exact locations of the portions of the 12" asbestos water line that they propose to leave in place and grout. This will have to be treated on a case by case issue. The section of water line on Harden Blvd. in front of the piles is no longer an issue because there was no water line discovered in this area. ...

Cone wanted to discuss the water and sewer lines within the surcharge areas that was discussed last week. It has been agreed by all parties that the 20" watermain could be installed prior to the surcharge period but there has still been discussions on the 16" forcemain which is further within the surcharge area.

The RFI came back that the line could not be installed until after the surcharge period. Cone stated that the water and sewer lines have to be removed to construct the CSX Bridge. Cone explained that the existing watermain and forcemain run directly through the pier footer. The City of Lakeland stated that if the new forcemain is installed and the surcharge damages the line, the City will not pay to have it fixed. Cone responded that neither will Cone. The City stated they would rather install the new forcemain and surcharge instead of leaving in the existing line. The City of Lakeland will get with Greiner and resolve this issue. Cone would like to install the new forcemain immediately. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures. Resubmittal No. 258, was returned approved as noted on June 25, 1996 but was rejected based on the strength of the fabric. It changed to 7,000 PSI and the minimum is 8,000 PSI. Cone stated that it is being revised and they will resubmit. Cone was asked, if they have received the results for the tests on the backfill material for the Geotextile fabric? Cone responded that they will get this tomorrow or Monday. The Phi Angle result came back as 32°. The gradation came back satisfactory also. ...

Design Issues / RFIs

... RFI No. 54, the 16" forcemain within the surcharge area, was discussed earlier. ...

... Cone responded that they will get this tomorrow or Monday. The Phi Angle result came back as 32°. The gradation came back satisfactory also. ...

06/28/96 LTR EIT To Michael Koutsourais of Nicolon-Mirafi – From Michael R. Simac of Earth Improvement Technologies
T Re: Removal of Underdrain System and Adjustments to Fill Placement Procedures in Mined Areas (Sta. 374 to 391)

This letter is to clarify the proposed filling procedure for the mined areas (Station 374 to 391) that was developed in response to CONE Constructors Inc. (CONE) request, that the underdrain system for the mined area be removed. This request occurred during our telephone conference of June 27, 1996. At Nicolon-Mirafi's suggestion, Earth Improvement Technologies (EIT) has placed the responsibility for controlling the rate of fill placement on the Florida Department of Transportation (FDOT). Their responsibility will be to keep the pore pressure increase in any foundation stratum to a maximum rise equivalent to where the underdrain system would have been placed. (i.e., one foot below the base (bottom) geotextile layer). This becomes an additional criteria that the FDOT Engineer, or their duly appointed representative responsible for reading the geotechnical instrumentation and interpreting the data, will utilize to control the rate of fill placement. The authority of the FDOT engineer to control the rate of fill placement is clearly established in Section 120.4 of the Technical Special Provisions of the contract specifications. This additional criteria to follow is provided for the FDOT Engineer in new Note 16 on sheet NM-9 of the drawings.

Although this fill placement procedure/criteria eliminates the need for the underdrain, it may increase the time required to place the embankment/surcharge fill. CONE should determine what impacts, if any, this would have on their overall construction schedule. It is impossible at this time with the limited information and soil parameters available, for EIT to predict what increase in time may be involved. Generally, the base geotextile elevation and fill placement criteria provides for an additional head increase of more than 2 feet over most of the east embankment area, including those portions of the site where surcharge fill is to be placed. This may or may not be adequate to maintain CONE's original fill placement schedule depending on how the underlying stratum responds to the increased loading.

An exception to this general behavior is from Stations 383 to 387 (right of centerline) where the maximum head increase will be further limited to 1 or 1.5 feet. Conceptually, fill could be placed much more slowly in these areas since the change in grade is smaller and there is no surcharge fill or extended loading period required in this embankment area (Sta 383 – 387) under the contract specifications. However, as described above, CONE should determine what impacts, if any, this choice has on their construction schedule and contract.

As per N-M instructions to comply with CONE's request to remove the underdrain system, some adjustments were made in the geotextile reinforcement layout and quantity of reinforcement required. In making those adjustments, a stable structure meeting the project specification requirements is obtained for the groundwater conditions and pore pressure regime created by the proposed construction operations using the guidelines established in Note 16 of sheet NM-9. Should fill placement operations proceed at a rate which violates this established criteria, performance and/or stability of the surcharge or permanent embankments may be effected.

Since the proposed monitoring procedure for controlling the fill placement operations is already a stipulated provision of the construction specifications (see Special Technical Provision Section 120.4), a request for clarification on underdrain requirements is unnecessary from EIT's perspective. EIT proposes to mention the monitoring requirement in the design calculation summary accompanying the design submittal, which should be sufficient along with the note on the drawings to make the FDOT aware of the additional criteria for fill placement. If the FDOT is uncomfortable with this additional criteria, within their contract stipulated responsibility to control the fill placement operations, it could be alleviated by FDOT specifying an underdrain system as recommended by PSI.

07/03/96 PMM
#17

Progress Meeting Minutes: Meeting No. 17

Utility Issues

... Cone asked, if they had approval to place the 16" forcemain in the surcharge area before the surcharge is placed? KCA responded this decision was sent back to Cone with RFI No. 54

Cone mentioned they submitted two RFIs this morning dealing with utility conflicts as well as a letter for a request to avoid another conflict. Cone stated that this letter deals with a request to lower the 16" forcemain approximately three feet to avoid the fabric. KCA stated they thought that this issue was addressed previously, and that the fabric would be laid over the forcemain. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal No. 258, was returned approved as noted, June 25, 1996, but was rejected based on the strength of the fabric. Cone resubmitted the plan sheets yesterday with the revised strength of the fabric. This should resolve this submittal. ...

The Turnpike asked Cone, if there was anything else required from the Turnpike for the Geosynthetic fabric submittal, west of the railroad tracks? Cone responded that they got the answer they needed from KCA and will be submitting these drawings on Monday or Tuesday of next week.

Errors and Omissions

The Turnpike asked Cone, if there was anything else required from the Turnpike for the Geosynthetic fabric submittal, west of the railroad tracks? Cone responded that they got the

Cone stated that there were no errors or omissions encountered in the plans since last week's meeting other than the RFIs discussed earlier.

New Issues / Open Discussion

... Cone requested that, for the area between the railroad tracks and Harden Blvd., they be allowed to place a couple of feet of embankment, to fill in the low spot. KCA asked Cone, how would this effect the placement of the fabric? Cone responded that the existing ground elevation is about 139 and the elevation of the fabric is 145. Cone will check the design of the fabric when it comes in this week to verify this elevation. KCA stated that they do not see a problem with this, but will check with the Turnpike Geotechnical Engineer. ...

07/03/96 LTR

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To Michael Koutsourais of Nicolon-Mirafi – From Michael R. Simac of Earth Improvement Technologies

Re: **Summary Design Calculations & Construction Drawings Submittal**

Pursuant to our telephone conference with Cone Constructors, Inc. (CONE) on June 27, 1996 Earth Improvement Technologies (EIT) has completed preparation of the construction drawings and engineering calculations for the east approach embankment and surcharge area. EIT is pleased to submit six sets of the Engineering Calculations & Construction Drawings for review and approval. Summarized below are some key issues and highlights contained in this submission:

- 1.) Construction over the soft (mined) soils from Sta. 374 to 391 will be controlled by the surcharge placement specification (special technical provision 120.3). The Nicolon-Mirafi (N-M) geotextile reinforcement design prepared by EIT takes advantage of the geotechnical instrumentation and monitoring program, which will control the rate of fill placement. The N-M design requires that the pore pressure in all underlying foundation stratum, converted to an equivalent pressure head, NOT be greater than the base (bottom) geotextile elevation less one (1) foot. This additional criteria is expected to have an effect on rate of fill placement. (See note 16 on Sheet NM-9 of the submittal drawings for more details.)
- 2.) At your (N-M) request we have incorporated two additional geotextile types ("B" and "E"), please see calculation page 45 for design strengths, associated with each. Please submit the technical and quality control data required by the FDOT.
- 3.) In compliance with contract specifications (Sections 120A & 145A-1) and drawings (Sheet E-5) geotextile reinforcement is NOT utilized beyond Sta. 389. This area near the Harden Blvd. abutment has slightly deficient safety factors, as explained in EIT's letter of July 1, 1996. That letter also provided several alternatives to alleviate potential instability problems. CONE should proceed cautiously in this area while discussing alternatives with FDOT.
- 4.) EIT calculated bearing capacity safety factors of about 1.5 in the surcharge embankment area for the proposed surcharge height. Although this is below the desired 2.0 safety factor, the specific purpose of the surcharge program to improve those soils. Therefore, these safety factors are acceptable to proceed with construction under the surcharge placement and monitoring program outlined in the project specifications.
- 5.) The increased weight of the embankment fill could affect both the rate of fill placement and the final design height of the surcharge fill to obtain the target consolidation settlements. Neither of these factors were considered in this design being submitted. Outside the surcharge areas the increase weight of fill may provoke additional settlement that could impact other aspects of the overall project design. Please notify the appropriate parties of this change.
- 6.) EIT's global stability analysis in the vicinity of the MSE walls has indicated low (< 1.5) safety factors for circles above the geotextile reinforcement but below and through the steel reinforcement. Although this behavior does not appear to threaten performance of the structure, since safety factors are generally above 1.4, the low shear strength ($\phi = 30$ degrees) embankment fill has an influence on that mode of failure and the wall designer. VSL, should be made aware of this possible failure mode. This is not a part of the embankment foundation reinforcement design.
- 7.) On the south (right) side of the east approach and surcharge embankment, there are temporary and permanent 2:1 (H:V) side slope from Station 374+50 to 390+50. These side slope varies in height from 5 to 30 feet. The factor of safety for shallow slope circles varies from 1.15 to 1.25. This is below the minimum 1.5 safety factor required for the other structures (walls and foundation) that make up this highway embankment. Since this stability problem is created by using a low strength ($\phi = 30$ degrees) soil, on a steep (26.5 degree) slope and not related to foundation stability, it has NOT been considered part of the embankment foundation reinforcement design. These 2:1 (H:V) slopes are perfect candidates for geotextile slope reinforcement. EIT would be pleased to provide the additional design services to develop a reinforcement layout.

07/11/96 DRB #3

Disputes Review Board Meeting Minutes: Meeting No. 3

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

... Not too many large items have changed since the last meeting but Cone is striving to get utilities tied in to get existing utilities out of the way in the CSX Bridge area. All of the utilities

DESCRIPTION BY THE CONTRACTOR OF:

have to be removed in this area to build the footers. ...

...

Future Schedule

... The DRB asked Cone, in regards to the utilities, are they causing a delay? Cone responded that they are costing them time, because they have to stop each time to get a resolution. The DRB asked Cone, specifically, which utilities have been a problem? Cone responded that there were conflicts at Drane Field Rd. and Pipkin Rd. Also GTE is working in the same area as the 20" watermain, but they should be able to work together. The 16" forcemain, which has to be lowered 3 feet, as discussed in the Progress Meeting, has to be tied in and also the watermain needs to be tied in to be able to remove the existing utilities.

These utilities are in the way of the CSX Bridge footers. Cone stated, as discussed in the progress meeting, they have to grade the area east of the railroad, within .20 of a foot for the fabric. The Turnpike asked Cone, why is their design more stringent on the east side of the tracks than it was on the west side of the tracks? Cone responded that they were not sure, but they need to get the fabric in and the rest of the utilities in. The area is essentially at grade but needs to be balanced on the east side of the tracks. The Turnpike asked Cone, if their designer was asked if there was any latitude in the grades? Cone responded no, not yet, but the designer thinks there is more evidence of mining on the east side.

The DRB, wanted to clarify that the jack and bore operation at Harden Blvd. is delaying the switch of the traffic because of the temporary pavement in the median. Cone agreed with this. The DRB went on to say that the utilities are an ongoing problem but are concurrent with the jack and bore operation. Cone stated that it was a good possibility that the jack and bore could have been completed by now if all of the utilities from Pipkin Rd. to Harden Blvd., had not been a continuous problem. These utilities do not have to do with the switching of the traffic but have to all be tied in before the existing utilities are removed. There are existing utilities below the surcharge and the plans state that you cannot put the new utilities in prior to the surcharge, so they have had to stop and go back to the designer to resolve this issue. The Turnpike mentioned that putting in the 16" forcemain before the surcharge is not an issue yet, until the watermain is installed. Cone reiterated that there have been a lot of problems from Pipkin Rd. on up. ...

The DRB asked Cone, if these delays due to the utilities, are affecting the completion date of the project down the road? Cone responded that they could not answer this question right now, but the utilities are critical because they are holding up the surcharge that has to be in place for six months. The Turnpike stated that there are other factors for the delays other than the utilities, such as the submittals for the fabric on the east side of the railroad tracks which was just submitted and should have been submitted a while back. ...

The DRB wanted to clarify, not to belabor the point, but to make sure they were clear in their mind, regardless of the rest of the utilities, was the crossing at Harden Blvd. keeping Cone from opening up the CSX Access Rd.? Cone responded yes. ...

...

07/11/96 PAM
#18

Progress Meeting Minutes: Meeting No. 18

Utility Issues

... KCA stated that the request from Cone to lower the 16" forcemain from CSX Railroad to Harden Blvd., needs to be revisited by Cone. If the line is lowered 3 feet it will still be above existing ground. Cone stated that in looking at the fabric drawings, the elevation of the fabric goes from 139 to 145 and needs to be within 0.2 of a foot. Cone will have to bring fill in and balance the whole area before placing the fabric. Cone stated they will look at the fabric grades and the pipe and the three feet of cover issue and get back with KCA. KCA stated that they need to get with the City because the forcemain may be as deep as 10 feet if it is lowered below the fabric. The City stated they will review this issue once the facts are known. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal No. 258, were resubmitted by Cone on July 2, 1996. Cone also submitted the test results of the select fill material for the fabric yesterday. ...

Design Issues / RFIs

... All RFIs up through No. 54 and No. 56 have been responded to and returned to Cone. ...

Contractor Delays

Cone stated none other than the 60" RCP headwall mentioned earlier.

Errors and Omissions

Cone stated that there were no errors or omissions encountered in the plans since last week's meeting other than the 60" RCP headwall discussed earlier.

New Issues / Open Discussion

... Cone asked, what was the status of the change on the pH range for the fill for the fabric? KCA responded that the package was sent from the Turnpike office to Tallahassee, for Mr. Goodman's review. Cone stated that there were no errors or omissions encountered in the plans since last week's meeting other than the 60" RCP headwall discussed earlier.

signature. Once this is signed, a Change Order will be processed. The Turnpike mentioned that the results were received from the fill from the pit, but this does not resolve the issue with the fill on-site. Cone stated that the pH issue will be resolved with the Change Order, but the organic content is a problem. The test results from the pit were less than 1 and the test results from on-site were greater than 2. KCA stated that Cone and KCA will take a joint sample on-site and send it to the lab to be analyzed.

07/19/96 PMM
#19

Progress Meeting Minutes: Meeting No. 19

Utility Issues

... The City of Lakeland stated to Cone that in the last progress meeting, the 16" forcemain, that is in conflict with the fabric on the east side of the railroad, was discussed. In the last meeting it was discussed that Cone would stake the area out with the grades and the City would look at it to possibly lower the 16" forcemain. KCA stated that this was discussed in the meeting with Greiner and the City, earlier this week, and it was decided to place the 16" forcemain two feet below the final grade of the bottom layer of the fabric. Cone stated that the grades have been provided to KCA. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Will start VSL Wall No. 3 on the west side of Harden Blvd. Cone stated that they are switching to Wall No. 3 until they remove the existing 30" DIP watermain. The City stated again that Cone's superintendent is aware of this line because they met twice out in the field to discuss it. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal No. 258, were resubmitted by Cone on July 2, 1996. This is still at RS&H. Cone stated that both geotextile fabric submittals were top priority. ...

The Geotextile Shop Drawings, east of the railroad, Submittal Nos. 262-264, were submitted on July 10, 1996.

Cone requested that KCA inform RS&H that the Geotextile Submittals on Section 3A are top priority as with the walls on Section 3B. ...

Pending Issues / Claims

... KCA explained this is why the two-week look ahead schedule is helpful. There have been no bridge activities on the schedule and if the mass concrete pour was on there two weeks ago, the paper work may have been resolved by now. The Turnpike asked Cone, when will they be driving piles on Section 3A? Cone responded they did not know, they have several rigs for each section. The Turnpike stated there is only one pile driving hammer approved. KCA stated that they need to know the pile driving schedule, because there are a couple issues to resolve in this area. All of the railroad utilities have been moved unless Cone sees something that is still in the way. Cone stated that as of Wednesday all of the railroad utilities have been moved. ...

Intent to Claim No. 6, filed on July 16, 1996, surcharge on the 16" forcemain, the response for the request for change came back that the 16" forcemain could be installed before the surcharge, but any damages to the pipe would be Cone's responsibility. Cone's position is that it will not be their responsibility. This is not an issue yet, but Cone has put us on notice in case there are any damages incurred. ...

Errors and Omissions

Cone stated that there were no errors or omissions in the plans since last week's meeting.

New Issues / Open Discussion

Cone stated that they know that the CPM Schedule has been submitted late and with the estimate cut-off on Sunday, they had heard a rumor that payment may be withheld. Cone asked if this was a fact? KCA responded that this will not be known until the estimate is submitted and a final decision has been made. Cone stated that certainly, KCA is recommending that the payment not be withheld. KCA explained that their recommendation is going to have to be to withhold the estimate. The CPM Schedule was due on June 25, 1996 and there have been several meetings to discuss the issues that needed to be addressed and there is no way that KCA can adequately review the schedule in two days. ...

07/25/96 PMM
#20

Progress Meeting Minutes: Meeting No. 20

Progress of the Contractor (This Past Week)

... Continued installation of the watermain and forcemain between the railroad tracks and Harden Blvd. ...

Future Work Plan / 2 Week Look Ahead Schedule

... KCA stated that last week, Cone was asked to find out about their pile driving schedule for the CSX Bridge. Cone stated that their bridge superintendent stated that they were not coming back in until all of the utilities were moved out of the way, GTE, watermain, forcemain, etc. KCA stated that all of the utilities were out of the way except for the water and sewer which is Cone's work. Cone stated that this is correct, but how about GTE? GTE responded that this area was trenched

... KCA stated that last week, Cone was asked to find out about their pile driving schedule for the CSX Bridge. Cone stated that their bridge superintendent stated that they were not coming back in

up and KCA surveyed it yesterday and the cable can be worked around because it is above the footer. This cable has to stay in service, the one cable, but all of the other conduit and cable have been removed. KCA stated that this has been resolved. Cone stated again, that they will be back in when all of the utilities are out of the way. KCA reiterated that all of the utilities are out of the way, except for the water and sewer, and that is Cone's work. Cone acknowledged that the water and sewer work was theirs, but asked about the water meter from the railroad. KCA responded, that as discussed last week, the water meter cannot be relocated until the new 20" watermain is activated. This is part of the JPA work. If this is a problem, the City may be able to do something temporary to help out, but this is part of the JPA work and that is why the pile driving schedule is needed. Cone stated that they will look at it again and get back with KCA. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal No. 258, were sent to RS&H, by KCA, on July 23, 1996. Cone does not know what happened with the original submittal that was sent on July 2, 1996, but will check on Monday and send new sepias. RS&H will review the copy sent by KCA, but will not send them out until the sepias are received. ...

The Geotextile Shop Drawings, east of the railroad, Submittal Nos. 262-264, were submitted on July 10, 1996. RS&H stated that these will be sent to Post Buckley this Friday. ...

Design Issues / RFIs

... All of the RFIs up through No. 61 have been responded to and returned to Cone. ...

Pending Issues / Claims

... Intent to Claim No. 4, filed on June 18, 1996, CSX Railroad utilities impact. KCA stated that this has been discussed as it has evolved. This was filed by Cone in case the utilities were not moved out of the way of the pile driving operations at the CSX Bridge. As discussed earlier in the meeting, all of the utilities are out of the way except for the water and sewer, which is part of the JPA work. ...

Intent to Claim No. 6, filed on July 16, 1996, surcharge on the 16" forcemain. The City of Lakeland asked KCA, what was the significance of this intent? KCA responded that it was decided to install the new 16" forcemain now instead of surcharging the existing line. Greiner's response was that it was okay for Cone to install the forcemain prior to the surcharge, but if there were any damages to the line, it would be Cone's responsibility to fix. Cone has put us on notice that it would not be their responsibility if the line is damaged. The City stated that they could have taken the position to build it according to the original plans. Cone stated that if they could not install the line now, their operations would be impacted down the road. KCA stated that the decision was made to expedite the project. The stance would have been to surcharge the existing forcemain, but then it would not have been Cone's responsibility if this line would become damaged. The City agreed that it would be better to surcharge the new forcemain as long as there will be no costs to the City. ...

Errors and Omissions

Cone stated that there were no errors or omissions encountered in the plans since last week's meeting other than the RFIs submitted. ...

08/01/96 PMM
#21

Progress Meeting Minutes: Meeting No. 21

Progress of the Contractor (This Past Week)

... Continued installation of the forcemain between the railroad tracks and Harden Blvd. ...

Future Work Plan / 2 Week Look Ahead Schedule

... KCA also asked Cone, was there any update on their pile driving schedule for the CSX Bridge? Cone responded that they did come up with a schedule, but they were still working on it to get it printed, but as they recall it will be some time in October. KCA stated that the reason they asked was that two issues could be handled temporarily, but if Cone was not driving until October there was no sense in wasting the money. KCA stated that Cone could get in there now to drive piles, as stated last week.

The Turnpike asked Cone, when will the watermain and forcemain, from CSX Railroad to Harden Blvd., going to be activated? Cone responded that the water tap will be on the 7th and then they will pressure test, chlorinate and send off the bact test. The forcemain can be installed into the lift station east of Harden Blvd. and then they have a couple of conflict boxes in this area that they are addressing to get built. When this is completed they can activate the line. The Turnpike stated the reason they asked is so that the City of Lakeland can be given their two-week notice for the removal of the existing 12" AC watermain, so at best we are 2 weeks away and possibly longer.

Cone stated that they were going to bring up in the new issues that Cone is looking at possibly, after meeting with the City of Lakeland, going ahead with their work from Pipkin Rd. to the railroad tracks. They will go on with the fabric and embankment and Cone will take the liability if the existing watermain or forcemain breaks. Once they were completed with this work, they would request to grout fill these lines. The City of Lakeland stated that their stance was, that they do not have a problem with this, but they would write a letter to the Department stating they were not responsible for the line and they would not have to dig it up at a later date. KCA stated that at one time it was mentioned that it was all right to plug the AC lines for short distances, but not long if the existing watermain or forcemain breaks. Once they were completed with this work, they

distances. The City of Lakeland stated that they did not think there was any specific length involved, they just do not want to have to dig it up at a later date. Cone explained that in looking at the cross sections that there was only 4-5 ft. of fill in these areas, so there would not be a big load on these lines. The Turnpike stated that it was their understanding that Cone was to provide the locations of where they want to leave the lines in place and grout them so that the legal department can take a look at them, if they were going to provide a letter for release of responsibility. The City of Lakeland stated to the Turnpike that their position was that when Cone was through and the City gets their permit, that any lines they have in there belong to the City. They were only saying that the lines that were grouted would not belong to them. The Turnpike stated that these lines would belong to the City but any removals that were required would be done by the State. The City of Lakeland stated that was not in accordance with the FDOT Utility Accommodation Guide, that the city would own the lines. The Turnpike asked Cone, if the Turnpike said Cone could not grout the lines, what would be the time frame to get the new lines activated to facilitate removal of the old lines? Cone responded about 5 weeks.

The Turnpike asked Cone, how would they drive piles at CSX Railroad, west side, with the fabric in, as discussed before with the pile template legs? KCA explained that Cone had a procedure for stopping short, keeping the fabric rolled up and covered, driving the piles and then placing the fabric by the piles with slits in the fabric. This procedure should be in the installation plan for the fabric. ...

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal Nos. 257 and 258, were sent to RS&H, by KCA, on July 23, 1996. KCA talked to RS&H and they were ready to go out as soon as Cone submitted the sepias as required. Cone stated that they were going to Fed-Ex them directly from Nicolon Mirafi. ...

The Geotextile Shop Drawings, east of the railroad, Submittal Nos. 262-264, were submitted on July 10, 1996. KCA talked to RS&H and they stated that the calculations were approved by RS&H but the drawings were rejected and sent to Post Buckley on July 30, 1996. The drawings were missing some elevations. ...

Design Issues / RFIs

... All of the RFIs up through No. 61 have been responded to and returned to Cone. ...

Pending Issues / Claims

... Intent to Claim No. 4, filed on June 18, 1996, CSX Railroad utilities impact. KCA stated that this was discussed briefly today and was discussed in the previous weeks. All of the utilities are out of the way except for the water and sewer, which is part of the JPA work. ...

Intent to Claim No. 6, filed on July 16, 1996, surcharge on the 16" forcemain. KCA stated that this will not be an issue unless there is damage to the 16" forcemain after the surcharge period.

Contractor Delays

Cone stated that they will have future delays if they cannot make payment to their subcontractors and material suppliers, then there will be some definite delays on the job. The Turnpike stated all of the JPA work was paid for, so there was nothing associated with this that would be a problem. Cone stated this was only a small part of the job. The Turnpike responded they were just making a statement. KCA stated they understood Cone's concerns. Cone stated that it was a choke hold. KCA responded it was not a choke hold, that the schedule was due on June 25, 1996 and it was not submitted until July 18, 1996. Cone stated it was back in their court as of today, because it is marked on the agenda, rejected as of today, so the time starts ticking again. KCA stated that when the same comments are being made since the first submittal, and they are not being addressed, then it should not be in KCA's court anyway. ...

Cone stated to keep in mind that every time you have a problem on the job, it affects the schedule. For instance, the RECO wall delays they were incurring, because the supplier cannot deliver their product, was affecting their schedule. Cone stated that if everything was perfect, no delivery problems or design flaws, they could submit the schedule on the day of the bid. Based on what they know at this time, it is making a good schedule, a schedule the owner can rely on, more than just waving a wand and expecting it to happen. ...

The Turnpike stated the purpose was to have the schedule to anticipate what was going to be built and when it was going to be built. Cone stated they do have a schedule, but the Turnpike just does not like it. ...

Cone asked, if the item concerning the fabric had been gone over? KCA responded yes. Cone also asked, if someone could enlighten them as to why the Turnpike's designer was holding Cone up? KCA responded they were not holding Cone up. The west side was approved by RS&H, but were waiting for the sepias from Nicolon so that they can be distributed to Post Buckley. Cone asked, what about the east side? KCA responded the calculations for the east side were approved but the drawings were rejected and those were being sent back to Cone. Cone wanted to know, so that they could understand it, that it was the Turnpike's designer that is the manufacturer. The Turnpike responded that it was Cone's designer. Cone stated they were the sole source in the plans. The Turnpike stated they were not the sole source, there were three or four sources. Cone asked, if the manufacturer was the one approving the drawings? KCA responded no, it was RS&H, the engineer of record, reviewing them. Cone stated the manufacturer that the Turnpike was talking about, that they could understand it, that it was the Turnpike's designer that is the manufacturer. The

spiced out to them cannot get their design right. KCA stated that the last drawings were rejected, as discussed with RS&H, because there were elevations missing on the drawings.

Cone stated to the Turnpike that they forced them to use these characters. The Turnpike responded this was not true. Cone made a choice at the time of bid. Cone stated the Turnpike gave them a list of two (it was clarified as four), so they picked the lesser of the few evils, and they picked a manufacturer that had a design that the Turnpike accepted and Cone cannot get the design approved. Cone stated that in looking at the big picture, the Turnpike was spending all of their emphasis on holding Cone's estimate and not dealing with the real issues that were affecting this contract. Cone also stated they have the east end of the project, from the bridge, that they cannot do anything with until the fabric was approved. The Turnpike responded it could have been submitted three or four months ago. Cone explained that the design was delayed because the east side incorporated a lot of features that Cone would not have been paid for and was totally different from the plans. Their designer was designing all over the place, outside of the areas shown in the plans.

Cone stated the point they were making was that this was a big issue as far as getting this job built and we swept this under the carpet. Instead of holding Cone's money, which was a big issue to the Turnpike and a bigger issue to Cone, if we could focus this time with Bill Adams and some of the other folks on getting this submittal approved. KCA stated they met with Cone and their designer two or three months ago and spoon fed them on what to submit and they did not. Cone's general superintendent stated that he does not come to all of the meetings and he does not read the specs specifically on this issue, but in listening to what was going on, was that the Turnpike gave Cone four suppliers in the specs. Cone chose one of the four suppliers that was put in the specs. Cone did not pre-qualify them or know anything about their ability, but they chose one and they cannot perform and it is Cone's fault. The Turnpike responded that Cone controls when the supplier gets a subcontract and Cone controls when they get the product in because they pay them, so it is under Cone's control.

Cone stated the supplier cannot get the job done, listen to KCA, they said they spoon fed them two or three months ago. The first submittal did not comply with the plans. Cone also stated they told Charlie Wegman who they were using and Charlie said these guys were horrible to work with. The Turnpike stated this was not true. Cone stated that we all know the guy cannot get the job done, yet we were not assisting in getting this approved. The Turnpike stated this was the first time Cone has come in and said they were having a problem with the supplier. Cone stated this was incorrect, that they had a special meeting just for that about a month ago with Joe Chao and the Turnpike was invited and did not show up. KCA stated that meeting was to discuss some of the issues on the east side. Cone did not state that the supplier was incompetent. Cone responded that KCA said they were incompetent, because three months ago they were spoon fed. KCA clarified what they meant by spoon feeding was that they were helping them out in the partnering effort in trying to get the submittals approved. Cone responded put the partnering effort crap aside, Cone cut out partnering when they did not get paid. Cone stated they did not know they were incompetent, they assumed at the time they negotiated with them that they were competent. The Turnpike asked Cone, if they had a contractual agreement with the supplier? Cone responded yes. The Turnpike then suggested that maybe Cone should start exercising it.

Cone just wanted to state that these were the real issues out here, not the CPM schedule that was not going to get the job built. No matter how many times they submit the CPM schedule, it was not going to get the job built. Cone also stated that if you cut off Cone's cash flow out here, you were going to see a decline in productivity. ...

Errors and Omissions

Cone stated that the one that comes to mind is Pond 5 and the possible re-design, because of the slime that was found. KCA stated that they were going out after the meeting with RS&H to look at the pond.

New Issues / Open Discussion

Cone stated that there was a comment made that there was a possibility that the Department was looking at dropping a lot of surcharge in the area between CSX Railroad and Harden Blvd. Cone asked, if there was any truth to that? KCA responded no, that it was just off the cuff. Cone stated that if this was the case it would certainly accelerate the overall progress of the contract, if it could be eliminated. The Turnpike stated the only potential for this would be if there was no settlement.

...

08/08/96 DRB #4

Disputes Review Board Meeting Minutes: Meeting No. 4

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

Cone stated some of the items which have been accomplished since the last meeting has been that they have poured some footers at the CSX Bridge. They went ahead with the embankment and surcharge at the east end of the project. Added storm sewer throughout the project and started curb and gutter at the beginning of the project. Also opened the detour, which was the biggest thing since the last meeting. Cone stated typically, the normal progression of the items in the contract.

Current Status of Work Schedule

curb and gutter at the beginning of the project. Also opened the detour, which was the biggest

... As far as Cone knew, all of the items were incorporated into the schedule and the schedule was about to be resubmitted again tomorrow. ...

DISCUSSION BY THE ENGINEER OF:

Work Schedule As He Views It

... One of the concerns that KCA had for the future work would be for Cone to get the S. Frontage Rd. completed. ...

Status of Past Disputes or Claims

The DRB asked, if the Pond and the slimes, that was talked about earlier at the progress meeting, if this would impact the building of the S. Frontage Rd.? KCA responded no. Cone stated what would impact them was the two surge piles and leaving them set for two months. These surge piles were only about 5 feet and do not really make sense to them. ...

The DRB asked, if there was any other intents to file claim that needed to be discussed prior to the one on the progress payment? The DRB heard there may still be some concerns with the utilities at the CSX Bridge. KCA responded that all of the utilities at the CSX Bridge were out of the way except for two, GTE and the water meter. ... KCA explained the reason why their bridge superintendent moved out before was because Drane Field Rd. was under traffic and they could not drive piles until the traffic was switched. ... The Turnpike stated that intent to claim nos. 3 – 5 were done issues and any said delays were over now, so Cone should submit their paper work on these issues. The DRB asked Cone, if this was correct? Cone responded yes.

08/08/96 PMM
#22

Progress Meeting Minutes: Meeting No. 22

Outstanding Shop Drawings & Submittals

... The Geotextile calculations and repair procedures, Resubmittal Nos. 257 and 258, were submitted on July 23, 1996. KCA talked to RS&H and they were ready to go out as soon as Cone submitted the sepias as required. Cone stated that they should go out this week. ...

The Geotextile Shop Drawings, east of the railroad, Submittal Nos. 262-264, were reviewed by RS&H and sent to Post Buckley on July 30, 1996. These will be sent out to Cone tomorrow. ...

KCA mentioned to Cone that the submittals for the fabric on the east side of the railroad were rejected because of missing elevations. Cone could get their subcontractor to go ahead and start looking at this before they get the formal package returned. ...

Pending Issues / Claims

... Intent to Claim No. 6, filed on July 16, 1996, surcharge on the 16" forcemain. KCA stated that this will not be an issue unless there is damage to the 16" forcemain after the surcharge period. ...

Contractor Delays

Cone stated they would be sending a letter for the delays from the concrete slab discussed earlier. KCA asked Cone, why was this a delay when there has been no one working in this area? Cone stated there would be by the time the slab comes out. Cone explained this was not going to be a little job to get the slab out of there, but Cone just wanted to put us on notice in case there were any delays. ...

Cone wanted to know for the record, has their payment been released? KCA responded no. ...

Errors and Omissions

Cone stated the concrete slab that was discussed earlier.

New Issues / Open Discussion

The City of Lakeland asked KCA, what was the purpose of giving the Water Department's utility relocation schedule to Cone, since this work was under the JPA? KCA responded that the new work was JPA, but the removal of the existing 12" AC watermain was by the City. The City stated that they did not understand why this was provided to Cone. KCA stated that Cone had an activity in their schedule for the removal of the existing watermain at 5 days duration and the City's schedule showed 90 days. This issue was discussed with the City of Lakeland – Water Department and they requested 60 days. This was provided to Cone for the CPM Schedule. ...

08/14/96 LTR

To Joseph M. Chao of KCA – From William J. Hanusch of Cone Constructors
Re: Notice of Intent to File Claim – Geosynthetic Reinforcement Design Delay

On 21 June 1996, Cone received the Nicolon Mirafra design submittal for the geosynthetic reinforcement ("geofab") east of CSX Railroad to Harden Boulevard ("East Design"). Upon review, it was apparent that the design was significantly more elaborate than the previously approved West Design. The East Design included a large underdrain system with highly stringent subgrade drainage requirements.

This first version of the East Side design differed from the previously submitted and approved West reinforcement (geofab) east of CSX Railroad to Harden Boulevard (East Design). Upon review, it was apparent that the design was significantly more elaborate than the previously

Design. This design was questioned by Cone for the following reasons:

- *Nicolon Mirafi's engineer, EIT, unilaterally extended the limits of the geofab beyond what was shown in the contract drawings.*
- *These limits at the east end were extended into areas where fill had already been placed per the contract drawings.*
- *EIT unilaterally performed subsoil calculations beyond the limits of the geofab shown in the contract drawings.*
- *EIT added an underdrain system consisting of a sump, sump structure, pipe, a 12 inch layer of free draining sand and extra subsurface pore pressure monitoring.*
- *EIT added two additional types of geofab to be installed.*
- *Nicolon Mirafi/EIT's submittal called for all of this extra work to be performed by Cone.*

On 1 July 1996, Cone requested a meeting with FDOT and KCA to discuss this situation. Cone representatives met with KCA, however FDOT did not attend the meeting. At that point it was verbally agreed that an underdrain system would not be required pending review and approval from the designer of record. At this time it was made clear that Cone was willing to the extra underdrain work but it would result in a much higher price than the bid price to perform this work.

On 10 July 1996, Cone received the revised East Side design and the subsequent Cone submittal 9604-263 for the East Side design was forwarded to RSH for their review and approval. A copy was also furnished to KCA and Mr. R. Hawkins of the FDOT. Cone did not receive the response to this submittal until 13 August 1996.

On 18 July 1996, Cone opened the CSX Railroad Access Road which took traffic off of Drane Field Road from west of the railroad all the way to Harden Boulevard. Due to the delays in obtaining a suitable submittal from the Nicolon Mirafi designer, Cone was not able to start its earthwork all the way from CSX Railroad to Harden Boulevard. Since the area became available on 18 July 1996, Cone has not been able to work in this area and will not be able to until the East Side geofab submittal is approved.

The unilateral engineering performed by Nicolon Mirafi/EIT caused Cone to have to request a resubmittal without the underdrain system. This required extra time for the designer to prepare a revision and forward to Cone. Cone was therefore not able to submit the design until 19 calendar days later than the first version of the submittal. This directly impacts the start of earthwork from the CSX Railroad to Harden Boulevard.

As such, Cone Constructors herein files its Notice of Intent to File Claim for impacts resulting from an overzealous and untimely design submitted by the FDOT's sole source geofab designer/installer.

08/15/96 PMA
#23

Progress Meeting Minutes: Meeting No. 23

Outstanding Shop Drawings & Submittals

...The Geotextile calculations and repair procedures, Resubmittal No. 257, were submitted on July 23, 1996. ...

The Geotextile Shop Drawings, east of the railroad, Submittal Nos. 262-264. The design calculations were approved, but the design drawings were rejected and sent to Cone. ...

Pending Issues / Claims

... Intent to Claim No. 6, filed on July 16, 1996, surcharge on the 16" forcemain. KCA stated this was a contingent issue, depending on what happens with the surcharge period. ...

Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA has responded to this claim. KCA was not sure what the intent of the claim was because the designer was allowed 45 days to review the shop drawings and they only took 34 days. Cone stated the intent of the claim was based on the delay of the submittal to Cone, from the sole source supplier. The Turnpike stated there was another source in the contract documents. Cone stated we needed to sit down, discuss this issue and resolve it. ...

Contractor Delays

Cone mentioned the rain. ...

Errors and Omissions

Cone stated all of the issues that have been discussed today.

08/22/96 PMA
#24

Progress Meeting Minutes: Meeting No. 24

Outstanding Shop Drawings & Submittals

...The Geotextile calculations and repair procedures, Resubmittal No. 257, were submitted on July 23, 1996. KCA talked to Post Buckley this morning and they were approved as noted. The certification on the Type D material was required and the sepia drawings needed to be stamped by Cone. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay.

certification on the type D material was required and the sepia drawings needed to be stamped by Cone. ...

Cone asked, what was the status of getting this product approved? KCA responded the west side was approved as noted. Cone asked, what about the east side? KCA responded the east side needed the certifications and did Cone submit the revised drawings? Cone responded the drawings were in Nicolon's hands. Cone stated that the Turnpike forced them to use this manufacturer. The Turnpike clarified that Cone chose to use them. Cone stated there was a pot of three and they chose this one and they have been a problem. The Turnpike asked Cone, if they had a problem with a supplier? Cone responded yes. The Turnpike asked Cone, if they were trying to transfer this problem to the State?

Cone stated the problem was that when they bid the job, they assumed that the design in the plan was acceptable to build the project and instead they have been redesigning this thing as we went along. The Turnpike stated then Cone should get their money from the supplier or use someone else. The Turnpike asked, if there was more than one supplier? Cone responded there were only two suppliers in the plans, Nicolon and one other. Cone also stated that in the future there should be some type of pre-qualification process for these suppliers to be used. The Turnpike stated there was or else they would not have been specified in the plans. Cone asked then why can't they get their design right? The Turnpike stated Cone could be asking the same question of Southern Culvert or some other supplier. Cone responded no, because in that instance they could go to ten or twelve other pipe suppliers. The Turnpike stated it was basic things to get corrected and they just needed to get it done. Cone stated it was happening, but it was taking months to get done. The Turnpike stated that Cone needed to look at where the breakdown was.

Cone wanted to mention one last issue on the fabric. The fabric was killing them as far as production. The Turnpike stated Cone was not ready to put it down, east of the railroad anyway. Cone stated they were. The Turnpike stated to forget the claim for right now, but what needed to be done to get it approved, so Cone could work in the areas they wanted to? Cone stated there have been several meetings, but the last one has not been for a while. Cone stated the breakdown was that the west side was all approved, other than the drawings, which were lost and KCA sent their copy. Cone sent the sepias and now they have certification problems on the west side that they just found out about. Cone stated they jump one hurdle, then they have another one to jump and this should have been worked out in the design phase. The Turnpike stated since this was a material certification, this could not have been worked out in the design phase if they did not know where Cone would get the material. Cone stated the problem was that everything was approved except the one sepia drawing, which Cone was supplying and now Post Buckley was telling KCA they do not have the certifications. The Turnpike stated that both sides need to work this out. KCA stated the Change Order that has sat at Cone's office for three weeks needed to be signed and returned. Cone stated it was signed and would be returned today.

Cone asked, when would the saga be over? KCA stated the west side was approved as noted and Cone could go to work. Cone stated the east side drawings have gone back to Nicolon, but the calculations were approved. KCA stated the reason the drawings were rejected was because they were missing elevations and if Cone was looking at these drawings, they would have caught it before it was submitted. Cone stated it would be difficult to catch this. Cone also stated the problem they had with Cone's and the State's designer was they came up with this wild underdrain system and they had to stop. Cone then met with KCA and the Turnpike, asked if this was wanted and had to wait a while for this answer. KCA stated this was answered the same day. Cone stated it was getting closer, but there needs to be finalization between the designer and the supplier. KCA stated they would not be able to lay the fabric until the watermain and forcemain come out. Cone stated they were aware of this and may lay the fabric for the partial width. Cone also stated their plan was to get with Nicolon and see where the drawings were. KCA stated if Cone could get the drawings in for the east side, RS&H could hand carry them to PSI and PSI would hand carry them to Post Buckley and this could be resolved in a matter of a few days, just like the west side. The west side was approved as noted and KCA would contact the designer about the certifications, but this would not prevent the fabric from being placed. ...

Contractor Delays

Cone stated the concrete slab which should have been submitted by letter. ...

Cone stated the problem with this slab was that the forcemain goes through this area and this line has to be tied into the lift station, just to the east of the slab. The forcemain has to be tied into the lift station, so that the existing forcemain, west of Harden Blvd. could be removed. ...

New Issues / Open Discussion

...The Turnpike stated what we needed to look at the frequency of the Disputes Review Board Meetings for the remainder of the project. Cone stated they would like to meet once every two months or have special ones if needed. The Turnpike would like to keep them every month for right now, but it would be evaluated at the next DRB meeting. KCA stated that if all of the claim issues were resolved, we could go to once every quarter. Cone stated those issues would probably add up to \$ 10,000. Cone stated this really needed to be looked at, because it was very time consuming.

08/29/96 PMM
#25

Progress Meeting Minutes: Meeting No. 25

Outstanding Shop Drawings & Submittals

...The Geotextile calculations and repair procedures, Resubmittal No. 257, were submitted on July 23, 1996. KCA talked to Post Buckley and the only thing required for the certification on the Type D material was a letter confirming that the material used for the field test was from Pit A and the

#25

Outstanding Shop Drawings & Submittals

fabric was the Type D to be used for the design. Cone asked, then why was submittal No. 259 closed out? KCA responded because No. 259 became No. 257. This was part of the problem with these submittals. Cone has changed the submittal numbers so many times. KCA stated there have been five different numbers used for the west side fabric submittals. KCA stated Post Buckley had the test data, but there was nowhere on the report that the material was from Pit A. Cone stated the material for the field test came from Cone, Pit A. Cone asked, how would Nicolon certify where the material came from? KCA responded that if Cone's designer was going to sign and seal the fabric design, he should know where the material was coming from. Cone has submitted the last outstanding drawing for the west side this week. The Turnpike asked Cone, if the east side drawings were still in their court? Cone responded they just sent a package of the east side drawings to RS&H today. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated this intent to claim should have gone to Cone's subcontractor, Nicolon, but this issue would be resolved. ...

Errors and Omissions

Cone stated none other than the storm sewer pipe at the south end of Harden Blvd., which has been resolved. Cone also stated the existing utilities that are to be removed and do not have a pay item to cover the costs. KCA stated there was a note in the plans that stated that these removals were included in the price of the pipes to be installed. Cone mentioned it does state to be removed, but if they could get a little help with grouting these lines. KCA stated this has been discussed several times, that these lines cannot be grouted because of the liability issue. Cone stated it was evident that there would be grouting underneath the railroad. KCA stated this was the railroad right of way and not the State's. The City of Lakeland stated their position was that they did not care if the lines were grouted, but they did not want the liability of leaving these lines.

New Issues / Open Discussion

KCA stated there were still problems on the project with the fact that KCA's inspectors do not direct Cone's subcontractors, but Cone's personnel have been telling the inspectors to get with the subcontractors. Cone asked KCA that if there were problems in the field with the subcontractors, that Cone's personnel were telling KCA's personnel to get with the subs? KCA responded yes. Cone stated this was not going to be case and they would take care of this issue. Cone also stated the problem with their subs was that they were responsible by contract to take care of their MOT, but bottom line was that Cone was ultimately responsible for the whole job. ...

KCA stated the material Cone brought in east of the railroad, that would be below the fabric, has been looked into. KCA stated they reviewed the design calculations from Nicolon and their design was based on certain soil parameters, so if Cone was going to use this material they needed a letter from Nicolon to approve this material. Cone stated they would talk to Nicolon. ...

09/05/96 PMM
#26

Progress Meeting Minutes: Meeting No. 26

Utility Issues

... Jacob Kohn of American Telecasting introduced himself and wanted to discuss their cable that keeps getting dug up. American Telecasting stated this was a sore subject with their company. Mr. Kohn did not know when and how the cable was put in, but some of the reports they heard was the FDOT changed the contract elevations once they were in the ground, which has caused the problem of their cable getting dug up. American Telecasting has incurred costs and damages. First they want to find a solution so that the problem does not continue and second they want to recoup the losses from someone. Cone showed the area in question and stated that the cable was barely under original ground and the fabric design came back with several variations in the grade. The cable was not marked when Cone hit it and the cable was placed in a snake like fashion. Cone stated the cable and the power was up in the fabric. Cone raised the fabric elevation to the max, and Lakeland Power will be in the fabric at the power's junction box, but the fabric may be adjusted to resolve this conflict. KCA asked Cone, if they called American Telecasting for locates? Cone responded not in this area, because they did not know it was there. American Telecasting stated they talked to the contractor that installed this cable and it was marked when it was installed, but the markings were gone. Cone stated that since it was known now that the cable was there, it needed to be located for all of the operations. KCA stated it should be located for the entire length of the project. KCA asked American Telecasting, if they could locate their cable for the length of the project? American Telecasting responded they could have someone locate it tomorrow, from Harden Blvd. to the railroad track, but eventually this entire line would have to be replaced. Cone stated the line sticking up in the air was in conflict with the fabric. American Telecasting stated they were told in the field that the elevations on this project changed two months ago. KCA stated there have been no elevation changes on this project. The Turnpike stated this cable should not be in the L/A right of way or below the pavement. Several discussion ensued and it was decided to schedule a meeting for this issue tomorrow morning. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Cone stated they sent a letter notifying that they needed the City on board to remove the existing asbestos line on Monday, September 23, 1996. ...

Outstanding Shop Drawings & Submittals

Future Work Plan / 2 Week Look Ahead Schedule

... The *Geotextile Test Damage Results*, Resubmittal No. 261, were submitted on September 3, 1996. RS&H transmitted them to PSI and PSI approved it and sent it on to Post Buckley. This will take care of the QC data for the east and the west side. This approval will also release the west side drawings, Resubmittal No. 257, which wraps up the west side submittals. ...

The *Geotextile Shop Drawings*, east of the railroad, Resubmittal Nos. 262-264, were sent to PSI by RS&H. PSI has reviewed them and sent them on to Post Buckley. These should be wrapped up this week or early next week. ...

KCA asked Cone, if there were any shop drawings Cone needed or had any questions on? Cone responded none they were aware of. RS&H asked Cone, if there was anything that RS&H was holding Cone up on? Cone responded none to their knowledge. ...

Design Issues / RFIs

Refer to the attached RFI Log. ...

Pending Issues / Claims

... Intent to Claim No 6, filed on July 16, 1996, *Surcharge on the 16" Forcemain*. KCA stated this was not an issue at this time. KCA also stated this was a contingent issued, depending on what happens with the surcharge period.

Intent to Claim No. 9, filed on August 14, 1996, *Geosynthetic Reinforcement Design Delay*. KCA asked Cone, if they would be submitting anything on this issue? Cone responded yes they were. Cone asked, what was today's hurdle on this issue? They had heard the design elevations conflict with the utility lines. KCA stated this had nothing to do with the submittals. Cone stated it had to do with getting the job built. Cone also stated this was discussed earlier. With the elevations for the bottom layer of fabric, American Telecasting was in the way and Lakeland Power was in the way in some areas. Cone asked the Turnpike how were they supposed to get the job built, with all of this going on? The Turnpike stated they thought the approval process was almost completed. Cone stated that was for the west side, but now the east side has conflicts. KCA stated the power was a small portion and could be resolved, but it was just discovered. Cone stated all they were saying was that last week we discussed the certification issue, this week we were discussing this new issue and next week we would be discussing a new issue. Cone also stated they gave their subcontractor a P.O. on March 12, 1996 and we were in September trying to get this product approved. KCA stated the east side shop drawings were just submitted in mid July. ...

09/10/96 DRB #5

Disputes Review Board Meeting Minutes: Meeting No. 5

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

Cone described the work which has been accomplished since the last meeting. Cone has completed the Mainline and Frontage Rds. up through the prime, at the west end of the project, up to where the fabric starts. The fabric has to be placed and the walls constructed before Cone can proceed with the embankment up to the CSX Bridge. Cone has done some grading for the fabric on the west side of the CSX Bridge, because the design came back with specific elevations. Harden Blvd. was progressing along with subgrade, curb pads and storm drain pipe. East of Harden Blvd. Cone has concentrated on the surcharge areas and they were about to the top grade. They were also doing some excavating in Ponds 3 and 5.

Current Status of Work Schedule

Cone stated the work schedule has been submitted and approved. KCA stated the CPM Schedule was verbally approved on September 4, 1996 and the official letter should go out tomorrow.

Future Schedule

The DRB asked Cone, were they pretty much on schedule or was the weather going to give them problems? Cone stated they had several problems, especially with the weather that has washed everything out including the prime. They have had the problems with the fabric, which they did not know how they would maintain their schedule with the problems they have had. Cone has a turnover date for the Toll Plaza in the surcharge area of August, 1997 and the surcharge has to go up immediately to begin the clock, so that they could meet this date. Cone still does not have the total completed approved shop drawings for the east side fabric. Cone stated they could bring double shifts in for the embankment, but with the fabric, this was not possible.

KCA asked Cone, when were they going to start on the west side fabric? Cone responded as soon as the water and sewer lines were taken out, probably the week of the 23rd. KCA stated this was what has really been the problem, the existing utilities and not the submittals. Cone agreed the west side needed the utilities removed, but the east side they could proceed. KCA stated the utilities were more into the fabric on the east side, than the west side. KCA asked Cone, were they going to continue with the fabric on the west side until the utilities were out? Cone responded they could not go through the fabric, the way they understood it, in an area that did not have surcharge. Cone asked KCA, what was their understanding of the fabric under the surcharge, once the surcharge was removed, the fabric has served its purpose, hasn't it? KCA responded that was their understanding, but they would have to ask the Engineer of Record, because it was their design.

Cone asked KCA, what was their understanding of the fabric under the surcharge, once the

The DRB asked, what has been the hold up on the fabric other than the existing utilities? Cone responded the design and the back and forth process on the submittals. Cone stated they started the submittal process in March and they just got the approval last week on the west side. KCA stated the east side was just submitted in July and the west side was submitted in April. Cone stated that was not the date they started working on the submittals. They started trying to get submittals from the sole source designer in March. The other designer had a more elaborate design with more layers of fabric, so they chose the one with the least elaborate design. The DRB asked Cone, if their design did not meet the contract requirements? Cone responded there has been several issues on the west side. KCA stated that even if the fabric was approved 3 or 4 months ago, Cone stated they could not proceed. Cone stated their baseline schedule showed this activity approved and started already. KCA stated in actuality, Cone has the go ahead for the west side, yet they were saying they would not proceed until the water and sewer were out, so what if it was approved 3 months ago, the water and sewer were still there. What could Cone have accomplished? Cone responded they could not answer that question. The DRB asked, could the water and sewer have been removed two or three months ago? KCA responded no, not until the new system was installed and functional. Cone stated, to try to keep this issue moving, and not knowing it would take this long for the approval, they requested to grout these lines in the areas of the fabric. This issue went up to Tallahassee and it was not approved. The State did not approve this because of the liability of leaving the lines in place.

Cone stated there were other issues involved with the utilities, like the concrete slab. The water did not have to go through this area, but the sewer does, to tie into the lift station. The Turnpike stated the Department also allowed Cone to use the material out of the pit that did not meet the pH requirements by doing a specification change. The DRB asked, was the east side approved? Cone responded no. The west side had a maximum elevation of 145 and the east side came back with a totally different design. The elevations are in 100 foot intervals and ranged from 139 to 145 and the fabric goes from toe to toe. Cone stated the two designs were totally different from the east side and the west side. The Turnpike stated the soil parameters were probably different. Cone stated their designer came back with a design for the east side that went outside of the limits in the plans and also included drainage with sumps and Cone had to find out if this was what the Department wanted. The DRB asked Cone, if the main contention was, Cone was stating their designer was a sole source supplier even though there were two designers and they were Cone's sub and the State's contention was that there was a pick of two suppliers and it was Cone's design. Cone stated they felt that since it was pretty much a sole source in the plans and Cone had to pick the best of the two, it was the State's designer. KCA stated it was the same situation with the R.E. walls, there were only two suppliers. KCA also stated there were a lot of materials used in construction that you could not buy at Kmart. Cone stated they have been fortunate with the walls.

The Turnpike stated what you had to keep in mind with the fabrics was that when they were over a soft soil, a lot of the design was based on the characteristics of the soil. The designs were initially based on the parameters of the soil and when you get your site specific soil, you had to take this into account. The soil Cone chose to provide did not meet the requirements of the contract. Cone stated it exceeded the contract requirements. The Turnpike stated, but it was not the same, so you have to have some adjustments. Cone stated they could appreciate the adjustments, but the bottom line was getting the design everyone wanted to use and it should not take 6 months. KCA stated the bottom line was that 5 months ago if Cone had gotten the approval, they would still be sitting here not putting fabric down, because of the water and sewer. Cone stated you did not know this, because if they had gotten the approval they might have expedited other items.

KCA stated they still were looking at 6 weeks before the water and sewer were probably done and Cone was not expediting now. Cone stated they tried to expedite back in April by putting down the fabric and it got them nowhere. The Turnpike stated the reason they did not get anywhere was because Cone's soil did not meet specs. Cone stated if they had fabric for the east side they could not proceed because of the utilities. KCA stated these utilities were resolved within a day of finding out about them. The DRB asked Cone, if they had approval on the east side, could they lay fabric from west to east or was the sewer in the way. The Turnpike responded the sewer ran down the entire length of Drane Field Rd. Cone stated if it was approved, then the designer could go ahead and start milling the specific lengths. Cone also stated the delay was not in the approval process, it was in the number of iterations. The Turnpike stated one of the submittals did not even have the elevations marked on the drawings. The DRB asked Cone, assuming the east end was approved today, when could Cone start the east end? Cone responded right away on the Frontage Rd. up to Drane Field Rd., where the water and sewer was.

Cone stated Nicolon wanted to take the fabric beyond the limits of the plans. The Turnpike stated this issue was resolved right away in the same day it was asked. The DRB stated they now knew what the problem was.

The DRB asked, since the CPM was verbally approved, has Cone updated the status of their schedule? Cone responded no, they just got it. KCA stated it would be due the Tuesday following the monthly cut-off date. The DRB asked, if the approved schedule shows early completion, completion on time or what does it show? Cone responded completion to the day. Cone stated the FDOT has accommodated them and their beef was with Nicolon and their argument was that they were forced to choose one of the two and they chose Nicolon. The Tensor design was ridiculous, because they had 8 or 9 layers. The Turnpike stated they have been through a couple of iterations on Section 5 with the same designer, but not like this job. The DRB asked Cone, when they status their schedule what will they show for the late completion. Cone stated they would

FDOT has accommodated them and their beef was with Nicolon and their argument was that they were forced to choose one of the two and they chose Nicolon. The Tensor design was

show probably 100 plus days for this activity. The Turnpike stated Cone has been working on other activities out of sequence.

...

Disputes Review Board Meeting Agenda: Meeting No. 5

...

B. Status of Past Disputes or Claims

...

4. Intent to Claim No. 9, filed 8/14/96 – Geosynthetic Reinforcement Design Delay.

...

09/10/96 PMM
#27

Progress Meeting Minutes: Meeting No. 27

Utility Issues

KCA stated they met with American Telecasting and the City of Lakeland – Power concerning the issue with the fabric. This has been resolved, but KCA needs to meet with these utility agencies and Cone to go over what has been resolved. KCA asked Cone, if the grades in the field were close to final grade for the fabric? Cone responded they were close to grade. The snag was at the electrical manhole where the fabric would be over the box. KCA stated the fabric could be cut around the box as done on the west side fabric. Cone stated, since the fabric continued south, the fabric could be cut around the box as done with the drainage structure on the west side. KCA stated there should be a standard detail in the fabric shop drawings or Cone could get an approval from Nicolon Mirafi. American Telecasting discussed placing their cable below the existing grade now and then relocating the permanent facility later. ...

Outstanding Shop Drawings & Submittals

... The Geotextile Drawing, Sheet NM-3, Resubmittal No. 257, would be released with the QC data. Resubmittal No. 261. This should have the official approval today. ...

The Geotextile Shop Drawings, east of the railroad, Resubmittal Nos. 262-264, were submitted on September 5, 1996. KCA stated these drawings have been piece milled and not submitted as a whole package. Cone stated they spoke to Post Buckley today and NM6 and NM7 were approved. Cone has NM5 for stamping and this drawing should be approved. NM9 was sent last week and NM8 should be forthcoming. Cone asked KCA, who was piece milling the drawings, because the way Cone understood it, they were piece milled back from Post Buckley? KCA responded that drawings NM5 through NM9 required resubmittal on August 12, 1996. Cone asked, were they piece milling these drawings back to the designer? KCA responded yes. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA asked Cone, if they would be submitting anything on this issue? Cone responded they were working on this package, but they did not have a firm submittal date. ...

Contractor Delays

Cone stated yes, the rain. ...

New Issues / Open Discussion

... Cone asked KCA, what was the issue with backfilling the walls in 300 foot sections? KCA responded that embankment had to be constructed in 300 foot minimum sections, but since the R.E. wall was select backfill, Cone could construct the R.E. wall backfill separate from the regular embankment. ...

09/19/96 PMM
#28

Progress Meeting Minutes: Meeting No. 28

Utility Issues

... KCA asked Cone, if they received the letter from KCA, on the watermain, in response to the letter from Cone on the notice for the 30th of this month, for the removal of the asbestos pipe? Cone responded yes. KCA stated they still had not received the as-builts for review and this would take some time for review. Cone asked KCA, how long would it take for the review? KCA responded it would depend on the level of detail of the submittal. If the submittal was complete and accurate, it should not take more than a couple of days. KCA stated the concern would be if all of the information was not provided, then it would have to be returned. Cone stated they would check with their subcontractor about when the removals would be required and they would get back with KCA on this issue. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Cone stated the work described above would continue this next week. They would be starting a fabric operation on the west side of the railroad track next Wednesday. Following this operation, they would start R.E. Wall Nos. 1B and 1D. ...

Outstanding Shop Drawings & Submittals

... Cone stated the work described above would continue this next week. They would be starting a fabric operation on the west side of the railroad track next Wednesday. Following this operation,

... *The Geotextile Shop Drawings, east of the railroad, Resubmittal No. 262, drawing No. NM-8 was submitted by Cone on September 16, 1996. KCA stated this was at PSI and should be going to Post Buckley today. The Turnpike asked KCA if this was the last piece of the puzzle? KCA responded, yes.*

KCA asked Cone, when would they start the east side fabric? Cone stated they had not seen the whole package of drawings. KCA stated NM-8 was the only outstanding drawing, so they should be able to start. The Turnpike asked, could Cone start the fabric before the water and sewer lines were out? KCA responded they did not think so, but Cone had mentioned they would start from the south edge and work north. Cone stated this was correct, they would start from the S. Frontage Rd. and work north. Discussions were held on the possibility of partial embankment fills. The partial embankment would be utilized for the east and west fabric and the stations for the entire fabric area will be used for the change order. ...

Pending Issues / Claims

... *Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...*

Errors and Omissions

Cone stated none.

09/26/96 PMM
#29

Progress Meeting Minutes: Meeting No. 29

Utility Issues

... *Cone stated the bact tests and the as-builts for the water line were on their way. Their subcontractor called from Bartow and had the results of the tests and should have them to this office before the end of the meeting. KCA stated they had already reviewed the as-builts and Cone's subcontractor has made the necessary changes. ...*

Outstanding Shop Drawings & Submittals

... *KCA stated Cone should have received drawing NM-8, the last drawing, approved for the east side fabric drawings, which completed all of the fabric submittals. Cone stated they received this last drawing this morning. ...*

Pending Issues / Claims

... *Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...*

Contractor Delays

Cone stated, in the area of the fabric on the west side of the railroad, where they started to lay fabric, they have a conflict. After they put the wall plans together with the fabric plans it created a problem, so they moved their fabric crew off of the project. Cone stated when the wall footer goes in, it entails a five foot cut and of course they have to excavate out for the straps. The fabric was designed to go underneath the wall footer, so there was a fair amount of material that has to come out because of the elevation of the fabric. There was also a five foot cut around the piles at the bridge. When they got out there and sorted through all of the issues, was when they got into this problem. The Turnpike stated the watermain and the forcemain would have impacted them as well, if they tried to roll the fabric out to Drane Field Rd. Cone stated they were not going past Drane Field Rd. anyway, but they planned to march east towards the bridge.

KCA stated they reviewed the drawings yesterday and did not see a problem. Like Cone stated, they had to excavate this area and this was known since the beginning. The Turnpike stated this was discussed at the initial meeting, that the fabric had to go under the wall footers at the bridge. Cone stated they could appreciate this, but this was not in the plans when they bid the job, to do all of this excavation. The same was true on the east side, where they had to excavate all of the material out to get to a certain design elevation. Cone also stated it was two separate issues and they felt they were impacted, because they had to send the crew out. KCA stated they were told the crew left because of the water and sewer. Cone stated they met with them and they made the decision to let them go and the water and sewer did not have anything to do with this decision.

The Turnpike asked Cone, were they going to start at the bridge and proceed west? Cone responded they were going to start where they left off and work towards the bridge, so that the wall crew could start back at Wall 1. The Turnpike asked Cone, so they had to lower it at the bridge piling, but what did this have to do with what was just described? Cone responded the bridge piling did not have an impact to them at this point in time, but they have to excavate down five feet. The Turnpike stated this was only at the bridge. Cone stated it was not just the bridge, it was all the way down Wall No. 1. KCA stated this drawing has been approved for two weeks and Cone could have had this area excavated out and ready to go by the time the crew came in yesterday. Cone stated they would have to go out and put it all together, but they were only human and they do not jump on every little situation and foresee them. They have their surveyor working on these problems and issues on a daily basis, for 10 hours per day, trying to work out these issues.

The Turnpike stated their interpretation on what they were hearing was that Cone needed more time to figure out what they were going to do in this area, but it sounded like Cone was saying it was the Department's problem to figure out how Cone was going to do it and this was not the

problems and issues on a daily basis, for 10 hours per day, trying to work out these issues.

case. Cone stated they knew how they were going to build it and this had nothing to do with this situation. The Turnpike stated it was coming across that it was the Department's problem. Cone stated they were just stating they were held up and it was the whole mesh of the fabric and wall approval with all of the design elevations. The Turnpike stated it sounded like a planning and coordination issue. Cone stated it may be a little coordination, but it was all of the back and forth with the submittals. KCA stated the design has been that way since the beginning and it comes a point in time when Cone had to look at the plans and decide how they were going to build the job. Cone stated they look at the plans every day. KCA stated they looked at the plans yesterday and they did not see anything difficult with the fabric. Cone just needed to excavate out wide enough for the straps and if they had looked at it since day one, the crew would not have been scheduled until the area was prepared. KCA stated everything that happens on this project was not their fault. Cone stated they were not saying it was. The Turnpike stated that was the way it was coming across. Cone stated they have been through their share out here also. ...

10/03/96 PAM
#30

Progress Meeting Minutes: Meeting No. 30

Utility Issues

Cone stated the last report they got on the watermain, was that Monday would be the day of approval. Cone asked KCA, if they had any contact with the City of Lakeland – Water Department? KCA responded yes, this morning and the City was getting their subcontractor lined up for the removal of the existing watermain. The City had a few questions for the removal of the existing watermain in a couple of sections. Cone also asked KCA, if it still looked like a go for Monday or Tuesday? KCA responded a start date was not discussed, but they seemed like they were ready to go. They will have to remove the area next to existing Drane Field Rd. at night, because of the traffic. KCA also stated the section, east of Harden Blvd., was under the existing pavement and would probably have to be done after Cone shifts traffic to the new N. Frontage Rd. Cone stated this area would not be a problem to Cone, but if they could, it would be better for Cone if the City would start at the west end and work east. KCA stated the City was going to start at Pipkin Rd., where the tap was made and work east. Cone stated from Pipkin Rd. to Harden Blvd. was critical and the area east of Harden Blvd. could be removed after traffic was switched. ...

Future Work Plan / 2 Week Look Ahead Schedule

... GTE asked Cone, if they would be doing any work next week from Sta. 10367+00 to Harden Blvd.? Cone stated they would be working just east of the bridge, once the water line was removed, but this should not happen next week. GET clarified, so Cone should not be working in the area where GTE has their trench? Cone responded no, they could not do anything in there until they get in there with the fabric. The Turnpike asked Cone, when would the water line be removed? Cone responded they did not know, but they were given 60 days. KCA stated they were told at one time it would be about two weeks. KCA also stated they would call the City following the meeting to get more information.

Subcontractors / Sublets

... KCA stated the subordinate sublet needs to be submitted for the fabric sub. Cone stated they received the paperwork from them and it was being sent to Tampa for processing. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

10/10/96 DRB #6

Disputes Review Board Meeting Minutes: Meeting No. 6

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

Cone stated there has not been much accomplished since the last meeting. Cone stated the reason for this was because they were still snagged on the west side of the project with the water and sewer and taking care of these lines. As discussed in the Progress Meeting, the water was coming about real quickly with removal of the existing starting Monday or Tuesday. Cone stated the sewer line, if they could get the temporary line in, could be sometime next week depending on the pressure test.

Cone went over what they have accomplished since the last meeting. They have completed the surcharge, except for a couple of areas revealed from the cross sections. The waterline has been totally installed and the bact tests were completed. Cone has installed a small portion of fabric on the west side of the railroad tracks. At this point the fabric on the east and west side was totally approved. The DRB asked Cone, if this was the shop drawings? Cone responded yes. KCA stated the last of the fabric for both sides was approved on September 25, 1996. ...

Future Schedule

Cone stated the most critical area was the surcharge area east of the railroad tracks, because of the Toll Plaza A. Cone also stated based on their calculations, they had to have the surcharge in place by the end of December. Cone has to turn over the Toll Plaza on August 8th of next year and if they go the full 180 days, construct the wall and then construct the utilities they have to install for the Toll Plaza, they only have a few weeks to slide. The DRB asked Cone, if what they were waiting on in this area was getting the water line tested and so forth? Cone responded yes the Cone stated the most critical area was the surcharge area east of the railroad tracks, because of the Toll Plaza A. Cone also stated based on their calculations, they had to have the surcharge in

water line was involved and if the DRB could remember back, the fabric was involved with the approval process. Cone stated another issue, if everyone could remember back, was the water and sewer in this area runs under the surcharge and they took the time to discuss this with all parties. It was decided at the time if these utilities were not installed, it would really hold up the job, so it was approved to place the lines before the surcharge.

Cone stated the future would also be the work on the west side of the railroad tracks. They would be installing storm drain and a small portion of under drain, which they were now in the process of installing. They would be starting the fabric, walls and embankment in these areas, but also concentrating on the surcharge area. Cone stated Fulton was coming along with Phase 1 on Harden Blvd. Once this was completed, they would flop traffic and start construction of the west side. Also, once traffic was switched to the south side of Drane Field Rd., they would start constructing the N. Frontage Rd.

... The DRB stated, but the bulk of Cone's work was in the area of the surcharge east of the railroad tracks. Cone stated yes, a lot of the work was in that area ...

... Was there enough float for the supplier to fabricate the steel, assuming the shop drawings were approved in a timely manner? Cone responded right now at this time, they did not see any problems. ...

Potential Problems

Cone stated this job was full of potential problems. Cone stated one problem would be the relocation of the existing 36" water line, because it would probably be 2 to 5 months for material acquisition. ...

KCA stated one thing which needed to be looked at, as KCA had stated at the last DRB meeting, one of the critical areas they thought needed to be built was the N. Frontage Rd. KCA went on to state, traffic was switched back on July 18, 1996 and here we were in October. If the traffic was switched on Drane Field Rd., the sewer line and storm sewer work could have been done in this period up to now. KCA also stated they knew Cone had trouble with the concrete slab, but this was only 200 ft. of the sewer line. Cone's sub could have worked from the east end of the job back to the west and then completed, once the slab was removed. ...

The DRB wanted Cone to refresh their memory on why they want the temporary sewer and what was the story with this issue. Cone stated what the temporary loop was going to do at the lift station would be to kill all of the sewer line from Harden Blvd. to the west end of the job. It would tie-in the new sewer at the lift station, so Cone could remove the existing line and start the fabric work. Cone stated they cannot do any fabric, and this has been going on since day one, until the water and sewer were removed. ...

KCA asked Cone again, why couldn't they install the water line from Harden Blvd. to the east, starting from the east and working west? Cone responded it may have been a resource issue, recognizing the surcharge area was the critical area. ...

The DRB stated they still did not understand the issue with the temporary tie-in for the sewer line. Cone stated the temporary line would tie-in the new line to the existing line at the lift station. This would allow them to tie-in the new up to Harden Blvd. and maintain the old line east of Harden Blvd. The DRB asked Cone, was it a sequencing problem? Cone responded the loop had to be in place in order for Cone to remove the old line west of Harden Blvd. The Turnpike stated if you did not put the loop in, you would have to wait until the rest of the sewer was in, before you could remove the old line. Cone stated you would have to go all the way to the east end of the project with the new line. The DRB asked, where was the loop going to be installed? KCA responded it was not really a loop, it was a temporary tie-in. The new would be tied in to the old lines at the lift station. Cone stated with the temporary tie-in, it would allow the old to be maintained, east of the lift station. Then they would come back later and tie the new line in at the lift station.

The DRB stated what they were hearing was the Department's side was saying if Cone would have installed the sewer from the east end, then it could have been done already and what Cone was saying was they may have had a resource constraint, which prevented them from working at the east end. Cone stated from day one it has been a series of problems with installing the sewer and the water. ...

10/10/96 PMM
#31

Progress Meeting Minutes: Meeting No. 31

Utility Issues

... The Turnpike explained to the DRB the existing 36" water line at Sta. 394+50 could not withstand the 30 foot of embankment. The DRB asked, would the existing line be removed? The Turnpike responded Cone would be given the option of removing it or grouting it in place. Cone asked if they heard to grout the line? The Turnpike responded this was discussed, but we should remove the line. Cone stated they thought FDOT stated there would be no pipes grouted. The Turnpike stated their recommendation would be to remove the line. The City stated they may grout it anyway, because they had the option of taking the liability for the line.

Cone stated they submitted a price and had briefly discussed the two temporary tie-ins for the 10" sewer line. Cone was proposing two temporary tie-ins, which may be only one tie-in after their subcontractor met with the City. This would cut the price in half, because it would only be the Turnpike stated their recommendation would be to remove the line. The City stated they may grout it anyway, because they had the option of taking the liability for the line.

temporary for the 10" line. This would allow Cone to kill all of the existing sewer line from Harden Blvd. to the west end of the project. The water line would be coming out Monday or Tuesday, so with both lines out, Cone could proceed with the fabric and embankment. Cone stated the reason for this was because the way the plans were designed and phased, the sewer line would have to be installed to the end of the project. There was a storm sewer line in this area, which was lower than the sewer line and would have to be installed first. KC stated Cone should submit a formal request for this change with their pricing for this work. ...

Future Work Plan / 2 Week Look Ahead Schedule

...KCA asked Cone, based on what Cone said in the last progress meeting, that they would start the east side fabric when they received the approval, when would Cone start this operation? Cone responded they would start when the water line was removed. Also they had been looking at access in this area with the piling scheduled to be started in two weeks. Once the piling was completed they would not have access from the west, so they would have to enter from the east. This means they have to switch and start the fabric from the north to the south. Cone also stated they were reviewing this matter, because with the 30 feet of surcharge they would have to ramp this up and work their way out to the east.

KCA asked Cone, if they had stated earlier, they would complete the two areas on the surcharge which needed fill on the east end? Cone responded yes, they would probably start this tomorrow. ...

Subcontractors / Sublets

...KCA stated the subordinate sublet needs to be submitted for the fabric sub. Cone stated the paperwork was in Tampa and would be submitted.

Outstanding Shop Drawings & Submittals

... KCA asked Cone, if there were any shop drawings they needed or had any questions about? Cone responded none they were aware of at this time. ...

Cone stated these were questions being discussed with VSL at the 12th hour. Cone asked, why was VSL asking this question now? Didn't they know this before the bid? The Turnpike responded Cone needed to ask their supplier this question and not us. Cone stated they thought the supplier should have been coordinating this with the designer before hand and not now, after the fact. The Turnpike stated this should be told to the supplier, because they work for Cone now. Cone stated they were limited on who they can use on these walls, it was either VSL or RECO. The Turnpike stated it could also be an issue on non-payment, which they have received correspondence in regards to this issue. Cone stated this was not the issue. The Turnpike stated if people do not get paid, they might stalemate you. ...

The Turnpike stated they have received letters from Cone's subcontractors that state they have not been paid and Cone has an obligation to respond and explain what was going on with these. Cone stated they would gladly respond to each on a case by case issue. ...

Pending Issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

KCA asked Cone, was the submittal for No. 9, Geosynthetic Reinforcement Design Delay, going to be submitted soon? Cone responded yes, in about two weeks.

Contractor Delays

KCA asked Cone, if there were any contractor delays this past week? Cone responded the catastrophic rain was the biggest. ...

Errors and Omissions

KCA asked Cone, if there are any errors or omissions discovered in the plans this past week? Cone responded the 36" water line was shown in the plans as ductile iron pipe and not as AC. The City stated it was steel with concrete around it. Cone stated okay, excuse them. ...

10/17/96 PMM
#32

Progress Meeting Minutes: Meeting No. 32

Utility Issues

KCA stated the City of Lakeland's subcontractor started the removal of the existing 12" asbestos watermain on October 15, 1996. KCA also stated they were proceeding east and moving fairly well, but KCA did not have a time frame on the completion. The City of Lakeland stated they told them about two weeks. Cone stated they talked to the subcontractor and they told Cone once they got lined out, it would take about six days to get to Harden Blvd. The City stated they ran into a problem at the railroad, but they thought it was resolved now. Cone stated they got with the City and resolved this issue.

Cone stated the pressure test on the forcemain would probably be tomorrow. The pre-test revealed one leak and it has been repaired. Cone also stated the temporary tie-in would happen Tuesday night and Cone wanted to know if everyone was in agreement with this tie-in. KCA asked the City, if they have had time to review the proposal? The City responded yes, Cone has a fax from the City which spells out this issue. There was a letter dated October 5, 1996 which

Cone stated the pressure test on the forcemain would probably be tomorrow. The pre-test

discusses the issues and Cone has diverted some of the flow going to the north. The City also stated all Cone had to do was to notify the City when they were ready. KCA asked the City for a copy of the letter. Cone stated then it looked like this would be the schedule for the temporary tie-in on Tuesday night. The line would then be cleared and removed from the west end going east to Harden Blvd ...

Future Work Plan / 2 Week Look Ahead Schedule

... Will start placing fabric on the east side of the railroad on Monday. ...

KCA asked Cone, did they have an update on the pile driving at the CSX Bridge? Cone responded it should be in about weeks. They would start at Bent 3 and work towards Bent 1. ...

Subcontractors / Sublets

... The sublet for Geosynthetic Systems, a subordinate to Nicolon Mirafi, was received on October 15, 1996 from Cone. It was transmitted to the Turnpike on October 16, 1996. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Contractor Delays

KCA asked Cone, if there were any contractor delays this past week? Cone responded none they could think of right now. ...

Errors and Omissions

KCA asked Cone, if there were any errors or omissions discovered in the plans this past week? Cone responded no. ...

10/24/96 PMM
#33

Progress Meeting Minutes: Meeting No. 33

Utility Issues

... Cone stated the tie-in for the 10" forcemain was taking place tonight from 10:00 PM to 6:00 AM. Cone also stated once this was completed, the existing 10" forcemain would be removed from the CSX Railroad to the east. Once the existing forcemain was removed, the fabric people would come in Monday and install the fabric from the south side to the north. Also, Cone would finish grading the area on the east side of the railroad for fabric. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying of the fabric on the east side of the railroad, Sta. 370+00 – Sta. 390+00 ...

Subcontractors / Sublets

... The sublet for Geosynthetic Systems, a subordinate to Nicolon Mirafi, was at the Turnpike and this should be forthcoming. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone submitted a letter this week about a problem with Nicolon Mirafi's subcontractor. KCA stated the letter was not clear on what the problem was and asked Cone, was there any clarification on what the problem entailed? Cone responded the sub did not like the sequencing they were having to place the fabric and was giving Nicolon Mirafi a hassle, so Nicolon was delaying Cone. Cone stated they would probably pursue this issue under the sole/designated source supplier and this issue was linked to the first notice Cone sent on the fabric in August. KCA asked Cone, did they have correspondence from Nicolon or their subcontractor documenting this issue? Cone responded right now it was all verbal, but they could get something. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded no new ones. ...

10/31/96 PMM
#34

Progress Meeting Minutes: Meeting No. 34

Future Work Plan / 2 Week Look Ahead Schedule

... Laying of the fabric on the east side of the railroad, Sta. 370+00 -- Sta. 390+00. ...

The Turnpike asked Cone, was the fill mentioned for the S. Frontage Rd., also for the N. Frontage Rd., since the fabric was full width? Cone responded the fill on the S. Frontage Rd. shown on the schedule was the surcharge at the east end of the project and the fill in the fabric area was full width. ...

Subcontractors / Sublets

... The sublet for Geosynthetic Systems, a subordinate to Nicolon Mirafi, was verbally approved on October 29, 1996. ...

Subcontractors / Sublets

Pending Issues / Claims

... *Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...*

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded none they were aware of this week. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded they wanted to discuss the issue with the letter writing back and forth on the grading for the geosynthetic fabric. KCA stated it could be discussed under new issues.

New Issues / Open Discussion

Cone stated they have been watching the back and forth letter writing on the grade work for the geofab. KCA stated they were only responding to the letters sent by Cone. KCA also stated they have received three different letters, on three different letterheads, from three different people from Cone. KCA went on to state that in their last letter they suggested to have a meeting with Cone's subcontractor, Nicolon to discuss this issue. Cone responded this was a good idea. Cone stated they just wanted to get this issue in the meeting minutes. KCA stated they did not understand why Cone would shut down with the fabric installation, but they would like to know if Cone was going to shut down, for the meeting minutes. Cone stated they could not answer this question at this time, but they were unaware they were going to shut down. KCA stated there was not much grade work to complete the fabric grading. KCA also stated this was their contention, the grade work was almost completed and the issue can remain open, but to stop with the fabric operation at this point would not be advantageous to the project. Cone stated they needed to have further discussion with their people on this issue and they would get back with KCA on getting everyone together to discuss this matter.

11/07/96 DRB #7

Disputes Review Board Meeting Minutes: Meeting No. 7

...

DISCUSSION BY THE ENGINEER OF:Status of Past Disputes or Claims

...

Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. Cone stated since they just got the final approval on the east side fabric, they would quantify this issue and submit their package.

...

Potential New Disputes or Claims

The DRB asked Cone, were there any new disputes or claims they saw coming in the future? Cone responded the grading for the fabric that has gone back and forth. Cone stated this should be resolved by the next meeting. KCA stated from Sta. 384+00 – Sta. 391+00 there were areas of cut, about 6,000 – 9,000 CY of excavation to install the fabric. KCA also stated Cone's contention was they could not have anticipated this work at the time of bid. KCA's contention was Cone should have gotten with their subcontractor and come up with a design so that Cone would not have had the cuts, instead of bringing it up after the work was almost completed. Cone stated the original design showed the fabric on original ground and when the design came out, they had to lower it to keep it horizontal.

...

11/7/96 PMM #35

Progress Meeting Minutes: Meeting No. 35

Progress of the Contractor (This Past Week)

...Installing fabric from Sta. 357+00 – Sta. 390+00, which also includes from the beginning of the west side, to the end of the east side. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Laying the fabric on the east and west side of the railroad. ...

Subcontractors / Sublets

...The approved sublet for Geosynthetic Systems, a subordinate to Nicolon Mirafi, would be sent to Cone today. ...

Pending Issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Cone stated a pending issue that needed to be added to the list was the excavation for the fabric

Pending Issues / Claims

on the east side of the railroad. KCA asked Cone, was this going to be part of Intent to Claim No. 9, or was it going to be a separate issue? Cone responded it was going to be a separate issue. Cone asked KCA, were they combining this issue with Intent to Claim No. 9? KCA responded this was where they were putting all of the correspondence. Cone stated KCA should add a separate issue for the additional excavation. Cone also stated Intent to Claim No. 9 was for the east and west side of the railroad and the extra excavation was only for the east side. KCA stated they realize this, but they were just basing this on the fact that Cone keeps going back to the sole source premise for all of these issues. KCA also stated this could be a separate issue. Cone asked KCA, had they sent a separate notice on this issue? KCA responded they had received three letters on this issue and not really a notice. Cone stated they thought KCA would resolve this issue. KCA stated they did resolve this issue. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded just the small design ones transmitted through RFIs. ...

11/14/96 PMM
#36

Progress Meeting Minutes: Meeting No. 36

Future Work Plan / 2 Week Look Ahead Schedule

...Should complete driving piles at the CSX Railroad Bridge this week. Installing conduit for lighting on Harden Blvd. Laying the fabric, Sta. 357+00 – Sta. 390+00....

Outstanding Shop Drawings & Submittals

...KCA stated they sent a letter to Cone for the approval of the repair procedure for the west side fabric on the panels, which were short.

KCA stated the seam strength submitted for the west side, for the prayer stitch, was acceptable, but the rest of the fabric would have the stitch designated in the shop drawings. Cone stated the installer would like to use the prayer stitch, because it was quicker and also easier for the thicker fabric. KCA stated if they wanted to change the type of stitching, Cone would have to submit a request for change. Cone agreed. ...

Pending issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Extra Grade Work for Geofabric, East Side of CSX Railroad was added to this list as per discussions from the DRB Meeting last week. KCA stated they met with Cone on this issue, last week, following the DRB Meeting and both parties came to a resolution on payment in accordance with the embankment specifications. Cone was supposed to get back with KCA on this issue and whether the payment would be acceptable as discussed. KCA stated this should be resolved in the next couple of weeks. ...

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded none that they could think of at this time. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded none for right now. ...

11/21/96 PMM
#37

Progress Meeting Minutes: Meeting No. 37

Progress of the Contractor (This Past Week)

...Laying fabric from Sta. 357+00 – Sta. 390+00. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Laying the fabric, Sta. 357+00 – Sta. 390+00. ...

Outstanding Shop Drawings & Submittals

...The CSX Bridge, Pier 2C Foundation Analysis, Submittal No. 624, was submitted by Cone on November 14, 1996. KCA stated this was not a shop drawing, but a design analysis due to the piles driven out of tolerance. KCA asked Cone, did they want RS&H to put this at the top of the list, since Cone was pouring footers at the CSX Bridge. Cone responded yes.

KCA stated the only other submittal was the failing concrete at the CSX Bridge. The design strength was only 3400 PSI, but the RS&H was concerned with the durability. KCA stated they were trying to find out what needed to be submitted for these extra tests, but it did appear at this time these failing elements would require coating. ...

Pending Issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Extra Grade Work for Geofabric, East Side of CSX Railroad was added to this list as per

Pending issues / Claims

discussions from the DRB Meeting on November 7, 1996.

KCA asked Cone, was there any update on the submittal of any of the packages for the Intent to Claim's list? Cone stated they needed to talk to their people and find out the status of the submittals. The Turnpike stated the pile driving issue was over. Intent No. 4 and should be submitted. KCA stated Intent Nos. 4 and 5 have been done for a while and should have been submitted. Cone stated they thought they were working on No. 5 and of course No. 6 would probably go away after the surcharge, if there was no damage to the forcemain. Cone stated they thought the issue for the grading for the fabric was about worked out. KCA stated this issue should be resolved today. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded no....

12/05/96 PMM
#38

Progress Meeting Minutes: Meeting No. 38

Progress of the Contractor (This Past Week)

... Laying fabric on the east and west side of the railroad. Installing lighting conduit on the N. and S. Frontage Rd. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying the fabric, Sta. 357+00 – Sta. 390+00. ...

KCA stated they had been reviewing the production rates for the embankment on the east and west side of the railroad and the production had significantly dropped off to almost half in the last couple of days. KCA asked Cone, were there any problems? Cone responded they asked their crews the same question this morning, because they had been getting about 6,000 CY a day. KCA stated it dropped to about 3,000 CY a day the last couple of days. Cone stated they had the water problems on Monday from the rain and got leveled out by Tuesday, but they were running about 24 trucks. KCA stated one of the days was before the rain and one was after, but the production has been cut in half and KCA had heard there were problems in the pit. Truck drivers were having to wait at the pit so they were taking off. Cone stated they were unaware of this problem, but they were aware of an access problem into the pit they were hauling from that they have discussed internally to get a road built to the pit. KCA stated they asked their inspectors, because it was a very slow pace yesterday. KCA asked Cone, was this a temporary problem or long term? Cone responded a temporary problem. KCA asked Cone, they were working east and west of the railroad, but would they be concentrating on the east side due to the surcharge? Cone responded yes. ...

Outstanding Shop Drawings & Submittals

... The CSX Bridge, Pier 2C Foundation Analysis, Submittal No. 624, was submitted by Cone on November 14, 1996. KCA stated this was not a shop drawing, but a design analysis of Pier 2C due to the piles driven out of tolerance. KCA stated the review has been put on hold by RS&H, as per KCA, due to additional piles that were out of tolerance at this pier footer, which were not submitted on the original analysis. KCA also stated Cone has submitted a letter stating they poured this footer at their own risk, so the submittal should be submitted as soon as possible. Cone stated this was on its way. The Turnpike stated they had the same situation on Section 1 and the position was taken that until the analysis was submitted and approved, the footer could not be paid and there was only a little over a week until the estimate. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded none other than the ones we were finding as we go along and were trying to sort.

New Issues / Open Discussion

There were no new issues discussed this week.

12/12/96 DRB #8

Disputes Review Board Meeting Minutes: Meeting No. 8

...

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

Cone stated they were at a disadvantage with their regular Project Manager on vacation and there may be some items of construction missed in their narration. Cone has been constructing embankment on the east and west side of the CSX Railroad Bridge. Installed some fabric in these same areas. ...

Cone stated this was all they could think of that was completed since the last DRB meeting. The DRB stated when they were here last month, Cone was installing fabric to the west of the embankment on the east and west side of the CSX Railroad Bridge. Installed some fabric in these

railroad. Cone stated this was correct. The DRB asked Cone, was this all completed? Cone responded no, they were placing additional layers of fabric on both sides of the railroad. Cone stated there were several layers to install on both sides. KCA stated there are about four layers on the west side and about five layers on the east, of which two on each side have been installed. Cone stated there were several areas that were ready to receive the next layer of fabric. KCA stated there was one ready, but KCA heard last night there was a bust in the grade that Cone was re-grading. Cone stated they had not heard this and they would check on this. The Turnpike stated the grades were fairly close and most of the cuts were only about 5 inches. Cone stated they thought they had + or - 6 inches tolerance on the grade. The Turnpike stated then maybe they had 5 inches of cut to get to the + or - 6 inches.

Current Status of Work Schedule

Cone stated as everyone could see, they were behind schedule on this job. The DRB stated the percent complete on the schedule shows 54% and the money Cone has earned was 46%. Cone stated this was correct. The DRB stated they did not see where Cone was on days completed. Cone stated they have used 35.81% on contract days. KCA stated this included the 15 days added by Supplemental Agreement No. 3. Cone stated this job has had a lot of impacts and delays, with the fabric being one. Cone also stated there have been a lot of concerns on this project that has impeded their progress. KCA stated the JPA work has impeded their progress also. Cone asked KCA, the fabric has killed them, hasn't it? KCA responded, if Cone would have completed the fabric and the surcharge, which was a critical area, they could start the time on the surcharge. Cone also stated that going down the road, hopefully they could release the surcharge early, because this was a critical area with the Toll Plaza. The Toll Plaza in this area had to be turned over to the Toll Plaza Contractor in August, 1997 and here they were in December with the surcharge that may have to be in place for 6 months. There was about 20 ft. more of fill to go in the surcharge area. The DRB clarified, were there 5 layers of fabric in this area? KCA responded yes, but there were only 3 layers left to be installed. Cone stated that these layers were not over the entire embankment, but varied in width and sides of the embankment as the fill went up.

The DRB asked Cone, and maybe Cone could not answer this question, but in real construction, not money, what percentage complete was Cone on the job? Cone responded they were probably closer to the contract day percent complete, the 35%. The DRB also asked Cone, were they still within the contract time on their CPM Schedule? Cone responded no, they were about 120 days behind, with the status completion shown as September, 1998. KCA stated the original completion date was May 20, 1998, but as of the second schedule update it calculated out to September. The DRB asked, of 1998. KCA responded yes, but some of this was partially due to out of sequencing work.

Potential Problems

Cone stated a potential problem would be the surcharge. If it took longer than 6 months, or even the entire 6 months, it could affect their schedule. Cone stated there has been some heaving in the bottom of Pond 3. ...

Cone stated the pond was completed, but they would have to get back in there, after the surcharge was released, to install the cross drain. The DRB asked Cone, was there fabric under this pipe and would Cone have to cut through the fabric to install this pipe? Cone responded yes, but this was not a concern. Cone stated according to the structural engineers, from what they remembered, once the area has finished settling in the surcharge area, the fabric has served its useful purpose. KCA stated they were not too sure this was a correct statement. The DRB stated that normally the fabric becomes an integral part of the overall structure and there may be some concerns with cutting the fabric. Cone stated they had approved repair procedures for going through the fabric that were approved by FDOT, KCA and the designers. KCA stated this one would not be as much of a concern, because it would be cut with the direction of the fabric and not against the strength direction. KCA also stated there was an area, where Cone forgot to install a storm pipe on the west side, that they had just received a repair procedure for cutting the fabric parallel with the Mainline, which was against the strength direction. The Turnpike asked KCA, did this area have a temporary pipe like the east end of the project? KCA responded no.

The DRB asked Cone, were there any other potential areas of concern? Cone responded no, just some minor areas of concern, like how they were going to get traffic around Harden Blvd. and Drane Field Rd. intersection. Cone stated KCA has been working with Cone to come up with a scheme to get traffic through this area as they construct the area where Harden Blvd. meets Drane Field Rd.

DISCUSSION BY THE ENGINEER OF:

Work Schedule As He Views It

... KCA stated the fabric was also a main concern, but it was going well now. KCA also stated once they removed the existing water and sewer lines, which the sewer line was removed in December, that opened up the whole fabric area east and west of the railroad. ...

Status of Past Disputes or Claims

... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay, once they removed the existing water and sewer lines, which the sewer line was removed in December, that opened up the whole fabric area east and west of the railroad

KCA stated they were waiting on a submittal from Cone. but this would probably be submitted after the fabric was completely installed. ...

Extra Grade Work for the Geofabric, East Side of CSX Railroad. KCA stated this issue had been resolved and a Supplemental Agreement has been started. The summary of negotiation was at Cone for signature.

...

Disputes Review Board Meeting Agenda

...

B. Status of Past Disputes or Claims

...

i). Extra grade work for geofabric, east side of CSX Railroad.

12/12/96 PMM
#39

Progress Meeting Minutes: Meeting No. 39

Future Work Plan / 2 Week Look Ahead Schedule

... Laying the fabric, Sta. 357+00 – Sta. 390+00. ...

Pending Issues / Claims

KCA stated the list was basically the same and they would just update any that had changed. ...

Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Extra Grade Work for Geofabric, East Side of CSX Railroad. KCA stated this issue has been negotiated and they were just trying to iron out a few details with Cone. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded none they were aware of this week. ...

12/19/96 PMM
#40

Progress Meeting Minutes: Meeting No. 40

Progress of the Contractor (This Past Week)

... Laying fabric on the east and west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying the fabric, Sta. 357+00 – Sta. 390+00. ...

Supplemental Agreements / Work Orders

... KCA stated the only other potential S.A. was the re-grade work for the fabric and the summary of negotiations was in Cone's hand for signature. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone should submit their package on this issue. ...

Extra Grade Work for Geofabric, East Side of CSX Railroad. KCA stated this issue has been negotiated and they were just trying to iron out a few details with Cone. ...

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded none they could think of this week. ...

Errors and Omissions

KCA asked Cone, were there any errors or omissions discovered in the plans this past week? Cone responded none they were aware of this week. ...

01/02/97 PMM
#41

Progress Meeting Minutes: Meeting No. 41

Progress of the Contractor (This Past Week)

... Laying fabric on the east and west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying the fabric, Sta. 357+00 – Sta. 390+00. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone had stated they were waiting until they were done with the installation. ...

Extra Grade Work for Geofabric, East Side of CSX Railroad. KCA stated this issue should be

Pending Issues / Claims

resolved this Monday. ...

01/09/97 PMM
#42

Progress Meeting Minutes: Meeting No. 42

Future Work Plan / 2 Week Look Ahead Schedule

...Laying the fabric, Sta. 357+00 – Sta. 390+00. ...

KCA asked Cone, was there a reason the fabric crew started back working first on the west side of the railroad instead of the east side, which was more critical? Cone responded not really, they guessed they could have started on the east side, but they were not sure. KCA stated the surcharge on the east side was critical and the area on the east side, without the fabric, still needed density, so it was dead. Cone stated they really could not answer this question. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated Cone had stated they would submit this package once they were done with the geosynthetics. Turnpike Production asked, what was this issue about? KCA stated Cone's position was this was a sole source supplier. ...

Intent to Claim No. 18, filed on January 8, 1997, settlement in the area north of Pond 3. KCA stated this issue was discussed earlier.

Extra Grade Work for Geofabric, East Side of CSX Railroad. KCA stated this was settled by S.A. No. 6, which was sent for certification of funds. ...

01/16/97 DRB #9

Disputes Review Board Meeting Minutes: Meeting No. 9

DESCRIPTION BY THE CONTRACTOR OF:

...

Proposed Solutions to Problems

...The DRB asked Cone, what was their schedule for the Toll Plaza area? Cone responded August of 97. Cone stated, and they brought this up to KCA and the Turnpike, everyone knows they have had a lot of problems with the fabric, utilities and so on and they would have a problem with the turnover date. ...

DISCUSSION BY THE ENGINEER OF:

...

Status of Past Disputes or Claims

...Extra Grade Work for the Geofabric, East Side of CSX Railroad. KCA stated this issue was settled by S.A. No. 6, so this should be off the list next time.

01/16/97 PMM
#43

Progress Meeting Minutes: Meeting No. 43

Progress of the Contractor (This Past Week)

...Laid fabric on the east and west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Sometime next week Cone would be placing the last lower layer of fabric on the west side of the railroad at the bent. ...

Supplemental Agreements / Work Orders

...KCA stated Supplemental Agreement No. 6, the fabric grading, was sent to the Turnpike today for certification of funds on January 9, 1997. ...

Pending Issues / Claims

... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated Cone was waiting to submit this package once they were done with the geosynthetics. ...

Extra Grade Work for Geofabric, East side of CSX Railroad. KCA stated this was settled by S.A. No. 6, which was sent for certification of funds, but they would leave this issue on the list until the supplemental agreement was signed.

Contractor Delays

...KCA asked Cone, what was their delay on Pond 3? Cone responded not being able to build the surcharge on the S. Frontage Rd. KCA stated, for everyone's information, there has been no fill in this area due to the rain. Cone stated they were hauling on the east side. KCA stated but they were not filling in next to the failure. Cone stated they were filling on the west end of the east side of the railroad. KCA stated but they were not filling the area adjacent to the pond. The Turnpike stated they were filling at about Sta. 377+00 on the fabric. KCA stated there has not been any in the surcharge area adjacent to the pond. Cone stated this was correct, because KCA directed them to stay out of there. KCA stated this was just for the area on the S. Frontage Rd., but Cone could continue to build the Mainline. KCA also stated this Mainline area was wet and Cone was not filling in next to the failure. Cone stated they were filling on the west end of the east side of the railroad. KCA stated but they were not filling the area adjacent to the pond. The Turnpike

		still waiting to get density. Cone agreed. ...
01/23/97	PMM #44	<p>Progress Meeting Minutes: Meeting No. 44</p> <p><u>Utility Issues</u></p> <p>... The City also stated they would like to clean up some of these temporary tie-ins. Cone stated the only temporary tie-in that was installed was the one at the lift station to free the west end of the project for the fabric installation. The Turnpike stated this would be removed when the new line was installed. ...</p> <p><u>Progress of the Contractor (This Past Week)</u></p> <p>... Laid fabric on the east and west side of the railroad. ...</p> <p><u>Future Work Plan / 2 Week Look Ahead Schedule</u></p> <p>... Laying fabric on the east and west side of the railroad. ...</p> <p><u>Pending Issues / Claims</u></p> <p>... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. Cone was waiting to submit this package once they were done with the geosynthetics. ...</p> <p><u>Action Items</u></p> <p>Estimate No. 12 cutoff date is Sunday, February 16, 1997. KCA stated they sent Cone a notice of non-payment yesterday for Sheffield Steel. ...</p> <p><u>New Issues / Open Discussion</u></p> <p>Cone asked KCA, was there any word on the surcharge pile release? KCA responded they sent their recommendation to the Turnpike yesterday recommending release of the areas. ...</p>
01/30/97	PMM #45	<p>Progress Meeting Minutes: Meeting No. 45</p> <p><u>Progress of the Contractor (This Past Week)</u></p> <p>... Laid fabric on the east and west side of the railroad. ...</p> <p><u>Future Work Plan / 2 Week Look Ahead Schedule</u></p> <p>... Laying fabric on the east and west side of the railroad starting on Monday. ...</p> <p>KCA stated they had heard the wall crews were going to work on Wall No. 1D, but they did not have the mesh for the lower layers. Cone stated the wrong mesh was sent in, but the correct mesh would be shipped tomorrow morning. ...</p> <p>The Turnpike stated there were a lot of walls available for work and it looked like they could have 3 or 4 crews there working on the walls. Cone stated they had 3 crews on site, but they were scattered out until Cone could sort these issues out, which they have been working on for the last week and a half. The Turnpike stated it seemed like this was holding up all of the bridge work. Cone agreed that the walls were the controlling factor. ...</p> <p><u>Contractor Delays</u></p> <p>KCA asked Cone, were there any contractor delays this past week? Cone responded yes, the Kimmins delay continued on. KCA stated the wall materials were also a delay. ...</p> <p><u>New Issues / Open Discussion</u></p> <p>Cone asked KCA, was there any word on the surcharge pile release? KCA responded they sent their recommendation to the Turnpike and they have turned it over to the geotechnical engineer. ...</p>
02/06/97	PMM #46	<p>Progress Meeting Minutes: Meeting No. 46</p> <p><u>Progress of the Contractor (This Past Week)</u></p> <p>... Laid fabric on the east and west side of the railroad. ...</p> <p><u>Future Work Plan / 2 Week Look Ahead Schedule</u></p> <p>... Laying fabric on the east and west side of the railroad starting on Monday. ...</p> <p><u>Contractor Delays</u></p> <p>... Cone has been having some problem with receiving the wrong mesh and wrong panels from VSL. KCA stated there were two walls that Cone wanted to delete the wire face portion of the walls. Cone stated this also involved the deletion of some of the fabric in this triangle section in the corner.</p> <p>KCA stated the other delay issue they wanted to mention was there has been a lot of time spent on the east side fill material that has been coming in wet from the pit. KCA asked Cone, did they know when they would have the new pit approved? Cone responded this was supposed to happen today. Cone stated once it was approved, then they would only have to have it transferred, which was only a phone call for embankment, but for select fill KCA would have to sample this material. KCA stated Cone needed to have it tested first. Cone stated they had samples. KCA stated Cone the east side fill material that has been coming in wet from the pit. KCA asked Cone, did they</p>

had to have it certified by their lab that it meets the select fill requirements. Cone stated they had their tests on the material already going to two other projects. 3B and 6A. KCA stated then Cone needed to submit copies to KCA. The Turnpike stated they thought Cone was talking about a different material than what was going on to 6A. Cone explained the confusion over the project numbers and why it took so long for this process. Cone stated the final outcome was that this material would not be used on 6A. The Turnpike stated KCA would need a copy of the lab tests. ...

New Issues / Open Discussion

... Cone asked KCA, was there any word on the surcharge? ...

KCA responded, as far as PSI was concerned they would probably release the areas, but they wanted to be sure. ...

02/13/98 DRB #10

Disputes Review Board Meeting Minutes: Meeting No. 10

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

... The DRB asked, so Cone's mainline surcharge was released all the way to the east end of the project? KCA responded yes. The Turnpike stated Cone finished the surcharge on the S. Frontage Rd., tying into Section 3B, a little later than the mainline and requested them to be split apart. Cone stated this was correct, but if there was no movement it should be released. The DRB asked, has anybody noticed any additional sliding? KCA responded no. The DRB asked Cone, where were they going with this surcharge fill? Cone responded to the east end of the project up to Section 3B. The DRB asked, how much earlier was the surcharge areas released? KCA responded 68 days. The Turnpike stated 68 of the 180 days or about 2 months. ...

The DRB asked Cone, were they having problems with moisture in the material from their pit and was that why they were getting this new material from Fort Meade? Cone responded yes, they would mix the new material with their material, because they were getting some wet material. The DRB asked Cone, were they having any problems getting density? Cone responded they were having to disc the material a little extra to dry it out. KCA stated that was the problem, they were having to open it up and let it dry for a day. KCA also stated it has been approved since the last DRB meeting to raise the optimum moisture content on the select fill two percent. The Turnpike stated they have allowed Cone to bring in material and place it at two percent higher than the specs allowed. The DRB stated but they still had to get density the same way. KCA stated this was correct. The DRB stated this was just the way it would be placed. KCA stated this was only for the fabric area and not the wall areas. ...

Current Status of Work Schedule

Cone stated as of the last update KCA had a couple of comments and the next update was due next Tuesday. KCA stated they were running about October for the completion date and the last update showed coming back to September. The DRB asked KCA, you picked up time? KCA responded they thought it had to do with the way the bridge items, such as the fab times, were tied in. The DRB asked KCA, does Cone do the updates or does KCA do the updates? KCA responded Cone does their version and KCA does theirs and then they are compared. The DRB asked KCA, was their status showing the project finishing within contract time? KCA responded no, they were both running about the same. The DRB asked KCA, how many days were they showing behind? KCA responded the worst case was about 120 days. The DRB asked, how would the release of the surcharge impact the schedule? KCA responded they did not think it would impact it much because some of these activities had float in them. KCA stated once the surcharge west of Harden Blvd. was started and more of the CSX Bridge was completed, we would see the schedule come back into contract time. Cone stated yes the bridge was behind schedule. The DRB asked KCA, if Cone had their version of the updates and KCA had theirs, whose version would we be looking at if there was a delay claim? KCA responded they met with Cone last week and they went through the differences and both sides made some adjustments, so there was not much difference between the two versions. The DRB asked KCA, so they thought there was not much difference? KCA responded this was correct. The DRB asked KCA, so why was the schedule over 120 days? KCA responded mainly because of the CSX Bridge. KCA also stated they did not think Cone was 120 days behind schedule. ...

DISCUSSION BY THE ENGINEER OF:

Work Schedule As He Views It

KCA stated that Cone went over the progress of the work since last month's meeting. KCA also stated Cone mentioned the early release of the surcharge, which would open up the east portion of the project. ...

The DRB asked Cone, was the critical path still through the surcharge area? Cone responded yes. ...

02/13/98 PMM
#17

Progress Meeting Minutes: Meeting No. 47

Progress of the Contractor (This Past Week)

... Laid fabric on the east and west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

#17

Progress of the Contractor (This Past Week)

...Laying fabric on the east and west side of the railroad. ...

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded yes, the area of the Kimmins work.

KCA stated they wanted to mention the delay that was discussed last week with the VSL walls. KCA stated the VSL wall materials were holding up the wall construction.

KCA stated the other delay issue was the wet fill being brought in for the geosynthetic areas. KCA asked Cone, did they get the new pit approved? Cone responded yes, it was approved and they were hauling to Section 3B and they would get the paperwork tomorrow. Cone stated they would have all of the test analysis tomorrow. KCA asked Cone, for the select material? Cone responded it would be for the regular embankment and the select fill. Cone stated it has been tested for both. KCA stated Cone was supposed to provide a copy of the test results to KCA. Cone stated they would as soon as they got them from Bartow and it should be tomorrow. KCA asked Cone, who ran the tests for the select portion. Cone's lab? Cone responded Bartow. KCA stated they would have to check this out, because Cone was supposed to have their lab certify the material. Cone stated they knew this, but Bartow has certified this material for select material. KCA asked Cone, did they talk to Bartow about transferring the material to this section? Cone responded yes. ...

New Issues / Open Discussion

Cone stated the only issue they wanted to discuss was the revisions on the VSL that came back from Post Buckley with recommendation to install fabric for the full length of the walls. KCA stated it was just for the full length of the portion of the walls that were deleted. Cone stated their thought was that the wall was stepped up 28 ft. and what was the fabric going to do 28 ft. in the air with select material. Cone also stated the intent of the plans was to build the walls in phases. KCA stated the wire face walls were put in by VSL and not the original plans. Cone stated they talked to VSL and they concluded this from the plans, because they thought the traffic would be on Drane Field Rd., while the walls were built 35 ft. in the air. Cone also stated their immediate thought was they said they could delete these walls if the fabric was in and this was another cost to Cone. KCA stated the costs of the fabric far out weigh the cost of the wall materials and labor Cone was saving. Cone stated the only thing they were saving was the labor. KCA stated they were also saving the time, 3 or 4 weeks. Cone stated they did not know if it was three or four weeks. KCA stated the fabric was discussed when this issue was first discussed and not thrown in at the last moment. Cone stated sure it was. KCA stated VSL and Cone should have known about the fabric. KCA also stated the reason the walls were down to the bottom was to eliminate the possibility of differential settlement between the front face walls and the side walls. Cone stated they could understand if the fabric was down at the bottom, but 28 ft. in the air, the fabric was not going to do anything. KCA stated the way they look at it was the designer came up with a design they know will work, and if Cone wanted to change it, they had to go with his recommendation or go back to the original design. Cone stated they were not going through this process again. The Turnpike stated it looked like Cone needed to know what type of fabric to use. KCA stated this was identified in the submittal. Cone stated they did not state what type of fabric to use. KCA stated they gave the strength requirement and Cone needed to meet this criteria. Cone stated all they were saying was that they were picking up a large tab, especially with the mesh, because it was site specific and could not be used elsewhere. KCA stated then Cone needed to install as per plan. KCA also stated if Cone was not saving any money then why were they requesting change in the first place. Cone stated this all came about when they started questioning VSL and what they were doing, but that was enough on this issue.

02/20/97 PMM
#48

Progress Meeting Minutes: Meeting No. 48

Utility Issues

... Cone also stated their sub priced it out to Cone from the toll plaza plans which only shows one layer of fabric. Once the surcharge period was over, the repair procedure for the fabric would be much less elaborate than now and they knew this because they have the 30" storm sewer to install after the surcharge. ...

The Turnpike asked Cone, if they went through the effort to investigate this issue and come up with a simpler solution, was it going to come back later and bite them? Cone responded, as far as they were concerned, it would not, but they did not have any control over the office. ...

Progress of the Contractor (This Past Week)

...Laid fabric on the east and west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying fabric on the east and west side of the railroad. ...

Cone also stated they were working on two walls right now and soon as the fabric is done on the west side, which should be Tuesday, this would release them to work on Wall 1D. ...

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded yes, the area

Cone also stated they were working on two walls right now and soon as the fabric is done on the west side, which should be Tuesday, this would release them to work on Wall 1D. ...

why they were bringing it to Cone's attention, because this was talk in the field and sometimes Cone was not aware of these issues. KCA also stated as of yesterday the sub worked late, but KCA was told the sub would not work on Saturdays and they would cut back to 8 hour days. Cone stated from what they see there was a lot of wall work out there. There was Wall 3, 4, 2E and a lot of work on Wall 1D.

KCA stated going back to what Cone said on the fabric that their sub wanted 100% payment. KCA asked Cone, was this concerning retainage? Cone responded they could not answer that, it was in Mike Cone's hands. Cone stated as far as they knew their sub wanted all of their engineering fees and the engineering was not over. KCA stated all of the shop drawings were approved. Cone stated the shop drawings were approved, but they were changing daily. Cone stated an example of this was on the Frontage Rd. Cone went through the hoops to extend the fabric 5 ft. where they were short and the designer sent a detail to extend it 5 ft. and cover it with fill. Cone also stated everyone stood there and said this was out in the ditch and Cone would cut through it. Now there was a problem and the designer said no problem just cut through the fabric. KCA stated they could see some of these issues, but the sub was out \$ 700,000. Cone stated they did not write the checks. Cone also stated Mike Cone was handling this matter. KCA asked Cone, was there any schedule on when they would be back in to finish the fabric? Cone responded they could not answer this question at this time. KCA stated they just wanted to bring up these delays to Cone that were not owner related. ...

New Issues / Open Discussion

... KCA stated the issue with bringing the fill from Section 3B was being pushed up to Charlie Wegman, so KCA should be able to let Cone know by the end of the week on this matter. ...

03/13/97 PMM
#51

Progress Meeting Minutes: Meeting No. 51

Future Work Plan / 2 Week Look Ahead Schedule

...Laying fabric on the east and west side of the railroad. ...

Contractor Delays

... KCA stated they discussed this issue at last week's meeting concerning the fabric holding up the wall work. KCA asked Cone, did they have a further update on getting someone back in to finish up the fabric? Cone responded yes, they were working on this as they speak. Cone stated there has been a misunderstanding between Cone and their supplier and installer, but they had this about sorted out. Cone also stated they should have them back in next week, but if they don't, they would have someone in to install fabric. KCA stated if Cone changed subcontractors they needed to get a sublet in for approval. Cone stated they hoped they could get it sorted out with Nicolon. ...

New Issues / Open Discussion

... KCA stated they received the test results yesterday from Cone for the material from the Fort Meade Pit to be used in the fabric areas. KCA also stated they would get a response to Cone by tomorrow.

Cone stated they had a sample from an additional pit. Cone has had conversations with Bartow and as per Bartow, KCA needed to get this sample over to Bartow. Cone stated they have found a huge stockpile and Bartow had wanted Cone to get a sample to Bartow, to run an analysis, so they did not have to drill it and grid it. FDOT asked Cone, did they have the sample? Cone responded no, but they would get it to them by the Section 3B meeting. ...

03/20/97 DRB #11

Disputes Review Board Meeting Minutes: Meeting No. 11

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

... The DRB stated when they were out in the field, Cone was working on the east side of the Railroad Bridge on the fabric. The DRB asked Cone, how much more fabric did they have to install? Cone responded there was actually three more layers. The DRB asked Cone, above what was out there now? Cone responded yes, the fabric they were laying out there today had two more layers above it and the last one was parallel to the centerline. The DRB stated they noticed two different layers on the other side. Cone stated there was actually three layers exposed on that side. Cone stated they had a small piece at the corner of fabric, where they were having problems getting the straps installed under the wall. This had to be completed so they could continue with the fabric and the wall construction. They were stopped again on the east side, because the fabric elevation was the same as the mesh elevation, so they have a detail that says they could be 6" above the fabric, but it should have been + or - 6". If it was 6" + or -, they could have installed the fabric and completed the mesh and kept going on up with the wall. The DRB asked Cone, was this detail in the FDOT plans or from the fabric designer? Cone responded it was from the FDOT's wall manufacturer and fabric supplier. ...

DISCUSSION BY THE ENGINEER OF:

Work Schedule As He Views It

KCA stated the work progress has been seen by the DRB this morning during the drive through and as discussed by Cone during the two meetings. KCA stated they have mentioned in the last

DISCUSSION BY THE ENGINEER OF:

couple of meetings the delays to the wall work. Cone has now resolved this issue by installing the fabric with their crews and with a new subcontractor. This should now open up all of the abutment walls at the CSX Bridge. ...

Status of Past Disputes or Claims

... The DRB stated they would hate to see these claims linger much longer. There were some claims on the list from last June, July, August, October and if there could be some effort to get off center and come to a solution on part of those. KCA stated the only problem was they were waiting on submittals on some of these items. The first two were supposed to be submitted by Cone, but KCA has heard this for the past six months. ...

The DRB stated they would like to encourage, on behalf of the Board, both parties to make an effort to resolve the first 5 on the list, which would be Claim Nos. 4, 5, 6, 9 and 11 and that would get everything from August and older out of the way. The DRB also stated it seems the longer a claim lays around, the more problems occur and a resolution was better when everything was fresh in everyone's mind. If Cone was going to submit a package for damages they should go ahead and the State should be prepared to present their side of the issue, rather than letting them accumulate into one huge claim that everyone would be upset over. The DRB stated for both parties to take them one by one and reach an agreement to see if there was or was not merit there. Perhaps this could be done in the next month or so to try to get rid of some of the old ones. The DRB stated they did not want to interfere with the process that seems to be working between both parties, but they thought if there was no agreement on whether there was merit or not, the primary reason for the Board was for early, prompt resolution of a claim. The DRB also stated they do not necessarily need a package with dollars assigned to it to say there was merit and negotiate with the contractor or the contractor does not need to put a package together, because there was no merit. The sooner the Board could get them after the impact occurred or certainly make them aware of any impacts on the job when they were here. KCA stated this was why on the agenda they had added when they thought the impacts, if any, were over. The DRB stated but Cone may not agree with these dates. KCA stated this was true, but this was their analysis. The DRB stated these issues should be brought to the Board's attention when they were fresh in everyone's mind. The DRB stated that when you see claims without money, you do not get any preconceived notions. The Turnpike stated their problem was that if the claim comes and the cost was less than it was to administer it, there was no point. ...

03/20/97 PMM
#52

Progress Meeting Minutes: Meeting No. 52

Progress of the Contractor (This Past Week)

... Laid fabric on the east and west side of the CSX Bridge. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying fabric on the east and west side of the railroad. ...

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded yes, the area of the Kimmins work.

KCA stated they mentioned the last couple of weeks about the fabric delays to Cone's wall operations. KCA also stated Cone has started back on the fabric with a different sub on the east and west side of the CSX Bridge and this should open up more of the wall work. KCA asked Cone, would they be bringing in the material from the Ft. Meade pit or would they wait until the third pit was approved? Cone responded they were working on the other pit, which they have submitted the material for the phi angle tests. Cone also stated they would be bringing in some loads from the Ft. Meade pit tomorrow for the walls. ...

03/27/97 PMM
#53

Progress Meeting Minutes: Meeting No. 53

Progress of the Contractor (This Past Week)

... Laid fabric on the east and west side of the CSX Bridge. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying fabric on the east and west side of the railroad. ...

Outstanding Shop Drawings & Submittals

... KCA stated Cone had mentioned they would be installing the storm sewer across the Mainline in the fabric area. KCA wanted to remind Cone to submit their repair procedure for approval. Cone stated they should be submitting this procedure in the next day or two. ...

Action Items

Estimate No. 14 cutoff date is Sunday, April 20, 1997. KCA stated they had sent a certified letter to Mike Cone on the notice of non-payments to Sheffield Steel and Nicolon Mirafi. ...

New Issues / Open Discussion

... Cone stated they wanted to mention that they were submitting for certification of a new pit. Cone also stated it was their understanding that Bartow stated Cone would not have to grid the pit, that Bartow would just have to do the testing that they were doing today, but now Cone has to grid

New Issues / Open Discussion

the area. KCA stated Bartow had told them from the beginning, and evidently there was some miscommunication along the lines, that all of the pits had to be treated the same. Cone stated that was what they thought, but they were working through someone else in the company. Cone also stated their intention was to use this material for the wall areas and the fabric areas. KCA stated they let Bartow know this so they would test it for select fill. Cone stated they anticipated using this pit, so they submitted the material to BCI for the phi angle and they got approval, so they should be getting the paperwork soon. Cone also stated the phi angle was fine, it was 34, so Cone would be submitting this to KCA for approval. KCA asked Cone, did the lab run the full series of tests? Cone responded yes, they ran all of the tests. ...

04/03/97 PMM #54 Progress Meeting Minutes: Meeting No. 54
Progress of the Contractor (This Past Week)
 ... Laid fabric on the east and west side of the CSX Railroad. ...
Future Work Plan / 2 Week Look Ahead Schedule
 ... Laying fabric on east and west side of CSX Railroad. ...
Action Items
 Estimate No. 14 cutoff date is Sunday, April 20, 1997. KCA stated they had sent a certified letter to Mike Cone on the notice of non-payments to Sheffield Steel and Nicolon Mirafi. ...

04/10/97 PMM #55 Progress Meeting Minutes: Meeting No. 55
Progress of the Contractor (This Past Week)
 ... Laid fabric on the east and west side of the CSX Railroad. ...
Future Work Plan / 2 Week Look Ahead Schedule
 ... Laying fabric on the east and west side of the CSX Railroad. ...
New Issues / Open Discussion
 ... KCA stated they sent Cone the approval letter for the use of the material from the Agrifos pit for the geosynthetic backfill material. ...
 Cone stated they received their response back from Nicolon Mirafi, which basically states that when the surcharge program is completed, Cone could dig through the fabric without repairing it. Nicolon has reviewed the instrumentation data and they do not feel that replacing the fabric is warranted. Cone stated they would like to get a quick decision on this matter. KCA stated they would have to fax the request to RS&H, but they could go ahead and tell Cone that this would be acceptable, because it was discussed with PSI the other day in a meeting at the Turnpike office. The Turnpike stated this would only be applicable on the north side at this time. Cone stated they realized this, because they had to construct the surcharge on the south side. ...
 The Turnpike stated they just received an issues list from Cone and was this the list of issues that Mike Cone would discuss with Mr. Wegman next week? Cone responded no, but they were still a little confused on what was required. Cone stated they have discussed this issue with KCA and some of packages have been submitted. The issues that have not been resolved was because KCA did not have the package from Cone for review. The Turnpike stated there were only two issues on the list that had packages submitted. Cone stated they were trying to submit this list on Monday to resolve these issues. Cone also stated one issue for example was the sod and what areas would be sodded. The Turnpike asked Cone, did they anticipate Mike Cone only wanting to discuss the issues that had already been submitted? Cone responded yes, there was no sense wasting their time if the issue had not been submitted to KCA for review.

04/17/97 PMM #56 Progress Meeting Minutes: Meeting No. 56
Progress of the Contractor (This Past Week)
 ... Laid fabric on the east and west side of the CSX Railroad. ...
Future Work Plan / 2 Week Look Ahead Schedule
 ... Laying fabric on the east and west side of the CSX Railroad. ...

04/24/97 PMM #57 Progress Meeting Minutes: Meeting No. 57
Progress of the Contractor (This Past Week)
 ... Laid fabric on the east and west side of the CSX Railroad. ...
Future Work Plan / 2 Week Look Ahead Schedule
 ... Laying fabric on the east and west side of the CSX Railroad. ...

05/01/97 DRB #12 Disputes Review Board Meeting Minutes: Meeting No. 12
DESCRIPTION BY THE CONTRACTOR OF:
Work Accomplished Since Last Meeting

05/01/97 DRB #12 Disputes Review Board Meeting Minutes: Meeting No. 12

Cone stated there was an agreement between the Owner, the geotechs and everyone, that instead of continuing with the surcharge at Pond 3 with the failure and movement, they came up with a plan and approached Cone. Cone, KCA and the Turnpike sat down and made an agreement to go on with the pile plan. The DRB asked Cone, what were they doing? Cone responded, they were excavating down to elevation 143. The DRB asked, which was what, roughly? KCA responded this was about 2 ft. above natural ground and just above the first layer of fabric. KCA explained that they did not want to get too close to where the weak material was located. Cone stated they were excavating approximately 22,000 CY of material and then there was 1100 wood piles designed to be installed in this area. ...

... The DRB asked, was this a unit price supplemental agreement? The Turnpike responded unit price for the piling and the rest was rolled up into a lump sum item. The DRB asked, was there any time granted? KCA responded no, because they performed their engineer's estimate on the days it would take to complete the work, which was about 70 days, and this was less than the 180 day surcharge period. The DRB asked, so they were within the 180 day surcharge period? KCA responded this was correct. The Turnpike stated they added 70 days worth of work and took away 180 days worth of surcharge. ...

... Cone stated the area on the east side of the CSX Bridge was on the last layer of fabric and then they would be able to bring this area up to grade. Cone stated this was essentially the progress since the last meeting except for the N. Frontage Rd., which was rolling along now. The DRB stated they noticed an area on the N. Frontage Rd. that was opened up and seemed to be very wet. Cone stated this whole N. Frontage Rd. was mixed, so there may have been a wet spot. ...

DISCUSSION BY THE ENGINEER OF:

Work Schedule As He Views It

... KCA stated as far as the work schedule was concerned, they mentioned in the Progress Meeting that Cone had not submitted their updated schedule for this month. KCA stated they had run their update and with maintaining the retained logic, the schedule had shown a completion date of December, 1998. KCA also stated the critical path was through the CSX Bridge and as Cone had mentioned they were coming up with the embankment on the west side of the Bridge. KCA stated Cone had finally resolved the problem with the straps for the acute corners on the bin walls, so the east side was about done and Cone lacked about 15 - 20 straps for the west side. KCA stated once Cone completed these two corners, the rest of the embankment could be brought up and Cone could get started on the abutments. The DRB asked KCA, is the December date before or after the contract time? KCA responded the contract time was May, 1998 and the most recent schedule update showed December, 1998. KCA stated running the schedule with the progress override was about two months earlier. KCA also stated the critical path was now through the CSX Bridge. The DRB asked KCA, did this change because of taking off the surcharge? KCA responded no, they did not think it would change, because the surcharge was not on the critical path. The DRB asked KCA, what did they contribute the difference between the May date and the December date? KCA responded the CSX Bridge. KCA stated they have discussed this issue with Cone and they thought they were in good shape once the binwalls were completed. KCA asked Cone, would these walls be completed in the next couple of weeks? Cone responded yes, they have brought in another crew to construct the walls at Toll Plaza A. Cone stated they have brought in their best wall crew and they would be pouring the wall footer tomorrow. Cone also stated, once the timber piles were driven and the area backfilled, the whole area from bridge to bridge would be wide open to construct. The Turnpike stated as soon as Cone completed the N. Frontage Rd., the whole project was available for construction. Cone stated this was correct, as soon as the traffic was switched, the whole project was opened up for construction. The DRB asked Cone, did they agree with KCA's analysis of the schedule and the difference between the May and December date? Cone responded yes, the CSX Bridge has been on the critical path for quite a while now and there was quite a bit of work out there to complete at the bridge. KCA stated what has held the bridge up has been the walls and the fabric, but now everything was resolved and Cone could now finish the abutments. KCA also stated they were confident the bridge crew could complete the bridge work, but other than this, the rest of the project was opened up. ...

Status of Past Disputes and Claims

... KCA stated they know there was some concern by the Board to get some of the earlier packages in, but in looking at the lower part of the list, the packages have been submitted and they should be resolved soon or they would be pushed up to the next level. ...

05/01/97 PMM
#58

Progress Meeting Minutes: Meeting No. 58

Progress of the Contractor (This Past Week)

... Laid fabric on the east and west side of the CSX Railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

Laying fabric on the east and west side of the CSX Railroad. ...

05/08/97 PMM
#59

Progress Meeting Minutes: Meeting No. 59

Progress of the Contractor (This Past Week)

... Laid fabric on the east side of the CSX Railroad. ...

05/08/97 PMM

Progress Meeting Minutes: Meeting No. 59

Future Work Plan / 2 Week Look Ahead Schedule

... Laying fabric on the west side of the CSX Railroad. ...

New Issues / Open Discussion

... The Turnpike stated they have been copied in on a letter from Sheffield Steel dated May 6, 1997. The Turnpike explained Cone needed to keep up to speed on this issue from Mike Cone. The Turnpike stated the letter was a breach of contract between Cone and Sheffield Steel and the State has been named in the law suit. Cone asked, they wondered if they would be getting the beams? KCA stated they thought the letter stated Sheffield Steel would not deliver any steel until the bill was paid in full. ...

05/15/97 PAM
#60

Progress Meeting Minutes: Meeting No. 60Progress of the Contractor (This Past Week)

... Laid fabric on the east side of the CSX Railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

... Laying fabric on the west side of the CSX Railroad. ...

KCA asked Cone, did they ever get the letter from their designer on the fabric they were substituting? Cone responded they would be getting it tomorrow. Cone stated it was a higher strength fabric so their designer did not have a problem with it. ...

05/22/97 DRB #13

Disputes Review Board Meeting Minutes: Meeting No. 13DESCRIPTION BY THE CONTRACTOR OF:Work Accomplished Since Last Meeting

... Cone stated, actually all of the surcharge has been released and the last of the areas was the S. Frontage Rd. where they were excavating this morning. ...

Current Status of Work Schedule

The DRB asked Cone, how were they running on their schedule? Cone responded, they were probably three months behind schedule. The DRB asked Cone, were there any points in there that they saw where they could make up any of this? Cone responded yes, they thought there was. Cone stated they thought the bridges would dictate the schedule and Cone and KCA has worked things out in the past, so they could go elsewhere and work. Cone also stated, as far as the roadway was concerned, as the DRB could see this morning, most of the road between the bridges was ready to be constructed. The bridges, again in their opinion, would be the determining factor on how far behind they would wind up. ...

DISCUSSION BY THE ENGINEER OF:Work Schedule As He Views It

KCA stated Cone had gone through the progress since the last meeting and the DRB saw what was going on with the drive through this morning. KCA also stated, it was their opinion that the CSX Bridge was the critical area on the project. ...

Cone also stated they were constructing the surcharge and they were stopped when all of the failure took place. Then it was negotiated to place the fill at a slower pace so that the left side could be eliminated. The DRB asked Cone, even from their original schedule, do they remember when the schedule showed this surcharge removal. Cone responded, as they recall, the original schedule showed the surcharge should have been done in May. The Turnpike asked Cone, released in May? Cone responded yes. The Turnpike stated this was correct, because Cone had to have the Toll Plaza site available in July. Cone stated for the Toll Plaza operation to work they would to have had the surcharge starting in December. ...

The DRB asked, were the bridges on this project structural steel? The Turnpike responded yes. The DRB asked, was this the job with the structural steel payment issue? The Turnpike responded yes. The DRB asked, where did this issue stand? KCA responded the last they had seen was that Sheffield Steel had sent a letter two weeks ago stating they would not ship any steel until they were paid in full and they were contemplating filing suit. Cone stated they were addressing this issue and they did not know what the difference was in quantities, but most of them were on the other jobs. ...

Potential New Disputes or Claims

... The Turnpike asked Cone, it has been talked about that the CSX was the driving force, so was there a reason why these walls have not been worked on? Cone responded they could not construct this bridge until the embankment and the walls were up. The Turnpike stated they meant the walls, would the additional crews concentrate on these walls? Cone responded these walls would be one of the areas maintained. The Turnpike asked, was some of these panel shipping issues the key panels for this area? KCA responded Cone had been waiting for key panels. The Turnpike stated they knew there was a strap issue at one time. KCA stated this has been resolved. KCA also stated the last issue that came up was the special panels which came in last Thursday and this Tuesday. The Turnpike stated this seems like the thing you see every time you drive by,

would be one of the areas maintained. The Turnpike asked, was some of these panel shipping issues the key panels for this area? KCA responded Cone had been waiting for key panels. The

that there has not been much change. Cone stated this was correct on the east side, but on the west side the corner elements have been cast wrong three times, so they have modified these panels. The west side involves the fabric, which the fabric would be delivered in a couple of days and they have got approval now. KCA stated it was not approved yet. Cone stated they thought they read the letter in their basket that the fabric was approved. KCA stated this was the fabric for the timber pile areas. KCA also stated the letter came in today from their designer that had problem in it. ...

05/22/97 PMM
#61

Progress Meeting Minutes: Meeting No. 61

Future Work Plan / 2 Week Look Ahead Schedule

...Laying fabric on the west side of the CSX Railroad. ...

KCA stated the wall crew has not worked on Wall 1F, the abutment wall on the west side of the CSX Bridge, in over a week. Cone stated this was because of the partial embankment. Cone also stated they still had the fabric to install at Wall 1A. KCA asked Cone, was this the fabric Cone submitted for substitution? Cone responded this was correct. Cone stated this fabric goes under the Wall 1A footer. ...

05/29/97 PMM
#62

Progress Meeting Minutes: Meeting No. 62

Future Work Plan / 2 Week Look Ahead Schedule

...Laying fabric on the west side of the CSX Railroad. ...

Contractor Delays

KCA asked Cone, were there any contractor delays this past week? Cone responded no.

KCA stated they wanted to mention the delay they always mention at the west abutment wall at the CSX Bridge. KCA also stated there still has not been any progress on this wall. Cone asked KCA, were they talking about the southwest wall? KCA responded yes. Cone stated they were working on the north side and they were told not to do this, because of partial embankment. Cone also stated the reason they were doing this was to bring this up, so that they could come back to the south side. The fabric would be placed tomorrow and the wall crew would be right behind them. KCA stated Cone could take the north section up with Mr. Selzer, because they would not sign the Change Order for the partial width embankment. Cone stated they would sign it if KCA sent it over. ...

New Issues / Open Discussion

...Cone stated they would be installing fabric on the west side of the CSX Bridge. Cone has contacted their designer and he was satisfied the material would meet the requirements. Cone also stated they would still have the fabric tested and forward the results to KCA. KCA stated this would be at Cone's risk. Cone stated this was correct and their designer was comfortable with the fabric.

06/05/97 PMM
#63

Progress Meeting Minutes: Meeting No. 63

Progress of the Contractor (This Past Week)

...Laying fabric on the west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Laying fabric on the west side of the CSX Railroad. ...

06/12/97 PMM
#64

Progress Meeting Minutes: Meeting No. 64

Progress of the Contractor (This Past Week)

...Laying fabric on the west side of the railroad. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Laying fabric on the west side of the CSX Railroad. ...

KCA asked Cone, was there any update on cutting off the timber piles and laying the fabric? Cone responded yes, they had talked to Miller yesterday and they expect them in here today. Cone stated they were going to rent a radial saw, because they were having problems with sand ruining their blades on the chain saw. ...

06/19/97 DRB #14

Disputes Review Board Meeting Minutes, Meeting No. 14

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

...The DRB stated they thought Cone had mentioned at the last DRB Meeting that the CSX Bridges were the controlling items of work on this project. The DRB asked Cone, did they still think this was the case? KCA stated Cone has started their forming for the N. Frontage Rd. abutment, End Bent 3. Cone stated they were pouring the N. Frontage Rd. cap. The DRB asked, where did Cone stand with their steel supplier, were they all paid? KCA responded they were all paid on this section. ...

Bridges were the controlling items of work on this project. The DRB asked Cone, did they still think this was the case? KCA stated Cone has started their forming for the N. Frontage Rd.

Current Status of Work Schedule

The DRB stated regardless of what the schedule says, there was about 320 days remaining on this project. The DRB asked Cone, based on their experience, did they feel comfortable on completing the project on time? Cone responded, yes they did. Cone stated it was not cast in stone that it would be right on time, but their feeling was that the job would start coming together. The DRB stated the big thing was to get the traffic switched to the N. Frontage Rd., because this was the last bottle neck to complete the Harden Blvd. Bridge. Cone stated this was correct. The DRB stated, and there was no bottle neck at the CSX Bridge other than getting the fill up and building the bridge. Cone stated the west side needed the rest of the fabric and they have had the wall problems in the corner. Cone also stated the fabric has been installed and the wall crews would concentrate on the west side, which would turn everything loose from the beginning of the job to the bridge. Cone also explained that the area from the CSX Railroad to Harden Blvd. was opened up now that the timber piles have been installed. Cone stated with the 60" headwall complete, the west end of the project would be opened up once the traffic was switched. Cone also stated they did not have any problem completing the project, other than the CSX Bridge, which was a massive structure. The DRB asked Cone, did they have any constraints setting the beams at the CSX Bridge? Cone responded no. KCA stated they had roughly figured about 6 months of work at the CSX Bridge. The DRB asked Cone, so the CSX Bridge would be more of a hold-up, than the Harden Blvd. Bridge? Cone responded yes, once they switch traffic they could complete this bridge, which End Bent 1 has already been poured. The DRB stated this was correct, but the other side needed the wall built. Cone stated they had to complete the north wing, so in a couple of weeks they could probably set beams. The DRB asked Cone, so if it was not for the full width embankment spec, they would have already completed this structure? Cone responded yes, they would have already had had this complete. KCA stated they had about 2 weeks on the wall and about 1 1/2 weeks on the abutment.

...

06/19/97 PMM
#65

Progress Meeting Minutes: Meeting No. 65

Progress of the Contractor (This Past Week)

...Laying fabric on the west side of the railroad, which completes all of the fabric on the project except for the timber pile area. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Laying fabric north of Pond 3. ...

New Issues / Open Discussion

...Cone stated they had a suggestion or recommendation. Cone explained that in the timber pile area, the design was for the fabric to be directly on the piles. Cone stated it would almost be impossible to install it this way, because with the piles cut off, it would be tough to pull the fabric across the piles and get it stretched out. KCA stated Cone said they could do it. Cone stated the other thing was that the second layer would be installed and there would be wheels on it, so the first layer would be all over the place. Cone also stated their recommendation would be to place six inches of sand down, so there would be no snags. KCA stated they did not think this would be a problem, but they would check with the designer.

06/26/97 PMM
#66

Progress Meeting Minutes: Meeting No. 66

Progress of the Contractor (This Past Week)

...Preparing to lay fabric north of Pond 3. ...

Future Work Plan / 2 Week look Ahead Schedule

...Laying fabric north of Pond 3. ...

New Issues / Open Discussion

...Cone stated they had heard that the fill material in the timber pile area was out of spec by a half of a point. KCA stated they would make a phone call after the meeting and get it taken care of, as long as it was an A2-4 material. KCA also stated Cone needed to make sure that the material on top of the fabric was within spec. Cone stated the plan on top of the fabric was to place the sand material. KCA stated it did not have to be the material used on the wall. Cone stated they realized this, but they wanted to use the sand for the first couple of feet, because of the wet conditions. ...

07/10/97 PMM
#67

Progress Meeting Minutes: Meeting No. 67

Progress of the Contractor (This Past Week)

...Installing fabric, north of Pond 3. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Continue laying fabric north of Pond 3. ...

07/24/97 DRB #15

Disputes Review Board Meeting Minutes

DESCRIPTION BY THE CONTRACTOR OF:

...Continue laying fabric north of Pond 3. ...

Work Accomplished Since Last Meeting

Cone stated they had not done much since the Board was here last time, except for maybe the fabric area. ...

The DRB asked Cone, what about the fabric area, did they have it up or were they bringing this area up? Cone responded no, they got the first layer in, but they have had to repair it several dozen times with the enormous rains they have happened. Cone stated the area has washed out and the material has washed into the pipe trenches that have to be cleaned out to elevation. Cone also stated the structure to the east of the pile area was missed that had a 36" pipe running into the fabric area. Cone explained that to get this pipe in now, they would have to excavate around the piles and cut them down, but KCA has worked with Cone in getting this pipe changed. Cone stated the pipe would now be taken directly into the pond. Cone also stated they had a situation with the structure in the pipe area where the slime keeps popping up. Cone explained they have excavated it three times, so they need to dig it out again, get the fabric down and then set the structure. ...

The DRB asked Cone, they saw from the Progress Meeting that the back walls at the CSX Bridge were critical, so were they working on this bridge? Cone responded yes, the back walls at the S. and N. Frontage Rds., east of the railroad were poured. KCA stated they had the east side Frontage Rds. done and they were starting the N. Frontage Rd. back wall on the west side. The DRB asked, so they were about ready for the steel? KCA responded no, because they were going to complete all of the back walls and set all of the beams at one time from the north to the south. KCA stated they thought the west side was to grade for the back walls and the east side required about 6 or 7 more feet of fill. The DRB asked Cone, so they were several months away from setting the steel? Cone responded yes. ...

DISCUSSION BY THE ENGINEER OF:Status of Past Disputes or Claims

...The DRB asked KCA, how much was each of the claims settled for? KCA responded, the four claims were settled as a group and they were not sure what each individual claim was settled for. KCA stated they did know that Intent to Claim No. 17, Structure S-570 Conflict was \$ 0. Intent to Claim No. 16, 36" Watermain, was about \$ 159,000. The Turnpike stated this one was a little higher. KCA stated this was correct, this one was re-negotiated to a higher number. The DRB asked KCA, so what was the number on this one? KCA responded, the whole settlement was for \$ 800,000. The DRB stated, so the four claims were settled for \$ 800,000. KCA stated this was correct, plus a 54 days time extension. KCA also stated that basically they came in with \$ 564,000 and 61 days and it was settled for \$ 800,000 and 54 days plus a guarantee that the project would be opened by July 1, 1998 from I-4 to Florida Ave. The DRB asked KCA, or what? KCA stated this was still being discussed. ...

07/24/97 PMM
#68

Progress Meeting Minutes: Meeting No. 68

Progress of the Contractor (Past Two Weeks)

...Installing fabric, north of Pond 3. ...

Future Work Plan / 2 Week Look Ahead Schedule

...Continue laying fabric north of Pond 3. ...

Supplemental Agreements / Work Orders

...KCA stated the Change Order for the partial width embankment, east of Harden Blvd., has been at Cone for signature and needs to be signed soon, because of the traffic switch. ...

08/07/97 PMM
#69

Progress Meeting Minutes: Meeting No. 69

Progress of the Contractor (Past Two Weeks)

...Finished installing the fabric, north of Pond 3. ...

08/21/97 PMM
#70

Progress Meeting Minutes: Meeting No. 70

(No excerpts)

09/04/97 PMM
#71

Progress Meeting Minutes: Meeting No. 71

Action Items

...KCA also stated the two issues with Mill-It and Nicolon Mirafi involved lack of performance and would be settled with Cone. KCA mentioned they received a notice from Sheffield Steel requesting information for a suit against Cone. Cone asked KCA, was this issue on this job or in general? KCA responded they were not sure, but Cone has paid Sheffield Steel all of what was paid to Cone on this project. ...

09/18/97 DRB #16

Disputes Review Board Meeting Minutes: Meeting No. 16

DESCRIPTION BY THE CONTRACTOR OF:Work Accomplished Since Last Meeting

09/18/97 DRB #16

Disputes Review Board Meeting Minutes: Meeting No. 16

... The DRB asked Cone, were they up to grade between the bridges and CSX? Cone responded all the way, except up at the CSX Bridge and the S. Frontage Rd. was about to have the rock placed. Cone stated they basically needed the fill up at the CSX Bridge where they were bringing the walls up. The DRB asked Cone, were any of the beams up at CSX? Cone responded no. The DRB also asked Cone, was the CSX Bridge still the critical path? Cone responded yes, it was about a 5 or 6 month project left at this bridge. The DRB stated Cone had about 200 days left. Cone stated they were going to do everything they could to complete this bridge. The DRB asked Cone, have they turned over the toll plaza site yet to the toll plaza contractor? Cone responded yes, they have essentially turned it over, but they have asked them to hold off until Cone finishes the traffic barrier on the R.E. wall.

The DRB asked Cone, have they changed asphalt contractors? Cone responded the subcontractor they had was no longer on the job. ...

DISCUSSION BY THE ENGINEER OF:

Status of Past Disputes or Claims

KCA stated they were waiting on the Supplemental Agreement from Cone, which would close out intent to claim nos. 4, 5, 16 and 17. The DRB stated the only one they saw, that would still be out, was intent to claim no. 9. The Turnpike stated they were working on the \$ 800,000 S. A. and there has been some other issues that have come up, so they were trying to get no. 9 rescinded. The DRB asked KCA, so the \$ 800,000 S. A. has not been signed or accepted? KCA responded no, it was still in Cone's hands for signature. The Turnpike stated there was still some discussions going on with this S.A. ...

09/18/97	PMM #72	Progress Meeting Minutes: Meeting No. 72 (No excerpts)
10/02/97	PMM #73	Progress Meeting Minutes: Meeting No. 73 (No excerpts)
10/16/97	PMM #74	Progress Meeting Minutes: Meeting No. 74 <u>Pending Issues / Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. Cone was waiting to submit this package. ...
10/30/97	PMM #75	Progress Meeting Minutes: Meeting No. 75 (No excerpts)
11/13/97	PMM #76	Progress Meeting Minutes: Meeting No. 76 (No excerpts)
12/11/97	PMM #77	Progress Meeting Minutes: Meeting No. 77 (No excerpts)
12/12/97	DRB #17	Disputes Review Board Meeting Minutes: Meeting No. 17

DESCRIPTION BY THE CONTRACTOR OF:

Work Accomplished Since Last Meeting

... Cone also stated they have set the beams and the pans at the Harden Blvd. Bridge. They were getting ready to set the beams at the CSX Railroad Bridge. Most of the wall work has been completed on the east side of the Railroad, other than the barrier wall. ...

Cone stated law was not stamping the beams and ...

Current Status of Work Schedule

The DRB asked Cone, did they have an updated schedule. KCA responded that the scheduled completion date for this project was July 1, 1998. The DRB asked Cone, were they going to make this date? Cone responded they were comfortable with this date, depending on the weather. Cone stated the job was in a state that it could come together fast, especially the Mainline and Harden Blvd., but they were not sure about the bridges. The DRB asked Cone, did they state earlier that the bridges were about a four month thing? KCA responded that Cone had stated at one time that from the time they set the beams, it would be about 4 - 4 1/2 months until completion.

01/08/98	PMM #78	Progress Meeting Minutes: Meeting No. 78 (No excerpts)
01/22/98	PMM #79	Progress Meeting Minutes: Meeting No. 79 (No excerpts)
02/05/98	PMM	Progress Meeting Minutes: Meeting No. 80
01/22/98	PMM	Progress Meeting Minutes: Meeting No. 79

	#80	(No excerpts)
02/19/98	PMM #81	Progress Meeting Minutes: Meeting No. 81 (No excerpts)
03/05/98	PMM #82	Progress Meeting Minutes: Meeting No. 82 (No excerpts)
03/19/98	PMM #83	Progress Meeting Minutes: Meeting No. 83 <u>Pending Issues / Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated they saw a letter come in the other day requesting information on this issue. ...
04/02/98	DRB #18	Disputes Review Board Meeting Minutes: Meeting No. 18 DESCRIPTION BY THE CONTRACTOR OF: <u>Work Accomplished Since Last Meeting</u> ... The DRB asked Cone, what was the target completion date? Cone responded they were saying June 30 th and the Turnpike was saying July 11 th . Cone stated there would be some areas that they would be working on under traffic, but if the weather stays the way it has been, they would continue forcefully. ... <u>Potential Problems</u> The DRB asked Cone, did they know of any potential problems? Cone responded no, they had some small problems to sort out on Harden Blvd. concerning a couple of drainage structures, but they just needed to get it resolved. ... DISCUSSION BY THE ENGINEER OF: <u>Status of Past Disputes or Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated they still did not know if this was an issue at this time. KCA also stated Cone was trying to settle this issue with Nicolon at this time.... <u>Potential New Disputes or Claims</u> ... The DRB asked KCA, how did they feel about the July opening date? KCA responded, about like Cone, they felt Cone would be completing some items under traffic. ...
04/02/98	PMM #84	Progress Meeting Minutes: Meeting No. 84 <u>Pending Issues / Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone had someone come to KCA's office last week to make copies of files and shop drawings on this issue. ...
04/16/98	PMM #85	Progress Meeting Minutes: Meeting No. 85 (No excerpts)
04/30/98	PMM #86	Progress Meeting Minutes: Meeting No. 86 <u>Pending Issues / Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone has someone working on this issue and gathering information from this office. ...
05/28/98	PMM #87	Progress Meeting Minutes: Meeting No. 87 <u>Pending Issues / Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone has submitted their package for this issue last week and it was being reviewed. KCA also stated there was a meeting set-up on June 5, 1998 to discuss this issue. ...
06/11/98	PMM #88	Progress Meeting Minutes: Meeting No. 88 <u>Pending Issues / Claims</u> ... Intent to Claim No. 9, filed on August 14, 1996. Geosynthetic Reinforcement Design Delay. KCA stated Cone has submitted their package for this issue last week and it was being reviewed. KCA also stated there was a meeting held on June 5, 1998 to discuss this issue. ...
06/25/98	DRB #19	Disputes Review Board Meeting Minutes: Meeting No. 19 DESCRIPTION BY THE CONTRACTOR OF: <u>Work Accomplished Since Last Meeting</u>
06/25/98	DRB #19	Disputes Review Board Meeting Minutes: Meeting No. 19

...The DRB asked Cone, was the August 8th opening date in jeopardy? Cone responded, their feeling right now was that it was in jeopardy. Cone stated they could open the road, but under what completion of the items was a question. Cone also stated they would have items to complete under traffic. The DRB asked Cone, would they have to install temporary barrier wall to open traffic? Cone responded yes. The DRB asked Cone, was the Mainline about complete? Cone responded the Mainline was about complete, but they had some barrier wall to finish, some gore areas and some tie-ins to the toll plazas. The DRB asked Cone, were the barrier walls complete between the Ramps and Mainline? Cone responded that the barrier wall was almost done. The DRB stated that they understood that most of the asphalt work on the Mainline was complete. ...

The DRB asked Cone, was it discussed at the last meeting that the completion of the CSX Bridge was a 5 week duration? Cone responded they did not think so. Cone stated some things have happened at this bridge. Cone explained that originally the bridge decks were three pour sequences and the Turnpike changed it to a two pour sequence, which saved Cone some time. The DRB asked, how much time was left on the bridge? KCA responded the Mainline left bridge would be done tonight and the Mainline right bridge would be started at the end of next week, with the completion in the following week. KCA explained that Cone has started the barrier walls on the bridges. KCA stated that Cone then had the approach slabs and pedestrian enclosures. Cone stated they have poured only one of the approach slabs. The DRB asked Cone, did they have a date for the completion of the CSX Bridges? Cone responded yes, opening day. The DRB asked Cone, did they see the bridge as the critical activity for opening the road? Cone responded they thought so. The DRB asked Cone, how about the asphalt? Cone responded that their sub stated the asphalt would not be an issue. ...

DISCUSSION BY THE ENGINEER OF:

Status of Past Disputes or Claims

...Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated they were at the stage where it was a legal question on the sole-source supplier issue. KCA also stated they did not know where this was headed, but they should know something in the next couple of weeks. ...

06/25/98 PMM
#89

Progress Meeting Minutes: Meeting No. 89

Pending Issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated Cone has submitted their package for this issue previously and it was being reviewed. KCA also stated there have been several meetings in-house and with Cone. KCA explained before this issue could go any farther, there was the legal question of the sole-source supplier. ...

07/09/98 PMM
#90

Progress Meeting Minutes: Meeting No. 90

Pending Issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated FDOT was still waiting for a legal opinion on this issue. ...

07/23/98 PMM
#91

Progress Meeting Minutes: Meeting No. 91

Pending Issues / Claims

...Intent to Claim No. 9, filed on August 14, 1996, Geosynthetic Reinforcement Design Delay. KCA stated FDOT was still waiting for a legal opinion on this issue. ...

08/19/98 LTR

To Mike Cone of Cone Constructors – From Jim Moulton of Florida Department of Transportation
Re: Nicolon/Mirafi Claim Additional Response

The Department responds herewith to Cone's use of Note 5 on Contract Drawing 204 to assert that the plans would not work on the east side, and thus it played a part in the alleged delay to starting the installation of the geosynthetic fabric.

The text of Note 5:

"Utilities in surcharge areas should be constructed after surcharge consolidation has been completed. (at the direction of the Project Engineer.)"

Without the action of the Project Engineer, this note would have presented some impossible installation challenges. As such, this problem was solved early. The wording in the note was soft, "should" instead of "shall", and the Project Engineer was allowed to exercise judgement.

The first submittal of the CPM schedule on March 8, 1996 was a draft, and it was returned without review, but it contained logic consistent with Note 5. However, in the resubmittal of the CPM on April 17, 1996, this logic had been reversed to show the installation of the new utilities, followed by installation of the fabric. It is not clear whether Cone proposed it alone, or the Department directed it, but the conflict in Note 5 was gone. The next four resubmittals of the CPM schedule contained the logic of Submittal #2. In addition, an activity UT-13-AC-D was added to Resubmittal #4 which was the removal of the existing AC water line prior to fabric installation.

On resubmittal #7, the logic of removing the old before placing the fabric was removed. The existing AC water line was proposed to be grouted in place with a five day duration, although

contained the logic of Submittal #2. In addition, an activity UT-13-AC-D was added to Resubmittal #4 which was the removal of the existing AC water line prior to fabric installation.

grouting was not in the plans nor had it been approved to be done by the City.

In Resubmittal #8, which became the conditionally approved CPM, removal of the AC water line still did not have the proper logic ties, but the installation of fabric after installation of the new lines remained intact. The approval letter noted this lack of logic ties.

From April 17, 1996 at least, this was the plan to construct the east fabric/utility items of work – installation of the new utilities, then removal of the old followed by installation of the fabric. Cone's submittal of RFI 54 on June 18, 1996 highlighted this plan, and sought to assure that if there was a failure of the new line under the surcharge, the blame was not Cone's. This plan and schedule merely needed to be met, and Cone failed as was discussed in letter No. 022 dated August 12, 1998. The Department was not responsible for this lack of performance, and hence not responsible for the alleged delay.

The Department is willing to discuss this response with you in a limited conference on August 20, 1998, or in a full conference on August 26, 1998. Please arrange with Oliver Maxie.

09/22/98 LTR EI T To Leo Melrose of Melrose & Friscia – From Michael Simac of Earth Improvement Technologies Re: Reasons for Re-Design of Geotextile Reinforcement

You requested, that Earth Improvement Technologies (EIT) provide an explanation as to why a redesign of the Geotextile Reinforcement for the above reference project was undertaken. A summary of those reasons are:

- a.) **The initial redesign, as explained in EIT proposal 202 on Feb. 22, '96, was to produce a value engineering proposal based on the reduction of geotextile reinforcement strength due to incorporating the stabilizing effects of the MSE walls. The wall designs were now defined by the wall supplier VSL, (as selected by Cone) an unknown during formulation of Nicolon/Mirafi's initial (contract) design.**
- b.) **Based on a brief initial investigation that some savings could be realized, the redesign proposal was revised, as explained in EIT proposal 202A on Feb. 28, '96, to produce a value engineering proposal based on the reduction of geotextile reinforcement strength due to incorporating the stabilizing effects of the actual embankment cross-section (MSE walls) and loading (foundation) conditions actually encountered on the Polk Parkway alignment.**
- c.) **On Mar. 13, 1996 VSL informed EIT that soil parameters for their analysis were going to change and the contractor was currently running tests. EIT requested Cone provide soil parameters. On Mar. 19 Cone provided soil parameters verbally indicating a unit weight of 126.3 pcf and a phi angle of 29.3 degrees, which are heavier (> 105 pcf) and weaker (< 30 degs.) than the properties stipulated in the contract documents. EIT requested Cone verify the estimated phi angles with soil shear test results. The selection of these fill soils rendered Nicolon/Mirafi's initial (contract) design invalid. This now made the primary reason for redesign, accommodating the use of fill soils from Cone's borrow pit.**
- d.) **Incorporating the stabilizing benefits from items a & b above, EIT was able to partly offset the destabilizing effects of using the heavier Cone fill soils in a geotextile reinforcement design that was approved by the FLDOT.**

PLANS STANDARD SPECIFICATIONS AND SPECIAL PROVISIONS

Technical
Special
Provision

Section 145A-3.2 Fill Materials:

All backfill material used in the reinforced volume as shown in the plans shall be free draining and shall conform to the following gradations limits as determined in accordance with FM 1-T 027 and FM 1-T 011:

Sieve Size	Percent Passing
3 ½ inch	100
¾ inch	70 – 100
No. 4	30 – 100
No. 40	15 – 100
No. 100	5 – 65
No. 200	0 – 15

Backfill material containing more than two percent by weight of organic material, as determined by FM 1-T 267 and by averaging the test results for three randomly selected samples from each stratum or stockpile of a particular material, shall not be used in construction of the reinforced volume. If an individual test value of the three samples exceeds three percent, the stratum or stockpile will not be suitable for construction of the reinforced volume.

The plasticity index as determined by FM 1-T 090 shall not exceed six and the liquid limit as determined by FM 1-T 089 shall be less than fifteen. The pH of the backfill material shall be between six and ten. Soil cement or lime stabilized backfill shall not be used unless approved by the Engineer.

The plasticity index as determined by FM 1-T 090 shall not exceed six and the liquid limit as determined by FM 1-T 089 shall be less than fifteen. The pH of the backfill material shall be

For those applications involving reinforced soil slopes or reinforced foundations over soft in situ soils, the Contractor shall have the backfill material tested by a Department approved testing laboratory. A copy of the test results and certificate of compliance which certifies that the backfill material meets the above requirements shall be submitted to the Engineer for his review and approval. The backfill material shall not be delivered to the site without the Engineer's approval.