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VIA ELECTRONIC CORRESPONDENCE

October 10, 2017

CCN: 61369
File No: 8.DC.52 & 77

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
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Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
Tom.Mariani@usdoj.gov

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
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Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Jason.Andreotta@dep.state.fl.us

RE: Consent Decree (Case: No. 1:12-cv-24400-FAM)
Reference DOJ Case No. 90-5-1-1-4022/1
Section XI, Paragraph 52 – Force Majeure
Section XVII, Paragraph 77 – Notices
Delay Notification Letter for Consent Decree Appendix D-2, Capital Improvement Projects 4.5, South Dade 54-inch PCCP FM Rehabilitation

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on September 26, 2017, Miami-Dade County (County) notified United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a delay of CD Capital Improvement Project (CIP) 4.5 South Dade 54-inch PCCP FM Rehabilitation. Delays have occurred in the execution of this project during its construction phase. Reasons include owner furnished material delays, design changes to one of the connection points (Connection Point C) and changes to construction methods proposed by the Contractor (open cut method as an alternate to the micro tunneling method for the installation of 54 inch FM at the FL Turnpike and the Canal-102 crossings). The

Contractor's September schedule update reported the final completion date one hundred eighty-six (186) calendar days past the CD compliance date of November 27, 2017 to June 1, 2018.

In accordance with Section XI, Paragraph 52, this notification letter shall further describe and explain the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health, welfare or the environment.

Initial Schedule Challenges

In the course of setting up the process to address all of the Consent Decree projects, the County recognized the need to bring on additional staff to meet the aggressive schedules mandated by the Consent Decree. This was done by contracting with a professional consultant team of experts (AECOM) to assist the County in Program Management and oversight of multiple Design Services contracts. The process for hiring Engineering firms in the State of Florida is regulated under Florida Statute 287.055 "The Consultants Competitive Negotiation Act". Following the constraints of this regulation, the process to bring the Program Management and the Design Professional firms on board took in excess of one year. This resulted in a late start in the validation and design of several projects, specifically those with CD compliance dates ending 2016 through 2018, which includes this project. In addition, dates for downstream activities have been affected as is evident in the County's requests for modification of interim milestones. Overlapping/expediting of interim activities planned to complete respective projects in accordance with the final CD milestone date has proven to be a challenge.

Explanation and description of the reasons for the delay

The scope of this project comprises the rehabilitation of approximately 2.5 miles of 54-inch diameter pre-stressed concrete cylinder pipe (PCCP) force main (FM) from SW 112th Avenue and SW 280th Street, along SW 112th Avenue to SW 268th Street, then along SW 268th Street to SW 107th Avenue, then along SW 107th Avenue to SW 248th Street, with associated valves and appurtenances. Two main points of connection were considered, Connection Point A at SW 112th Avenue & SW 280th Street and Connection Point C at SW 107th Avenue & SW 248th Street.

Owner Furnished Material Delay

In accordance with contract specifications section SP-9.0 Owner Furnished Material, the County pre-purchased certain long lead items for this contract. These items included 48-inch Plug Valves (PV), 54-inch PV and 54-inch pipes and fittings. As per Specification Section 01 64 00 Owner-Furnished Products Part 1.02, the County had to provide, during the first six weeks of construction, up to six valves to allow the Contractor to establish a production rate and coordinate the delivery of all future valves to meet the construction schedule. In fact, the first 54-inch PV was delivered by the County's supplier on 2/20/2017 and the 48-inch PV on 5/19/2017, four and seven months, respectively, after the NTP date. The supplier cites that backlog in manufacturing slots in the factory was the reason for the late deliveries.

Connection Point C

During the construction phase, an RFI received from the Contractor stated that the Connection Point C was not constructible as designed. The construction drawings note that in order to make the connection, the existing FM would need to be shut down in order to make the tie in, which is not feasible.

Different designs for the Connection Point C were modelled hydraulically and evaluated, taking into consideration safety and risk factors as well as the project time and cost impacts of the change. The selected option comprises the installation of a double line-stop with bypass at the existing 54-inch PCCP. This option also considers the installation of 2178 Ft of 12-inch HDPE to bypass the flow of the existing 24-inch force main to be removed to allow the installation of the new 54-inch PCCP.

Alternate construction method proposed by the Contractor (open cut method as an alternate to the micro tunnel method)

During the construction phase, the Contractor proposed to utilize, in lieu of micro tunneling, the Open Cut method for the installation of 54-inch PCCP in the FL Turnpike and the SFWMD Canal C-102 crossing. To execute this change, the contractor was required to obtain revised permits, specifically from the Florida Department of Transportation (FDOT) for the turnpike crossing and from the South Florida Water Management Division (SFWMD) and United States Corps of Engineers (USCOE) for the Canal C-102 crossing. Although this substitution was initially not accepted by WASD, the Contractor was insistent and was able to obtain the required permits for the turnpike crossing. Although all other permits have been obtained, the final U.S. Corps of Engineers (USCOE) Permit is still pending for the Canal C-102 crossing. The time the Contractor took to provide an alternate design and obtain the required permits have seriously delayed the work in both sections. The PMCM sent a letter of deficiency to the Contractor regarding this issue.

Actions taken or to be taken to prevent or minimize the delay

The Program Management and Construction Management (PMCM) Team met with the Contractor and discussed additional staffing resources and construction schedule changes to mitigate the time impacts of these additional work orders and/or issues. The County will initiate negotiation with the Contractor with an objective of shortening the construction duration to minimize the delays to the CD compliance date. Depending on the outcome of the negotiation between the County and Contractor, the County will consider the available options to determine the best course of action to execute this project, while minimizing delays.

The PMCM met with the Contractor multiple times to review and discuss ways to minimize schedule impacts related to the USCOE permits.

Additional actions to be taken to minimize the delay are the following:

1. Monitor progress of re-sequenced work

2. Engage the Contractor in a focused schedule review of all potential change orders (PCOs) that may affect critical path

Anticipated duration of the delay

Currently, the Contractor's schedule update shows a delay of one hundred eighty-six (186) calendar days extending the CD compliance date from November 27, 2017 to June 1, 2018. This additional time is necessary for Contractor to reach final completion.

Schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay

The County will take the following steps (in sequence) to prevent or mitigate delay or the effect of the delay:

1. Meet with Contractor to assess other areas of remaining work that can be re-sequenced, and allow concurrent completion of critical path items of work.
2. Consider extended hours of work to improve schedule delivery of critical items of beneficial use to plant operations.
3. Meet with Contractor to discuss additional work resources on the project to expedite key elements of the work.

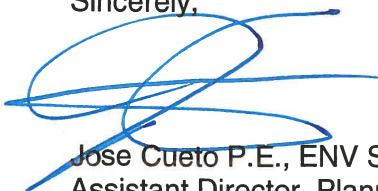
Cause or contribute to an endangerment to public health, welfare or the environment

The rehabilitation of this particular 54-inch force main is necessary to ensure the continued integrity of our collection system. However, there is no indication that it presents an immediate endangerment to the public health, welfare or the environment.

Should you have any questions regarding this matter, please call me at (786) 552-8571.

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Jose Cueto P.E., ENV SP, LEED® Green Associate
Assistant Director, Planning and Regulatory Compliance

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