

Storm debris clean-up goes to court

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Clean-up of October's Hurricane Zeta storm debris, piled on county roadsides for months now, came to a screeching halt on Tuesday, February 2, when Circuit Court Judge Kathy Jackson signed a stay order against the county.

The injunction was ordered until the court can hear a protest lodged by Scott Holliday of Holliday Construction LLC of Poplarville.

"The County complied with the judge's "stay order" as quickly as possible," said Board President Henry Cochran. "I personally called the debris contractor and the monitoring firm to suspend all the hurricane debris removal work until further notice."

During its regular meeting on December 21, the George County Board of Supervisors were informed by Holliday that he was filing a protest. Holliday claimed the county's contract to pick up the storm debris should have gone to him rather than to Custom Tree Care LLC which is headquartered in Kansas City, Kansas.

According to its website Tree Care LLC provides both urban forestry and disaster debris removal services to municipalities in several states, including Alabama and South Carolina.

The County is, of course, responsible for picking up and disposing of the tree debris on county road right-of-way. The County hires the contractors and pays the bill. With the storm being declared a federal disaster, FEMA will step in and reimburse the County 75-percent of the cost and MEMA will pay another 12-1/2 percent of the cost if the work and disposal comply with FEMA regulations.

"The County is in steady contact with the Mississippi Department of Environmental Quality and state emergency managers on this key issue," Cochran added. "The debris removal process must also comply with state permits and federal funding requirements."

FEMA and MEMA personnel toured the county after the storm and estimated there would be 150,000 to 200,000 cubic yards of material to be cleaned up. (That estimate has recently been doubled, based on the amount of material already picked up.)

In December, the County advertised for bids on the project. Twenty firms submitted bids. Tree Care submitted the lowest bid of \$1,686,613 based on picking up 150,000 cubic yards of debris and disposing of it. Holliday Construction had the next lowest bid of \$2,352,005. The rest of the bids were all higher. After reviewing all the bids, Supervisors selected the lowest bid.

Holliday told the Supervisors on December 21, and the Court Tree Care is not an eligible bidder and the bid should have gone to him. His argument is Mississippi Code 31-3-15 requires the contracting firm be a Mississippi licensed contractor. Tree Care, he claims does not have a Mississippi certificate of responsibility and is therefore ineligible to bid on the debris removal contract.

During the December 21 meeting, the Board of Supervisors attorney, Robert Shepard, told Holliday that in his opinion, Holliday and his attorney were making incorrect interpretation of the statute. Shepard said the statute applied to construction costing more than \$50,000, such as erecting a building, and did not apply to debris removal.

Holliday countered that debris removal was “more than just picking up sticks” and did qualify as construction.

For now, work is halted until the court can decide if debris removal is really construction. A date has not been set for the hearing.

“The entire Board is hopeful this issue will be resolved as quickly as possible so the County can return to debris removal efforts for our residents and local businesses,” Cochran said.