



Ohio Department of Transportation

1980 West Broad Street, P.O. Box 899, Columbus, Ohio 43216-
0899

December 17, 2002

Matthew A. Anderson, Project Coordinator
Smith and Johnson Construction Company
1745 East Main Street
Columbus, OH 43205-2265

**Re: Athens County Project 246(01)
Dispute Number 10-0246(01)-0402-02, Loss of Anticipated Timber Sales**

Dear Contractor:

Reference is made to the Deputy Directors Board hearing on the referenced claim that was held December 16, 2002.

After careful review of the submitted documents and consideration of the testimony given at the hearing, the Board has reached the following decision on the various issues.

**Value of Lost Lumber
Award: \$82,780.50**

The Board finds that your company is entitled to the compensation on this issue. The Board has used the stump count and value of lumber presented by the District's Forestry Expert, William Sistrunk, which was unrebutted by your company. The attached spreadsheet details Mr. Sistrunk's calculation of the award in the amount of \$82,780.50.

**Cost of Vandalism
Award: -0-**

**Lost Equipment Production Due to Vandalism
Award: -0-**

**Cost of Additional Security
Award: -0-**

**Repair Cost Due to Damaging Working Conditions
Award: -0-**

The Board finds that these four issues are specification book controlling, as per the District's claim documentation, and you are not entitled to compensation on these issues.

Additional Clearing Cost

Award: -0-

The Board determined that the documentation presented by the Contractor is a total cost claim and not recognized by the Department in this dispute resolution and claims process. Your submitted documents do not support this claimed cost. Accordingly, compensation is denied on this issue.

Interest

Award: \$515.27

The Board has calculated interest on the awarded amount according to 126.30 ORC using the interest period allowed for Claim Processing specified in Appendix B. Part II. G.1.c. This period begins 30 days after the submission of your claim document October 15, 2002 and ends on the date of the Deputy Directors Board Decision.

Under the terms of your contract contained on pages 10 through 13 of the proposal for project 246(01), you have the right to pursue a claim before the Director's Claim Board should you not accept the awards of the Deputy Directors Board as full settlement of your claim. Your Notice of Intent to File a Claim must be received by myself within thirty (30) calendar days of completion of Step 3.

You may call me at 614-387-1164 with any procedural questions.

Respectfully,

Clint M. Bishop, PE
Staff Specialist

Attachments

copies sent via e-mail and post mail:

Deputy Directors Board: W. Gemayel, M. Kelsey, G. Collins

Central Office: V. Dunlap

District 10: S. Williams

Dispute File