

**S.R. 8/I-10 ESCAMBIA BAY BRIDGE REPLACEMENT
DISPUTE REVIEW BOARD #3**

Thomas B. Terpening
Member

William E. Waddell
Chairman

Robert J. Robertory
Member

RECOMMENDATION ON TEMPORARY BARRIER WALL DISPUTE

CONTRACTOR POSITION

“Tidewater Skanska Flatiron Constructors (TSF) has proceeded with executing direction provided by Parsons Brinckerhoff Construction Services (PBCS) to provide temporary barrier wall (Type K) as the median barrier on the eastbound bridge for the referenced project. However, TSF feels this direction is unreasonable and seeks recovery of extra costs necessitated by this constructive change. PBCS, acting for the Florida Department of Transportation (FDOT), has denied our request for compensation.”

With RFI 97, TSF sought clarification to resolve discrepancies between the traffic control and structural drawings as to which type of barrier to be used as a traffic delineator during Phase 1, Stage 3. The EOR responded that the Type J wall as detailed on Index 415 is acceptable and that the drawings would be revised accordingly. The FDOT Area Structures Engineer reviewed this answer and advised he had no comments. He had previously responded similarly on other unrelated issues, for which it was regarded as the official design position of FDOT. No other FDOT/PBCS comments were received.

FDOT POSITION

“[FDOT] does not find any entitlement is due the Contractor regarding the use of Type K barrier wall on the bridge deck. The Contract Documents were reviewed to arrive at this opinion and below is a brief synopsis of our findings: . . .

“3. According to plan sheets B4-3 thru B4-9 that were released for construction on October 20, 2005, type K barrier wall is what is shown and designed for by the Engineer of Record. In standard Index 415 (sheet 1 of 10), General note number 5 states that ‘If the plans specify Barrier Wall (Temporary) (Type K), substitution with other types is not permitted.’ This index also states in general note number 1 that “temporary concrete barrier wall on bridges see Structures Design Standard Index No 715.” Index 715 is temporary type K barrier wall. This contract was designed under the 2004 State Design Standards, which at that time the memo listed above was active, and Index 715 was an interim index until the 2006 Design Standards were released. Index 715 was then changed to index 414 in the 2006 Design Standards.”

DISCUSSION

The January 2004 “Design Standards” governed TSF’s design of the project. These included Index 415. Index 415, dated April, 2003, Note 1 on Sheet 1 of 10, states that temporary concrete barriers on bridges shall be in accordance with Index 715. This Index was in effect

RECEIVED

SEP 14 2006

9C-900.3.4 - 2000.1.0

REV

before the RFP and governed the Design-Build team. This specific note overrides the general Notice on that Sheet to which TSF has referred.

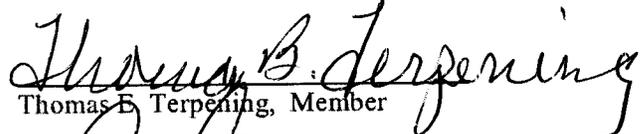
Memorandum 30-03 expired at the end of 2003. In any event, it was only a directive to FDOT personnel, directing them to include in contracts the revised specification 102-9.5.2 (Rev 6-10-03)(FA6-13-03)(104). The DRB is of the opinion that the revised specification superseded the provision set forth in the bound volume of 2004 Standard Specifications, notwithstanding the disparity in dates, due to printing delays.

The DRB Recommendation is that the Contractor is due no additional compensation for installing Type K center barrier wall.

All members of the DRB concur in this Recommendation.



William E. Waddell, Chairman



Thomas B. Terpening, Member



Robert J. Robertory, Member

Date: September 14, 2006