

November 11, 1996

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RE: State Job No. 97160-3304/6303  
W.P.I. No.: 1157829  
Contract No. 19487  
Polk County Parkway - Section 3B  
Contract C-4344  
Disputes Review Board

Subject: Disputes Review Board - Issue # 1  
Finding of Fact Pertaining to Coating of Steel Sheet Piling.

On November 1, 1996, at the request of HDR Construction Control Corporation (HDR), the Consultant Resident Engineer, and Cone Constructors, Inc. (Cone), the Contractor, the Disputes Review Board (DRB) held a hearing to consider a dispute over the entitlement in the above referenced matter. Written documentation was furnished to the Board and the parties in advance of the hearing. This documentation included: Cone's position package dated 1 October 1996, submitted to the DRB under Cone's cover letter of October 15, 1996, and a letter from HDR dated October 23, 1996, that set out the position of the Department of Transportation on this dispute. Oral presentations were made to the DRB by both parties at the hearing and additional information was provided to the DRB by Cone in the form of a "Briefing Document" dated 1 November 1996.

Issue:

Cone is requesting additional time and compensation for coating both sides of the Steel Sheet Piling from below the concrete cap to a point ten feet below the finished ground lines at the face of the piling. Cone stated that their bid, based on their interpretation of the Plans and Specifications, included coating only the exposed face of the sheet piling. HDR contends that the Plans and Specifications called for the sheet piling to be coated full length, front and back. The final coating area (from bottom of cap to ten feet below finished ground) and the type of coating actually used was the result of many letters and discussions between HDR and Cone.

The applicable Plan and Specification references are listed below:

Note 11 on Plan Sheet WS-1 states:

*"11. ALL STEEL SHEET PILING SHALL BE PAINTED WITH SELF-CURING INORGANIC ZINC COATING SYSTEM IN ACCORDANCE WITH THE SPECIFICATIONS. A THREE (3) COAT SYSTEM IS REQUIRED."*

Standard Specifications - 1991 Edition

Section 561 - Self-Curing Inorganic Zinc Coating Systems

*561-1 Description.*

*The work specified in this Section is the procedure required for the shop, field and maintenance painting of structural steel surfaces using proprietary inorganic zinc coating materials meeting the requirements of 971-16.*

*The provisions of Section 560 not in conflict with this Section shall also apply.*

*...The THREE COAT SYSTEM shall be comprised of a self-curing inorganic zinc primer application, an intermediate tie coat application and a finish coat application.*

*...*

*The intermediate coat application and the finish coat application shall be accomplished in the "field".*

Section 560 - Shop, Field and Maintenance Painting of Structural Steel

*560-12 Field Painting.*

*(f) Surfaces which will become Inaccessible: Surfaces (other than contact surfaces) which are accessible before erection but which will not be accessible after erection shall receive all field coats of paint before erection.*

**Conclusion:**

The note on Plan Sheet WS-1 entitled General Notes Steel Sheet Piling states that:

*"All Steel Sheet Piling shall be painted..."(Emphasis Added)*

Section 561 of the Specifications describes the three coat system and specifies that the **intermediate and finish coat be applied in the field.**

Section 560 of the Specifications requires that **surfaces not accessible after erection shall be field painted prior to erection.**

Based on the above, it is the Board's opinion that coating both sides of the sheet piling for their full length should have been included in the Contractor's Bid.

The Board, therefore, finds in favor of the Department.

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.

Polk County Section 3B - Disputes Review Board

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Dolph Hanson  
Chairman

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John C. Norton  
Member

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John H. Duke  
Member

CC: Jim Moulton, Jr., P.E.