

Office of the Mayor
Andrew "FoFo" Gilich



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November 9, 2015

Marvin G. Dalla Rosa
HNTB
135 Main Street
Biloxi, MS 39530

Dear Marvin:

A review of the contracts for the ongoing infrastructure replacement and renovation across Biloxi has revealed that the responsibility for maintaining roadways and providing a "smooth riding surface" during construction lies with the contractors involved.

For months now, residents and motorists have been unduly bothered by clouds of dirt rising from the streets being repaired. This is both a quality of life and a health issue. Complaints about damage to vehicles continue to rise also.

I am directing you, as Project Manager, to immediately require our contractors to abide by the contracts in place and maintain the roadways in proper order for motorists. All contractors currently engaged should provide you with a road maintenance plan as soon as possible, and I should be copied.

Any and all remedies provided for in the contracts should be pursued in the event any contractors refuse to abide by the terms of the agreements.

Please report to me no later than Friday noon, November 13th, 2015, on the outcome of your efforts in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gilich", written over the word "Sincerely,".

Andrew "FoFo" Gilich

AMG/slt



November 9, 2015

Mr. Tony Morrow
Project Manager
Oscar Renda Contracting
270 Reynoir Street
Biloxi, MS 39530

Re: North Contract – Maintenance of Roadways

Dear Mr. Morrow,

As you are aware, the City of Biloxi is extremely concerned with the maintenance of the roadways throughout the North Contract Project Areas. This has been discussed in detail at several of our regular bi-weekly meetings as well as at public Ward Meetings (the most recent of which was November 6, 2015) and the Special Council Meeting earlier this month (November 3, 2015). The City and HNTB are receiving complaints daily in regards to the condition of the streets. Dust, potholes, mud, damage to vehicles, loss of revenue to businesses, lack of signage for detours, difficulty maneuvering detours, health concerns, etc. are among the top complaints.

Up to this point, Oscar Renda has been utilizing the existing roadway millings for roadway driving surfaces and roadway maintenance. However, it has become increasingly apparent that this approach is no longer a viable option. Sections 104.04, 105.14, 105.15, 618 of the MDOT Redbook (1990 Edition) and Special Provision 907-618 (see attached) of Oscar Renda's Contract with the City pertain specifically to the Maintenance of Traffic requirements.

Section 618.03.1 speaks, in part, to the issue of dust, stating "Traffic lanes shall be kept free of dust and, when deemed necessary, they shall be sprinkled with water, or some other dust palliative shall be applied." Furthermore, Section 618.03.1 of Special Provision 907-618-1 – Maintenance of Traffic and Traffic Control states the following (emphasis added):

*The Contractor shall provide and place aggregate in all trench excavations after backfilling operations have been completed. These aggregate surfaces shall be maintained daily during the entire project to a degree to provide a smooth riding surface free of potholes, ruts, etc. **Limestone for maintenance of roadway is to be at no additional payment to the Contractor.** All items necessary for continuous*

maintenance of roadway, driveway entrances, etc. shall be included in Pay Item No. 907-618-A, and shall not be measured and paid for separately.

At the end of the workday and especially on weekends, access to all residents and business establishments shall be restored unless specific permission has been obtained from the affected individual not to restore access. Provisions must be made at all times for access to all structures by the fire department and other emergency vehicles.

The roadways shall be inspected daily, during and after rainstorms, and all deficiencies repaired to form a smooth and acceptable riding surface.

One lane of traffic flow shall be maintained on the roadway at all times. Specific attention shall be given to business establishments on this roadway. The Contractor shall maintain access to these establishments at all times after trench excavations are closed by providing ample and sufficient aggregate in any and all trenches and/or excavations to allow parking of customers' vehicles and also foot traffic by pedestrians.

It shall be the Contractor's responsibility to monitor and maintain ingress and egress to any and all business establishments during the duration of the work.


Section 104.04 of the Redbook states that the Contractor shall keep the portion of the project being used by public traffic in satisfactory condition for traffic to be adequately accommodated. This Section further goes on to state that unsatisfactory maintenance of traffic shall be subject to the procedures provided in 105.15.

Section 105.15 pertains specifically to Failure to Maintain Roadways. In accordance with this Section, the Owner hereby places the Contractor on notice that the current Maintenance of the Roadways/Traffic is in noncompliance with their Contractual Requirements. The Contractor should immediately use all available means and resources to correct this issue. A smooth riding surface free of potholes, ruts, etc. should be provided along ALL roadways. The Contractor must also accommodate drainage along all disturbed roadways throughout the Project.

At a minimum, limestone as noted in the specifications (or another suitable aggregate surface) shall be placed along all roadways where Work is not actively occurring. If it is more economical for the Contractor, temporary asphalt may also be placed. The aggregate (or asphalt) layer placed shall be installed in a thick enough lift to allow compaction and grading as well as to mitigate contamination from the existing sandy material. The aggregate layer shall be sufficiently thick to allow for settlement and to withstand heavy rain events, washouts, etc. In areas where Work is currently ongoing, the Contractor is required to restore the roadway to a passable condition at the end of each Workday. Aggregate should be placed as required in these areas to accommodate the smooth flow of traffic.

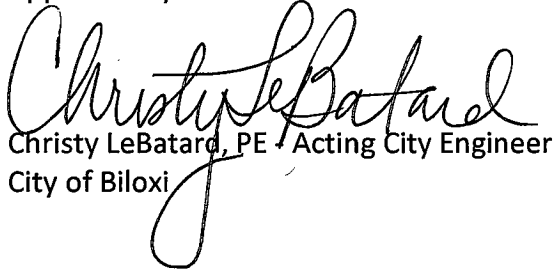
In accordance with the Specifications, we call upon the Contractor to immediately begin remediation of non-compliance. Please provide the Program Manager with your proposed plan to rectify these issues along with a timeframe for their completion. Please acknowledge your intent to comply with the Specifications listed here including confirmation that such costs will be borne by the Contractor.

Best regards,



Marvin G. Dalla Rosa
Program Manager - HNTB Corporation

Approved by and on behalf of the Owner:



Christy LeBatard, PE - Acting City Engineer
City of Biloxi

Cc: City Administration
HNTB File

Attachment

CITY OF BILOXI

SPECIAL PROVISION NO. 907-618-1

CODE: (SP)

DATE: 10/9/01

SECTION 618 - MAINTENANCE OF TRAFFIC AND TRAFFIC CONTROL PLAN

Section 618, Maintenance of Traffic and Traffic Control Plan, of the 1990 Edition of the Standard Specifications for Road and Bridge Construction, is hereby amended as follows:

Subsection 618.03.1 - General.

Add the following paragraphs to the end of Subsection 618.03.1:

The Contractor shall provide and place aggregate in all trench excavations after backfilling operations have been completed. These aggregate surfaces shall be maintained daily during the entire project to a degree to provide a smooth riding surface free of potholes, ruts, etc. Limestone for maintenance of roadway is to be at no additional payment to the Contractor. All items necessary for continuous maintenance of roadway, driveway entrances, etc. shall be included in Pay Item No. 907-618-A, and shall not be measured and paid for separately.

At the end of the workday and especially on weekends, access to all residents and business establishments shall be restored unless specific permission has been obtained from the affected individual not to restore access. Provisions must be made at all times for access to all structures by the fire department and other emergency vehicles.

The roadways shall be inspected daily, during and after rainstorms, and all deficiencies repaired to form a smooth and acceptable riding surface.

One lane of traffic flow shall be maintained on the roadway at all times. Specific attention shall be given to business establishments on this roadway. The Contractor shall maintain access to these establishments at all times after trench excavations are closed by providing ample and sufficient aggregate in any and all trenches and/or excavations to allow parking of customers' vehicles and also foot traffic by pedestrians.

It shall be the Contractor's responsibility to monitor and maintain ingress and egress to any and all business establishments during the duration of the work.

After placement of any pavement course, short-term striping will be installed before work is discontinued for the day or as soon thereafter as weather conditions will permit, unless directed otherwise by the City Engineer or his authorized representative. Short-term striping shall meet the requirements of Subsection 619.03.3. Short-term striping shall be paid for under Pay Item Number 907-618-A if used.

Subsection 618.03.2 – Barricades, Signs, and Flaggers.

Add the following paragraph to the end of Subsection 618.03.2:

Any sign, which is not in use, shall be removed from the project or completely covered as approved by the City Engineer's authorized representative. Examples of signs that may not be "in use" shall include, but is not limited to:

- a. Any construction signs installed prior to the start of construction or construction sign still in place after construction is complete.
- b. Construction signs dealing with certain phases of the project, which are not in effect.
- c. Non-construction regulatory signs in construction areas which are not applicable to the construction zone, such as non-construction speed limit signs.
- d. Construction detour signs when the detour is not in effect.
- e. Construction "No Thru Traffic" signs during times when through traffic is allowed.
- f. Projects that have different conditions at night or on weekends/holidays, than during the construction day.

Subsection 618.03.3 - Safe Movement of Traffic.

Delete the second and third sentences of the last paragraph on page 618-3 under Subsection 618.03.3.

After the third paragraph on page 618-4 under Subsection 618.03.3, add the following:

The project will be as set forth herein above, except:

- (a) The Contractor may elect to omit short-term solid yellow stripe through no-passing zones.

(b) The permanent pavement markings for centerline and no-passing zones shall be placed not later than 45 days after completion of all hot bituminous pavement on the traveled way.

(c) Permanent edge stripe shall be placed no later than 15 days after completion of shoulder construction.