



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
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360/902-5335 Fax 360/902-5300

June 19, 2013

Judd Lees, Attorney at Law
Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101

Re: Beynon Sports Surfaces, Inc. – Installation of Plexipave Tennis Court Surfaces

Dear Mr. Lees:

Thank you for your March 8, 2013 letter to Industrial Relations Specialist Marcus Ehrlander regarding the appropriate scope of work for certain work related to the installation of Plexipave tennis court surfaces. Your letter responds to Mr. Ehrlander's finding that the work was appropriately classified under the rate for Cement masons, [WAC 296-127-01315](#). In your letter you contend that the rate for Laborers, [WAC 296-127-01344](#), should be allowed.

This is a determination of the Industrial Statistician regarding coverage of the referenced work under Washington's prevailing wage laws and is made pursuant to RCW [39.12.015](#). See the attached document, "*Prevailing Wage Determination Request and Review Process*."

In preparing this determination, I reviewed a number of materials, including but not limited to the following:

- Your March 8, 2013 letter to Industrial Relations Specialist Marcus Ehrlander, and accompanying photographs and documents describing the Plexipave tennis court installation process.
- Your January 2, 2013 letter to Industrial Relations Specialist Marcus Ehrlander.
- Your August 14, 2012 letter to Industrial Relations Agent Karol Bakamus.
- E-mail correspondence dating November 19, 2012 and January 31, 2013 from Industrial Relations Specialist Marcus Ehrlander.
- The Plexipave web site: <http://www.plexipave.com/installers/media.html>.

Industrial Relations Specialist Jim Christensen and I scheduled with Beynon Sports Surfaces (Beynon) to visit a tennis court installation in Tacoma on September 21, 2012. Unfortunately, when we arrived at the scheduled time we found that the tennis court had already been installed and no one was there to meet us. Mr. Christensen and I observed what we could of the tennis court surface, its thickness and visual properties. I also took some photos of the finished surface for later review and consideration. (See below.)

Issue presented

You offer a description of the relevant work in your August 14, 2012 letter. As it states:

Beynon's application of protective coating on tennis courts involves surface cleaning of the old court, the off-loading of materials, the mixing of Plexipave paint, application of the paint with a roller, push broom or squeegee, and the painting of lines once the protective coating is dry. Plexipave is a 100% acrylic latex color intense sports surface formulated for use over asphalt and concrete. ... Beynon employees do not supply, mix, or lay down the concrete or asphalt surface; they merely apply the protective coating.

After reviewing the process in more detail, including consideration of the documents, photos, and web site referenced above, I understand the relevant facts to include the following:

- The work at issue is the installation of a seamless tennis court surface designed for its performance in tennis play.
- The installation process involves the application of an acrylic surface which may or may not be mixed on site with silica sand. The amount of sand used depends on the desired speed of the playing surface, where less sand creates a faster speed of play.
- The surface may be installed on a recently poured or a pre-existing underlying surface.
- The work process begins with preparation of the underlying surface, primarily to patch cracks or depressions with a cement-based product and trowels.
- To install the tennis court surface, the mixed product is poured out of buckets and smoothed over the playing surface.
- The smoothing process involves the use of a long-handled squeegee.
- Care is taken throughout the process to ensure that the final surface is entirely smooth.
- The finished surface is hard but "breathable," such that moisture can pass through.

Below are three photos I took of the finished court Mr. Christensen and I visited which was installed by Beynon. They were taken through the chain link fence that surrounded the tennis court, and are helpful in appreciating the thick nature of the surface. Aside from the roughness at the edges of the court, I also observed that the finished surface appeared to be very smooth and even.



I reviewed additional information you provided and information gathered from the Plexipave web site: <http://www.plexipave.com/installers/media.html>. The photo on the right below, which I obtained from the web site, shows a worker preparing the surface, and the photo on the left is one you provided from the same web site which shows a worker applying and smoothing the surface with a squeegee.



Based on my review of this work, it is appropriately classified under the rate for Cement masons, [WAC 296-127-01315](#). In your correspondence, you have argued that this work should be performable under the scope of work descriptions for Painters, [WAC 296-127-01356](#), Laborers, [WAC 296-127-01344](#), or Traffic control stripers, [WAC 296-127-01386](#). Each of these scope of work descriptions is discussed below with respect to the work under consideration.

Cement masons (WAC 296-127-01315)

The scope of work description for Cement masons is broadly worded, and states that it applies to “all work where finishing tools are used.” More specifically, the language describes “[t]he installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.”

In your correspondence, you suggest that application with a long-handled squeegee is not covered under the above language. However, my review suggests that the process is in line with the work done by Cement masons. Clearly, the product involves a “seamless composition floor.” The use of the squeegee involves the use of a finishing tool to produce a smooth, finished surface. Indeed, the surface is designed specifically for high performance under sports play. For this application, the use of a squeegee is comparable in method and function to the use of a long-handled trowel. As noted below, the installation of such a surface is also inconsistent with other proposed scopes.

Painters (WAC 296-127-01356)

The scope of work for painters, unlike the scope for Cement masons, is written with limiting language which states that the “job description for painters *is* as follows...” (emphasis added). This contrasts with the majority of scopes which state that they are not limited to the listed tasks. As you note, the language describes application of certain coatings, and is limited to certain

tools. The language is specific to application with brushes, spray guns or rollers. Additionally, it is not clear that the Plexipave product can be classified as waterproofing or a coating. Rather, it serves as a complete flooring product with its own structural as well as visual properties. Given the lack of the use of tools described under the scope for Painters, the structural characteristics of the product, and the finishing process, the scope for Painters is not applicable.

Laborers (WAC 296-127-01344)

The rate for Laborers may be used for the application of certain materials. In your January 2, 2013 letter you note that the scope addresses “the application of penetrating sealer and primer protective coatings to concrete floors and steps when safe to walk on.” However, nothing I’ve reviewed indicates to me that the product at issue operates as a penetrating sealer or as a primer protective coating. You concede that the product is “breathable.” The focus in installation on the surface’s final performance under play, including the avoidance of ridges and depressions, illustrates the importance of the above factors in the installation process, and contrasts the product at issue with those sealers or protective coatings installed by laborers.

Traffic control stripers (WAC 296-127-01386)

The scope for Traffic control stripers contains language which is applicable to some, but not all, of the installation process. The introductory paragraph is limiting: “...the scope of work for traffic control stripers *is...*” [emphasis added]. And the following paragraph states: “All painting, application and installing of lines, arrows, bumpers, curbs, etc., on parking lots, air fields, highways, game courts and other such surfaces.” Additionally, the scope covers “[s]eal coating, slurry coating and other surface protection.”

Given the first paragraph, this scope is applicable for the painting of lines on tennis courts. For the rest of the process, because of the limiting language of the introductory paragraph and for reasons similar to those identified above regarding the scope for Laborers the Traffic Control Stripers scope is not appropriate for this work. It is not clear here that the product at issue serves as surface protection; rather, it appears to be an independent, finished surface.

Prior determinations

In your letter you cite a determination letter of former Industrial Statistician David J. Soma dated October 5, 2009, in which he addresses application of the Cement masons’ scope. Mr. Soma concluded that certain grinding, polishing, staining and hardening work is a form of concrete finishing and payable under the rate for Cement masons. You quote him to also note that “If the topic were staining or painting of the concrete surface, the Painters scope of work (WAC 296-127-01356) would likely be correct for work more than (24) hours after the concrete pour.” You suggest that since in this instance the installation of the concrete occurred more than 24 hours prior to the work at issue, Mr. Soma’s determination supports the idea that the Painters scope applies to the work under consideration here.

My determination is not that the installation of Beynon’s product falls under the scope for Cement masons because it amounts to finishing of the underlying surface. Rather, my conclusion, based upon a review of the tools and materials employed, and the composition of the

surface, is that the process appears to be more than the application of a sealant. It involves the *installation of a new surface* in a manner which falls within the scope for Cement masons. While you distinguish the “application” of Beynon’s product with the “installation” of a concrete surface, the distinction does not appear to be substantive. On the website for Plexipave, for instance, the process is currently explained under a page titled “Installers,” which repeatedly refers to installation. This page is available at the following link:

<http://www.plexipave.com/installers/index.html>. The page shows some of the same images that were included with your letter. Accordingly, Mr. Soma’s determination is not inconsistent with my assessment, or with the assessment that the work here involves the installation of a seamless composition floor as described under the scope for Cement masons.

This determination is based upon the specific facts you’ve provided. If the facts vary or are different from as stated, the answer may also differ.

I hope this information is helpful. If you have additional questions, please let me know.

Sincerely,



L. Ann Selover
Industrial Statistician/Program Manager
Ann.Selover@Lni.wa.gov
(360) 902-5330

Enclosure

cc: Elizabeth Smith, L&I, Assistant Director for Fraud Prevention and Labor Standards
Marcus Ehrlander, L&I, Prevailing Wage Industrial Relations Specialist
Beatriz Hart, L&I, Prevailing Wage and Employment Standards Supervisor

Prevailing Wage Determination Request and Review Process

RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

If you disagree with a determination the industrial statistician provides, WAC 296-127-060(3) provides for a review process:

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

Direct requests for determinations, and for modification of determinations via email or letter to the prevailing wage industrial statistician:

L. Ann Selover
Industrial Statistician/Program Manger
Department of Labor & Industries
Prevailing Wage
P O Box 44540
Olympia, WA 98504-4540
Ann.Selover@Lni.wa.gov

Prevailing Wage Determination Request and Review Process

Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Elizabeth Smith, Assistant Director
Department of Labor & Industries
Fraud Prevention and Labor Standards
P O Box 44278
Olympia, WA 98504-4278
Elizabeth.Smith@Lni.wa.gov

Direct petitions for arbitration to:

Joel Sacks, Director
Department of Labor & Industries
P O Box 44001
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination). Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501.

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
 - (b) The industrial statistician, and
 - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
 - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
 - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
 - (d) Contain a short and plain statement of the grounds for review, and
 - (e) Be accompanied by supporting data, views, or arguments, and
 - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.



March 8, 2013

27414.0101

Marcus Ehrlander
Industrial Relations Specialist-Prevailing Wage
WA Department of Labor & Industries
7273 Linderson Way SW
Tumwater, Wash. 98501-5414

Re: *Beynon Sports Surfaces, Inc.—Work on Tennis Courts*

Dear Mr. Ehrlander:

We have had the opportunity to review your email of January 31, 2013 regarding the only remaining issue in dispute between Beynon Sports Surfaces and the Department—the application of a Plexipave and/or Acrylic Resurfacer to tennis courts via a squeegee. We greatly appreciate the careful study you and the Department have made of Beynon's application work and the clarification provided to date on all aspects of its work, save this single remaining issue. It continues to be the Company's position that the employees performing the application work set forth in the pictures provided earlier to the Department, are performing the work of a "Painter," "Laborer" and/or "Traffic Striper" rather than that of a "Cement Mason" as you indicate in your email. The multiple reasons for Beynon's position are detailed below:

First, as you can tell from the pictures, the work performed involves painting the product on the surface. Although not, as you pointed out, a sealant since breathability of the product is essential to avoid delamination, it is tantamount to a seal coat. Second, the employees apply the Plexipave or Acrylic Resurfacer using a squeegee well after the court has been poured or, if an existing court, after the surface has been prepped. It is not "installed" but is painted. Third, the material is a latex paint, like line paint. According to the MSDS for Plexipave and Acrylic Resurfacer, both are "pigmented latex emulsion coatings." They are neither epoxy nor polyester but are an acrylic latex seal coating type of paint like that applied in driveway or parking lot seal coating operations. The purpose of the application process is to apply several layers of paint over asphalt to provide a textured surface that produces a consistent ball bounce and a nonskid playing surface for tennis players' safety and comfort.

Marcus Ehrlander
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Based on the application process as well as the material applied, Beynon Sports Surfaces' competitors typically characterize the work at issue as falling within the "Laborers" or "Painters" scope of work, rather than "Cement Masons." Both the "Painters" and "Laborers" scopes involve the "application" of coatings to concrete floors" well after pouring. WAC 296-127-01344, 01356. In a determination letter from David Soma dated October 5, 2009, the Industrial Statistician examined the interplay between Terrazzo Workers, Painters and Cement Masons in floor finishing, and stated as follows: "If the topic were staining or painting of the concrete surface, the Painters scope of work (WAC 296-127-01356) would likely be correct for work more than twenty-four (24) hours after the concrete pour. There, the surface would be the coating applied by the painter."

The Cement Masons' scope, on the other hand, is limited to an "application" within the "first twenty-four hours after pouring." WAC 296-127-01315. In addition, the Cement Masons' scope of work is also limited to the "installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling." (emphasis supplied). Neither process is involved in the painting "application" at issue in this case. Again, the Industrial Statistician's October 5, 2009 determination is instructive since he described the Cement Masons' finish work on flooring as follows:

Here, the process is a modification to the concrete surface itself through grinding, polishing, staining and hardening. The final treatment—*finishing, but not coating*—of the concrete finish *where the concrete itself becomes the finished flooring surface.*

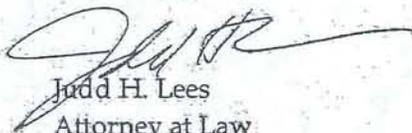
(Emphasis supplied).

That is clearly not the case here. Bob Lundgren, Beynon Sport Surfaces' Vice-President in charge of tennis court applications, (503-691-2484) would be glad to meet or talk with you regarding the application process and confirm the above. If you feel that the issue is exhausted at your level, please advise us and we will request a determination from the Industrial Statistician as you suggested in your email. Again, we appreciate the work you have put into this analysis and look forward to resolving this last piece of the equation so that Beynon Sport Surfaces can confidently bid on and obtain

Marcus Ehrlander
Industrial Relations Specialist-Prevailing Wage
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prevailing wage work with certainty as to the various classifications applicable to all the different types of work performed by its employees.

Very truly yours,



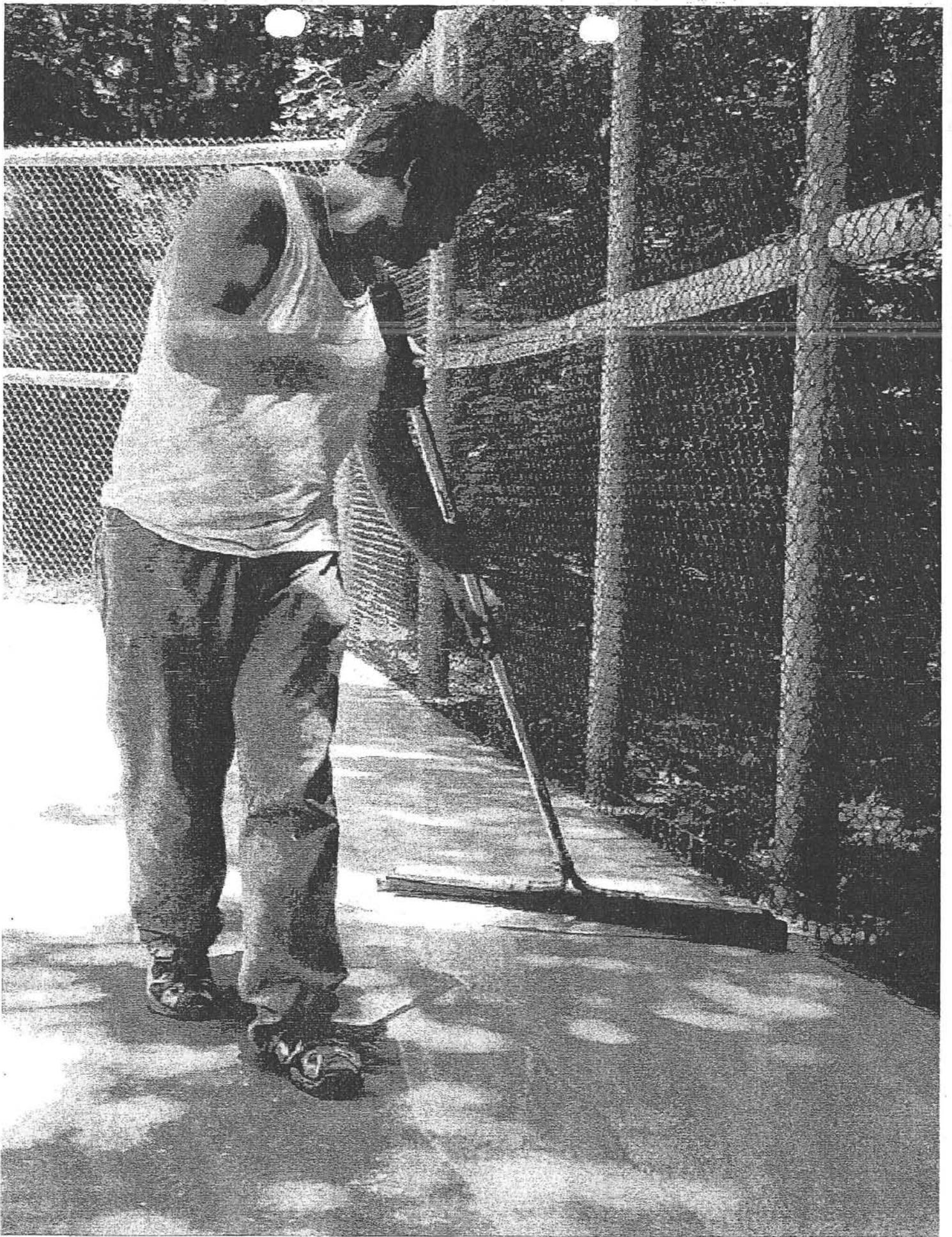
Judd H. Lees
Attorney at Law

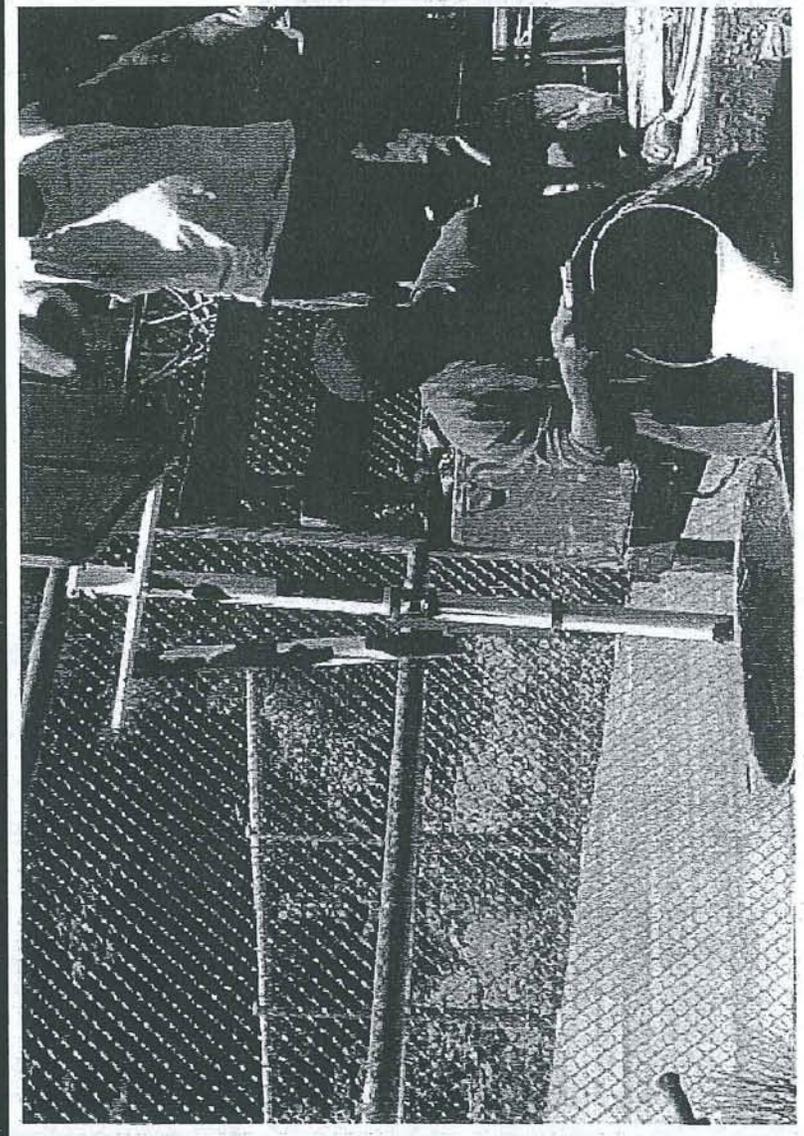
(206) 233-2893

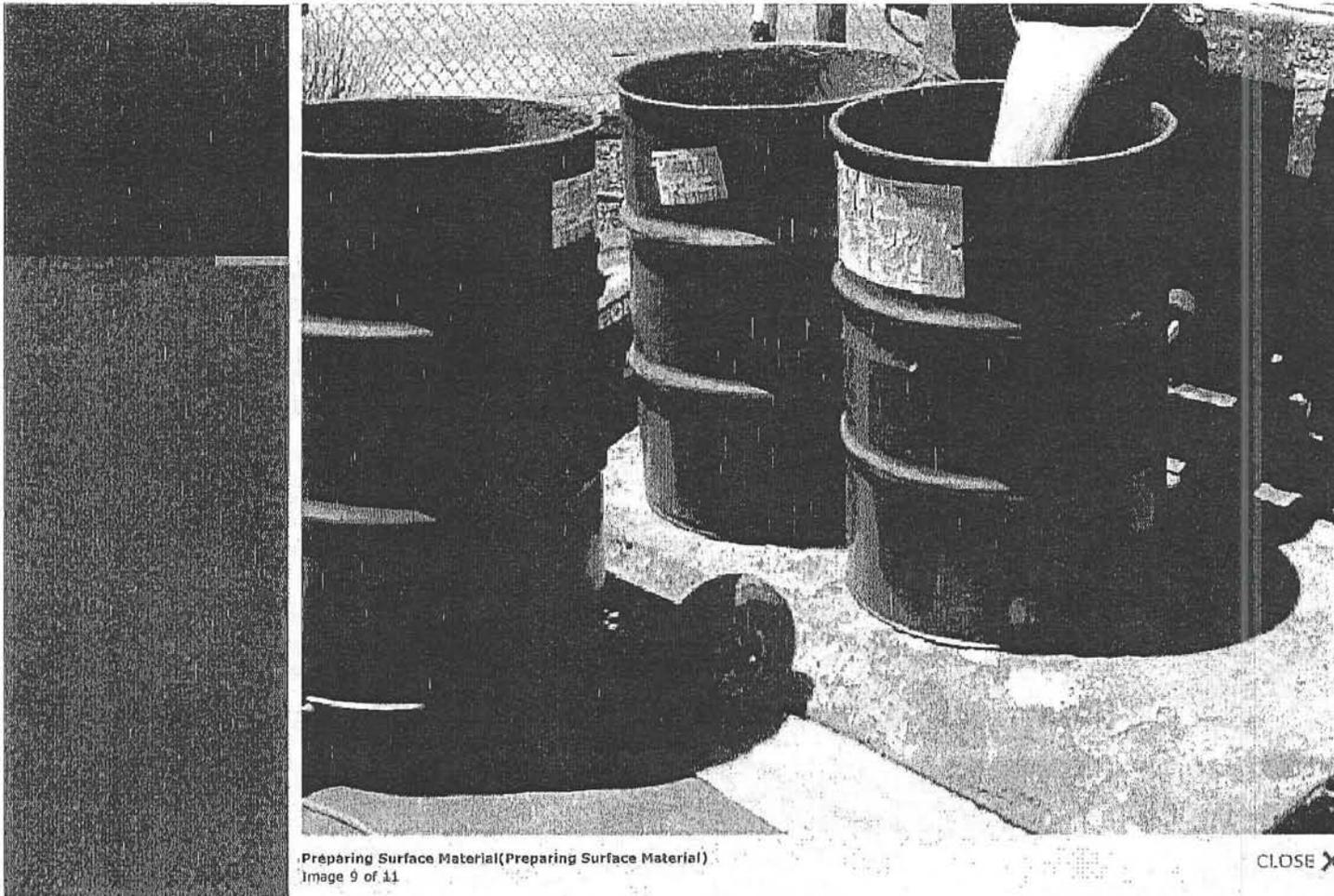
jlees@williamskastner.com

JHL:jh

cc: Lori Johnson
Tim Prochko

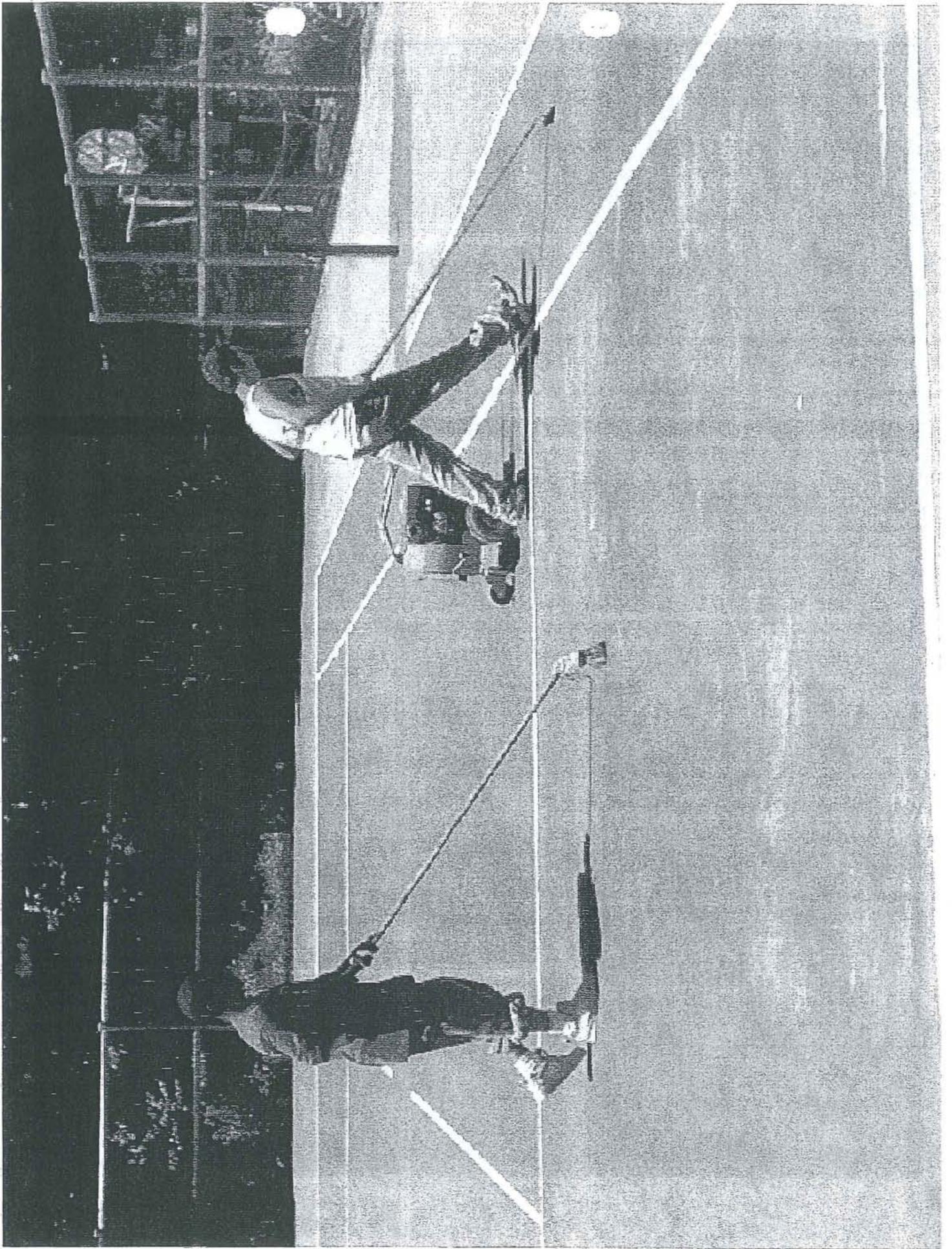


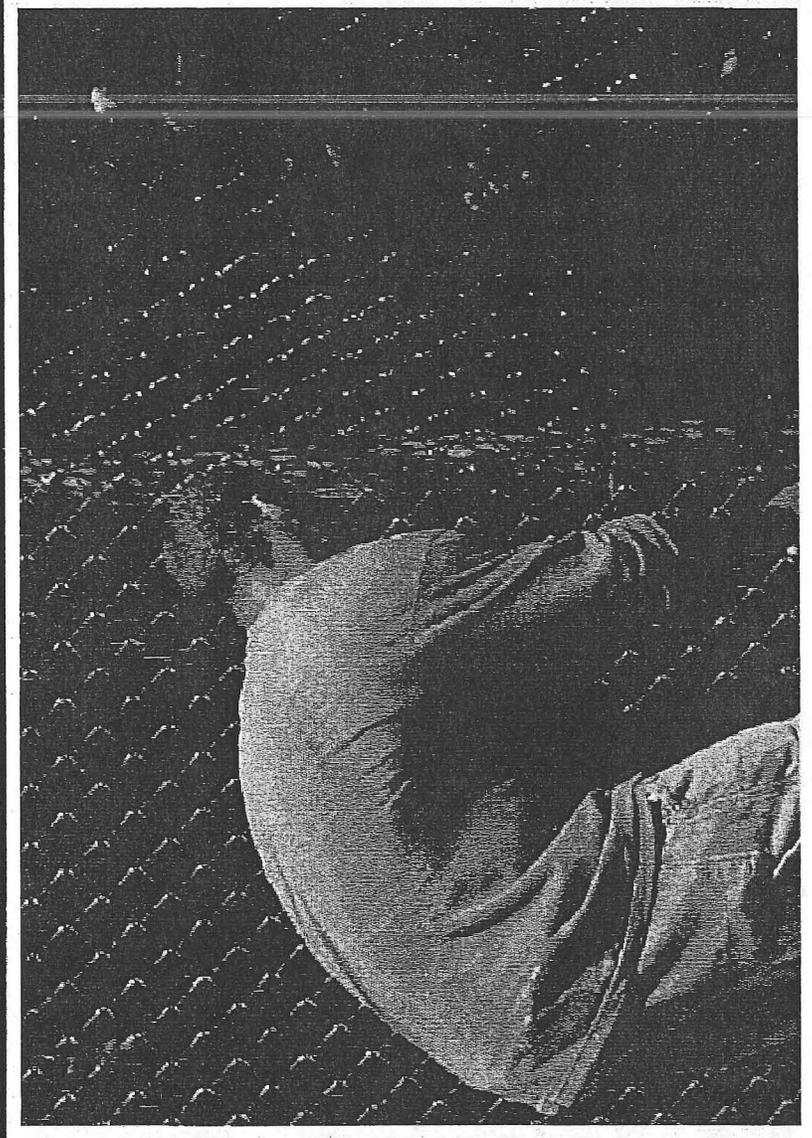




Preparing Surface Material(Preparing Surface Material)
Image 9 of 11

CLOSE X







Pouring Court Surface Material(Pouring Court Surface Material)
Image 10 of 11

CLOSE X



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SECTION 10.8

**SITE IMPROVEMENTS
 ATHLETIC FACILITIES
 SLURRY RESURFACER**

EXTERIOR/INTERIOR

ACRYLIC LATEX

ACRYLIC RESURFACER

DESCRIPTION

Acrylic Resurfacer is an asbestos free, acrylic latex binder developed expressly for job mixing with silica sand to obtain a fast drying filler coat that reduces surface porosity in asphalt and concrete pavements. As opposed to other filler coat products, multiple applications of Acrylic Resurfacer does not require rolling between coats.

SURFACE USES

Acrylic Resurfacer may be applied over properly prepared asphalt and concrete sub-bases that are to be surfaced with the Plexipave® or Plexicushion® Surfacing Systems.

APPLICATION

Use a 70 Durometer flexible rubber squeegee; 24", 30", 36" width.

DRYING TIME

Thirty minutes to one hour under optimum outdoor temperature and humidity conditions (70°F, 50% humidity). For indoor application, provide heat and air circulation to expedite drying.

MIXING

A variety of sand gradations can be used depending on the surface condition to be treated. Quantities of sand and water will vary depending on the sand gradation. When using finer gradation less sand should be used to maintain strength in the mix. For leveling or patching, Court Patch Binder mixes should be used (see specification Section 10.14).

Resurfacer Mix (for squeegee application)

Acrylic Resurfacer	55 gallons
Water (clear and potable)	20-40 gallons
Sand (60-80 mesh)	600-900 pounds
Liquid Yield	112-138 gallons

COVERAGE

Filler Coat: 15-20 square yards per gallons depending on surface texture and porosity (.05-.07 gals/sq. yd.)

LIMITATIONS

- Apply only when ambient temperature is 50°F and rising.
- Do not apply when rain is imminent.
- Do not apply when surface temperature is less than 50°F or more than 140°F.
- Do not apply over tar emulsion sealers.
- Keep containers tightly closed when not in use.
- Keep materials from freezing.
- New asphalt shall be allowed to cure for at least 14 days; concrete shall cure for 28 days. Do not use curing compounds.
- Use only with sands free of clay, silt and other foreign materials.
- The Plexipave System will not prevent pavement cracks from occurring.

**SPECIFICATIONS
ACRYLIC RESURFACER**

1.0 SCOPE

- 1.1 This specification pertains to the application of Acrylic Resurfacer over asphalt and concrete tennis courts and other recreational areas as designated in the Site Plans. The material is to be used as a filler coating to reduce surface porosity and obtain a uniform texture prior to applying the Plexipave Color Surface System. Application shall be equally durable over indoor or outdoor asphalt, indoor concrete and outdoor concrete with a proper vapor barrier in place.
- 1.2 The work shall consist of suitably cleaning and preparing the asphalt or concrete to assure a satisfactory bond of the Acrylic Resurfacer Filler Mix, and the subsequent application of the quantity of material specified herein.
- 1.3 Materials shall be delivered to the site in sealed, properly labeled containers and water used in mixing shall be fresh and clear. Coverage rates are based on manufacturer's materials prior to adding sand and mixing with water.

2.0 SURFACE PREPARATION

- 2.1 The surface to receive the Acrylic Resurfacer Mix shall be of uniform texture, clean, and free of grease, oils and other foreign materials.
- 2.2 **Asphalt-** Allow asphalt to cure a minimum of 14 days. Prior to the application of surfacing materials, the entire surface shall be flooded and checked for minor depressions or irregularities. Any puddled area covering a nickel shall be marked and repaired with Court Patch Binder using the following mix:

100 lbs. 60-80 mesh silica sand (dry)
3 gallons Plexipave Court Patch Binder
1 to 2 gallons Portland Cement (dry) (depending on humidity and temperature)

A tack coat consisting of 1 part Court Patch binder and 2 parts water shall be applied to the patch areas and allowed to dry thoroughly prior to repairing. For more information see California Products Specification 10.14 or 10.21.

After patching, the surface shall not vary more than 1/8" in ten feet measured in any direction.

- 2.3 **Concrete-** Concrete shall have a wood float or broom finish. DO NOT PROVIDE STEEL TROWEL FINISH. DO NOT USE CURING AGENTS OF CONCRETE HARDNERS. Allow the concrete to cure a minimum of 30 days. Acid Etch the entire surface with Concrete Preparer at a rate of .01-.013 gallons per square yard. Check surface for birdbaths, cracks and other irregularities and repair with Court Patch Binder as specified above asphalt section.

3.0 APPLICATION OF SURFACE FILLER COAT

- 3.1 Application of the Acrylic Resurfacer Mix shall be applied to a clean, dry, level surface using the following mix:

Acrylic Resurfacer	55 gallons
Water (clean and potable)	20-40 gallons
Sand (60-80 mesh)	600-900 pounds
Liquid Yield	112-138 gallons

Use clean, dry sand and clear potable water to make mixes. Mix the ingredients thoroughly in a mortar box or mortar mixer. Apply the Acrylic Resurfacer mix with a 70 Durometer rubber bladed squeegee in windrow on the surface with sufficient quantity to cover as the squeegee is pulled over the surface.

- 3.2 **Asphalt-** Apply the Acrylic Resurfacer Mix in one or two coats (depending on surface porosity) at a rate of .05-.07 gallons per square yard per coat.
- 3.3 **Concrete-** Prime surface with California Ti-Coat at a rate of .025-.03 gallons per square yard. The Acrylic Resurfacer Mix must be applied within 3 hours of the Ti-Coat application while the primer is still dry but tacky to the touch. Apply the Acrylic Resurfacer Mix in one or two applications at a rate of .05-.07 gallons per square yard per coat.
- 3.4 Allow the application of Acrylic Resurfacer to dry thoroughly. Scrape off all ridges, and rough spots prior to any subsequent application of Acrylic Resurfacer or Plexipave.
- 3.5 When applying Acrylic Resurfacer indoors, provide adequate heat and ventilation to obtain rapid drying.



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SECTION 10.14

**SITE IMPROVEMENTS
ATHLETIC FACILITIES**

EXTERIOR/INTERIOR

ACRYLIC PATCHING SYSTEM

COURT PATCH BINDER

DESCRIPTION

Court Patch Binder is a high strength acrylic latex bonding liquid designed to mix with Silica Sand and Portland Cement as an easy to use patching compound. The patching mix may be used over new or existing asphalt and concrete surfaces to repair depressions, cracks and other irregularities. Court Patch Binder allows for application of quick drying leveling patches up to $\frac{3}{4}$ " in depth.

SURFACE USES

Over new or existing asphalt and concrete pavement to correct depressions and uneven texture on:

- Tennis Courts
- Outdoor Basketball Courts
- Play Areas
- Pathways and Walks

APPLICATION

Use steel trowel and/or metal screed to fill and level depressions, bird baths or irregularities in tennis courts and other recreational pavement areas.

Cracks greater than $\frac{1}{4}$ " shall be filled and leveled with a square hand-trowel or broad knife by forcing the Court Patch Binder filler mix into the crack and striking off excess material. Edges may be feathered using a hand trowel and a damp cloth to form a smooth transition from patch to the original surface.

COLOR

Neutral

DRYING TIME

Applications of Court Patch Binder mixes dry at various rates depending on the type of mineral aggregate, the thickness applied, and the weather conditions. Thin applications by squeegee or trowel using fine aggregate will cure and dry in less than one hour.

Thick applications (up to $\frac{3}{4}$ ") for patching deep bird baths and rough pavement will take a minimum of six hours to dry depending on temperature and humidity conditions. Patches should be allowed to cure for 24 hours before applying the Plexipave® System.

COURT PATCH MIX

MIXES

Depressions up to $\frac{3}{4}$ " shall be applied by steel trowel or metal screed to level the surface to proper grade using the following mix designs.

Thin Patches $\frac{1}{4}$ " or Less

100 lbs. #80-100 Mesh Silica Sand (dry)
3 gallons Court Patch Binder
1 to 2 gallons Portland Cement (dry)
(Minimum 12 lbs., Maximum 24 lbs.
depending on temperature and humidity)

Thick Patches $\frac{1}{4}$ " or Greater

Use 60-80 Mesh Silica Sand (dry)

Mix in a clean mortar box or mortar mixer to a workable consistency. Thoroughly clean and apply a tack coat of 1 part Court Patch Binder diluted with 2 parts water to the area to be patched. Court Patch Binder mix may be applied directly to the depressed area after the tack coat has completely dried. The patch should be allowed to cure for 24 hours prior to the application of the Plexipave Color Surface System.

Depressions in excess of $\frac{3}{4}$ " depth must receive multiple applications of Court Patch Binder Mix, allowing 24 hours before applying subsequent lifts. Each application of Court Patch mix must be feathered out to a fine edge. Any rough edges must be rubbed down with an abrasive rubbing stone to remove roughness.

COVERAGE

Because of the wide variation in surface conditions, porosity and texture, the coverage figures given here are approximate and serve only as a guide:

Patching mix: 1 $\frac{1}{2}$ square yards per 100 lbs. batch laid $\frac{1}{2}$ " thick.

LIMITATIONS

- Allow new asphalt surface 14 days to cure and new concrete 28 days to cure.
- Do not use in temperatures below 55°F or when rain or high humidity is imminent.
- Ambient temperature must be 55°F and rising
- Keep containers tightly closed when not in use.
- Do not apply if surface temperature is in excess of 140°F.
- DO NOT ADD WATER
- KEEP FROM FREEZING. DO NOT STORE IN HOT SUN.



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SECTION 10.2

SITE IMPROVEMENTS
ATHLETIC FACILITIES
COLOR SURFACER

EXTERIOR/INTERIOR

ACRYLIC TYPE

FORTIFIED PLEXIPAVE®

DESCRIPTION:

Fortified Plexipave is a beautiful and colorful surface finish system in a form containing additional colors and binders for longwearing playing surfaces such as tennis courts and playgrounds. With its filler properties, Fortified Plexipave provides a uniform asbestos- free texture over suitable asphalt emulsions, hot-mix asphalt surfaces and concrete. Since Fortified Plexipave requires essentially no mixing, the applicator does not need expensive mixing equipment and the additional labor required with on-the-job mixing. Fortified Plexipave may be used in a three coat system or a final texture finish coat for the Plexipave Color Finish System.

SURFACE USES:

Over asphalt and suitable concrete substances:

- Tennis Courts
- Basketball Courts
- Play Areas
- Light Traffic Pathways and Walkways
- Patios
- Multi-Purpose Sport Areas

APPLICATION:

- 24" or 36" 50 Durometer flexible rubber squeegees as approved by the Manufacturer.

DRYING TIME:

- 30 minutes to one hour depending on ambient temperature and humidity. A three coat application in normal summer drying weather can be made over a properly prepared surface in one day.

COLOR RANGE:

- 9 selected colors: Light Green, Dark Green, Florida Green, Red, Sahara Sand, Pacific Blue, Cape Gray, Brown, Maroon.

COVERAGE:

(Depending on Surface and Porosity.)

- First Coat – 10-15 square yards per gallon. (.1-.07 gal. /sq. yd.)
- Second Coat – 15-20 square yards per gallon. (.07-.05 gal. /sq. yd.)
- Third Coat – 20-25 square yards per gallon. (.05-.04 gal. /sq. yd.)

LIMITATIONS:

- Apply only when ambient temperature is 50°F and rising.
- Keep containers tightly closed when not in use.
- Do not apply when rain or high humidity is imminent.
- Do not apply if surface temperature is in excess of 140°F
- Obtain maximum leveling, proper pitch and "tight" surface density of asphalt leveling course to provide maximum performance and economy of Fortified Plexipave.
- Allow asphalt to cure at least 14 days
- Allow concrete to cure a minimum of 28 days. Do not allow use of curing agents or concrete hardeners.
- Keep from freezing – Do not store in hot sun
- The Plexipave system will not prevent pavement cracks from occurring

**SPECIFICATIONS
FORTIFIED PLEXIPAVE COLOR FINISH SYSTEM**

1.0 SCOPE

- 1.1 These specifications pertain to the application of Fortified Plexipave Color Finish over tennis courts and other recreational areas as designated in the Site Plans. The material in colors indicated shall be for asphalt or concrete surfaces and must be equally durable over both.
- 1.2 The work shall consist of suitable cleaning and preparation of the asphalt or concrete to assure a satisfactory bond of the color finish to the base and the subsequent coating applications.

2.0 DESCRIPTION

- 2.1 The asphalt (or concrete) surfaces to receive the color finish shall be provided clean, sound, free of grease, oils and other foreign materials, and shall be to the grade and pitch shown in the plans. Concrete surfaces shall be etched with Concrete Preparer, allowed to dry well and scrubbed clean. Concrete surfaces shall be primed with California Ti-Coat according to specification 10.17. Acrylic Resurfacer shall be applied over asphalt and concrete surfaces according to specification 10.8

The application contractor of the color Finish shall then remove by brush, vacuum or blower (as appropriate in each area for safety and convenience) all dust, dirt, imbedded soil. Tree stains, resins and areas not easily cleaned shall be mechanically washed and removed.

- 2.2 Edges adjacent to building, curbing and landscaping not to be coated with this Color Finish System shall be adequately masked with tape or otherwise protected during these applications. The contractor shall also erect suitable temporary barriers to protect the coatings during drying and curing periods.
- 2.3 Materials specified for the Color System shall be delivered to the site in sealed, green painted containers properly labeled with California Products Corporation labels, and stenciled with the proper batch code numbers. Products packaged or labeled in any other manner will not be accepted. Mixing with clean fresh water shall only be done at the job site. Spreading rates are based upon materials prior to mixing with water as directed. The material shall be mixed one (1) part water to four (4) parts Fortified Plexipave. In extremely warm climatic conditions, additional water can be added for a more workable mix.

3.0 SURFACE PREPARATION

- 3.1 Asphalt shall be cured for at least 14 days and concrete for a minimum 28 days prior to Color Finish application. Ridges and excessive voids or depressions shall be corrected prior to first color application. Refer to CPC Specified Section 10.0, 10.8 and 10.14 for preparation of asphalt and concrete surface.

4.0 FORTIFIED PLEXIPAVE COLOR FINISH SYSTEM

- 4.1 The materials to be used shall be FORTIFIED Plexipave as manufactured by California Products Corporation, Andover, MA 01810, in colors specified and approved by the owner prior to first color application.

5.0 APPLICATION

- 5.1 Over new asphalt (or concrete) surfaces, three (3) squeegee coats of the same color shall be applied in succession as soon as the previous coat has dried and all work shall be done by experienced or carefully trained workmen. The contractor shall be accountable at all times for the amount of materials of each color used.
- 5.2 All line markings shall be made with Textured Plexicolor Line Paint according to specification 10.4

6.0 GENERAL

- 6.1 Upon completion of work, the contractor shall remove all containers and debris, and leave the site in a clean and orderly condition acceptable to the owner.