



To: Titus County Commissioners Court
From: Mark W. Heidaker
Date: January 12, 2015
RE: Titus County Pass-Through Program Status Report

MEMORANDUM

Status

To keep the Titus County Commissioners Court fully updated as to the progress of the Titus County Pass-Through Program, PTP Transportation (PTP) offers the following status report.

Construction

US 271 Project-Williams Brothers Construction Company

- PTP is working on completing the final document submittal to the Atlanta District office. Once the final pay estimate is processed by Commissioners Court, PTP will prepare the remaining documents for submittal.
- PTP and the Area office have been working on an area where the concrete failed on the south bound exit ramp at the south end of the project. Construction inspection and testing reports have been reviewed and it was determined that no work or material placed was out of specification during the time of placement. It was determined that there must have been a problem with the concrete plant during the mixing process. The only reasonable explanation is that insufficient quantities of cement were mixed into the batches for this section of roadway. PTP has spoken to WB (Jesse Khangura, VP of Williams Brothers) and they are planning to repair this section at their own cost and are planning to be onsite to perform the repair work during the week of January 19, weather permitting. Even though the project has already been accepted by the Texas Department of Transportation for maintenance, WB has agreed to bring their crews and equipment back up to Titus County and ensure the facility is left in a condition

acceptable to Titus County/PTP/ and TxDOT. The staff of PTP and Titus County appreciate Williams Brother for standing behind their work.

FM 1000 – James Construction Group

\$17,009,104.40 paid to date (Including MOH) (89.84%)

383 Days Contract time

46 Days Time Extension

429 Days Contract Time (with extension)

429 Days Charged (**thru 12/25**) (100.00%)

0 Days remaining

CONTRACT ITEMS:

Dirt Crew:

- Dressing slopes, ditches & headers for seeding.
- Continue to work on FM 1735 & FM 2348.
 - **FM 1735** – Striping is now complete.
 - **FM 2348** – Striping is now complete.

Bridge Crew

- Bridge crew working to correct the imperfections in the traffic rail at Hart Creek.
- Pouring concrete rip rap and mowing strips.
- Placing rock rip rap at all cross culverts.

Concrete Paving Crew

- Concrete paving is now complete, however, the paving has begun to show some horizontal and longitudinal cracks. This problem was discussed at the progress meeting held on January 7. PTP believes that some of the concrete may need to be removed while some of the cracks may be sealed; TxDOT has concurred. Before submitting a repair plan, JCG wanted to take one more look at the situation and is onsite today with their paving specialists. JCG is meeting with PTP staff at 10 am this morning to discuss a repair method in more detail. The final repair plan must be submitted by JCG, approved by PTP and then submitted to the TxDOT Area Office for final approval. Once the plan is approved, JCG can schedule and complete repair work. In regards to the barrels at the intersection of FM 1000 and US 271, these cannot be removed until all final repair work is completed which could take up to an additional two months.

Signal Crew

- Continue to pour drill shaft foundations, place signal poles and place conduit for the signals at US 271 & FM 1735.

Pipe Crew

- PTP was informed at the last progress meeting that the subcontractor, Highway 19, may not return and JCG may have to finish their work. Work remaining includes the placement of the final two driveway culverts as well as the concrete medians at US 271.

Seeding

- Southwest Environmental Services is scheduled to place temporary seed on FM 2348 & US 271 next week.

Signage

- PTP was informed that the small sign foundations will not be installed until April and PTP has agreed with this method due to the possibility of vandalism when the contractor pulls off the project.

Fencing

- Scheduled to install the fencing on UPRR next week for the protection of the rail road.

Seal Coat Crew

- Seal coat crew is shut down until May 1.

REMAINING WORK STILL TO BE PERFORMED

1. Removal of Priefert's concrete driveway which cannot be done until the Bus 271/FM 1000 intersection is in operation;
2. Mulch Sod and seeding;
3. Reworking of the flex base for seal coat placement;
4. Prime coat and blotter;
5. Seal Coat;
6. Rock rip rap at outfalls and cross culverts;
7. Concrete rip rap;
8. Driveway culverts;
9. Intersection and driveway surface treatments;
10. Concrete directional islands;
11. Chain Link Fence at UPRR;
12. Pipe under drain at US 271;
13. Mail box installation;
14. Signalization (while this is handled by a subcontractor, there is still major work to be completed);
15. Small Roadside signs placement;
16. Reflectors for MBGF;

17. Striping;
18. Remove temp MBGF;
19. Rework of ditch slopes to final configuration; and
20. Repair the cracks in the concrete paving
21. PUNCH LIST. PTP staff have already begun to prepare items of work that will need to be done before TxDOT acceptance. This list has been provided to JCG and updated as additional items are added or completed.

The items listed above are those that the PTP staff have found in the field that need to be completed. Over the next few weeks, the PTP staff will still need to review items and the construction plans to make sure everything that is required in the plans/contract are done before asking TxDOT for acceptance.

Completion of Construction

- PTP understands the frustration of all involved in not completing the FM 1000 project in 2014. The failure to complete is a direct result of the contractor not committing the forces necessary to complete the work when the weather was optimal. Further, at every meeting held with JCG project staff as well as upper management, and there were over 100 of those meetings, JCG committed to cure all deficiencies but never completely followed through.

As the Court is aware, Titus County is constrained to follow all state and federal laws and guidelines in the completion of the FM 1000 project. Unfortunately, those laws and guidelines dictate how a contractor is selected (the lowest and most responsive bidder) as well as stipulate a process on how a contractor can be terminated. The termination is not a simple process and often times when a contractor is defaulted (terminated), more control is taken from the County and shifted to the company which has bonded the contractor's work. Once a bonding company becomes involved, the bonding company determines when to bring in another contractor to finish all outstanding work as well as who that contractor will be and the County would have limited approval power. In addition, the bonding company is going to want to negotiate what work is truly outstanding, what items fall under the "rework" category and will work to complete the project for no additional cost to them. The default process is a cumbersome and contentious process; seldom does it "benefit: the project sponsor.

While the current situation with James Construction is frustrating to the Commissioners Court, the taxpayers of Titus County, and PTP, there is a known amount of money which will be required to complete the project and there is a date certain that liquidated damages will be assessed. JCG has committed to stay and finish the project. If they do stay and work through the first quarter to wrap up all remaining items, stay onsite in April to begin the prep work on the base which will be required prior to the placement of seal coat and then hit the seal coat and striping as soon after May 1 as the weather allows, it is more than

possible that JCG will make the May 15 completion date set by Commissioners Court. PTP is committed to pushing JCG to completion by or as close to the May 15 deadline as is possible by the weather. Staying the course at this point and finishing the project with JCG is, in PTP's opinion, the best option available to Titus County.