

-----Original Message-----

From: John Nutbrown [mailto:jwnservices@earthlink.net]
Sent: Monday, December 02, 2002 1:15 PM
To: bburleson@ftba.com
Cc: johnhduke@alumni.vanderbilt.edu
Subject: Specification Change D0080373 - Prosecution of Work - DRB

--- John Nutbrown
--- jwnservices@earthlink.net
--- EarthLink: It's your Internet.

Bob:

I feel very strongly this change is another way for the Department to shirk responsibility for something the Boards have no control after the initial signing.

I have had jobs which both the Department and CEI have misplaced or lost the Three Party Agreement. One project we were into the job 6 months before the agreement was executed by all parties. To punish the Board by holding meeting fees for the carelessness of others is wrong. As Chairman on a number of Boards I have been very careful to make sure the agreement is signed at not later than the first meeting and then keep inquiring till we get the executed copy back.

The other changes I have no problem with, but do not like the idea of them keeping score as to the number of meetings. I feel as a professional I should be able to say no when my plate is full and not have to be told.

Jack Nutbrown (772) 299-3290

RESPONSE: The District Construction Engineer is now authorized to sign the Three Party Agreement. This should reduce the time required for FDOT to execute to a couple of days.

-----Original Message-----

From: EKRCivEn@aol.com [mailto:EKRCivEn@aol.com]
Sent: Monday, December 02, 2002 3:08 PM
To: bburleson@ftba.com
Cc: JohnHDuke@alumni.vanderbilt.edu
Subject: Proposed spec. change D0080373 Disputes Review Board

Dear Bob:

Re: Page 3 - 1st para.- The proposal requiring DRB members to disclose all Boards the member is currently serving on appears to be positioning the Department to control whom may serve on Dispute Review Boards. I think the

Contractor should be able to select someone they feel is best qualified. This proposal should be opposed by the industry.

RESPONSE: The contractor may select any one on the List of Candidate Members. The FDOT has had the discretion to approve of the proposed member or not, just as the contractor has when the FDOT proposes its appointee. Nothing has really changed.

Page 4 - 8-3.7.4 - The proposed last sentence should not be added. The Board does not control the execution of the three party agreement. The Department is the last one to sign and sometimes this takes months to get the authorized person and Dept. attorney to sign-off. The Board is the one who will suffer.

Thanks for allowing this input.

Keith