

C. W. Matthews Vs Liberty
utilities

Muscogee County

BR 000-0004-00 (729)

CW. Matthews Vs Liberty
utilities

Step-1 Canc'n sion letter

marked on 03/18/2014

C. W. Matthews Vs Liberty
utilities

Muscogee County

BR 000-0004-00(729)

CW. Matthews Vs Liberty
utilities

Step-1 Concl'n sim letter

marked on 03/18/2014

Keith Golden, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

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

March 18, 2014

via E-mail & U.S. Mail

Mr. Chris Rountree
Utility Coordinator,
C. W. Matthews Contracting Company, Inc.
P.O. Drawer 970
Marietta, GA 30061.

RE: Project Number: BR000-0004-00(729)
CS 2227 over Norfolk Southern RR and Bragg St; Muscogee County
Liberty Utilities Delay

Dear Mr. Chris:

The Department acknowledges receipt of C.W. Matthews Contracting Company's (CWM) letter dated February 28, 2014 concerning issue of a possible project delay associated with the relocation of Liberty Utilities facilities on the above referenced project.

According to the information this office received from the Department field representative, Liberty Utilities has completed the relocation of their facilities on the above referenced project at Bragg Smith Street under Brown Ave on March 12, 2014. It is the Department's understanding that any possible delay associated with the relocation of the Liberty Utilities facilities on the above referenced project has ended. If CWM disagrees with the Department's position and desires to further pursue this issue, CWM shall follow the procedures set forth in the Contract Special Provision – Utility Conflicts.

In accordance with Specification 105.06, "It shall be each utility owner's responsibility to plan with the Contractor a schedule of operations which will clearly set forth at which stage of the Contractor's operations the utility owner will be required to perform his removal and relocation work."

If CWM is experiencing any delays from any of the utility companies, the utility coordination meeting is an opportunity to discuss the progress of the Contractor's work and expectations from each utility company (present delay conditions, possibility of cumulative delay conditions and or any anticipated delay conditions).

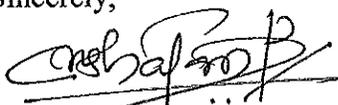
During the utility coordination meeting, CWM can prepare and submit a detailed report providing:

- (a) Potential effect to the schedule caused by the delay,
- (b) Identification of all operations that have been delayed, or are to be delayed,
- (c) Explanation of how the utility companies act or omission delayed each operation and estimation of how much time is required to complete the project.

Mr. Chris Rountree
Utility Coordinator, C.W. Matthews Contracting Company, Inc.
Project Number: BR000-0004-00(729); Muscogee County
March 18, 2014
Page 2 of 2

This is to remind CWM that whenever you believe you will be entitled to damages or delay costs from the Utility Owner, the Department advises you to follow the procedures outlined in the Special Provision-Utility Conflicts.

Sincerely,



Shajan P. Joseph, P.E.
State Utilities Construction Engineer
(404)347-0604

cc: Michael Bolden, State Utilities Engineer
Lee Upkins, Asst. State Utilities Engineer
Kerry Gore, District Utilities Engineer
Jamie Lindsey, State Utilities Liaison Engineer
Tyler Peek, Asst. District Utilities Engineer
Ken Robinson, District Construction Engineer
Sheldon Minor, Asst. District Construction Engineer
Mark Williams, Area Engineer



March 18, 2014

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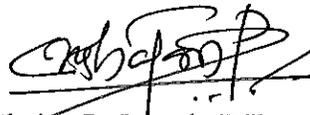
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Jamie Lindsey, State Utilities Liaison Engineer
Tyler Peek, Asst. District Utilities Engineer
Ken Robinson, District Construction Engineer
Sheldon Minor, Asst. District Construction Engineer
Mark Williams, Area Engineer

Joseph, Shajan

From: Upkins, Lee
Sent: Thursday, March 13, 2014 4:05 PM
To: Gore, Kerry; Joseph, Shajan
Subject: RE: Brown Ave. #11970

Thanks Kerry.

Joseph,

Please proceed with sending out the letter to close out escalation step 1 for this project.

Thanks

Lee Upkins
Assistant State Utilities Engineer
Department of Transportation
Office of Utilities - One Georgia Center
600 West Peachtree Street, 10th Floor
Atlanta, Georgia 30308
Office: 404-631-1354
Email: lupkins@dot.ga.gov

From: Gore, Kerry
Sent: Thursday, March 13, 2014 4:04 PM
To: Upkins, Lee; Joseph, Shajan
Subject: FW: Brown Ave. #11970

Lee,

This should resolve the escalation 1 notice as their recovery plan

Kerry Gore
District Utilities Engineer
District 3 - Thomaston
115 Transportation Boulevard
Thomaston, GA 30286
(706) 646-7603

From: Mike Garrett [<mailto:Michael.Garrett@libertyutilities.com>]
Sent: Wednesday, March 12, 2014 1:47 PM
To: Chris Rountree; Michael Highnote
Cc: Marcus Yancey; William Holle; Kevin Eubanks; Frank Crumbley; Dan Garcia; McKissick, Gene; Passmore, Shannon; Joseph, Shajan; Howell, Thomas; Robinson, Ken; Gore, Kerry; Scott Bush; Matt Ricks
Subject: RE: Brown Ave. #11970

Chris,

Liberty Utilities has abandoned in place the 6" PE gas main along Bragg Smith Rd under the Brown Ave. Bridge which was in conflict with your storm sewer installation. The gas main is dead and CW Matthews can proceed with the storm sewer installation without further delays from us.
Let me know if you have further questions.

Thanks

Mike Garrett | Liberty Utilities - Georgia | Project Specialist

P: 706-478-1822 | C: 706-681-5166

E: Michael.Garrett@LibertyUtilities.com

2300 Victory Dr., Columbus, GA., 31901

From: Chris Rountree [<mailto:Chrisr@cwmatthews.com>]

Sent: Monday, March 03, 2014 7:27 AM

To: Michael Highnote; Mike Garrett

Cc: Marcus Yancey; William Holle; Kevin Eubanks; Frank Crumbley; Dan Garcia; 'Gene McKissick'; 'Shannon Passmore (spassmore@dot.ga.gov)'; 'Shajan Joseph (sjoseph@dot.ga.gov)'; 'thowell@dot.ga.gov'; 'krobinson@dot.ga.gov'; Kerry Gore

Subject: RE: Brown Ave. #11970

RE: CWM Job No. 1970 – CS 2227 over Norfolk Southern RR and Bragg St.
GDOT Project No. BR000-0004-00(729)
P.I. No. 0004729
GDOT Escalation Step 1

Michael,

Please see attached revised letter. The first date in the 3rd paragraph was corrected to year 2013. This email is meant to replace the one sent Friday, February 28, 2014. I will look forward to your response.

Chris Rountree

Utility Coordinator

C.W. Matthews Contracting Company, Inc. - P. O. Drawer 970 - Marietta, GA 30061

O:(770) 422-7555 Ext. 1890 F: (770) 794-8783 M: (770) 377-7595 E: chrisr@cwmatthews.com

From: Michael Highnote [<mailto:Michael.Highnote@libertyutilities.com>]

Sent: Friday, February 28, 2014 3:14 PM

To: Chris Rountree

Subject: RE: Brown Ave. #11970

Not sure if it can happen next week.

From: Chris Rountree [<mailto:Chrisr@cwmatthews.com>]

Sent: Friday, February 28, 2014 10:18 AM

To: Mike Garrett

Cc: William Holle; Kevin Eubanks; Marcus Yancey; 'Gene McKissick'; 'Shannon Passmore (spassmore@dot.ga.gov)'; Scott Bush; Michael Highnote

Subject: RE: Brown Ave. #11970

Mike,

We need for you to make this happen next week. We have been putting this off for too long. Please let us know which day you will be there.

Thanks,

Chris Rountree

Utility Coordinator

C.W. Matthews Contracting Company, Inc. - P. O. Drawer 970 - Marietta, GA 30061

O:(770) 422-7555 Ext. 1890 F: (770) 794-8783 M: (770) 377-7595 E: chrisr@cwmatthews.com

From: Mike Garrett [<mailto:Michael.Garrett@libertyutilities.com>]

Sent: Monday, February 24, 2014 4:24 PM

To: Chris Rountree

Cc: William Holle; Kevin Eubanks; Marcus Yancey; 'Gene McKissick'; 'Shannon Passmore (spassmore@dot.ga.gov)'; Scott Bush; Michael Highnote

Subject: RE: Brown Ave. #11970

Chris,

In talking with our construction dept., tennative plans are to just cut and cap the line and let you install your storm sewer and we'll re-install the line at some point after that. Right now it looks like we should be able to get the line killed one day next week. We need to let this next cold spell pass. As soon as I have a more definate date, I'll let you know.

Thanks

Mike

From: Chris Rountree [Chrisr@cwmatthews.com]

Sent: Monday, February 24, 2014 10:11 AM

To: Mike Garrett

Cc: William Holle; Kevin Eubanks; Marcus Yancey; 'Gene McKissick'; 'Shannon Passmore (spassmore@dot.ga.gov)'

Subject: RE: Brown Ave. #11970

Mike,

Last week when we talked on the phone you stated that you could possibly start the gas relocation on Bragg Smith Street this week. I checked with our project personnel and they reaffirmed that we could make some coordination with you to lay the storm drain the following day after you cut and capped the main. Or we can also confirm your relocated grade if necessary if you prefer to make the relocation ahead of storm drain. Let me know which way you want to proceed and please respond with your schedule.

Thanks,

Chris Rountree

Utility Coordinator

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O:(770) 422-7555 Ext. 1890 F: (770) 794-8783 M: (770) 377-7595 E: chrisr@cwmatthews.com

From: Chris Rountree

Sent: Thursday, February 06, 2014 8:59 AM

To: Michael Garrett

Cc: William Holle; Kevin Eubanks; Marcus Yancey; Gene McKissick; Shannon Passmore (spassmore@dot.ga.gov)
Subject: RE: Brown Ave. #11970

RE: CWM Job No. 1970 – CS 2227 over Norfolk Southern RR and Bragg St.
GDOT Project No. BR000-0004-00(729)
P.I. No. 0004729

Mike,

I left a message on your voicemail yesterday requesting an update on your relocation of the gas main on Bragg Smith Street. I realize you may be busy with all the cold weather but we have been talking about this for several months now. If your schedule to do the work is not reasonable I will have no other choice but to file GDOT escalation step 1. I have given Liberty more than enough time to work out your internal issues. The last time we talked you expected that you could jump on this in two weeks. We are at are two week mark now. Please let me know what we can expect so we will know how to proceed.

Thanks,

Chris Rountree
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O:(770) 422-7555 Ext. 1890 F: (770) 794-8783 M: (770) 377-7595 E: chrisr@cwmatthews.com

From: Marcus Yancey
Sent: Wednesday, February 05, 2014 9:31 AM
To: Chris Rountree
Cc: William Holle; Kevin Eubanks
Subject: Brown Ave. #11970

Chris,

I still have not seen or heard from the gas company about lowering gas main on Bragg Smith St. We were told that they would be here in 2 weeks and I'm pretty sure that time has passed.

Marcus Yancey
Foreman
cell. 678-848-6998
office. 770-422-7520
myancey@cwmatthews.com

Disclaimer For C.W. Matthews Contracting Co. Inc.

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The Georgia DOT spent approximately \$15 million in 2013-2014 for 135 fast-tracked projects under the Quick Response program to reduce traffic congestion and improve operations across Georgia. Quick Response projects are typically under \$200,000 on the state route system and funded from state motor fuel tax. Visit us at <http://www.dot.ga.gov/winterweather> ; or follow us on <http://www.facebook.com/GeorgiaDOT> and <http://twitter.com/gadepoftrans>

C.W. Matthews Vs Liberty Utilities

Time line:

03 | 03 | 2014
Monday

Date of letter → 02 | 28 | 2014.

job awarded → 11 | 30 | 2012

constn authorized → 01 | 16 | 2013

completion date → 04 | 30 | 2015

Notice

CW Matthews Vs Liberty Utilities

4 | 2012

ays

Common

e-mail send to liberty utilities

on 03 | 03 | 2014

leav.

notified to utility

DIST - 3, muscogee County was there.

[e-mail] 02 | 24 | 2014 → one day next week

02 | 28 | 2014 → may not be next week.

Official e-mail →

- 1) 2 | 6 | 2014 (03) - copy inside
- 2) 2 | 24 | 2014 (03) - copy inside
- 3) 2 | 28 | 2014 - letter.

Joseph, Shajan

From: Gore, Kerry
Sent: Monday, March 03, 2014 8:33 AM
To: Joseph, Shajan; Bolden, Mike; Upkins, Lee
Subject: FW: Brown Ave. #11970
Attachments: LibertyEscalationStep1rev.pdf

FYI

Kerry Gore
District Utilities Engineer
District 3 - Thomaston
115 Transportation Boulevard
Thomaston, GA 30286
(706) 646-7603

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Cc: Marcus Yancey; William Holle; Kevin Eubanks; Frank Crumbley; Dan Garcia; McKissick, Gene; Passmore, Shannon; Joseph, Shajan; Howell, Thomas; Robinson, Ken; Gore, Kerry
Subject: RE: Brown Ave. #11970

RE: CWM Job No. 1970 – CS 2227 over Norfolk Southern RR and Bragg St.
GDOT Project No. BR000-0004-00(729)
P.I. No. 0004729
GDOT Escalation Step 1

MUSCOGEE COUNTY

Michael,

MUSCOGEE COUNTY

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O:(770) 422-7555 Ext. 1890 F: (770) 794-8783 M: (770) 377-7595 E: chris@cwmatthews.com

✓

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P.I. No. 0004729

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Foreman
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myancey@cwmatthews.com

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During inclement winter weather, Georgia DOT commits to achieve and maintain passable road conditions on two lanes of interstates first and then state routes from the most heavily traveled to the least traveled. The Department urges travelers to exercise caution, be patient, and call 511 for updated information on roadway conditions before getting on the road during a winter weather event. Visit us at <http://www.dot.ga.gov/winterweather> ; or follow us on <http://www.facebook.com/GeorgiaDOT> and <http://twitter.com/gadepoftranss>



C. W. MATTHEWS CONTRACTING COMPANY

DRAWER 970

MARIETTA, GEORGIA 30061

TELEPHONE (770) 422-7520

FAX (770) 422-1068

February 28, 2014

Mr. Mike Garrett
Liberty Utilities - Georgia
2300 Victory Dr.
Columbus, GA 31901

RE: CWM Job No. 1970 – CS 2227 over Norfolk Southern RR and Bragg St.
GDOT Project No. BR000-0004-00(729)
P.I. No. 0004729

Dear Mr. Garrett,

The above referenced project was let to contract by State of Georgia – Department of Transportation (GDOT) on November 16, 2012 and awarded to C.W. Matthews Contracting Company, Inc. (CWM) as the lowest reliable bidder on November 30, 2012. Construction was authorized on January 16, 2013 toward a contract completion date of April 30, 2015.

Please accept this letter as notification that effective February 28, 2014, Liberty Utilities - Georgia is at least over 20 % behind in relocating your gas facilities on the subject project. Liberty's gas facilities conflict with the progress of Storm Drain installation crossing Bragg Smith Street. As you are aware, Atmos Energy (acquired by Liberty) was issued a notice to proceed with facility relocation in a letter dated October 24, 2012 authored by Mr. Jeff Baker, GDOT State Utilities Engineer. In a duly executed Utility Adjustment Schedule prepared by yourself dated January 13, 2012, Atmos (AKA Liberty) outlined a total of 30 days to complete facility relocation activities. As of today's date, Liberty Utilities has not mobilized to the project nor commenced facility relocation as detailed in the aforementioned Utility Adjustment Schedule.

You were notified by me via email dated 12/10/2013 that the area was clear for Liberty's gas relocation. Directly before the Christmas holidays, you stated via a phone conversation that Liberty could get started soon. In another phone conversation around January 24, 2014 you expected Liberty to be able to start two weeks from then. On February 24, 2014 I received an email from you stating that you expected Liberty to start work "one day next week". An email reply received today, February 28, 2014, from Michael Highnote now states "Not sure if it can happen next week".

Because of CWM's work on Bragg Smith Street having been somewhat flexible over these past several months I feel that I have been more than accommodating toward Liberty's relocation schedule. However, CWM now has limited time remaining to schedule the gas relocation work before our pipe laying crew will be delayed. Please consider this notice that Liberty is over 20 % behind schedule as outlined in the GDOT Utility Accommodation Policy and Standards Manual Chapter 4.4.C. I look forward to receiving your proposal on rectifying the aforementioned delay. This will allow CWM to plan and schedule the remainder of our activities accordingly. This will also allow the project to be built within the contract timeframe parameters.

Should you have questions regarding the preceding contents, please contact and so inquire of me.

Sincerely,

C. W. Matthews Contracting Company, Inc.



Chris Rountree, Utility Coordinator

cc: Project File
Marcus Yancey e-mail
Bill Holle e-mail
Kevin Eubanks e-mail
Frank Crumbley e-mail
Dan Garcia e-mail
Gene McKissick e-mail ✓
Kerry Gore email ✓
Shannon Passmore e-mail ✓
Thomas Howell e-mail ✓
Ken Robinson email ✓
Joseph Shajan e-mail ✓

Joseph, Shajan

From: Joseph, Shajan
Sent: Monday, March 03, 2014 1:46 PM
To: 'Michael.Highnote@libertyutilities.com'; 'Michael.Garrett@libertyutilities.com'
Cc: Gore, Kerry; Robinson, Ken; Upkins, Lee; Bolden, Mike; Lindsey, Jamie; Williams, Mark; Passmore, Shannon
Subject: BR000-0004-00(729) ; MUSCOGEE County

Dear Michael Highnote and Mike Garrett:

The Department received a copy of the letter, addressing to Liberty Utilities from C.W. Matthews Contracting Co. Inc. concerning with the issue of the delay in the removal / relocation of your facilities on the Project BR000-0004-00(729); Muscogee County.

The department reminds you to follow the procedure outlined in the Utility Accommodation Policy and Standard Manual. According to the manual, you must respond to this letter within 10 business days. The response shall include a proposal to cure the delay identified by the Department's Contractor. If you require that a utility coordination meeting (due to the complexity of the project) is held to address the issues identified by the Department's Contractor, then your response letter shall include a request to hold a utility coordination meeting with the Department's Contractor, the District Construction Engineer, and, the District Utilities Engineer for utility delay resolution.

A copy of the page detailing about the procedures to be followed is attached for your quick reference.

If you have any questions or need any additional information, please contact me or District Utilities Engineer.

Thanks.

Shajan P. Joseph, P.E.
State Utilities Construction Engineer
Georgia Department of Transportation
Office of Utilities – 10th Floor[1014]
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“4.4.C Procedures for Utility Damages or Delay Costs - If the Utility fails to provide a Work Plan or fails to complete the removal, relocation, or adjustment of its facilities in accordance with the Work Plan or Revised Work Plan approved by the Department, then the Utility may be liable to the Department or its Contractor for delay costs and damages incurred by the Department or its Contractor which grow out of the failure of the Utility to carry out and complete its work accordingly. However, the following escalation process shall be utilized by the Department, its Contractor, and the Utility to resolve such disputes regarding damages or delays prior to requests for payment or such claims being brought forth to a mediation board hearing for resolution as prescribed in O.C.G.A. § 32-6-171 and GDOT Board Rule 672-19.

Escalation Process Step 1 - It shall be the Contractor’s responsibility to coordinate and track each Utilities progress in relation to the Work Plan or Revised Work Plan previously approved by the Department. Once the Contractor has determined that the Utilities work progress is at least 20% behind the approved Work Plan, the Contractor will notify the Utility and the Department of such apparent delay through written correspondence. Such written correspondence shall detail the delay in question and request the Utility to submit a proposal on how the Utility plans to rectify such delay and maintain the project’s schedule prescribed by the previously approved Work Plan. The Utility will respond to this letter within 10 business days. The response shall include a proposal to cure the delay identified by the Department’s Contractor. In some cases, the complexity of the project may require that a utility coordination meeting be held to address the issues identified by the Department’s Contractor. If the Utility determines that this is the case, then the Utility’s response letter shall include a request to hold a utility coordination meeting with the Department’s Contractor, the District Construction Engineer, and, the District Utilities Engineer for utility delay resolution. If any changes are made to the Utility’s Work Plan, such revisions shall adhere to Section 4.4.B. If the utility delay dispute cannot be resolved through the coordination efforts described above after 20 business days from the date provided in the Contractor’s original written correspondence; the said dispute shall escalate to the State Construction Engineer for further consideration.”