

October 16, 1998

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Mr. Emillo, F. Mascaro
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RECCHI America, Inc.
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Re: State Project No.: 97870-3313
Contract No.: 19,727
Description: Bird Road Toll Plaza Replacement Florida Turnpike
County: Dade

**SUBJECT: Recommendation of Disputes Review Board
Conflict of Proposed 16" Water Main on S. W. 118th Ave. and an
Existing Electrical Duct**

Florida Rock and Sand Co. Inc. (FRS) is a subcontractor to the Contractor RECCHI America, Inc., (RECCHI) on this project. Construction of a 16" Water Main along S. W. 118th Ave is among the work to be done by FRS on the project. FRS disputes rejection by DOT of their request for payment for additional costs allegedly incurred by them due to an unanticipated conflict between the proposed water main and an existing underground electric duct system. and RECCHI has authorized them to bring the dispute before the project Disputes Review Board (DRB).

FRS submitted a written statement supporting their position on the issue in dispute to the DRB and to the Department of Transportation (DOT). ICF Kaiser Engineers (ICFK) submitted a written rebuttal stating the position of DOT in regard to the disputed issue to the DRB and the Contractor.

The DRB held a hearing on October 6, 1998 to consider the positions of the parties to the contract Verbal testimony was received. The DRB is to consider only matters of entitlement at this time.

ISSUE:

While laying the 16" water main along SW 118th Ave., FR&S encountered an underground concrete encased electrical duct system at a location where the plans showed a single buried conduit. The duct system extended approximately 2 feet lower than the single conduit shown and was in direct conflict with the proposed water main. The Contractor claims additional compensation for the extra work he alleges this caused and additional contract time for related delays to his work.

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CONTRACTOR'S POSITION

While proceeding from North to South installing the 16" water main along SW 118th Avenue, on May 1, 1998, we discovered a conflict with an existing underground electrical conduit bank that was at an elevation considerably lower than the electrical duct shown in the plans at that horizontal location and we gave written notice to RECCHI America and asked how to proceed.. When we had not receive a response to our notice by May 5, 1998, we requested that RECCHI provide us with the plan revisions needed to deal with this situation. On May 8, 1998, ICFK, the DOT Resident Engineer responded with a revision to the plans to accommodate the utilities conflict which required deflecting the water main upward to pass over the electrical duct bank.

Work on the water main was delayed between April 24, 1998, the actual date delays to this work began and May 10, 1998 the date on which productive work resumed.

We submitted Change Order No.00014 setting out the circumstances and detailing payment we were due for additional work by our pipe laying and survey crews to reset a previously installed length of pipe and to install the water main pipe over the electrical duct bank, delay costs incurred by our pipe laying crew (including exploratory work to expose the electrical duct bank) and delay costs incurred by our backfill crew. We utilized our crews on other work when possible so as to mitigate the adverse impacts of the delay. We also, sought a 38 day extension of the allowable contract time because we anticipated approval of the Change Order and rescheduling of our crews would delay resumption of productive work until June 8, 1998.

DOT has stated that this conflict did not impact our working schedule. We disagree, work on the water main was stopped on April 24, 1998 and could not resume until May 8, 1998, a period of 17 days.

DOT has stated that we could have worked on installing 200 +/- feet of water main to the South of conflict area. This out of sequence work was not possible because MDWASA would not allow inserting multiple sleeve connections in newly installed water main.

DOT has stated that the extra work of resetting one joint of 16" pipe was increased because that joint had originally been laid further below plan elevation than the allowable tolerance. The actual elevation of this joint has not been documented, but in any event any additional work is minor.

We continue to request additional compensation as set out in Change Order No. 00014 and a time extension of 14 days.

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DOT POSITION

ICFK received a Request for Information from RECCHI advising of this conflict on May 4, 1998 and issued directions to install the water main over the top of the electrical duct bank on May 7, 1998. During this period, Florida Power and Light removed the two empty ducts that existed in the vicinity of the duct bank. Thus, this issue was resolved in three (3) days and in no way impacted the Contractors work schedule for the water main on S.W. 118th Ave. In accordance with RECCHI's April 1998 schedule update the water main construction on S.W. 118th Ave. had 226 days of float.

FR&S worked on other productive work during the delay period.

The sleeve that FR&S discusses was needed somewhere in this run of 16" pipe regardless.

The water main could have been deflected upward over the electrical duct bank without resetting the last joint previously laid if the Contractor had not laid that joint lower than the plan elevation plus allowable tolerance without authorization.

Raising the elevation of the water main actually reduced the quantity of excavation and backfilling required to construct this section of the pipe.

We address the four areas noted by FR&S as causing costs and delays as follows:

Work Stoppage and Relocation The contractor could have continued installing 200 feet of 16" water main to the South of the conflict area and worked on other contract work in the immediate vicinity.

Exploratory Excavation and Survey This work would was required to locate the ducts shown in the plans prior to laying under them.

Return to Work Area There was 200 feet of pipe remaining to be placed in the same trench, while other contract work in the immediate area also remained uncompleted.

Survey for Pipe Installation This item falls under the heading of "grade control" and is a requirement of the contract regardless of the specified elevation of the pipe.

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DRB FINDINGS

FR&S admitted that the cost of raising the last joint of pipe laid prior to discovering the conflict was insignificant.

No schedule impact analysis was presented to substantiate that this unanticipated conflict with an existing electrical duct bank, which significantly differed from the single duct shown in the plans, affected the schedule of either RECCHI or FR&S. However, it is apparent from a review of Daily Reports of Construction that the conflict disrupted the water main installation operation and caused FR&S to incur additional costs.

Laying the water main at a higher elevation did reduce the quantity of excavation and backfill work required, but this is more than offset by the special work required through the area of the conflict. Laying the 200 +/- of water main South of electrical duct bank does not seem to be a practical approach. It is apparent that extra excavation and surveying work was required to define the vertical limits of the deeper electrical duct bank.

DRB RECOMMENDATIONS

Since there is clearly a potential here for delays to crews and extra work was required the Board recommends that DOT negotiate with the Contractor to provide reasonable compensation for the items outlined in Change Order No. 14 in accordance with the crew hours shown as follows:

Extra work to install pipe with deflected joints:

Pipe and Backfill Crew	3 hours
Survey Crew	4 hours

**Work performed to expose conflict on
5/1/98 and 5/4/98**

Pipe Crew	7 hours
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Crew awaiting a change in plans to resolve the conflict on 5/5/98 and 5/6/98:

Pipe Crew 13 hours

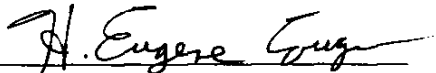
Crew inefficient or on standby on 5/1/98:

Backfill Crew 2 ½ hours

I certify that all members of the DRB participated in all meetings of the DRB regarding this dispute and that all DRB Members concur with the findings and recommendations contained herein.

10/16/98

Date



H. Eugene Cowger, P. E.
Chairman