

April 25, 1997

Faxed April 25, 1997

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Mr. Rammy Cone
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Re: WPI No: 7143198
State Project No: 10190-3428/6428
F.A.P. No.: ACDPI-ACNH-0043-(6)(FO)
Contract: Interstate 4, Segment 2
Description: State Road 400 (I-4) from I-75 East to McIntosh Road
Counties: Hillsborough

Subject: I-4 Disputes Review Board - Issue #7
Finding of Fact Pertaining to Bond Breaker Claim Pepper Contracting Services
(Subcontractor to Cone and Graham) Ref: CG/MK/0565

On April 17, 1997, at the request of MK/Centennial (MK), the Consultant Resident Engineer, and Cone & Graham, Inc. (Cone), the Contractor, the I-4 Project Disputes Review Board (DRB) heard the referenced claim on the subject project. Written documentation was furnished to the Board and the parties in advance of the hearing. Oral presentations were made to the DRB at the hearing including references to specific provisions of the contract.

Issue: The typical wall sections on Plan Sheets W-2 and W-3 show a bond breaker to be placed between the retaining walls and the barrier walls. Pepper stated that they planned to use a spray-on bond breaker, called Maxi Tilt FD when they bid the job. This material was rejected by the Department, and Pepper decided to use 15 pound felt paper as a bond breaker which was acceptable to the Department. They have requested that they be reimbursed for the additional cost involved in furnishing and installing the felt paper. It is the Department's position that the furnishing and installation of an approved bond breaker is included in the contract price for Barrier Wall which price shall be full compensation for all work specified and shall include all materials and incidentals necessary to complete the work.

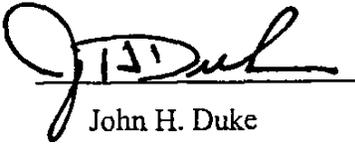
The Typical Sections referenced above only indicate that a Bond Breaker is to be utilized between the Barrier Wall and the Retaining Wall and does not specify a material. The material Pepper used in their bid, Maxi Tilt FD, is intended for use in tilt up wall construction and was clearly not suitable for the intended use on this project, and therefore was not approved by the Department. No documentation was provided that this material had been used on any other FDOT project as a bond breaker. Pepper then proposed felt paper which was approved. Pepper did not propose any other bond breaker material.

Since the Standard Specifications require that materials proposed by the Contractor must be submitted and approved by the Department, **the Board, hereby, finds in favor of the Department.**

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.

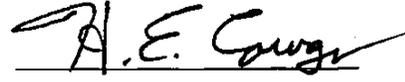
I-4 Project Disputes Review Board



John H. Duke
Chairman



G. A. "Dolph" Hanson
Member



H. E. "Gene" Cowger
Member

CC: Brian McKishnie, P.E.