

December 1, 1997

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RE: Contract No. 19284
State Project Nos. 97160-3310, 97160-3317 & 97160-6317
Polk Parkway Section 5
W.P.I. No. 1157810
Disputes Review Board

Subject: Finding of Fact – DRB Issue #1
Basis of Payment for Conduit for Electrical Service to TECO Load Centers

On November 17, 1997, at the request of the Contractor, Granite Construction Co. (Granite) and the Florida Department of Transportation (FDOT), the Disputes Review Board held a hearing to consider the subject dispute. Written documentation had previously been furnished to the Board by each of the parties.

This dispute was brought to the Board on behalf of Florida Industrial Electric Inc. (FIE), Granite's Highway Lighting and Utility subcontractor, and is in regards to payment for 3" PVC Conduit from Tampa Electric Co. (TECO) service to load centers E, F and G. There is no pay item for this conduit in the Highway Lighting section of the proposal, and they are requesting payment under the Utility bid item which does contain an item for 3" PVC Conduit. **FIE argues that although the conduits in question are shown on the plans to be installed by the FDOT contractor, there is no reference made to a bid item or how the installation of these conduits is to be paid.**

FDOT has denied payment for this conduit based on Section 715-16, Basis of Payment, paragraph (e) Load Center, of the 1994 Supplemental Specifications which states (in part):

"The contract unit price for Load Center shall include... all external and internal conduit and conductors for the service as indicated in the plans and the Roadway Traffic Design Standards."

Note 23 on Highway Lighting Sheet L-4 and Note 22 on Sheet L-12 indicate that the 3" PVC conduit to TECO serviced lighting load centers is to be installed by the Contractor. The conduit is shown on sheets L-9 and L-10 with notes stating "2-3" PVC conduit by FDOT contractor."

The FDOT Standard Specifications Section 715-16, Basis of Payment, paragraph (e) Load Centers (amended by 1994 Supplement) states,

"The contract unit price for Load Center shall include the service pole, insulators, weatherheads, transformers, enclosures, panel boards, breakers, safety switches, H.O.A. switches, lightning protectors, fuses, photo electric assembly, meter base and all external and

internal conduit and conductors for the service as indicated in the plans and the Roadway and Traffic Design Standards."

Although there are no notes on the plans regarding payment for the 3" PVC conduit, the Board feels that it is obviously the intent of the Plans and Specifications that payment for this conduit be included in the Contract price for Load Centers.

The Board, therefore, finds in favor of the FDOT.

For the Board,

G. A. Hanson
Chairman

Enclosure: Exhibit A

Exhibit A

Lighting Plans

L-2 Tabulation of Quantities

1. No pay item for 3" conduit

L-5 General Notes and Legend

1. Note 5: It is the intent of this contract to obtain a complete and working lighting system for the areas designated on the plans. The Contractor is responsible for providing all permits, labor, material and the equipment necessary to provide a complete and working system. The Contractor shall provide all incidental service and material required but not specifically noted on the plans.
2. Note 23: All **conduit providing power** to lighting load centers D, E, F and G **to be installed by the Contractor** to TECO Specifications. All conduit will be 3" PVC and all elbows must be galvanized. The Contractor **will install a pull wire** in these 3" empty conduits...

L-9 Lighting Plans

1. Shows Load Centers E and F
2. Shows lines labeled BE with notes stating "2-3" PVC Conduit by FDOT contractor."

L-10 Lighting Plans

1. Shows Load Center G
2. Same as 2 above.

L-16 Service Point Details

- Notes 20 through 22 refer to Service Points "D", "E", "F" & "G" which are served by Tampa Electric Co. (TEC)
21. TEC will furnish 240/480 volt (480 volt phase to phase) single phase power to each load center.
 22. All **conduit providing power to TEC serviced load centers is to be installed by the Contractor to TEC Specifications.** All conduit will be 3" PVC and elbows must be galvanized. **The Contractor shall install a pull wire in these 3" empty circuits.**
 - 23 Branch circuits at service points "D", "E", "F" and "G" are shown on plan sheets L-8, L-9 & L-10.

Specifications

Standard Specs. 1991 – Sect. 715 Highway Lighting

Pg. 630 715-1 Description (2nd paragraph)

Unless shown otherwise in the plans the system shall start with a weatherhead on a riser on a service pole and extend through the required metering of the power company and through the lighting system as shown.

Pg. 631 715-4 Furnishing of Electrical Service.

Not mentioned by either party.

The power company will provide service to the areas in the vicinities indicated. Unless indicated otherwise in the special provisions, the Contractor shall consult and cooperate with the power company in locating its distribution transformer and service pole so that the lines will be as short and direct as possible. Any line-extension costs up to the first 2000 feet shall be borne by the Contractor. The Contractor will be required to furnish or install only those parts of the metering equipment or connections that are customary and required by the power company in the locality involved.

Pg. 233 Supplement 715-16 Basis of Payment Amended by 1994 Supplement

(e) Load Center: The contract unit price for Load Center shall include the service poles, insulators, weatherheads, transformers, enclosures, panel boards, breakers, safety switches, HOA switches, lightning protectors, fuses, photo electric assembly, meter base, and all external and internal conduit and conductors for the service as indicated in the Plans and Roadway and Traffic Design Standards.

Item No. 715-7 – Load Center - each