



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

DRAWER 970

**MARIETTA, GEORGIA 30061**

TELEPHONE (770) 422-7520

FAX (770) 422-1068

April 7, 2014

Mr. Carl Gooch  
Windstream Corporation  
750 North Jefferson Street  
Milledgeville, GA 31061

RE: CWM Job No. 2024 – Roundabout at SR 247 Connector and John E. Sullivan Road/Walker Road  
GDOT Project No. CSSFT-0008-00(534) - Peach County  
P. I. No. 0008534  
Bid Control No. 30519  
Windstream – Escalation Process Step 1

Dear Mr. Gooch:

The above referenced project was let to contract by the State of Georgia – Department of Transportation (GDOT) on May 17, 2013 and was subsequently awarded to C. W. Matthews Contracting Company, Inc. (CWM) as lowest reliable bidder on May 31, 2013. On July 8, 2013, construction was authorized to proceed toward a Contract Completion Date of December 31, 2014.

On April 19, 2013, by written instrument, Mr. Kerry Gore, District Utilities Engineer, directed utility facility owners/operators to proceed with the adjustment of facilities in conflict with the proposed construction and to complete such adjustment as per the respective Utility Adjustment Schedule (UAS). A copy of this instrument is hereto attached as Exhibit A. The effective permit for Windstream Corporation was issued under No. 1079872. It should be noted that the UAS (Exhibit B) upon which the permit is based indicated construction layout and clearing as predecessor activities. This same UAS defined a summation of activities that would involve 76 working days from completion of Preliminary Engineering to completion of Splicing or Tie-in Work.

As per Photograph Nos. 2507 and 2508, construction layout from which the right-of-way could be staked was in effect no later than August 7, 2013; thus, this predecessor activity was complete no later than August 7, 2013.

As per Photograph No. 2713, water system adjustments were in process on September 19, 2013. For these adjustments to proceed, clearing and grubbing had to have been completed; thus, this predecessor activity was finished no later than September 19, 2013.

Based upon the preceding information, it was entirely conceivable that the adjustments of Windstream could have completed by no later than January 2014. It should also be noted that on August 27, 2013, Windstream reported to the utility coordination meeting: **“funding for the project has been approved and should not be cause for delayed construction start.”** (Exhibit D)

On February 27, 2014, a jobsite utility coordination meeting was held to discuss delinquent performance toward utility accommodation. Multiple facility owners/operators were invited to this meeting including Windstream. Windstream was represented at this meeting by your Mr. Alan McEver. At this meeting, CWM articulated that the month of March 2014 would be devoted to delinquent utility accommodations and that following this month, the proposed construction would resume.

On April 3, 2014, I inspected the project and discovered that all delinquent utility accommodations had been performed with the exception of Windstream. There was no evidence that Windstream had begun the accommodations which GDOT authorized to proceed on April 19, 2013. There is no record that Windstream attempted to make contact with CWM and advise that remedy of conflicts posed by Windstream would surpass March 31, 2014.

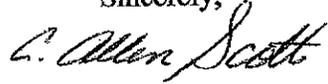
Following my inspection, I spoke with your Mr. Alan McEver and was advised that Windstream should start adjustments during the current week and complete project accommodation by the end of April 2014.

This is to advise you that Windstream is more than 20 percent delinquent in fulfilling Permit No. 1079872. As such, CWM has no option other than initiate Escalation Process Step 1 as per Chapter 4.4.C of the Utility Accommodation Policy and Standards Manual (UAM). Chapter 4.4.C of the UAM is based upon Official Code of Georgia Annotated Section 32-6-171. According to the UAM, Windstream will respond to this letter in 10 business days, and this response will include a proposal to cure the delay to continued construction. This delay is solely presented by the facilities of Windstream.

Please be further advised that CWM scheduled its operations in good faith following the jobsite meeting of February 27, 2014 and assumed that delinquent facility owners/operators would remedy delays posed to proposed construction by March 31, 2014. Such being the case, the proposed construction resumed on April 3, 2014. Should the pre-existing facilities of Windstream be found to conflict with the proposed construction, Windstream will be expected to perform toward resolution of such conflict immediately upon notification. Further, the risks associated with proposed construction in close proximity to pre-existing facilities have been created by the delinquency of Windstream. While CWM will make its usual effort to avoid damage of utility facilities, CWM will not assume responsibility for damage to pre-existing conflicting facilities and will deny payment of any and all claims for recovery of damage to such facilities. CWM will not assume responsibility for any costs associated with the adjustments of pre-existing facilities to accommodate the proposed construction even if these pre-existing facilities are scheduled for retirement.

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

Sincerely,



C. Allen Scott

Worksite Utility Coordination Supervisor

cc: 2024 Time Extension File  
Frank Crumbley  
Kevin Eubanks  
Bill Holle  
Alex Dyer  
Sheldon Fram  
Kerry Gore  
Kraig Collins

Attachments:

1. Exhibit A – Notice to Proceed by Permit-Final Plans
2. Exhibit B – Utility Adjustment Schedule
3. Exhibit C – Photographs
4. Exhibit D – Utility Coordination Meeting Minutes (August 27, 2013)

**EXHIBIT A**

**NOTICE TO PROCEED  
BY  
PERMIT-FINAL PLANS**



April 19, 2013

Project Number: CSSFT-0008-00(534), Peach County P.I. #0008534  
Project Description: SR-247 Connector @ CR 189/John E. Sullivan Road/ Walker Road

**Ref: OCGA 32-6-170 & 171 - Project Information**  
**NOTICE TO PROCEED BY PERMIT-FINAL PLANS**

Ladies and Gentlemen:

We are forwarding to your office, under separate cover, one (1) set of the final construction plans and a copy of the green sheet for the above numbered project. If your company has chosen to utilize electronic plans, they are available on the Department's File Exchange at this address: <http://mygdot.dot.ga.gov>

This project is scheduled to be Let to contract in our May Letting.

**For relocation work covered by a utility agreement, authorization and notice to proceed with your relocation work will be issued at the appropriate time by the State Utilities Office.**

For work not covered by a utility agreement, you are hereby directed to proceed with the adjustment of your facilities in conflict with our proposed construction and to be completed within the number of days shown in the approved permit and Utility Adjustment Schedule. Delay costs to our contractor due to a utility owner's failure to complete his work on schedule will be charged to the utility owner. In the event it is not possible for your work to be completed in accordance with your schedule, we expect you to notify this office immediately.

Before you initiate any utility adjustment work on this project, it will be necessary for you to arrange with Michael Keene, Area Engineer, for the required supervision of your work. Michael Keene may be reached by telephone at or by mail addressed at 200 Julianne Drive Perry, GA 31069.

This and all current and future construction projects which are regulated under the National Pollutant Discharge Elimination System (NPDES) will require utilities to submit a certification statement or a copy of a Notice of Intent (NOI) to the Department before doing any type of land disturbance on Department Right-of-Way. The certification statement should be completed by a Utility representative possessing current design professional credentials as defined in the GAR100002 permit.

The relocation and/or adjustment of your facilities on this project are to be done at no cost to the Department. Any agreement for reimbursement between your organization and others should be settled at this time.

**Instructions for accessing the GDOT File Exchange:**

After logging in navigate to the **GDOTTEAMS** tab and select **File Exchange**. Click the **Utilities** tab at the top or the **Utilities** link on the left side of the page. To retrieve files select **Downloads**; to add files select **Uploads**. Files for the subject project are organized by District then PI Number (PI #).

**Tip: Utilize the Actions button to select "Open with Windows Explorer" and copy or paste multiple files.**

For additional instruction please see the **FileEX Help** document on the main Utilities File Exchange page.

If you have any questions regarding this, you may call me at 706-646-6692, or you may e-mail me at [kgore@dot.ga.gov](mailto:kgore@dot.ga.gov).  
[kgore@dot.ga.gov](mailto:kgore@dot.ga.gov)#mailto:kgore@dot.ga.gov#

Sincerely,

Thomas Howell, P.E.  
District Engineer

*Kerry Gore*

By: Kerry Gore  
District Utilities Engineer

KG:HS

Enclosures:

1. Project Plans
2. Check List Form
3. Green Sheet

Distribution Sheet attached

cc: Mike Bolden, State Utilities Engineer (via: e-mail)  
Tom Parker, State Utilities Construction Engineer (via: e-mail)  
Michael Keene, Area Engineer (via: e-mail)

Project Number: CSSFT-0008-00(534), Peach County P.I. #0008534  
Page 3

**Jointly Owned Natural Gas**

Wayne James  
97 Glynn Drive  
Warner Robins, GA 31093  
Permit# 1079386

**Windstream Corporation**

Carl Gooch, Attn: Engineering  
750 North Jefferson Street  
Milledgeville, GA 31061  
Permit# 1079872

**BellSouth Telecommunications LLC d/b/a AT&T Georgia**

Neca Holley, P.E.  
232 South Hill Street  
Griffin, GA 30224  
Permit# 1079485

**City of Byron**

Billy McDaniel, Director of Public Works  
401 Main Street  
Byron, GA 31008  
Permit# 1081995

**Flint Energies**

Paul W. Roberts  
900 Highway 96  
Warner Robins, GA 31088  
Permit# 1080049

**Fort Valley Utility Commission**

Ned Watson, Director  
500 Anthoine Street  
P. O. Box 1529  
Fort Valley, GA 31030  
Permit# 1084480 Water  
Permit# 1082826 Fiber  
Permit# 1080325 Gas

**EXHIBIT B**

**UTILITY ADJUSTMENT  
SCHEDULE  
OF  
WINDSTREAM**

**C. WORK PLAN - provide disposition of all existing and proposed facilities on project.**

Location	Description of utility work	Dependent activities	Plan Stage No.	Days	Average number of workers
<b>Preliminary Engineering</b>					
project 8534	attend pre construction meetings	none	1	30	1
<b>Construction Engineering</b>					
entire project 8534	complete construction engineering	none	1	30	1
<b>Construction</b>					
SR 247 Connector sheets 24-01, 24-02 and 24-03	place buried 24 fiber, 25-24 copper, 400-24 copper, 36 fiber and buried 300-24 copper along SR247 Connector between station 16+50 and 25+00.	new rw cleared and marked	2	10	5
CR 189/ John E. Sullivan Road sheets 24-04, 24-02, 24-05 and 24-06	place buried 400-24 copper, 36 fiber, 25-24 copper, 24 fiber, 600-24 copper, 60 fiber, 200-24 copper and 100-24 copper along John E. Sullivan Road and Summit Drive from station 40+50 to station 59+50 on John E. Sullivan Road and station 90+50 to 91+90 on Summit Drive	new rw cleared and marked	2	10	5
<b>Splicing or Tie in Work</b>					
entire project 8534 sheets 24-01 through sheets 24-06	perform splicing and tie in work on entire job	all cable placed identified in step 2	3	25	4

**D. SCHEDULE SUMMARY FOR WORK PLAN.**

Exclude weekends, weather delays and non-productive time:

Work Phase	Total estimated days	Prior to project award	After project award
Preliminary Engineering	30	30	
Construction Engineering	30		31
Construction	20		51
Splicing or Tie in Work	25		76

Project duration for non-concurrent activities in days: 76



**EXHIBIT C**

**PHOTOGRAPHS**

PHOTO NO. 2507 - Observing  
that construction layout was in place  
on August 7, 2013.

REMARKS  
ON  
27

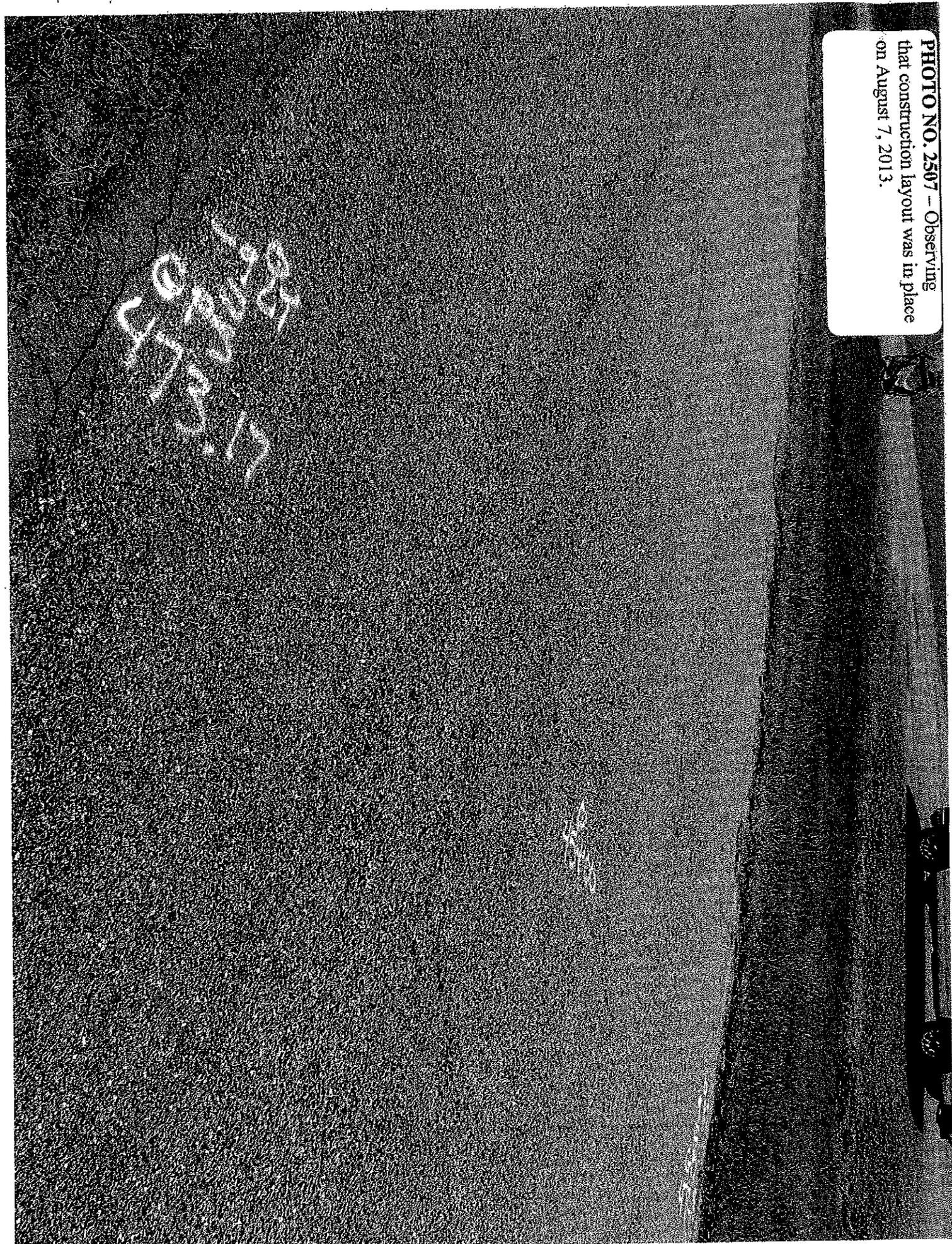


PHOTO NO. 2508 - Observing that  
construction layout was in place on  
August 7, 2013

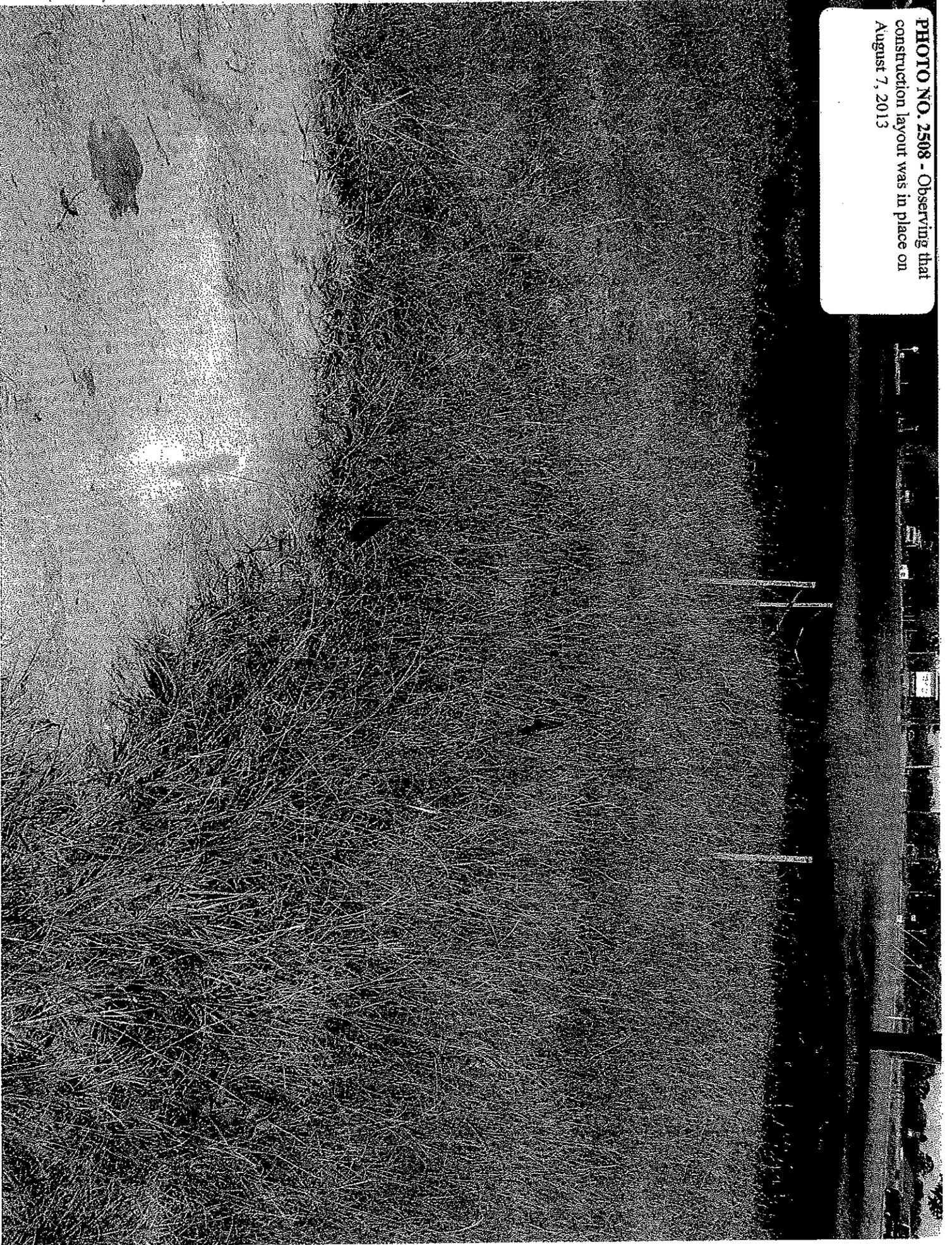


PHOTO NO. 2713 - Observing that water system relocation was occurring on September 19, 2013. The predecessor activity to water system relocation was clearing and grubbing.



**EXHIBIT D**

**UTILITY COORDINATION  
MEETING  
MINUTES  
(AUGUST 27, 2013)**

**UTILITY MEETING AGENDA**  
**CWM Job No. 2024 – SR 247 Roundabout**  
**GDOT Project No. CSSFT-0008-00(534)**  
**P.I. NO. 0008534, Peach County**  
**AUGUST 27, 2013**

The meeting was held at the GDOT Area office , located at 200 Julianne Way, Perry GA.  
The meeting began at 10:00AM and was attended by the following persons;

1. City of Byron - SS
  - a. Billy McDaniel
2. CWM
  - a. Chris Rountree
  - b. Bill Holle
  - c. Kevin Eubanks
  - d. Bryant Pyles – Pyles Plumbing – Water Sub.
  - e. Alex Dyer
3. Cox Communications
  - a.
4. Flint EMC
  - a. Harold Watson
5. Fort Valley Utility Commission
  - a. Connie Tucker – Gas
  - b. Keith Spillers – Water
  - c. Gary L. Moncrief
6. GDOT
  - a. Adam Watts
  - b. Wayne Pittman – So Deep
  - c. Harland Smith
7. Jointly Owned Natural Gas
  - a. Ronny Jones
8. Windstream
  - a. Alan McEver

The Meeting was moderated by Chris Rountree. The meeting agenda was circulated to all who was in attendance. The following items were discussed (The minutes of the meeting are in bold, green Type).

**I. INTRODUCTION OF PROJECT PERSONNEL**

**A. C. W. MATTHEWS CONTRACTING COMPANY, INC. (CWM)**

- a. Senior Vice-President – Charles Matthews
- b. Roadway Division Vice-President – Al Eckford
- c. Division Manager (Roadway) – Kevin Eubanks
- d. General Superintendent – Bill Holle
- e. Project Superintendent – Alex Dyer
- f. Project Engineer – Matt Rattray
- g. Workzone Traffic Control Supervisor – Alex Dyer
- h. Workzone Erosion Control Supervisor – Alex Dyer

- i. Workzone Utility Coordinator Supervisor – Chris Rountree

**B. STATE OF GEORGIA – DEPARTMENT OF TRANSPORTATION (GDOT)**

- a. District 3 Engineer – Thomas Howell
- b. District 3 Construction Engineer – Ken Robinson
- c. District 3 Traffic Engineer – Mike England
- d. Area Engineer – ~~Mike Williams~~ Craig Collins
- e. Assistant Area Engineer – ~~Craig Sewell~~ Keenen Ford
- f. District 3 Utilities Engineer – Kerry Gore
- g. Assistant D3 Utilities Engineer – Tyler Peek
- h. Project Manager – ~~Clinton Ford~~ Adam Watts

**C. AT&T**

- a. Project Manager – Mel Redd

**D. COX CABLE**

- a. Project Manager – Michael Adams

**E. CITY OF BYRON (SANITARY SEWER)**

- a. Project Manager – Billy McDaniel

**F. FLINT EMC**

- i. Operations Manager – Mike Branham
- ii. Construction Super – Heath Wilson

**G. FORT VALLEY WATER**

- a. Project Manager – Keith Spillers
- b. Pyles Plumbing (CWM Sub.) – Byron Pyles

**H. FORT VALLEY GAS**

- i. Project Manager – Connie Tucker
- ii. DLSI (CWM Sub.) – Edmund Zammit
- iii. Office 478-742-2292, Cell 478-954-0113
- iv. Gas to follow water

**I. JOINTLY OWNED NATURAL GAS**

- i. Project Manager – Ronny Jones

**J. WINDSTREAM**

- a. Project Manager – Allan Branan Mcever

**II. PRACTICES OF C. W. MATTHEWS CONTRACTING COMPANY, INC. (CWM)**

**A. EROSION CONTROL**

- a. It is the practice of C. W. Matthews Contracting Company, Inc. to install and to maintain erosion control facilities that minimize the escape of on-site silt

from this project. Damage by others to our erosion control features will be documented in preparation for any future litigation arising from such damage. All costs incurred by C. W. Matthews Contracting Company, Inc. in the repairing of damage by any utility company will be applied against any claims filed by that same utility company toward C. W. Matthews Contracting Company, Inc. for utility cuts. This should not imply waiver of direct billing to any utility company for erosion control facility damage.

- b. Please be advised that an erosion control facility is any feature installed to mitigate the adverse effects of soil erosion and is inclusive of, but not limited to, fabric type silt fences, baled straw silt fences, silt gates, brush barriers, detention ponds, rip rap, straw mulch stabilization, temporary grass, permanent grass, and pre-established vegetation.
- c. It is understood that in the prosecution of utility construction, some erosion control facilities may have to be taken out of service temporarily. No utility crew is to leave this project until any such erosion control facility has been restored to its original state.
- d. If the utility company occupies the project before erosion control features are installed, it will be the utility owner's responsibility to establish proper erosion control for that area of the project disturbed by its operations.
- e. In regard to the restoration of grass damaged by a utility owner: until such grass is established in the control of erosion, the capture of silts from any such re-grassed area is the responsibility of the utility owner as is the re-establishment of the turf disturbed by the utility.
- f. It is the responsibility of the utility owner to inform its contractors and/or subcontractors of this practice and to enforce performance by its contractors and/or subcontractors.
  - 1. In the event of litigation involving an agent of a utility company, this agenda and your signature on the sign in sheet will be produced as evidence that you were told of your responsibility to inform your agents.
- g. We would rather not engage in an invoice swapping contest, so please exercise the same care around our erosion control facilities that you expect us to exercise around your utility plant.
- h. ***ANY EROSION CONTROL FEATURES INSTALLED BY YOUR COMPANY OR ITS AGENTS MUST BE MAINTAINED BY YOUR COMPANY. DO NOT RELEASE YOUR FORCES ON RAIN DAYS UNTIL THEY HAVE CHECKED THE EROSION CONTROL FEATURES FOR WHICH YOU ARE RESPONSIBLE.***
- i. The tracking of mud onto paved surfaces is considered an erosion control violation. The tracking of mud onto paved surfaces is inevitable. When tracking of mud occurs, it is the responsibility of whomever tracked the mud to remove it from the paved surface.
  - j. **Comments from GDOT or others:**  
No comments

## B. TRAFFIC CONTROL PRACTICE

- a. If you work on this project, you are responsible for the maintenance of traffic control features installed by CWM and disturbed by your forces.
- b. If you have to move a traffic control feature to do your work, put it back where you found it as soon as is feasible.
- c. It is not the responsibility of CWM to furnish traffic control particular to your operations.
- d. It is the responsibility of the utility owner to inform its contractors and/or subcontractors of this practice and to enforce performance by its contractors and/or subcontractors.
1. In the event of litigation involving an agent of a utility company, this agenda and your signature on the sign in sheet will be produced as evidence that you were told of your responsibility to inform your agents.
  2. Special Provisions prohibit lane closures from 7 AM thru 9 AM and from 3 PM thru 6 PM Sunday thru Saturday.
- e. Comments from GDOT or others:  
No comments

### C. DESIGNATION OF UTILITIES

- a. Response to Large Project Meeting of July 17, 2013 (UPC Work Order No. 07113-400-029, Good Through 10/20/2013)

Dig Site Data		Excavator Data	
Locate Request Number:	07113-400-029 Ver: 2	Company Name:	C W MATTHEWS CONTRACTING COMPANY
Street Name:	Ga Highway 247 Connector	Contact:	CHRIS ROUNTREE
City:	BYRON	Phone:	7704227520
County:	PEACH	Street:	PO Drawer 970
State:	GA	City, State:	MARIETTA, GA
		Zip:	30061

### View Response History | View Ticket

Service Area Name (Code)	Current Response
<b>BGAWS</b> ATT / D	<b>10D</b> : Large Projects: Disagree to treat as a Large Project - will mark in accordance with 25-9-6.
<b>BYR50</b> CITY OF BYRON WATER	<b>10A</b> : Large Projects: Meeting Date/Time Accepted
<b>BYR51</b> CITY OF BYRON SEWER	<b>10A</b> : Large Projects: Meeting Date/Time Accepted
<b>CCM01</b> COX CABLE MIDDLE GEORGIA	<b>10C</b> : Large Projects: Agree to treat as a Large Project. Agreement signed.
<b>FLI70</b> FLINT EMC	<b>10A</b> : Large Projects: Meeting Date/Time Accepted
<b>FLI71</b> FLINT EMC	<b>10A</b> : Large Projects: Meeting Date/Time Accepted
<b>FTV90</b> FORT VALLEY UTILITES COMMISSION WATER	<b>10A</b> : Large Projects: Meeting Date/Time Accepted
<b>FTV92</b> FORT VALLEY UTILITIES COMMISSION GAS	<b>10A</b> : Large Projects: Meeting Date/Time Accepted
<b>GAUPC</b> GA 811 TEST CODE NO PRIS RESPONSE REQUIRED	<b>10C</b> : Large Projects: Agree to treat as a Large Project. Agreement signed.

<b>JONG01</b> JOINTLY OWNED NATURAL GAS	<b>10D</b> : Large Projects: Disagree to treat as a Large Project - will mark in accordance with 25-9-6.
<b>WAR90</b> CITY OF WARNER ROBINS WATER	<b>10H</b> : Large Projects: Clear, no facilities
<b>WAR91</b> CITY OF WARNER ROBINS SEWER	<b>10H</b> : Large Projects: Clear, no facilities
<b>WAR92</b> CITY OF WARNER ROBINS GAS	<b>10H</b> : Large Projects: Clear, no facilities
<b>WSMDVL</b> WINDSTREAM MILLEDGEVILLE	<b>10C</b> : Large Projects: Agree to treat as a Large Project. Agreement signed.

#### **b. UTILITY OWNER/OPERATORS SIGNING/ACCEPTING THE AGREEMENT**

1. Fort Valley Utility Commission, Keith Spillers, 478-397-8099, [kspillers@fvutil.com](mailto:kspillers@fvutil.com)
2. Windstream, Doug Snider, 770-545-5689, [Douglassnider@usicinc.com](mailto:Douglassnider@usicinc.com)
3. Cox Cable, Doug Snider, 770-545-5689, [Douglassnider@usicinc.com](mailto:Douglassnider@usicinc.com)
4. Flint EMC, Scott Duncan, 478-951-9511, [sduncan@flintemc.com](mailto:sduncan@flintemc.com)

- iii. All other Utility Owner/Operators shall mark in accordance to 25-9-6 (in which they will automatically receive locate tickets generated by the UPC every 21 days for the life of ticket activation).

#### **4. CONSTRUCTION LAYOUT**

- i. **(Photo 2570)** Construction layout furnished to utility companies for their relocations will consist of elevated centerline and/or elevated centerline offsets.
- ii. If you or your personnel are unfamiliar with the reading of construction stakes, please contact Alex Dyer or Chris Rountree.
- iii. If your personnel cannot transfer survey information from our stakes following a minimal amount of explanation, they are not qualified for work on this project.

#### **5. DISPOSAL OF DEBRIS**

- i. Those who generate the debris will dispose of the debris in an acceptable manner. Debris will not be allowed to accumulate, and all debris piles must be removed before leaving project over weekends.
- ii. Incorporation of debris into project fills will only be allowed by permission of Kevin Eubanks.

#### **6. UTILITY TRENCHES**

- i. Utility companies will be held to the same compaction requirements as CWM.
- ii. Trenches crossing paved surfaces will be backfilled and capped as per Georgia DOT Standard 1401.
- iii. Replace materials removed during trenching with like materials. (i.e. – replace asphalt with asphalt, aggregate with aggregate, concrete with concrete, etc.)

**7. ELIMINATION OF CONFLICTS**

- i. It makes no sense to resolve a utility conflict by moving it from one situation of conflict to another. CWM will deny any damage claims from utility/owner operators that result from errant placement of a relocated utility facility.

**8. RECOVERY FOR DELAYS TO CONSTRUCTION**

- ii. Attached hereto is a copy of "Special Provisions-Utility Conflicts" excerpted from the Whitfield County, Georgia Contract Section IV. Please be advised that, by contract:
  1. CWM has the responsibility of coordinating the utility relocation so that the proposed construction is completed within *contract time parameters*.
  2. CWM has the right to recover costs resulting from delays caused by delinquent utility relocation.

**III. GENERAL HOUSEKEEPING**

**A. SIGN-IN SHEET**

- a. Include emergency phone numbers. These should be numbers were CWM can contact an actual person and not leave a voice message. *Please print legibly.*
- b. Include e-mail addresses

**B. CURRENT PLANS**

- a. Current plans bear a date of on the cover sheet of (No Date).
- b. Revisions Sets are dated as follows;
  1. 6/14/2013, Flint EMC info added.
- c. Do all stakeholders have current plans?
- d. Path forward for distributing revisions to utility companies.
  - 1.
- e. Are there anticipated revisions? Updated plans to be posted by Harland Smith

**C. WUCS – EMERGENCY RESPONSE PLAN**

- a. See Exhibit "B"

**IV. IMPORTANT DATES**

- A. DISTRIBUTION OF FINAL CONSTRUCTION PLANS – .
- B. LETTING – 5/17/2013
- C. CONTRACT AWARD – 5/31/2013
- D. NOTICE OF AWARD TO UTILITIES – 4/19/2013
- E. NOTICE TO CWM TO PROCEED WITH CONSTRUCTION – 7/8/2013
- F. CONTRACT COMPLETION DATE – 12/31/2014
- G. LIQUIDATED DAMAGES – Failure to reopen lanes will result in assessment of LD's in the amount of \$1,000, per calendar day.

### III. SCHEDULE

#### A. CWM SHORT TERM SCHEDULE (Outlined by: Bill Holle )

- a. Clearing limits staked.
- b. Start clearing in couple of weeks.
- c. Allow Utilities to make relocations for a time thereafter.

#### B. REVIEW OF UAS SCHEDULE.

- a. Flint EMC – 225 days. Flint can proceed placing poles without underground being placed. Meeting today on helicopter pad issue which requires modification in design and cost reimbursement.
- b. Cox Cable – ?? days
- c. AT&T – 54 days
- d. Jointly Owned Natural Gas – 39 days
- e. City of Byron Sanitary Sewer – 57 days – start soon – with in 2 wks
- f. Windstream – 76 days – buried. Relocating buried, no aerial relocations. May follow sewer, gas, water.
- g. Fort Valley Water – CWM, start soon,
- h. Fort Valley Gas - CWM

### V. PROJECT STRUCTURES

#### A. GROUND LIGHTING

- a. Installation of lighting foundations throughout the project. The foundations are 2 foot in diameter and about 6 foot deep.

#### B. PLACEMENT OF RELOCATED UTILITIES

- a. Pre-existing and proposed utilities must accommodate the *safe excavation* and final dimensions of the proposed structures including guardrail.
- b. Utility facility owner/operators that relocate their facilities into conflict with the proposed construction will be required to relocate again at the utility facility owner/operator's expense.

### IV. KNOWN AND POTENTIAL CONFLICTS

#### A. OUTSTANDING RIHT-OF-WAY AND EASMENT ACQUISITIONS

- a. No issues

#### B. POTENTIAL UTILITY CONFLICTS

- a. (Photo 1739, 1743) Looking up station from 83+00 Observing GPC pole line relocation in progress. The pole line includes Charter and AT&T facilities as under built utilities. **Schedule Update. AT&T is running East and West on the pole line. The aerial facility running North and South below Flint belongs to Fort Valley Utility Commission.**
- b. (Photo 2571) Looking up at the pole line facilities paralleling Walker Road. The pole attachments are Flint EMC, Cox, AT&T?

- c. **(Photo 2572, 2573, 2574)** Looking up station from 40+00 observing where proposed ditch will tie to existing and tapper Left 10 feet approaching SR 247. The proposed ditch cuts are about 3 foot. CWM will relocate the Fort Valley water and gas facility. Gas and Water facility relocations should be aware of the proposed ditch locations.
- d. **(Photo 2575)** Standing at Station 43+00 Left and looking up station, observing the pre-existing pole line attachments crossing John E Sullivan Road. Per plan Flint EMC will be going buried from this pole location.
  - i. What is the intended path of the underbuilds?
  - ii. Flint EMC should be aware of proposed ditch cuts
- e. **(Photo 2576, 2577)** Looking up station along John E Sullivan Road, there are no designations marking the Windstream facility. Is Alltel same as Windstream?  
Yes
- f. **(Photo 2578)** Looking from proposed B5 toward B4.
  - i. There are no designations marking buried telecommunications as shown per plan. The current UPC locate ticket and Large Project Agreements states that facilities should be located at this time.
  - ii. Relocated telecommunications should be aware of the proposed ditch cut and storm drain elevations.  
**Windstream maintains a copper and fiber and plans to relocate buried to resolve conflict.**
- g. **(Photo 2579)** Looking from proposed B4 toward B3.
  - i. There are no designations marking buried telecommunications as shown per plan. The current UPC locate ticket and Large Project Agreements states that facilities should be located at this time.
  - ii. Relocated telecommunications should be aware of the proposed ditch cut and storm drain elevations.
  - iii. It was mentioned during the pre-construction meeting that there is a special provision stating that the water meter at 45+50 left is to be removed before the Flint EMC buried placement.
- h. **(Photo 2583, 2484)** Looking down station from 19+50 along SR 247. Are the buried facilities AT&T or Windstream or both? **Alan McEver was not aware of buried AT&T facilities in this location. The marker post bearing an AT&T label was a surprise.**
- i. **(Photo 2589)** looking up station from SR 247 18+00 left and observing Windstream and SS flags. Are there Sanitary Sewer relocation plans available? Per the UAS, there is SS relocations. **Billy McDaniel stated that the sanitary sewer relocation work was completed prior to the project letting.**

- j. **(Photo 2590)** Looking down station from 48+50. The gas facility relocation plans did not address the facility crossing SR 247 at Station 18+75. The facility may be in conflict with proposed ditch cuts. **There is a planned cut and cap before the facility crosses SR 247 which would resolve the conflict.**
- k. **(Photo 2591, 2592)** Looking up station along Walker Road from 48+50 observing SS and Windstream facility in possible conflict with proposed ditch cuts. **Alan; funding for the project has been approved and should not be cause for delayed construction start.**
- l. **(Photo 2594, 2595, 2596, 2597)** Looking up station along Walker Road right observing the area where the proposed ditch will be offset from the existing about 15 feet and in possible conflict with existing water, gas, and Windstream facilities. **Gas relocations will follow water relocations. CWM to coordinate.**
- m. Per plan, Flint EMC has several new pole locations in very close proximity to ditch bottoms. Adjustments or consideration for pole height and depth should be considered.

n. **OPEN FLOOR DISCUSSION**

o. **NEXT UTILITY MEETING**

1. **DATE AND TIME**

- i. **October 1, 2013 starting at 10:00AM**
- ii. **CWM will issue 7-day notices**

2. **PLACE**

- i. **GDOT Area Office (200 Julianne Way, Perry, Georgia)**

cc: correspondence

**EXHIBIT "A"****SPECIAL PROVISION – UTILITY CONFLICTS****DEPARTMENT OF TRANSPORTATION  
STATE OF GEORGIA  
SPECIAL PROVISION  
Utility Conflicts**

Utility companies having known facilities that conflict with the construction of this project will be directed by the Department to adjust or relocate their facilities and will be notified of the contract award.

Conform to all the requirements of the Specifications as they relate to cooperation with utility owners and the protection of utility installations that exist on the project. Refer to the requirements of Section 107, Legal Regulations and Responsibility to the Public, with particular attention to Subsection 107.21.

Coordinate The Work with any work to be performed by others in any right of way clearance and arrange a schedule of operations that will allow for completion of the Project within the specified contract time. Where stage construction is required, notify the utility owner when each stage of work is completed and the site is available for utility work to proceed.

Information concerning utility facilities known to exist within the project limits, including the list of owners, is available for reference.

Under Georgia Code Section 32-6-171, utilities are required to remove or relocate their facilities. The Department is required to give the utility at least 60 days written notice directing the removal, relocation, or adjustment and the utility owner is required to begin work within the time specified in the utility's work plan or revised work plan.

Upon request, copies of all agreements with utility companies having facilities on this project will be made available for examination by the Contractor at the Department's District Office. Utility Adjustment Schedules, when submitted to the Department by the utilities, will be made available to the Contractor after the Notice to Contractors has been posted by the Office of Construction Bidding Administration. The Utility Adjustment Schedules are available on the Office of Construction Bidding Administration's web site. Utility Adjustment Schedules may be included with the Utility Special Provision in the Contract Proposal on select projects. The Contractor is responsible for considering in its bid all existing and proposed utility locations and the removals, relocations, and adjustments specified in the Utility's Work Plan.

For this Project, Utility Owners that are required to remove, relocate, or adjust their facility to accommodate the construction of this Project may be liable to the Contractor

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for damages or delay costs resulting from the Utility Owner's failure to clear conflicts within the time specified in the approved Utility Work Plan. If the Utility Owner is unable to submit and obtain Department approval of a revised Work Plan or fails to complete the removal, relocation, or adjustment of its facilities in accordance with the

approved Work Plan, the Utility Owner may be liable to the Department, or the Contractor, for damages or delay costs.

In accordance with Subsection 105.06 of the Specifications, the Department is not liable for payment of any claims due to utility delays, inconvenience or damage sustained by the Contractor due to interference of any utilities or appurtenances, or the operation of moving them.

Whenever the Contractor considers that it is or will be entitled to damages or delay costs from the Utility Owner in accordance with O.C.G.A. 32-6-171, the Contractor shall provide written notice to the Utility Owner and the Department within ten (10) days from the time of the dispute or potential dispute is identified. The Contractor shall follow the Procedures for Utility Damages or Delay Costs outlined in the latest edition of The Utility Accommodation Policy and Standards Manual. Failure to follow the above will result in waiver of the Contractor's claim against the Utility Owner for damages or delay costs.

In accordance with Subsection 107.21.G delays by utilities will continue to be considered by the Department in charging Contract Time. For purposes of applying provisions of this paragraph, railroads and the Metropolitan Atlanta Rapid Transit Authority (MARTA) are considered utilities.

Office of Utilities



## Joseph, Shajan

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**From:** Joseph, Shajan  
**Sent:** Tuesday, March 04, 2014 12:05 PM  
**To:** 'matilden@southernco.com'; 'rdlong@southernco.com'  
**Cc:** Bolden, Mike; Upkins, Lee; McCall, Robert; Rozier, Dallory; Lindsey, Jamie; Nelson, Ron; Scott, Teresa; Hendley, Jason; Garner, Michael  
**Subject:** BRST0-0005-05(047) ; Bryan and Effingham Counties - Utility Delay  
**Attachments:** Gregory Bridge Co - Utility Delay Letter.pdf

Dear Mark Tilden and Rick Long:

The Department received a copy of the letter, addressing to Georgia Power Company from Gregory Bridge Co. concerning with the issue of the delay in the removal / relocation of your facilities on the Project BRST0-0005-05(047); Bryan and Effingham Counties.

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.”