

DF # 44

C. W. Matthews vs AGI L

STP00 - 2348 - 00 (003)

Forsyth County

~~4/19/2014~~

~~waiting for report~~

4/25/2014. Send the  
conclusion letter.



April 25, 2014

*via E-mail & U.S. Mail*

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

RE: Project Number: STP00-2348-00(003)  
Bethelview Road from SR 9 to Castleberry Road; Forsyth County  
**Atlanta Gas Light Company (AGLC) Utility Delay**

Dear Mr. Jeff:

The Department acknowledges receipt of C.W. Matthews Contracting Company's (CWM) letter dated April 16, 2014 concerning issue of a possible project delay associated with the relocation of AGLC Utility facilities on the above referenced project.

According to the information this office received from the Department field representative, AGLC Utility has completed the relocation of their facilities on the above referenced project on April 23, 2014. It is the Department's understanding that any possible delay associated with the relocation of the AGLC Utility 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. Jeff Jacques  
Utility Coordinator, C.W. Matthews Contracting Company, Inc.  
Project Number: STP00-2348-00(003); Forsyth County  
April 25, 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  
Neil Kantner, District Utilities Engineer  
Robby Oliver, State Utilities Liaison Engineer  
Nathaniel O'Kelly, Asst. District Utilities Engineer  
Harold Mull, District Construction Engineer  
Jason Dykes, Asst. District Construction Engineer  
Matthew Needham, Area Engineer  
Doug Wood, Asst. Area Engineer

## Joseph, Shajan

---

**From:** Carl Pearson <cpearson@aglresources.com>  
**Sent:** Friday, April 25, 2014 8:42 AM  
**To:** Jeff Jacques (Jjacques@cwmatthews.com)  
**Cc:** Bolden, Mike; Upkins, Lee; Oliver, Robby; Mull, Harold; Kantner, Neil; Dykes, Jason; Joseph, Shajan; Jonathan Todd; Brian Leavell; Glenn Blake; William McGevna  
**Subject:** FW: CWM Job 1952 - Escalation Step # 1 AGLC (April 16, 2014)  
**Attachments:** AGL Response to CWM Escalation on 4-16-14.pdf

Jeff,

Attached is AGL's follow up response to your letter dated 4-16-14. The original letter is being mailed today.

---

**From:** Jeff Jacques [<mailto:Jjacques@cwmatthews.com>]  
**Sent:** Wednesday, April 16, 2014 2:17 PM  
**To:** Carl Pearson  
**Cc:** Dan Garcia; Frank Crumbley; Kevin Eubanks; Byron Rhodes; Christy Jackson; [hmull@dot.ga.gov](mailto:hmull@dot.ga.gov); [jdykes@dot.ga.gov](mailto:jdykes@dot.ga.gov); Matt Needham; Bryan Corazzini ([bcorazzini@dot.ga.gov](mailto:bcorazzini@dot.ga.gov)); [roliver@dot.ga.gov](mailto:roliver@dot.ga.gov); Jonathan Todd; Brian Leavell  
**Subject:** CWM Job 1952 - Escalation Step # 1 AGLC (April 16, 2014)

RE: CWM Job No. 1952 – Bethelview Road from SR 9 to Castleberry Road  
GDOT Project No. STP00-2348-00(003) CT. 1 - Forsyth County  
P. I. No. 141880  
Escalation Step # 1 AGLC (April 16, 2014)

Mr. Pearson,

The original of the attached letter along with corresponding documentation will be mailed to your attention via USPS. Should any additional information be required please advise.

Thanks,

Jeff Jacques, Utility Coordinator, WUCS  
C.W. Matthews Contracting Co. Inc.  
P.O. Drawer 970  
Marietta, GA 30061  
e-mail [jjacques@cwmatthews.com](mailto:jjacques@cwmatthews.com)

Cell (678) 640-6015

Cc; 1952 Escalation Step # 1 AGLC (April 16, 2014)

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

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# AGL Resources™

Ten Peachtree Place  
Atlanta, GA 30309

404 584 4000 phone  
www.aglresources.com

April 25, 2014

Mr. Jeff Jacques  
Utility Coordinator  
C. W. Matthews Contracting Co., Inc.  
Drawer 970  
Marietta, Georgia 30061

Re: CWM Job No. 1952 – Bethelview Road from SR 9 to Castleberry Road  
GDOT Project No. STP00-2348-00(003) CT. 1 - Forsyth County  
P. I. No. 141880  
AGLC – Notification of Delay (Escalation Step 1)

Dear Mr. Jacques:

Please accept this letter as a response from Atlanta Gas Light (AGL) to the Escalation Step 1 letter submitted by C. W. Matthews (CWM) on April 16, 2014. This document is meant to suit the requirements put forth by the Georgia Department of Transportation (GDOT) and to prevent further escalation steps. This reply submitted by AGL intends to address concerns with the project and provide a solution agreeable to all parties.

Your letter stated that an AGL main line at STA 129+75 RT was errantly installed. In order to verify the conflict in the field, the gas main was surveyed by AGL and it was determined that the bottom of the existing AGL main in question is at an elevation of 192.18. The projected top of the proposed storm drain will be at 1192.28 based on the current installation slope of 0.5%. The construction plans provided to AGL shows the 18" storm drain being installed at a grade of 0.7% giving an elevation of 1192.13 to the top of pipe at the AGL crossing. A copy of the surveyed data is attached.

AGL mobilized its contractor to raise the main to accommodate the installation of the storm drain at the new grade. This work was completed on Wednesday, April 23, 2014. I appreciate the opportunity to address the stated concerns and respond within a timely manner. Please feel free to contact me if you have any questions.

Sincerely,

Carl Pearson, PE

Manager

AGLC & CGC – Engineering Design

cc: Neil Kantner email  
Jason Dykes email  
Robby Oliver email  
Mike Bolden email  
Howard Mull email  
Lee Upkins email  
Joseph Shajan email  
Jonathan Todd email  
Glenn Blake email  
Bill McGevna email  
Brian Leavell email  
Jeff Jacques email & hard copy



## **Joseph, Shajan**

---

**From:** Joseph, Shajan  
**Sent:** Thursday, April 17, 2014 2:14 PM  
**To:** 'Carl Pearson'  
**Cc:** 'jtodd@aglresources.com'; 'bleavell@aglresources.com'; Bolden, Mike; Upkins, Lee; Oliver, Robby; Mull, Harold; Kantner, Neil; Dykes, Jason  
**Subject:** STP00-2348-00(003) ; Forsyth County

Dear Carl Pearson:

The Department received a copy of the letter, addressing to Atlanta Gas Light Company from C.W. Matthews Contracting Co. Inc. concerning with the issue of the delay in the removal / relocation of your facilities on the Project STP00-2348-00(003); Forsyth 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 – 10<sup>th</sup> Floor[1014]  
600 West Peachtree St, NW  
Atlanta, GA - 30308  
Phone: (404)347-0604  
Cell: (404)272-9264  
E-mail: [sjoseph@dot.ga.gov](mailto:sjoseph@dot.ga.gov)



**“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.”



***C. W. MATTHEWS CONTRACTING CO., INC.***

DRAWER 970

***MARIETTA, GEORGIA 30061***

TELEPHONE (770) 422-7520

FAX (770) 422-1068

April 16, 2014

Atlanta Gas Light Company  
Attn: Mr. Carl Pearson  
Ten Peachtree Place, 11<sup>th</sup> Floor  
Atlanta, GA 30309

RE: CWM Job No. 1952 – Bethelview Road from SR 9 to Castleberry Road  
GDOT Project No. STP00-2348-00(003) CT. 1 - Forsyth County  
P. I. No. 141880  
Escalation Step # 1 - AGLC

Dear Mr. Pearson,

The above referenced project was let to contract by the State of Georgia – Department of Transportation (GDOT) on July 20, 2012 and was awarded to C. W. Matthews Contracting Company, Inc. (CWM) as lowest reliable bidder on August 3, 2012. Construction was authorized on September 6, 2012 toward a contract completion date of June 30, 2014.

Please accept this letter as notification that effective April 11, 2014; Atlanta Gas Light Company (AGLC) is 20% or greater behind in relocating gas facilities on the subject project. CWM potholing / survey efforts have revealed a conflict involving a pre-existing 4 inch plastic gas main located at Station 129+75 RT of Bethelview Road. The same currently constrains activities including but not limited to installation of required 18 inch longitudinal storm drain. As you are aware, AGLC was issued Notice to Proceed with facility relocation in a letter dated July 20, 2012 and authored by Mr. Jeff Baker, State of Georgia – Department of Transportation (GDOT), State Utilities Engineer. In a duly executed Utility Adjustment Schedule (UAS) prepared by Mr. Jacob Ziliak, Engineer, dated December 22, 2011, AGLC outlined a total of 96 days to complete gas facility relocation throughout the project limits. The same included Construction Engineering, Material Procurement, Construction and Service Considerations. Activities listed on the UAS as predecessor to commencement of gas facility relocation were clearing, grubbing and staking in accordance with GDOT Specification 149.

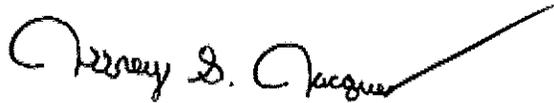
CWM finalized clearing and grubbing operations on November 21, 2012. Initial construction staking along with placement of survey data was completed prior to the same. Adding 96 days excluding weekends yielded a tentative completion date for gas facility relocation of April 4, 2013. When adding holidays and weather days from November 21, 2012 to April 4, 2013 to the gas relocation schedule it then yields a completion date of June 15, 2013. It should be noted that Mr. Glenn Blake, AGLC Project Coordinator confirmed to CWM and GDOT personnel that gas facility relocation had finalized on or before June 15, 2013.

As of April 16, 2014, AGLC has not finalized gas facility relocation activities as previously advised thus yielding a timeframe of greater than 20% behind schedule. Gas facility relocation will not be considered finalized until such time all conflicts located throughout the project limits have been remedied. Notification of the aforementioned conflict was provided to Mr. Glenn Blake via e-mail authored by myself and dated April 14, 2014. A copy of the same is attached for your review and has been labeled Exhibit "A".

As outlined in the GDOT Utility Accommodation Policy and Standards Manual Chapter 4.4.C., please accept this letter as notification from CWM to AGLC that gas facility relocation is greater than 20% behind schedule. I look forward to receiving your proposal on rectifying the aforementioned delay. This will allow CWM as well as our Sub-Contractors to plan and schedule required construction activities accordingly.

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

Sincerely,

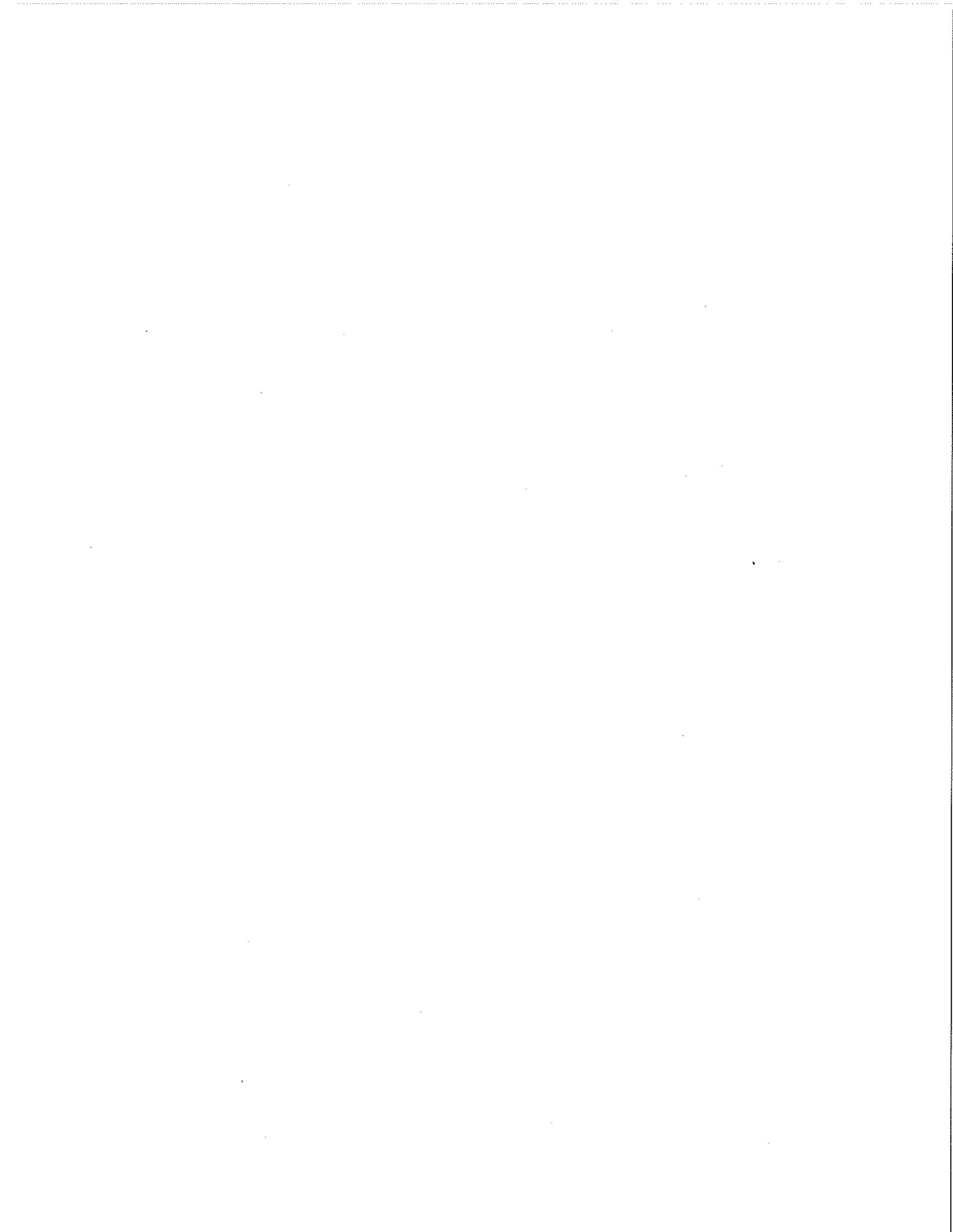


Jeffrey S. Jacques,  
Utility Coordinator, WUCS

JSJ

cc: Project File

Dan Garcia e-mail  
Frank Crumbley e-mail  
Kevin Eubanks e-mail  
Byron Rhodes e-mail  
Jason Dykes e-mail  
Carl Pearson e-mail & hard copy  
Johnathon Todd e-mail  
Glenn Blake e-mail  
Shajan Joseph e-mail  
Bryan Corazzini e-mail  
Matt Needham e-mail  
Robby Oliver e-mail  
Harold Mull e-mail  
Neal Kantner e-mail  
1952 – Project File



## Joseph, Shajan

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**From:** Oliver, Robby  
**Sent:** Wednesday, April 16, 2014 2:32 PM  
**To:** Joseph, Shajan  
**Cc:** Upkins, Lee  
**Subject:** Fwd: CWM Job 1952 - Escalation Step # 1 AGLC (April 16, 2014)  
**Attachments:** AGL Escalation 4-2014.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** Jeff Jacques <[Jjacques@cwmatthews.com](mailto:Jjacques@cwmatthews.com)>  
**Date:** April 16, 2014 at 2:17:12 PM EDT  
**To:** "[cpearson@aglresources.com](mailto:cpearson@aglresources.com)" <[cpearson@aglresources.com](mailto:cpearson@aglresources.com)>  
**Cc:** Dan Garcia <[Dgarcia@cwmatthews.com](mailto:Dgarcia@cwmatthews.com)>, Frank Crumbley <[Frankc@cwmatthews.com](mailto:Frankc@cwmatthews.com)>, Kevin Eubanks <[Kevine@cwmatthews.com](mailto:Kevine@cwmatthews.com)>, Byron Rhodes <[Byronr@cwmatthews.com](mailto:Byronr@cwmatthews.com)>, Christy Jackson <[cjackson@cwmatthews.com](mailto:cjackson@cwmatthews.com)>, "[hmull@dot.ga.gov](mailto:hmull@dot.ga.gov)" <[hmull@dot.ga.gov](mailto:hmull@dot.ga.gov)>, "[jdykes@dot.ga.gov](mailto:jdykes@dot.ga.gov)" <[jdykes@dot.ga.gov](mailto:jdykes@dot.ga.gov)>, Matt Needham <[mneedham@dot.ga.gov](mailto:mneedham@dot.ga.gov)>, "Bryan Corazzini ([bcorazzini@dot.ga.gov](mailto:bcorazzini@dot.ga.gov))" <[bcorazzini@dot.ga.gov](mailto:bcorazzini@dot.ga.gov)>, "[roliver@dot.ga.gov](mailto:roliver@dot.ga.gov)" <[roliver@dot.ga.gov](mailto:roliver@dot.ga.gov)>, Johnathon Todd <[jtodd@aglresources.com](mailto:jtodd@aglresources.com)>, "[bleavell@aglresources.com](mailto:bleavell@aglresources.com)" <[bleavell@aglresources.com](mailto:bleavell@aglresources.com)>  
**Subject:** CWM Job 1952 - Escalation Step # 1 AGLC (April 16, 2014)

RE: CWM Job No. 1952 – Bethelview Road from SR 9 to Castleberry Road  
GDOT Project No. STP00-2348-00(003) CT. 1 - Forsyth County  
P. I. No. 141880  
Escalation Step # 1 AGLC (April 16, 2014)

Mr. Pearson,

The original of the attached letter along with corresponding documentation will be mailed to your attention via USPS. Should any additional information be required please advise.

Thanks,

Jeff Jacques, Utility Coordinator, WUCS  
C.W. Matthews Contracting Co. Inc.  
P.O. Drawer 970  
Marietta, GA 30061  
e-mail [jjacques@cwmatthews.com](mailto:jjacques@cwmatthews.com)

Cell (678) 640-6015

Cc; 1952 Escalation Step # 1 AGLC (April 16, 2014)

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

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Georgia DOT commits \$7 million per year to an Off-System Safety Improvement Program designed to reduce fatalities and serious injuries on rural roads owned and maintained by local governments throughout Georgia. Thus far in FY2014, GDOT has administered approximately \$6.5 million of federal funds for local assistance in 78 counties. Visit us at <http://www.dot.ga.gov> (Local Government link) or follow us on <http://www.facebook.com/GeorgiaDOT> and <http://twitter.com/gadepoftrans>.