



OHIO DEPARTMENT OF TRANSPORTATION
1980 W. Broad Street, Columbus, Ohio 43223

July 12, 2002

Icarus Industrial Painting, Inc.
415 Westchester Lane
Valparaiso, Indiana 46385

Attn: Mr. John Tsahas

Re: ODOT Project 465(99)
JAC - 32-11.75 Various
Dispute 09-0465(99) -1001-01

Dear Mr. Tsahas:

The referenced dispute was heard by the Deputy Directors Board on July 10, 2002. The Board met with Icarus Industrial Painting, Inc. (Icarus) in an effort to settle the dispute.

The Deputy Directors Board made the following points to Icarus and District 9:

1. The contractor needs to better follow the Department's Dispute Resolution and Administrative Claim Process (Proposal Note 25) in order to keep better records of entitlement for potential future claims.
2. The District did a good job with the claim presentation. However to avoid future claims, the District should be more proactive with issues that need clarification with the contractor. This would include but not be limited to; improved work relations with new contractors and documentation of potential claim issues at the project level.

The Deputy Directors Board acting in Step 3 of the Department's dispute resolution process made the following findings after hearing the dispute:

1. The Board found that the District did not require cleaning to White Metal but concluded that their proper enforcement of the specification requirement to remove all existing paint under the Near White Metal criteria resulted in a White Metal cleaning.

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2. The Board decided to make the following equitable adjustment to the contract to settle the dispute:
 - a. Relief of \$7,000 in liquidated damages charged to the Contractor for failure to complete the project on time.
 - b. Payment of an additional \$25,000 to settle all issues on the project.
3. Acceptance of the Board's Step 3 offer will constitute full settlement of all disputes and Icarus waives all rights for any additional compensation on ODOT Project 465(99).

Mr. John Tsahas, Icarus, notified the Board of his decision to officially accept the Board's Step 3 equitable adjustment.

The District will be instructed to process a change order to memorialize the equitable adjustment with the contractor, authorize the payment of an additional \$25,000 for fair compensation, and reimburse the contractor liquidated damages in the amount of \$7,000.00.

Respectfully,

Vernon Dunlap P.E., Secretary
Deputy Directors Board

- c: W. Gemayel
M. Kelsey
C. Bishop
J. Hagan - District 9
J. Setty - District 9
Dispute File

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