



AUGUSTA LAW DEPARTMENT

DAVID S. COPENHAVER  
Mayor

COREY JOHNSON  
Mayor Pro Tem

ANDREW G. MACKENZIE  
GENERAL COUNSEL

WAYNE BROWN  
Senior Staff Attorney

KENNETH S. BRAY  
JODY M. SMITHERMAN  
KAYLA E. COOPER  
Staff Attorneys

William Fennoy  
Corey Johnson  
Mary Davis  
Alvin Mason  
Bill Lockett  
Joe Jackson  
Donnie Smith  
Wayne Guilfoyle  
Marion Williams  
Grady Smith

FREDERICK L. RUSSELL  
Administrator

April 25, 2013

**VIA CERTIFIED MAIL AND EMAIL**

7006 2150 0005 1942 3865

**mbolden@dot.ga.gov**

**tparker@dot.ga.gov**

State Utilities Construction Engineer  
GDOT Office of Utilities  
Attention: Thomas Parker  
One Georgia Center – 10<sup>th</sup> Floor  
600 W. Peachtree Street NW  
Atlanta, Georgia 30308, US

**Re: GDOT Project NH000-0529-01(017) Richmond County  
GDOT P.I. No. 210700  
Escalation Process Step 2**

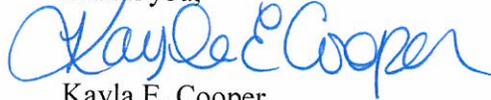
Dear Mr. Parker:

Augusta, Georgia (Augusta) is in receipt of the Georgia Department of Transportation correspondence dated January 30, 2013 regarding GDOT Project NH000-0529-01(017) Richmond County, GDOT P.I. No. 210700 Escalation Process Step 2. Augusta is also in receipt of Pittman Construction Co.'s March 21, 2013 correspondence relating to delay costs alleged to be caused by the Augusta Utilities Department, attached hereto. While Augusta, expressly does not waive any legal defenses, including but not limited to Sovereign Immunity and Failure of

Pittman to mitigate damages, in accordance with section 4.4.C of the GDOT 2009 Utility Accommodation Policy and Standards Manual, Augusta requests a full Mediation Board hearing pursuant to O.C.G.A. § 32-6-171 and GDOT's Board Rule 672-19. Augusta disagrees with the alleged costs included in Pittman Construction's correspondence. Pittman Construction failed to provide any evidence or supporting documentation regarding the alleged delay costs. Due to the fact that Augusta disputes liability for the delay costs, more specifically, the amount of delay costs that Pittman has requested, Augusta will not pay the delay costs at this time.

Please advise as to what steps Augusta needs to take next in regards to mediating and defending this claim. Should there be any questions regarding this matter, please contact me at: (706) 842-5550.

Thank you,



Kayla E. Cooper  
Staff Attorney

cc: Mr. Arnie Pittman, Pittman Construction Co. (via Certified Mail 70062150000519423872)  
Mr. Andrew Mackenzie, General Counsel – The Augusta Law Department (via email)  
Mr. Tom Wiedmeier Augusta Utilities Department Director (via email)  
Ms. Deanna Davis, Augusta Utilities Department (via email)

Enclosure



# PITTMAN CONSTRUCTION CO.

March 21, 2013

Ms. Deanna Davis, P.E.  
Engineering Manager  
Augusta Utilities Department  
360 Bay Street, Suite 180  
Augusta, GA 30901

**RE: Utility Delays – PROJECT: NH000-0520-01(017) RICHMOND COUNTY  
P.I. NUMBER: 210700; CID NUMBER: B14158-11-000-0  
AUGUSTA UTILITIES – DELAY COSTS**

Dear Ms. Davis,

For your reference, a previous letter dated January 30, 2013 is hereto attached.

As you are aware, The Georgia Department of Transportation (GDOT) has determined that the utility conflicts with Augusta Utilities Department (AUD) and Augusta Information Technology (AIT) facilities have impacted the project's schedule. The impacts to the project schedule have caused significant costs and delays to Pittman. AUD completed the work necessary to eliminate conflicts on December 14, 2012. However, AIT did not eliminate their conflicts until January 7, 2013.

Pittman is seeking damages for the delays related to storm and bridge conflicts. Pittman is not seeking damages for the miscellaneous work that is still being conducted by AUD. The total damages due to Pittman Construction Company are \$ 919,014.00; please see the attachment for a detailed breakdown. Also, please note that the potential cost associated with the Asphalt Liquid Index are not a part of this total and cannot be calculated until all asphalt paving is complete. The cost associated with the Asphalt Liquid Index will be an additional cost. In accordance with section 4.4.C of the GDOT 2009 Utility Accommodation Policy and Standards Manual, AUD/AIT has 45 days from receipt of this letter to pay Pittman Construction the amount of the delay costs or request a full Mediation Board hearing as prescribed in the Official Code of Georgia, Section 32-6-171 and GDOT Board Rule 672-19.

Sincerely,

Philip Thompson  
Vice President  
Pittman Construction

Attachments

CC: File

Jeff Baker, State Construction Engineer – via email

Caleb Lord, Project Engineer – via email

Rodney Way, Augusta Area Engineer – via email

Corbett Reynolds, District 2 Assistant Construction Engineer – via email

Edwin Thompson, District 2 Construction Engineer – via email

Lynn Bean, District 2 Utilities Engineer – via email

Thomas Parker, State Utilities Construction Engineer – via email

Marc Mastronardi, State Assistant Construction Engineer – via email

## Breakdown of Cost

### Lost Time Labor/Equipment

Pipe Crew	29	days	@	\$3,200.00	\$92,800.00
Grade Crew	41	days	@	\$3,200.00	\$131,200.00
Survey Crew	7	days	@	\$1,200.00	\$8,400.00
Project Superintendent	24	wks	@	\$2,525.00	\$60,600.00
Project Manager	8	wks	@	\$2,775.00	\$22,200.00
Trucking for Grading (2@650)	29	days	@	\$1,300.00	\$37,700.00
Trucking for Grading (3@650)	10	days	@	\$1,950.00	\$19,500.00
				<b>Sub Total</b>	<b>\$372,400.00</b>

### Out of Town Expenses

Pipe Crew (5@80)	29	days	@	\$400.00	\$11,600.00
Grade Crew (5@80)	41	days	@	\$400.00	\$16,400.00
Survey Crew (2@80)	7	days	@	\$160.00	\$1,120.00
Project Superintendent	24	wks	@	\$320.00	\$7,680.00
				<b>Sub Total</b>	<b>\$36,800.00</b>

### Additional Overall Project Cost

Traffic Control Mnt/Loss	168	days	@	\$359.00	\$60,312.00
WECS	5.5	mths	@	\$1,860.00	\$10,230.00
Field Office	5.5	mths	@	\$2,663.00	\$14,646.50
Erosion Superintendent	5.5	mths	@	\$933.00	\$5,131.50
Traffic Switches I-520	2	ea	@	\$6,125.00	\$12,250.00
Mobs - Sewer - Pipe Crew	2	ea	@	\$5,000.00	\$10,000.00
Mobs - Water - Pipe Crew	2	ea	@	\$5,000.00	\$10,000.00
Mobs - IT - Pipe Crew	2	ea	@	\$5,000.00	\$10,000.00
Mobs - Asphalt Sub	3	ea	@	\$2,750.00	\$8,250.00
				<b>Sub Total</b>	<b>\$140,820.00</b>

SUM of Sub Totals **\$550,020.00**

### Profit, Bond and GnA Overhead (10%)

**\$55,002.00**

### Liquidated Damages

Damages	168	days	@	\$1,869.00	<b>\$313,982.00</b>
---------	-----	------	---	------------	---------------------

**Total \$919,014.00**

**PLUS ANY ASPHALT LIQUID INDEX CHARGES**

Keith Golden, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

January 30, 2013

*VIA EMAIL & CERTIFIED MAIL*

Ms. Deanna Davis, P.E.  
Augusta Utilities Department  
Engineering Division  
360 Bay Street, Suite 180  
Augusta, Georgia 30901  
E-mail: ddavis2@augustaga.gov

Mr. Arnie Pittman  
Pittman Construction Co.  
1487 Farmer Road  
Conyers, Georgia 30012  
E-mail: apittman@pittman-construction.com

**RE: GDOT Project NH000-0520-01(017) Richmond County  
GDOT P. I. No. 210700  
Escalation Process Step 2**

Dear Ms. Davis and Mr. Pittman:

In accordance with section 4.4.C of the Department's 2009 Utility Accommodation Policy and Standards Manual, a Project Utility Delay Mitigation meeting was conducted for the referenced project on November 20, 2012. The meeting was held in room 408 of the Department's General Office located at 600 West Peachtree Street, Atlanta, Georgia. Representatives from the Department, City of Augusta Utilities Department (AUD), and Pittman Construction Company (Pittman) attended the meeting (see attached list of attendees).

The purpose of the meeting was to comply with Step 2 of the Escalation Process under the Procedures for Utility Delay Costs in the Manual and to determine if AUD's proposal to cure the delay is satisfactory.

Based on facts presented at the meeting, it is apparent that an impact to the project's schedule has occurred as a result of work in control of AUD. AUD stated at the various utility coordination meetings since January 2012 that there were no conflicts; therefore there were no days for utility relocation in the Utility Adjustment Schedule. However, there were sewer line, water line, and fiber optics conflicts.

As evidenced by project documentation, Pittman began experiencing utility conflicts on July 25, 2012. Since our meeting and prior to the writing of this letter, AUD completed all required sewer and water line conflict work. This work was completed on December 14, 2012.

Given the uncertainty whether this delay will hinder the overall completion of this project, it is our recommendation that AUD be advised that they may be liable for damages or delay costs incurred by our contractor.

If a determination is made by Pittman as to the total impact of damages attributed to AUD delays, AUD will be notified by Pittman in writing as to the total costs of said damages. AUD shall have 45 days from the receipt of such letter to either pay the amount of delay costs or request a full Mediation Board hearing as prescribed in the Official Code of Georgia, Section 32-6-171 and the Department's Board Rule 672-19.

Ms. Davis and Mr. Pittman  
GDOT Project NH000-0520-01(017) Richmond County  
GDOT P. I. No. 210700  
Escalation Process Step 2  
January 30, 2013

Should you have any further questions on this matter, please contact me at 404-631-1354.

Sincerely,



Jeff Baker, P.E.  
State Utilities Engineer

JB:TP  
Attachment

cc: Don Grantham, GDOT Board Member  
Keith Golden, P.E., Commissioner, *via email*  
Russell McMurry, P.E., Chief Engineer, *via email*  
Matt Cline, Division of Administration/General Counsel, *via email*  
Marc Mastronardi, State Construction Engineer, *via email*  
Jimmy Smith, P.E., District Two Engineer, *via email*  
Edwin Thompson, District Two Construction Engineer, *via email*  
Lynn Bean, District Two Utilities Engineer, *via email*