

Memorandum



CITY OF DALLAS

DATE December 21, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Right of Way Management: Proposed Process and Code Revisions**

On Wednesday, January 2, 2019, Robert Perez, Interim Director of the Department of Public Works, will brief you on Right of Way Management and the proposed revisions to the processes, codes, and ordinances governing work in the City's right of way. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in blue ink, appearing to read 'M. Al-Ghafry'.

Majed A. Al-Ghafry, P.E.
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (I)
Carol Smith, City Auditor (I)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Directors and Assistant Directors

Right of Way Management Proposed Process & Code Revisions

**City Council Briefing
January 2, 2019**

**Robert M. Perez, Interim Director
Department of Public Works
City of Dallas**



Presentation Overview

- Background/History
- Purpose
- Implemented Actions
- Proposed Actions
- Next Steps

Background/History

- Construction in the City's right of way (ROW) is governed by:
 - Chapter 43 of the Dallas City Code
 - Pavement Cut and Repair Standards Manual
 - City of Dallas Traffic Barricade Manual
- City Council has raised recent concerns regarding the construction being completed in the right of way

Background/History

- There is the need to:
 - Increase oversight of construction in the ROW
 - Maintain accessible walkways or pedestrian detours during construction
 - Enhance public notification of construction
 - Ensure more-stringent restoration requirements for streets with high Pavement Condition Index (PCI) ratings
 - Consider use of Contractor Scoring Matrix in bidder evaluations for solicitations for public projects (evaluation form attached)

Background/History

- There is the need to (continued):
 - Accelerate traffic barricade removal (max. number of days) upon project completion
 - * Coordinate work with other City departments
 - Evaluate and recommend revised codes on steel plates (noise concerns)
 - * Evaluate noise ordinance and waiver process
 - * Enhance regulations to reduce utility strikes
- * Note: Feedback from November 26th MSIS Committee meeting*

Purpose

- To address the concerns raised, staff has evaluated existing processes, codes, and ordinances governing construction within the City's ROW
- The purpose of this briefing is to present and discuss actions that have been recently implemented or will be proposed for City Council consideration in the coming months

Implemented Actions

- Concern – Increased oversight of construction in the ROW:
 - Between August 1, 2018 and November 30, 2018, Public Works issued 137 citations for violations while working within the ROW
 - Started with (4) staff members issuing citations
 - Through consolidating (9) Public Works ROW staff and (2) Transportation Traffic Coordination staff, (11) staff members will be licensed to issue citations by January 2019

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Proposed Actions

- Concern – Maintain accessible walkways or pedestrian detours during construction:
 - Revise Chapter 43, Sec. 43-139 (c) (19) of the Dallas City Code (DCC) to require the following on traffic control plans:
 - Necessary pedestrian sidewalk detours during active work
 - Temporary walkways or scaffolding required when no active work underway on sidewalk
 - Maximum duration of permit, and upon expiration, a new permit will be necessary

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Proposed Actions

- Concern – Enhanced public notification of construction:
 - Revise Chapter 43, Sec. 43-141 (i) (2) (A-E) of the DCC regarding Notice to Public
 - No notification needed if less than 24 hours without excavation and/or lane closure (examples: AT&T vault inspection or utility locates)
 - Notification needed if longer than 24 hours
 - Notification necessary if work involves excavation and/or lane closure

Proposed Actions

- Concern – Enhanced public notification of construction:
 - Revise Chapter 43, Sec. 43-141 (i) (2) (A-E) of the DCC to regarding Notice to Public
 - ROW work with excavation and/or a lane closure lasting more than 24 hours requires two separate construction notifications
 - Construction on a thoroughfare, arterial, or a community collector with extended traffic delays requires at least (2) portable Changeable Message Signs (CMS)

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Proposed Actions

- Concern – More-stringent restoration requirements for streets with high PCI ratings:
 - Revise Chapter 43, Sec. 43-139 (b) (2) of the Dallas City Code (DCC)
 - PCI of 75 for Concrete Streets requires replacement of the entire concrete panel from joint to joint
 - PCI of 75 or higher for Asphalt Streets requires seal coat treatment for the entire block

Proposed Actions

- Concern – Consider use of Contractor Scoring Matrix in bidder evaluations for solicitations for public projects:
 - Copy of scoring matrix provided
 - Matrix completed at the end of each capital project
 - Public Works staff is currently working with the City Attorney's Office on how to evaluate bidders and incorporate those evaluations in awarding future contracts

Proposed Actions

- Concern – Accelerate traffic barricade removal (max. number of days) upon project completion:
 - Chapter 28, Sec. 28-24 (1) of the Dallas City Code (DCC)
 - Traffic Barricade Manual states that traffic control shall be removed when not in use
 - Public Works will notify the responsible party of traffic control in the ROW and give 24-hours for removal – failure to remove will result in a citation

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Proposed Actions

- Concern – Coordinate work with other City departments:
 - All work is coordinated by Traffic Coordinators as users apply for ROW/lane closure permits
 - Five-Year Infrastructure Management Program (IMP) is being shared with other City departments and outside entities to better coordinate future work

Proposed Actions

- Concern – Evaluate and recommend revised codes on steel plates (noise concerns):
 - Revise Chapter 43, Sec. 43-139 (2) (d) of the Dallas City Code (DCC)
 - Add language to make it punishable for steel plates to “...cause any vibrating noises.”

Proposed Actions

- Concern – Evaluate noise ordinance and waiver process
 - Chapter 30, Sec. 30-2 (8) of the Dallas City Code (DCC)
 - Establishes work hours for building construction activity adjacent to residential areas between 7:00 AM and 7:00 PM
 - Non-emergency ROW permits are approved by the guidelines above – deviation from the approved hours are evaluated on a case by case basis

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Proposed Actions

- Concern – Enhance regulations to reduce utility strikes:
 - As part of each ROW Permit, the permittee is required to obtain plans and perform field investigations to locate private and public utilities
 - Revise Chapter 43, Sec. 43-141 (5) (h) of the Dallas City Code (DCC)
 - In addition to requiring the ROW Permit be on site, new requirement would include verification of utilities also be on site (811 and COD water/wastewater locating information)

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Next Steps

- Engage with private sector and utility companies
- Incorporate feedback from the City Council briefing into final recommendations on code/process changes for working within the ROW
- Finalize and present code/process changes for future City Council consideration

Right of Way Management Proposed Process & Code Revisions

**City Council Briefing
January 2, 2019**

**Robert M. Perez, Interim Director
Department of Public Works
City of Dallas**



 City of Dallas	Document Number:	COD-FRM-517	Revision Number:	1
	Approved By:	Directors of User Departments	Effective Date:	8/8/2018
	Description of Last Change:	Initial		
Document Title:	Post Construction Contractor Performance Evaluation			

Contractor Post Construction Performance Evaluation

Project Group: _____ Project No. _____ Contract No. _____

Project: _____

Contractor Name: _____

City's Project Manager: _____

City's Construction Manager: _____

City Department: _____

Was this a joint contract with another department? Yes ___ No ___

If yes, provide other department's name(s) and contract and/or Project/Bond Program Number(s):

GENERAL INFORMATION:

1. Award Date: _____
2. Notice to Proceed Date: _____
3. Original Number of Contract Calendar/Working Days: _____
4. Final Number of Contract Calendar/Working Days: _____
5. Actual Number of Contract Calendar/Working Days Used: _____
6. Original Contract Award Amount: \$ _____
7. Final Contract Amount: \$ _____
8. Final Amount Paid to Contractor: \$ _____
9. Final Acceptance/Beginning of the Warranty Period: _____
10. End of Warranty Period: _____

Please answer each question below and assign the associated number of points based on the answer. Each question is worth up to five (5) points for a total score of up to one hundred (100) points for the form. Total your points at the end of the form.

GENERAL CONTRACT ADMINISTRATION:

1. Did the contractor return the executed contracts, bonds and insurance within the specified time and secure the necessary permits before starting construction?
Were insurance updates and notices of renewal provided in a timely manner? Yes ___ No ___

If no, explain in detail: _____

Additional Comments: _____

Points Earned _____

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2. Did the contractor provide sufficient scheduling information and schedule updates in conformance with the contract document? Yes____ No____

If no, explain in detail: _____

Additional Comments: _____

Points Earned _____

3. Did the contractor complete the project within the contract time (including extensions)? Yes____ No____

If no, explain in detail: _____

Additional Comments: _____

Points Earned _____

4. Did the contractor provide all close out documents within the specified contract time or within a reasonable time if time not specified in the contract? Yes____ No____

If no, explain in detail: _____

Additional Comments: _____

Points Earned _____

5. Did the contractor try to take advantage of apparent errors, omissions or discrepancies in the drawing or specifications? Yes____ No____

If yes, explain in detail: _____

Additional Comments: _____

Points Earned _____

6. Did the contractor submit unsubstantiated or unreasonable claims for additional compensation or time extension? Yes____ No____

If yes, explain in detail: _____

Additional Comments: _____

Points Earned _____

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7. Did the contractor cooperate with the City on change orders by requesting reasonable compensation and time for the work required? (if no change orders, mark N/A) N/A _____ Yes _____ No _____

If no explain in detail: _____

Additional Comments: _____

Points Earned _____

8. Did the contractor provide complete pay applications that included all items from the Contractor's Monthly Pay Request Checklist with all required forms and documents on time? Yes _____ No _____

If no, explain in detail: _____

Additional Comments: _____

Points Earned _____

9. Were there substantiated claims of late payment to subcontractors and suppliers? Yes _____ No _____

A. If yes, explain in detail: _____

Additional Comments: _____

B. If yes, did the contractor settle all claims against his/her construction company as well as his/her subcontractors in a timely manner within the contract time limitation? Yes _____ No _____

If no, explain in detail: _____

Additional Comments: _____

Points Earned _____

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10. Were there substantiated claims of the contractor not paying his/her employees equal to or greater than the prevailing wage rates in the contract? Yes____ No____

A. If yes, explain in detail:_____

Additional Comments:_____

B. If yes, did the contractor settle all claims related to this issue in a timely manner? Yes____ No____

If no, explain in detail:_____

Additional Comments:_____

Points Earned____

SAFETY and PUBLIC SERVICE:

11. Did the contractor adequately protect the public during construction and provide for clean, safe and convenient passage of traffic, including proper signage, barricades and pedestrian protection? Yes____ No____

If no, explain in detail:_____

Additional Comments:_____

Points Earned____

12. Did the contractor address public/owner complaints in a responsive manner and remedy any damage to public or private property adequately and promptly? Yes____ No____

If no, explain in detail:_____

Additional Comments:_____

Points Earned____

13. Did the contractor provide a clean, safe and orderly workplace for employees at all times (Including proper sheeting and shoring of excavations)? Yes____ No____

If no, explain in detail:_____

Additional Comments:_____

Points Earned____

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EMPLOYMENT OPPORTUNITIES:

14. Original M/WBE participation percentage: _____

Actual M/WBE participation percentage: _____

Based on the actual M/WBE participation, did the contractor demonstrate a “good” faith effort in meeting the City’s goal? Yes _____ No _____

If yes, but did not meet the goal, explain in detail: _____

If no, explain in detail: _____

Additional Comments: _____ Points Earned _____

15. Did the contractor make a good faith effort to hire unemployed Dallas residents when hiring new employees, including the posting of signs for job opportunities at the job site, the timely submittal of monthly report, and the provision and maintenance of an on-site employment office if required? Yes _____ No _____

If no, explain in detail: _____

Additional Comments: _____ Points Earned _____

QUALITY MANAGEMENT:

16. Did the contractor give sufficient attention to the quality of the materials and workmanship to guarantee an acceptable product and was the quality of work on this project consistent with the intent of the contract documents? Yes _____ No _____

If no, explain in detail: _____

Additional Comments: _____ Points Earned _____

17. Did the contractor correct non-conforming work in a timely manner and satisfactorily complete punch list items within a specified time? Yes _____ No _____

If no, explain in detail: _____

Additional Comments: _____ Points Earned _____

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18. Did the contractor furnish complete and accurate submittal mock-ups, samples and/or product specifications for approval prior to the beginning of related work phases or whenever material suppliers were changed? Yes____ No____

If no, explain in detail: _____

Additional Comments: _____

Points Earned ____

19. Did the contractor assign and maintain qualified (based upon education and experience) and competent personnel (superintendent, project manager, etc.) to the job? Yes____ No____

If no, explain in detail: _____

Additional Comments: _____

Points Earned ____

20. Was the contractor's superintendent on site and supervising the performance of the work during the critical project phases and during the performance of the principle items of the work? Yes____ No____

If no, explain in detail: _____

Additional Comments: _____

Points Earned ____

TOTAL SCORE (out of 100 points): _____

Additional Comments or Observations (please include any extenuating circumstances that may have affected performance). For scores above 89, please document actions that made the project go particularly well.

(Attach additional pages as necessary)

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Is Contractor recommended for future awards: ___ Yes ___ No

Signed: _____ _____
Date

Signed: _____ _____
Date
Construction Management

Signed: _____ _____
Date
Project Manager

Signed: _____ _____
Date
Program Manager

Signed: _____ _____
Date
Assistant Director

Contractor Comments:

Signed: _____ _____
Date
Contractor's Representative

After completing final evaluation, please keep one copy with project files, forward one copy to the Administration and Finance division, one copy to the Contractor and archive on the shared drive for Contractor Post Performance Evaluation Forms. File name should include name of the Contractor and year of project completion.