

## **RECOMMENDATION**

### **Recommendation of Dispute Review Board**

**Dispute No. 112**  
**Hearing Date: April 25, 2000**

**District 7**  
**Contractor: Hubbard Construction Co**  
**SPN 10190-3432, Segment 5**

### **DISPUTE**

Hubbard was required to remove and realign all of the traffic railing in MSE Wall 5 on I-4, due to it being out of tolerance by more than 2 inches plumb in 2 feet and 5 inches (2' 5") vertical alignment. They are seeking reimbursement for the cost of this realignment.

### **CONTRACTOR'S POSITION**

Hubbard feels that the reinforcing steel details allow up to 6 degrees leaning in (low side) and/or leaning out (high side). The 6 degrees over 32 inches equal to 3.33 inches. Also, Hubbard takes exception to the misapplication of the particular specifications (special provisions, article 528-3) that address MSE Wall panel erection and not barrier wall. A tolerance of ½ inch per 10 feet equal approximately 1/8 inch over 2 feet 8 inches (2' 8") of barrier wall. None of the cast-in-place barrier has ever been held to this tolerance. Hubbard feels that they were held to a higher standard than other Contractors performing the same type of barrier work along the I-4 corridors.

### **DEPARTMENT'S POSITION**

The precast barrier wall on wall five between station 1411+00 and 1415+60 does not conform to the requirements of the plans and specifications because it is out of plumb, leaning toward the roadway in excess of two inches in the upper 2 feet, 5 inches (2' 5"). The Department is therefore unwilling to accept the barrier unless it conforms with the neat lines shown in the contract documents.

### **RECOMMENDATION**

The barrier element, method of support and method of construction are proprietary to the Reinforced Earth Company. Correspondence from the Company indicates that.

1. The Article 528-3 (4), "Wall Erection" ( plumbness from top to bottom) not to exceed ½ inch per 10 feet of wall height. This specification is for the MSE Wall only and does not include the precast barrier.
2. RECO does not believe that the structural integrity of the barrier and moment slab system has been affected.

RECO also states they have had to address similar problems on other projects throughout the country. Hubbard states that the Department's Inspectors were involved on a daily basis with the alignment of the barrier and its acceptance prior to the placement of the moment slab. They were not advised that the precast barrier was unacceptable until after the moment slab was complete.

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**Since there appear to be no specified tolerance and the setting of the precast units was observed by the Department's inspectors, the Board recommends that Hubbard be reimbursed for the cost of realigning the precast barrier wall.**

**Dolph Hanson, Chairman; Frank Proch, Member; Keith Richardson, Member**

**SIGNED FOR AND WITH CONCURRENCE OF ALL MEMBERS.**

A handwritten signature in cursive script that reads "Dolph Hanson". The signature is written in black ink and is positioned above the printed name.

**Dolph Hanson, Chairman**

**HE**  
**Hubbard**  
 Construction Company

*John*  
*For your info*  
*Dolph*

**C. David Dempsey**  
 Vice President  
 Long Construction Division

June 13, 2000

**Mr. Donald L. (Gene) Tharpe, Senior Project Engineer**  
 Post Duckley Schuh & Jernigan Construction Services, Inc.  
 11213 North Nebraska Ave.  
 Fountain Plaza, Building C  
 Tampa, Florida 33612

RE Hillsborough County/SR 400 (I-4) from East of SR-39 to Polk Co. Line

Dear Mr. Tharpe:

This is in response to your letter dated May 30, 2000 concerning the Disputes Review Board resolution of the three matters heard on April 25, 2000. First, let me apologize for not responding sooner.

Although not happy, Hubbard is in concurrence with the DRB's recommendations on:

**Issue Two Park Road Bridge Traffic Rail Replacement.** All cost in time and money for remedial work as claimed in Hubbard Construction Company's (HCC) letter dated December 21, 1999 will be borne by HCC.

**Issue Three Realignment Precast Traffic Barrier on MSL Wall Number Five.** The Department will reimburse HCC \$14,872.48 as full and final compensation for all claims for time and money related to this issue. This claim was presented in HCC's letter dated November 23, 1999.

We are not in agreement with the DRB's recommendation on **Issue One Park Road bridge Deck Replacement** as claimed in HCC's letter dated February 7, 2000. On behalf of our material supplier, Southdown, Inc. it is our intention to elevate this issue to the State Arbitration Board.

Should you have any question, please advise.

Sincerely,

*DAVE DEMPSEY*

cc Mr. Rick Edwards, V.P., Southdown, Inc.  
 Mr. Dolph Hanson, DRB Chairman  
 Mr. Frank Proch, DRB Member  
 Mr. Keith Richardson, DRB Member  
 Mr. Jim Moulton, Jr., P.E., District Construction Engineer  
 Mr. Lime Wolf, HCC

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