



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **ACTION:** Complaint by (b) (6)
(b) (6)
against the Connecticut DOT

Date: JAN 21 2011

From: *Brenda F. Armstead*
Brenda F. Armstead
Director, Investigations and Adjudications

In Reply Refer To: HCR-40

To: Amy D. Jackson-Grove
Division Administrator (HDA-CT)
Glastonbury, CT

The attached complaint was forwarded to this office by the Departmental Office of Civil Rights on December 21, 2010. The complaint involves contract administration issues and not violations of Title VI of the Civil Rights Act of 1964. Therefore, we are referring the complaint to your office for appropriate action. The complainant has been advised of this referral (copy attached). If you have any questions, please call me at 202-366-1583.

2 Attachments

cc: Civil Rights Specialist, FHWA, HDA-CT





U.S. Department
of Transportation
**Federal Highway
Administration**

JAN 21 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2011-0074

(b) (6)

Dear (b) (6):

The Federal Highway Administration (FHWA), Office of Civil Rights, is in receipt of your complaint against the Connecticut Department of Transportation which was forwarded to this office by Mr. Joseph Austin, U.S. Department of Transportation, Departmental Office of Civil Rights.

After reviewing your complaint, we have determined that your concerns involve contract administration issues resulting from your subcontract with (b) (6). Therefore, your complaint has been referred to the FHWA Connecticut Division Office at the following address:

Ms. Amy D. Jackson-Grove
Division Administrator
628-2 Hebron Avenue, Suite 303
Glastonbury, CT 06033-5007

If you have any questions, prior to being contacted by the FHWA Connecticut Division Office, please call me at 202-366-1583.

Sincerely yours,

Brenda F. Armstead
Director, Investigations and Adjudications





Memorandum

**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

Subject: (b) (6)

Date: December 21, 2010

LLC v.

Connecticut Department of Transportation

DOT # 2011-0074

Man Pentio, for

From: Joseph E. Austin, Associate Director
External Civil Rights Programs Division (S-33)

To: Allen Masuda, Associate Administrator
Office of Civil Rights (HCR-1)

We are forwarding the attached complaint to your office for appropriate action. The complaint was received in our office on December 14, 2010. The complainant has been informed of the referral to your office (copy attached).

(b) (6) is requesting a third party inspection be performed on the Connecticut Department of Transportation's Milford Bridge Facility and Salt Shed project (#83-260). It appears that (b) (6) received a notice from (b) (6) was not an AISC certified steel erector and not in compliance with State requirements. (b) (6) may have been replaced as the steel installer on the project.

These allegations may be covered by 49 CFR Part 26 and Title VI of the Civil Rights Act of 1964.

Please provide a copy of the final disposition letter addressed to my attention. If you have any questions about this referral, please contact me at (202) 366-5992.

Attachments (2)



U.S. Department of
Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Suite W78-340
Washington, DC 20590

December 21, 2010

DOT# 2011-0074

(b) (6)

Dear (b) (6):

The U.S. Department of Transportation has received your complaint against the Connecticut Department of Transportation. The complaint was received in our office on December 14, 2010.

You are requesting that a third party inspection be performed on the Connecticut Department of Transportation's Milford Bridge Facility and Salt Shed project (#83-260). In your correspondence, it appears that (b) (6) received a notice from (b) (6), a general contractor, that (b) (6) was not an AISC certified steel erector and not in compliance with State requirements. (b) (6) may have been replaced as the steel installer on the project.

We are referring your complaint to the Federal Highway Administration (FHWA), Office of Civil Rights, for review and appropriate action. All further correspondence should reference DOT # 2011-0074 and be addressed to:

Allen Masuda, Associate Administrator
Office of Civil Rights (HCR-1)
Federal Highway Administration
1200 New Jersey Avenue, SE, Room E81-314
Washington, DC 20590

Thanks for bringing this matter to our attention.

Sincerely,

Joseph E. Austin, Associate Director

Joseph E. Austin, Associate Director
External Civil Rights Programs Division
Departmental Office of Civil Rights

Pentino, Marc (OST)

From: Austin, Joseph (OST)
Sent: Tuesday, December 14, 2010 2:39 PM
To: Pentino, Marc (OST)
Subject: FW: Ct DOT 83- 260 dispute and opportunity to cure
Attachments: Ct DOT 83- 260 dispute and opportunity to cure.pdf

From: (b) (6)
Sent: Tuesday, December 14, 2010 1:15 PM
To: Austin, Joseph (OST)
Subject: Fwd: Ct DOT 83- 260 dispute and opportunity to cure

Joe

This is a snap shot of our info for your review.

Thanks

Lew

----- Original Message -----

Subject: Ct DOT 83- 260 dispute and opportunity to cure
Date: Thu, 09 Dec 2010 18:43:04 -0500
From: (b) (6)
To: (b) (6)

(b) (6)

I am hoping we can meet tomorrow at 2pm.

We need someone at the (b) (6) to help us with our right to cure an unfair situation.

This move by the gc is classic good ol boy tactics.

Thank you,

Regards,

(b) (6)

(b) (6) (b) (6)

General Contractors * Construction Managers

December 3, 2010

(b) (6)

Re: DOT Project 83-260
Milford Bridge Facility & Salt Shed
44 Banner Drive
Milford, CT

(b) (6)

I am writing in reference to the status of steel erection for the above mentioned project. (b) (6) spoke to our field superintendent today and was advised that (b) (6) will complete setting the bar joists today. (b) (6) progress was further than we were aware at our phone conversation yesterday. At this time, we believe it does not make sense to split up the erection work between (b) (6). Doing so would impede the construction schedule.

(b) (6) spoke to (b) (6) and they are going to review their initial cost proposal and submit a reduced price. We will contact you once we receive and review their revised price. In the mean time, I hope that you will cooperate with supplying any missing steel in an effort to complete work in an expeditious manner.

We have billed for material on site and partial steel erection completed in the month of November. My goal is to have all the financial adjustments to your contract finalized and accepted by end of December. We will then generate, on your behalf, an invoice and make payment upon funding from the State.

Respectfully,

(b) (6)

Cc: (b) (6)
File 10014

(b) (6)

Subject: Re: 1011 DOT Project 83-260 steel erector
From: (b) (6)
Date: Wed, 1 Dec 2010 18:46:25 -0500
To: (b) (6) "john.gebhard@ct.gov" <john.gebhard@ct.gov>,
"keith.crumb@ct.gov" <keith.crumb@ct.gov>
CC: "mark.rolfe@ct.gov" <mark.rolfe@ct.gov>, "jeff.mordino@ct.gov" <jeff.mordino@ct.gov>

(b) (6)

(b) (6)

I will contact (b) (6) in the morning as he has been designated the single point of contact with me by your office. Any communication by others from your office is unauthorized and invalid.

I will attempt to contact (b) (6) again in the am.

In the interim and until further formal notice by me, please do not communicate with this office unless your name is (b) (6) in any case no entity of (b) (6) may contact our client without written consent by me.

The below communication by you is invalid and subject to mutual interpretation and agreement by both parties which is not the case. At this point in time (b) (6) is proceeding with the work your organization has failed to perform per our contract terms.

I will contact (b) (6) in the am

Or he may contact me

Thank you

(b) (6)

From: (b) (6)
To: john.gebhard@ct.gov <john.gebhard@ct.gov>; keith.crumb@ct.gov <keith.crumb@ct.gov>
Cc: mark.rolfe@ct.gov <mark.rolfe@ct.gov>; jeff.mordino@ct.gov <jeff.mordino@ct.gov>; (b) (6)
(b) (6)
Sent: Wed Dec 01 18:16:06 2010
Subject: 1011 DOT Project 83-260 steel erector

Gentlemen,

The intent of this letter is to follow-up with all parties regarding the steel erection on DOT Project 83-260. On November 29, 2010, (b) (6) received a letter from the GC, (b) (6) informing us that (b) (6) will be subcontracting an AISC certified erector to complete the balance of the steel erection.

Please all interested parties note that per project specifications, an AISC-certified erector is required for the structural steel installation only. Steel joist framing and metal decking are not defined as structural steel, per project spec 051200 1.2A. and furthermore steel joist framing and metal decking are not defined as structural steel by AISC's "Code of Standard Practice for Steel Buildings and Bridges".

(b) (6) meets all project specifications in Section 052100 and all requirements stated within.

(b) (6) is actively working with (b) (6) and their structural steel erector to complete the installation of the structural steel portion of the project.

(b) (6) will resume all activities associated with the steel joist framing, metal decking and all steel fabrication within our Contract scope of work upon completion of the structural steel erection.

If you have any questions, please do not hesitate to contact me.

Thanks



(b) (6)

(b) (6)

(b) (6)

Dear (b) (6),

Re: Project # 83-260

Steel erector certification and Tectonic letter dated 11-18-2010

(b) (6) a AISC certified fabricator competitively bid the project with our team of vendors and subcontractors and was awarded this project after fully meeting all project certification obligations. There was no material misrepresentation of pre-qualification by (b) (6) or the Owner.

(b) (6), was our only available vendor at bid time who met all the certifications requirements, they are also AISC-CSE. (b) (6) attended site meetings, and was directly involved in pre erection cord. The shocking refusal by (b) (6) to perform the work came just days before install begun, (b) (6) had no impact on the refusal process of (b) (6). We forward (b) (6) the letter from (b) (6) which identified the reasons for their non-performance on this project.

Most of the AISC—CSE vendors in our region will not bid (b) (6) due to competition reasons for work and strategic fabricator relationships. The erector pool of CSE vendors is extremely limited as a result at the time of bid (b) (6) tried to obtain an alt CSE vendor/ sub-sub and we have not been successful to date. (b) (6) did call Tom Lynch at DOT for further guidance on this matter as soon as we received the letter from (b) (6) along with the (b) (6) before we proceeded with the work.

(b) (6) will need at least 6 months to obtain the AISC-CSE certification if required to do so.

The current manpower we are using on site is more than experienced to perform the work and actually has more experience in the steel erection industry than Insane Iron. So far the work being performed on site is actually being done well and any typical field issues will be handle with the same standard of care.

(b) (6) has successfully fabricated and installed the Danbury DOT facility addition a few years ago without a AISC-CSE erector.

Typically all field welds, details, decking and bolts are inspected by a NVLAP certified lab. Firms like (b) (6) (b) (6) usually ensures all AISC ,AWS, DOT spec is met by an erector ,certified or not. Please note all our shop work even though we fully AISC certified got inspected by DOT .

We are requesting 3rd party inspection be performed or DOT inspectors who are qualified inspect the steel work similar to the shop process and thereby ensure all project and AWS, AISC, DOT, ASTM spec is met.

Please advise.

(b) (6)

(b) (6) (b) (6)

General Contractors * Construction Managers

November 22, 2010

(b) (6)

Re: DOT Project 83-260
Milford Bridge Facility & Salt Shed
44 Banner Drive
Milford, CT

(b) (6)

As of Friday November 19, 2010, the steel erection has ceased in accordance with DOT Field Memorandum no. 9. This memo states that (b) (6) is not an AISC certified erector and thus not in compliance with specifications. As previously notified, the project has experienced several months delay due to late delivery of structural steel. Now there is an additional delay due to stoppage of erection. This is creating more delays to completing the building to allow trades to work through winter months. Their work is temperature sensitive and your delay may result in added expenses for cold weather protection. (b) (6) will be held directly responsible for additional costs that other trades must incur as a result of late delivery of steel. Also, our contract with the DOT is subject to liquidated damages if project is delivered after the completion date.

I did receive your letter regarding this matter and have forwarded it to the state for their review. However, the job can sit idle waiting for a meeting with DOT. The field memo was clear that work is ceased until, "the required certification is presented to the State."

It is critical that you provide an erector who meets all the project requirements as soon as possible. In order to mitigate the delay, (b) (6) is soliciting certified erectors who can complete the steel work. If we secure an erector prior to (b) (6) we will subcontract them directly and backcharge your contract for the cost of completing erection and any associated costs.

(b) (6)

Respectfully,

(b) (6)

Cc:

(b) (6)

File 10014