



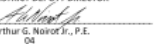



STEP 3
DISPUTE
RESOLUTION
#DISPUTE 04-
230484-01



An Equal Opportunity Employer

ODOT 230484 RESURFACING FROM SLM 22.16 TO SLM 29.04 ON SR-11 IN ASHTABULA COUNTY. INCLUDES MINOR WORK TO 18 STRUCTURES AND 1 CULVERT ON SR-11 AND 1 STRUCTURE ON 531

		STATE OF OHIO DEPARTMENT OF TRANSPORTATION ATB-11-22.16 CITY OF ASHTABULA ASHTABULA AND PLYMOUTH TOWNSHIPS ASHTABULA COUNTY		FEDERAL PROJECT NUMBER E1300852 RAILROAD INVOLVEMENT NORFOLK SOUTHERN AND CSX PROJECT DESCRIPTION RESURFACING FROM SLM 22.16 TO SLM 29.04 ON SR-11 IN ASHTABULA COUNTY. INCLUDES MINOR WORK TO 18 STRUCTURES AND 1 CULVERT ON SR-11 AND 1 STRUCTURE ON 531.																																																																																																																																																											
LOCATION MAP LATITUDE: * * * LONGITUDE: * * *		INDEX OF SHEETS: TITLE SHEET P.1 TYPICAL SECTIONS P.2-P.3 GENERAL NOTES P.4-P.7 MAINTENANCE OF TRAFFIC P.8-P.11 GENERAL SUMMARY P.12-P.14 PAVEMENT CALCULATIONS P.15-P.16 RPM SUB-SUMMARY P.17 PAVEMENT MARKING SUB-SUMMARY P.18-P.19 STRUCTURE ID SIGN SUB-SUMMARY P.20 ATB-11-24.88 CONDUIT DETAILS P.21-P.22 STRUCTURES P.23-P.36		EARTH DISTURBED AREAS PROJECT EARTH DISTURBED AREA: 4.64 ACRES ESTIMATED CONTRACTOR EARTH DISTURBED AREA: 0.25 ACRE NOTICE OF INTENT EARTH DISTURBED AREA: N/A (MAINTENANCE PROJECT) LIMITED ACCESS THIS IMPROVEMENT IS ESPECIALLY DESIGNED FOR THROUGH TRAFFIC AND HAS BEEN DECLARED A LIMITED ACCESS HIGHWAY OR FREEWAY BY ACTION OF THE DIRECTOR IN ACCORDANCE WITH THE PROVISIONS OF SECTION 551.02 OF THE OHIO REVISED CODE. 2023 SPECIFICATIONS THE STANDARD SPECIFICATIONS OF THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, INCLUDING SUPPLEMENTAL SPECIFICATIONS LISTED IN THE PLANS, CHANGES LISTED IN THE PROPOSAL, AND THE SUPPLEMENTAL SPECIFICATION 800 VERSION INDICATED ON THE PROPOSAL SHALL GOVERN THIS IMPROVEMENT. I HEREBY APPROVE THESE PLANS AND DECLARE THAT THE MAKING OF THIS IMPROVEMENT WILL NOT REQUIRE THE CLOSING TO TRAFFIC OF THE HIGHWAY EXCEPT AS NOTED ON SHEET 10, AND THAT PROVISIONS FOR THE MAINTENANCE AND SAFETY OF TRAFFIC WILL BE AS SET FORTH ON THE PLANS AND ESTIMATES.																																																																																																																																																											
DESIGN DESIGNATION (AS PER MS2) CURRENT ADT (2022) 15,033 TRUCKS (24 HOUR B&T) 692 DESIGN FUNCTIONAL CLASSIFICATION: 01 FREEWAYS AND EXPRESSWAYS (RURAL 22.13-27.87, URBAN 27.87-29.04) NHS PROJECT YES		DESIGN EXCEPTIONS NONE REQUIRED ADA DESIGN WAIVERS NONE REQUIRED UNDERGROUND UTILITIES Contact Two Working Days Before You Dig  OHIO811, 8-1-1, or 1-800-382-2764 (Non members must be called directly) PLAN PREPARED BY: ODOT DISTRICT 4 - CAPITAL PROGRAMS 2088 S. ARLINGTON ROAD AKRON, OHIO 44306		ENGINEER'S SEAL  P.34-P.36 ENGINEER'S SEAL  P.1-P.33																																																																																																																																																											
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		DISTRICT DEPUTY DIRECTOR  Arthur G. Nuro Jr., P.E. 04 DIRECTOR, DEPARTMENT OF TRANSPORTATION 		TITLE SHEET																																																																																																																																																											
ATB-11-22.16				REVISIONS <table><tr><td>NO.</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td>1</td><td>12-29-22</td><td>ISSUED FOR BIDDING</td></tr></table>		NO.	DATE	DESCRIPTION	1	12-29-22	ISSUED FOR BIDDING																																																																																																																																																				
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PROBLEM

- Undisclosed ,weak, poor and unforeseen conditions of the subgrade which led to settlement, cracking and uneven pavement. These conditions impacted the overall ride quality of the roadway.
 - Subgrade on SB and NB are vastly different throughout the mainline pavement
- ODOT not using enough as directed quantities set up in the contract to correct the base failures
 - Poorly constructed joints that led to excessive longitudinal and transverse cracking
 - This differential effects the installation of a uniform result.

AS DIRECTED BY THE ENGINEER LINE ITEMS

- ITEM 203 - EXCAVATION (FOR PAVEMENT REPAIR) THIS ITEM OF WORK SHALL CONSIST OF REMOVING AND DISPOSING OF ALL UNSUITABLE MATERIAL BY EXCAVATING THE EXISTING SUBGRADE AND SUBBASE TO AN AVERAGE DEPTH OF 6 INCHES OR AS DIRECTED BY THE ENGINEER.
Performed 0.00% 0 CY out of 250 CY
- ITEM 251 - PARTIAL DEPTH PAVEMENT REPAIR (441) (TRANSVERSE) A QUANTITY OF THIS ITEM SHALL BE PROVIDED FOR USE AS DIRECTED BY THE ENGINEER TO REPAIR PAVEMENT IN THE TRANSVERSE DIRECTION
Performed 32.45% 649 SY out of 2000 SY
- ITEM 255- FULL DEPTH REMOVAL AND RIGID REPLACEMENT, QC1
- A QUANTITY OF THIS ITEM SHALL BE PROVIDED FOR USE AS DIRECTED BY THE ENGINEER. THE ENGINEER SHALL DETERMINE WHICH AREAS ARE TO BE REPAIRED. Performed 50% 751.01 SY out of 1500 SY



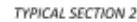
TYPICAL SECTION 1: PW 2

ROUTE	SLM		LENGTH (MILES)	PW (FEET)
	FROM	TO		
ATB-11 NB	22.16	23.26	1.10	38
ATB-11 NB	23.26	23.47	0.21	50
ATB-11 NB	23.55	25.15	1.60	50
ATB-11 NB	25.38	27.50	2.12	38
ATB-11 NB	27.55	27.83	0.28	38
ATB-11 NB	27.88	29.04	1.16	38

LEGEND

- 1 ITEM 254, PAVEMENT PLANING, ASPHALT CONCRETE (T=1.5")
 - 2 ITEM 407, NON-TRACKING TACK COAT @ 0.08 GAL/SY
 - 3 ITEM 408, PRIME COAT, AS PER PLAN @ 0.04 GAL/SY
 - 4 ITEM 442, ASPHALT CONCRETE SURFACE COURSE, 12.5 MM, TYPE A (447), PWL, 2024, AS PER PLAN (T=1.5")
 - 5 ITEM 617, COMPACTED AGGREGATE, AS PER PLAN (T=2")
 - 6 ITEM 618, RUMBLE STRIPS, EDGE LINE, ASPHALT CONCRETE
-
- A EXISTING 9" CONCRETE BASE
 - B EXISTING 8" AGGREGATE BASE
 - C EXISTING 5" ASPHALT PAVEMENT
 - D EXISTING 4" ASPHALT PAVEMENT
 - E EXISTING CURB





TYPICAL SECTION 3

⑤ APPLIES TO ABOVE SECTIONS ONLY

COUNTY	INTERCHANGE	SUM	DIRECTION	RAMP ID	PW (FEET)
ATB	SR 11 & SEVEN HILLS RD	24.30	NB	C-1	VARIES
ATB	SR 11 & SEVEN HILLS RD	24.89	NB	C-2	VARIES
ATB	SR 11 & SEVEN HILLS RD	24.12	SB	C-3	VARIES
ATB	SR 11 & SEVEN HILLS RD	24.70	SB	C-4	VARIES
ATB	SR 11 & SR 84	25.79	SB	D-3	VARIES
ATB	SR 11 & SR 84	26.16	SB	D-4	VARIES

- (A) EXISTING 9" CONCRETE BASE
- (B) EXISTING 8" AGGREGATE BASE
- (C) EXISTING 5" ASPHALT PAVEMENT
- (D) EXISTING 4" ASPHALT PAVEMENT
- (E) EXISTING CURB

PUT ODOT ON NOTICE 5-1-24

From: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Sent: Wednesday, May 1, 2024 10:09 AM
To: Dell, Brian <Brian.Dell@dot.ohio.gov>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>
Subject: ATB-11-22.16: Ashtabula PWL Compaction Issues

Mr. Dell,

I am sorry about the loss of your father, and for writing to you during this period. With respect to the referenced Project and the PWL requirements, we believe application of them on this Project was in error, especially as they relate to ramps. We are therefore requesting that the compaction requirements be waived.

For example, Plan Sheet 2, reflects that the subgrade on SB and NB are vastly different throughout the mainline pavement. That differential obviously affects compaction ability, and a uniform result is not possible and could not have been intended.

For example, Plan Sheet 3, reflects that the subgrade under the ramps is vastly different from that under the mainline. That differential obviously affects compaction ability, and a uniform result is not possible and could not have been intended. We therefore are requesting a waiver of the PWL requirements. If you disagree with this request, please consider this our request for a Step 1 meeting.

I am happy to discuss this with you upon your return, but this is an issue we'd like to have resolved prior to installation.

Thank you for your cooperation,



An Equal Opportunity Employer

Yianni Karvounides
Karvo Companies, Inc.
4524 Hudson Drive
Stow, Ohio 44224
Phone: 330.929.9616 ext. 150

ODOT TO INVESTIGATE CONCERNS

From: Brian.Dell@dot.ohio.gov <Brian.Dell@dot.ohio.gov>
Sent: Wednesday, May 1, 2024 10:38 AM
To: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>
Subject: Re: ATB-11-22.16: Ashtabula PWL Compaction Issues

Yianni,

Thank you for the condolences.

I will look into this issue and provide a response as soon as possible. I will be on site tomorrow to investigate, and will also check with the designer.

Respectfully,
Brian M. Dell, Jr., P.E.

Project Engineer

ODOT District 4, Construction

2088 S. Arlington Rd., Akron, OH 44306

330.786.6935

transportation.ohio.gov

ODOT DETERMINES THE BID CONDITION HAS NOT CHANGED AND NO WAIVER WILL BE GRANTED

From: Brian.Dell@dot.ohio.gov <Brian.Dell@dot.ohio.gov>
Sent: Friday, May 10, 2024 9:23 AM
To: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>
Subject: RE: ATB-11-22.16: Ashtabula PWL Compaction Issues

Mr. Karvounides,

The Department has reviewed the request for a waiver of the Percent Within Limits (PWL) requirements due to the reasons given in your May 1st, 2024 email and our phone conversation on Friday, May 3rd.

We have determined, based on the provided information, that a waiver of the requirements is not warranted as the bid condition has not changed. Therefore, the PWL requirements were known at the time of bid.

Please consider this email the written Step 1|decision as defined by 108.02.G.1. If you would like to escalate this dispute to Step 2, please let me know.

Respectfully,
Brian Dell, Jr., P.E.
Project Engineer
ODOT District 4, Construction
2088 S. Arlington Rd.
Akron, OH 44306
330.786.6935

Karvo disagrees and provides early notice

Re: ATB-11-22.16: Ashtabula PWL Compaction Issues



Yianni Karvounides



Reply



Reply all



Forward



To: Brian.Dell@dot.ohio.gov

Fri 5/10/2024 9:59 AM

Cc: Joshua Fenstermaker

Bcc: Jud Scheaf; gkarvounides@gmail.com

Mr. Dell,

Our May 1, 2024, email was Early Written Notification per the CMS. Step 1 requires an on-site meeting between us. That would be especially beneficial so that you can personally see and understand the deteriorated nature of the subgrade and how compaction requirements are not feasible or appropriate. Please let me know when you are available for our on-site Step 1 meeting.

Respectfully,
Yianni Karvounides

5-10-24 email from ODOT acknowledging deteriorated concrete base pavement joints

From: Brian Dell@dot.ohio.gov <Brian.Dell@dot.ohio.gov>
Sent: Friday, May 10, 2024 3:48 PM
To: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>
Subject: RE: ATB-11-22.16: Ashtabula PWL Compaction Issues

Mr. Karvounides,

As follow up to this meeting today between Mr. Fenstermaker and myself, the Department's stance on the matter remains the same.

As part of the discussion, I mentioned that during the paving operation mat core locations can be adjusted so that cores do not fall on areas of deteriorated concrete base pavement joints that were not repaired since they are not representative of the overall roadway.

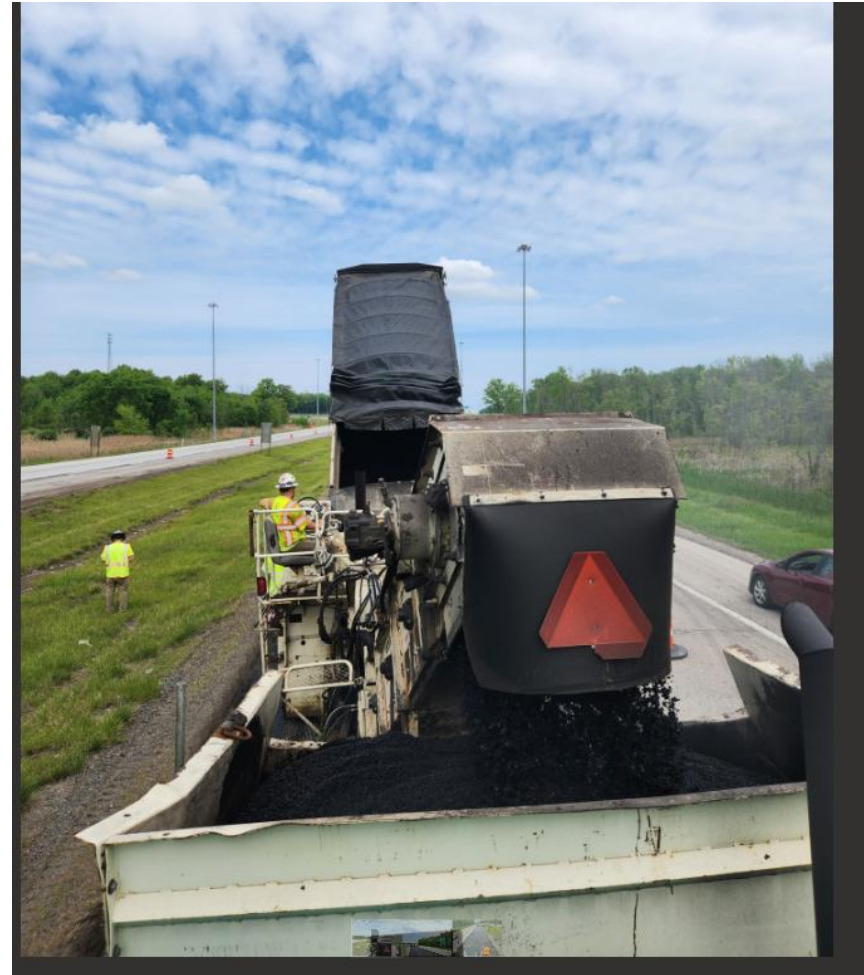
Respectfully,
Brian Dell, Jr., P.E.
Project Engineer
ODOT District 4, Construction
2088 S. Arlington Rd.
Akron, OH 44306
330.786.6935



**Department of
Transportation**

DATE 6.3.24

Meeting onsite with ODOT to discuss PN 420



KARVO OFFERS TO PARTNER AND PROVIDE A REASONABLE SOLUTION IN AN EFFORT TO RESOLVE THE ISSUE

From: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>

Sent: Friday, June 7, 2024 10:58 AM

To: jonathan.dudt@dot.ohio.gov <jonathan.dudt@dot.ohio.gov>

Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>; Brian.Dell@dot.ohio.gov <Brian.Dell@dot.ohio.gov>

Subject: PN 420

Jonathan,

Consistent with our previous notices, Karvo had requested that PN420 requirements be waived due to the undisclosed and unforeseen condition of the subgrade. Those conditions make achieving PN420 requirements commercially impracticable. We have delivered to you an outstanding project. Should ODOT not waive the PN420 requirements, we are requesting that our Step 2 proceeding be scheduled immediately. In the meantime, we will perform any directed work in this regard with full expectation and entitlement to reimbursement and will therefore be separately tracking those costs.

In an effort to partner and resolve this issue, Karvo is willing to provide 1 diamond grinding shift heading north and 1 diamond grinding shift heading south. Should this not be acceptable, however, we need to promptly proceed with the dispute resolution protocol, which we are not waiving any rights.



An Equal Opportunity Employer

Yianni Karvounides

Karvo Companies, Inc.

4524 Hudson Drive

Stow, Ohio 44224

Phone: 330.929.9616 ext. 150

www.karvocompanies.com

ODOT'S RESPONSE AS WITH KARVO'S

From: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Sent: Friday, June 7, 2024 2:38 PM
To: Dudt, Jonathan <Jonathan.Dudt@dot.ohio.gov>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>; Dell, Brian <Brian.Dell@dot.ohio.gov>
Subject: Re: PN 420

Jonathan,

While we disagree with your analysis of where we are in the claims process, and are not waiving any rights, for the reasons stated in my previous email, please consider this our request for a Step 1 meeting before we incur the costs.

Respectfully,
Yianni Karvounides

From: Jonathan.Dudt@dot.ohio.gov <Jonathan.Dudt@dot.ohio.gov>
Sent: Friday, June 7, 2024 12:08 PM
To: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>; Brian.Dell@dot.ohio.gov <Brian.Dell@dot.ohio.gov>
Subject: RE: PN 420

Yianni,

Unfortunately pursuant of 108.02.G we cannot elevate with to a step 2 until we have exhausted the previous steps of the dispute resolution process.

We met on-site on Monday 6/3/24 and discussed your concerns and agreed to investigate some mitigation efforts. From my records it appears that areas in question from the initial analysis of the passing lanes was laid out on Tuesday 6/4/24 for review and that Brian reviewed them and made some adjustments in the field. If you are not accepting this mitigation effort as acceptable, the Department will accept this as written early notice of a dispute.

ODOT STEP 1 DECISION AS WITH KARVO'S STEP 2 REQUEST

From: Dudt, Jonathan <Jonathan.Dudt@dot.ohio.gov>
Sent: Tuesday, June 11, 2024 7:53 AM
To: Simpkins, Michael <Michael.Simpkins@dot.ohio.gov>
Subject: FW: PN 420

Mike,

Please see below. Karvo has requested a Step 2 meeting for a dispute to remove the 420 specifications from 23-0484 84625 ATB-11-22.16

From: Dell, Brian <Brian.Dell@dot.ohio.gov>
Sent: Monday, June 10, 2024 12:40 PM
To: Yianni Karvounides <Yianni.Karvounides@karvocompanies.com>
Cc: Joshua Fenstermaker <Joshua.Fenstermaker@karvocompanies.com>; Dudt, Jonathan <Jonathan.Dudt@dot.ohio.gov>
Subject: RE: PN 420

Yianni,

Following today's on-site meeting, the Department's written Step 1 decision is that PN 420 applies as bid, with some mitigation efforts after further field review.

You mentioned in your June 7th, 2024, email that if PN 420 was not waived, then Karvo Companies would like the dispute elevated to Step 2.

Jonathan – please consider this email notification of Karvo Companies' request for a Step 2 meeting.

Respectfully,
Brian Dell, Jr., P.E.
Project Engineer
ODOT District 4, Construction
2088 S. Arlington Rd.
Akron, OH 44306
330.786.6935



**Department of
Transportation**

JUNE 11TH 2024 EMAIL FROM MR.MIKE SIMPKINS (D4 CONSTRUCTION ENGINEER)

From: michael.simpkins@dot.ohio.gov
Date: June 11, 2024 at 11:19:21 AM EDT
To: Yianni Karvounides <yianni.karvounides@karvocompanies.com>
Cc: Chase.Wells@dot.ohio.gov
Subject: FW: PN 420

Yianni,

I am in receipt of your request to escalate the dispute to step 2 over the PN 420. At this time Karvo has not been damaged, and we would like to continue with the PN 420 requirements. Once the project is completed, the cost of your claim can better be defined, and a step 2 hearing held. Much like the PWL, that we discussed, would you be willing to pause this until we can define the costs?

|

Michael S. Simpkins, PE

District Construction Engineer

ODOT District 4

2088 South Arlington Road, Akron, Ohio 44306

330.786.4826

transportation.ohio.gov



KARVO RESPONSE 6-19-24

Mike,

I apologize for the delayed response. As it relates to PN 420, I would like to summarize the following so both parties are on the same page.

Karvo is going to complete the project. Gather all data related to PN 420 and PWL.

Prior to performing any corrective measure per PN420 for pavement affected due to conditions unknown at time of bid, we are going to have a meeting with ODOT. From the outcome of that meeting, proceed and either not perform certain areas or perform everything and keep track of all costs related to this work and then proceed to a step 2.

FYI

We have just switched lanes and are now working on the slow lanes of the project and the pavement is so deteriorated that it is now reflecting across the newly constructed pavement. We are not pleased as this is very unfortunate. Again, sorry for the delayed response. Talk soon Mike.

Respectfully,
Yianni Karvounides

2-20-25 BOTH ODOT AND KARVO CONFIRMED THAT PWL DISPUTE WAS NO LONGER BEING PERSUED BUT PN 420 STILL WAS



Yianni Karvounides

To: Brian.Dell@dot.ohio.gov

Cc: Shane Shutler; Jonathan.Dudt@dot.ohio.gov



Reply



Reply all



Forward



...

Thu 2/20/2025 2:29 PM

Hi Brian

Hope you're doing well. Yes, you are correct. The dispute regarding PWL is no longer being pursued. The only remaining issue on the project is PN 420. Can you please process the change orders?

Respectfully,
Yianni Karvounides

On Feb 20, 2025, at 12:24 PM, Brian.Dell@dot.ohio.gov wrote:

Yianni,

Following up on my last email – please confirm that the dispute regarding the PWL density requirement is no longer being pursued.

Let me know if you have any questions.

Also, I copied Jonathan so he knows the status of this issue.

Respectfully,
Brian Dell, Jr., P.E.
Project Engineer
ODOT District 4, Construction
2088 S. Arlington Rd.
Akron, OH 44306
330 786 6025

4-11-25 ODOT'S COMMENTS REGARDING PN 420

From: Brian.Dell@dot.ohio.gov
Sent: Friday, April 11, 2025 8:26 AM
To: John Jacobs
Cc: Yianni Karvounides; Jonathan.Dudt@dot.ohio.gov
Subject: 230484 PN 420 Submittal Review

John,

The Department has reviewed the provided PN 420 submittal and has the following comments. Please proceed with the smoothness grinding scheduled for Monday, April 14th.

1. The "After Grinding" column data exactly matches the "Before Grinding" data on the ProVal Grinding Simulation Reports
2. There are no depths of grinds specified. Limit the depth to 1/3 the thickness of the surface course
3. The Pay Adjustment Sheets appears to be populated correctly for Local Roughness. These and the Pay Adjustment Sheets for Lots will need to be revised and resubmitted for review with after grind data
4. Lots that are still above 95 IRI (the maximum allowed) after grinding will be evaluated case by case. Assuming the ride is satisfactory with no further action being required, the Department will consider changing remove and replace areas to 95 IRI so the spreadsheet calculates the maximum disincentive. The contractor may choose remove and replace over maximum disincentive.
5. Localized roughness that remains over 250 IRI (exception areas) or 160 IRI will be evaluated case by case. Assuming the ride is satisfactory with no further action being required, the Department will consider changing remove and replace areas to the maximum IRI so the spreadsheet calculates the maximum disincentive. The contractor may choose remove and replace over maximum disincentive.
6. The contractor should evaluate comments 4 and 5 carefully before grinding, as these disincentives can become very costly
7. Butt Joints and bridge transitions will be evaluated case by case and may require grinding, even if not called out
8. Grinds are to be feathered out, especially in transverse direction
9. Any striping or RPMs obliterated shall be replaced prior to final project approval

Please let me know if you have any questions.

Respectfully,
Brian Dell, Jr., P.E.
Project Engineer
ODOT District 4, Construction
2088 S. Arlington Rd.
Akron, OH 44306
330.786.6935

4-11-25

KARVO'S RESPONSE

Brian,

As mentioned before, Karvo will proceed with the as directed that ODOT is requesting. We are scheduled to start next week on the 14th. As previously discussed and consistent with our previous notices regarding PN420, Karvo requested this requirement to be waived due to the underlying pavement/undisclosed and unforeseen condition of the subgrade. We are tracking all costs associated with this work and will seek full reimbursement.

Without waiver and full reservation of our rights.

Respectfully,
Yianni Karvounides

ODOT JUNE 4TH EMAIL WITH -435,731.46 DISINCENTIVE FOR PN 420

From: Brian.Dell@dot.ohio.gov <Brian.Dell@dot.ohio.gov>
Sent: Wednesday, June 4, 2025 9:44 AM
To: Yianni Karvounides <yianni.karvounides@karvocompanies.com>
Cc: Jonathan.Dudt@dot.ohio.gov <Jonathan.Dudt@dot.ohio.gov>; John Jacobs <John.Jacobs@karvocompanies.com>
Subject: 230484 PN 420 Post Grind Analysis

Yianni,

The Department has reviewed the post grind data per PN 420 dated 1/20/2023 – please see attachments.

A total disincentive of -\$435,731.46 was calculated using these attachments and is summarized in “230484 PN 420 Summary.xlsx”. Please note that identified areas of remove and replace were taken at maximum disincentive since remove and replace was not performed; all other disincentives were calculated per the Proposal Note.

Please let me know if you have any questions.

Respectfully,
Brian Dell, Jr., P.E.
Project Engineer
ODOT District 4, Construction
2088 S. Arlington Rd.
Akron, OH 44306
330.786.6935



**Department of
Transportation**

KARVO'S RESPONSE WITH ATTACHED PREVIOUS NOTICE DATED JUNE 4TH 2025



Yianni Karvounides



Reply



Reply all



Forward



To: Brian.Dell@dot.ohio.gov

Wed 6/4/2025 10:11 AM

Cc: Jonathan.Dudt@dot.ohio.gov; @John Jacobs; @Joshua Fenstermaker



You forwarded this message on Tue 6/17/2025 1:19 PM



Re: 230484 PN 420 Submittal Revi...



Outlook Item

Brian,

Pursuant to many previous notices and as a reminder, please see attached email from Karvo to ODOT on 4-11-25.

Karvo respectfully disagrees with the department's analysis on the total disincentive of -435,731.46. Please let us know what the next steps are.

Respectfully,
Yianni Karvounides

Brian,

As mentioned before, Karvo will proceed with the as directed that ODOT is requesting. We are scheduled to start next week on the 14th. As previously discussed and consistent with our previous notices regarding PN420, Karvo requested this requirement to be waived due to the underlying pavement/undisclosed and unforeseen condition of the subgrade. We are tracking all costs associated with this work and will seek full reimbursement.

Without waiver and full reservation of our rights.

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Yianni Karvounides

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Sent: Friday, April 11, 2025 8:26 AM
To: John Jacobs
Cc: Yianni Karvounides; Jonathan.Dudt@dot.ohio.gov
Subject: 230484 PN 420 Submittal Review

John,

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8. Grinds are to be feathered out, especially in transverse direction
9. Any stringing or RPMs obliterated shall be replaced prior to final project approval

Karvo placed the asphalt through a material transfer device, set up electronics and did not rake the material



Karvo cannot be held accountable for correcting ODOT's design. The department's \$-435,731.46 disincentive for PN 420 smoothness requirements is not acceptable. The ride standards were premised upon a design that was put out to bid that was flawed. Karvo put the department on notice several times throughout the project and offered reasonable solutions in real time to mitigate damages. The project had undisclosed, weak, poor and unforeseen conditions of the subgrade which led to pavement settling, moving and cracking which impacted the overall ride quality. Previous constructed joints were in poor condition which also led to longitudinal and transverse cracking.

Karvo performed everything per specification placing material through a transfer machine, paved with electronics and did not rake the asphalt mat. On a positive note, Karvo, despite several challenging conditions, did achieve optimal density which will yield an increase in life of the pavement.



SUMMARY

- DIFFERING SITE CONDITION
- PUT ON NOTICE
- OFFERED TO REMEDIATE
- WE CANNOT BE HELD ACCOUNTABLE
- WE ARE ENTITLED TO RELIEF IN THE RIDEABILITY STANDARDS

DETERIORATED SUBGRADE, ODOT CHOOSING NOT TO FIX IT WHILE
HOLDING KARVO ACCOUNTABLE OUGHT TO SPEAK FOR ITSELF.



An Equal Opportunity Employer

- Karvo is requesting full compensation in the amount of \$87,406.04 for corrective work and for ODOT to remove the \$-\$435,731.46 disincentive for rideability that was not the fault of Karvo.