



**370 BLAIRTOWN RD.  
ROCK SPRINGS, WY**

December 5, 2022

Town of Saratoga  
110 E. Spring Avenue  
Saratoga, WY 82331

Attn: Creed James  
Mayor, Town of Saratoga

Re: Spring Avenue Utility & Street Improvement Project - winter shut down

Dear Mr. Mayor,

As you are aware, Lewis & Lewis is in the process of shutting this project down for the season due to winter conditions and no longer being able to perform the work that would benefit the Town of Saratoga or Lewis & Lewis at this point. We are no longer able to offer temporary pavement to the effect of hot plant mix as stated for the reasons in prior emails. We are still intending to put down a black top surface as the temporary surface for the winter by means of RAP (Recycled Asphalt Pavement). Based on the decision of the town offered below, we will take the following steps going forward for a winter shutdown.

Option #1 - The Town accepts a winter shutdown as laid out in the email sent by Josh Ward on 11/22/2022 with the following exceptions:

1. Hot Plant Mix is no longer available as an option but will be substituted with asphalt millings to provide a drivable road for the citizens of the town and the traveling public. This is already demonstrated on South River Street. From what we have gathered from the residents on this street within our work zone, they are completely content with this surface for the shutdown period.
2. It is understood that Lewis & Lewis is liable for the maintenance/cost of any conditions that come up within the project limits for this winter period that may arise. As discussed in the prior email dated 11/22/2022, a true emergency that may be handled by the town such as a waterline break or work to that nature will be fully reimbursed to the town by an agreed upon and proven amount provided by the Town. Lewis & Lewis will reimburse the Town in full if a situation like this arises. To go along with this, Lewis & Lewis will send employees out to assist and handle the



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emergency as we are able. We will only not be able to assist if/and only if weather conditions and road conditions do not allow our safe access to do so.

3. These conditions as stated above numbered 1 and 2 respectively in option #1 are only valid if agreed upon and accepted by the Town for a winter shutdown with no liquidated damages being assessed on an agreed date of December 15th, or otherwise discussed and agreed upon.

Option #2 - The Town chooses to assess liquidated damages through the winter as only a true and accurate cost to the Town per the Agreement, but agrees to a Partial Occupancy Or Use, pursuant to Paragraph 6.5. This is a request from Lewis & Lewis to allow Partial Occupancy for the intended use of the town. Our understanding of this is to allow the streets within our work zone to be used for their intended purpose. This means all occupants within our work zone shall have full use, whether on the new or old water line to water as is intended. Along with this, access of the roads will be open to the public for their intended use. This should, as the paragraph states, "constitute substantial completion of that portion of the work", and continues to state, "Owner shall not unreasonably refuse to accept partial occupancy".

Option #3 - If options 1 or 2 are denied, this option will be what Lewis & Lewis deems necessary to keep the traveling public off of the project as much as possible for their safety and ours. Lewis & Lewis will close the roads to everyone except local residents and emergency services. We will have a maintainer periodically on the project to make sure traffic control is in proper order and make sure residents and emergency services have road access at all times. This will minimize the risk of any "project emergencies" from arising with keeping as much traffic off of the project as possible. We believe this will also allow the frost levels to be minimized. When normal traffic runs on a project over the winter, it tends to drive the frost deeper into the ground. We are trying to minimize this, so we give ourselves the best opportunity to have the earliest start possible next year.

To go along with this letter is a tentative schedule showing the remaining work for next season. This shows a start date of March 20th, 2023, but as we have discussed, this is all weather permitting. Once March 1<sup>st</sup> comes around, we will be keeping an eye on weather conditions on a weekly basis to allow for the soonest start date that sets the project up for the best possible success. If the weather starts looking good prior to that March 20<sup>th</sup> date, we will start before. If the weather is still looking a little scarce on March 20th, we will push the project back until the forecast looks better. We will openly communicate with the Town during this process so that we can all agree on a proper start date.



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Once the Town comes to a decision on which option they decide to choose, please make Lewis & Lewis aware of this decision as soon as possible as we will continue to get the project ready for the winter, but need to know which direction to go with the project. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Caleb Tygum", is written over a horizontal line.

Caleb Tygum, Construction Manager