

## **NOI - Extra Thick Asphalt on SR 542 e/o US 27**

Ed Mackiewicz [Ed.Mackiewicz@rangerconstruction.com]

**Sent:** Thursday, February 10, 2011 1:44 PM

**To:** Allan Wander

**Cc:** lori.tomey@smithconstruction.com; jdeese@targetengineering.com; Will Nash [Will.Nash@rangerconstruction.com]; Ranger North E Doc [RGNorth.Edoc@rangerconstruction.com]; Michael Neal [Michael.Neal@rangerconstruction.com]; Pete Scholer [Pete.Scholer@rangerconstruction.com]

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Allan, as I stated in my phone call to you, we have discovered unreasonably thick asphalt, upwards of 12" in the construction zone on SR 542 east of US 27. Our intention was to utilize the reclaimer in this area however, due to the thick asphalt we now need to mill the area. As such please consider this Ranger's NOI for the extra work associated with this. We anticipate beginning this work Sunday 2/13/11. Please track labor, equipment, time etc. thanks.

*Edwin J. Mackiewicz III, P.E.*

**Sr. Project Manager**  
**Ranger Construction Ind. Inc.**  
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February 24, 2011

Mr. Allan Wander, P.E.  
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Re: US 27 (SR 25) from North of SR 540 to North of SR 542  
FIN: 197706-1-52-01  
FAP: 3611047P  
Contract No: T-1328  
RCI Project No: 3505074  
Polk County

**Subject: Differing Site Condition – Extraordinary Thick Asphalt on SR 542**

Dear Mr. Wander,

As a follow up to discussions at yesterday's progress meeting and per the request of the department following that meeting please consider this letter Ranger's position for entitlement to additional costs related to the extraordinarily thick existing asphalt encountered on SR 542 East of US 27.

Subsequent to Ranger notifying the department of this differing site condition on February 10, 2011, the department responded with an email on February 11<sup>th</sup> stating that this work is paid for under the Clearing and Grubbing pay item and therefore no additional consideration is warranted. As stated yesterday, Ranger disagrees with this conclusion.

It is well established that during construction, if subsurface or latent physical conditions are encountered differing materially from those indicated in the Contract, or if unknown physical conditions of an unusual nature differing materially from those ordinarily

encountered are discovered, a differing site condition exists and the contractor is entitled to additional compensation based on the affects.

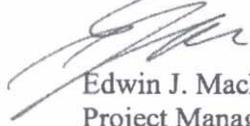
The plan cross sections do not identify the thickness of material expected to be encountered within the existing section of roadway. Absent such information we are left to bid the work based on what is ordinarily encountered. "Ordinary" is that which is commonly, usually or normally encountered. The asphalt we discovered was up to 14" thick. This clearly is uncommon, unusual and abnormal.

Our bid was based on the reasonable expectation that the existing condition of the asphalt was such that it would be obliterated with a pavement reclaiming machine and mixed directly with the substrata. Such a reclaimer is unable to obliterate asphalt that is 14" thick. Therefore, our method of removal was altered thus incurring additional costs.

Ranger feels this is a differing site condition and requests entitlement of such.

If you have any questions please don't hesitate to contact me.

Sincerely,  
Ranger Construction Industries Inc.



Edwin J. Mackiewicz III, P.E.  
Project Manager  
Ranger Construction Ind. Inc.