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VIA ELECTRONIC CORRESPONDENCE

November 21, 2017

CCN: 61463
File No: 8.DC.52 & 77

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
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
U.S. Environmental Protection Agency, Region 4
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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 – Potential Delay
Section XVII, Paragraph 77 – Notices
Delay Notification Letter for Consent Decree Appendix D-2, Capital Improvement Projects
5.4 Replacement of Switchgear at PS No. 0414

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on November 8, 2017, Miami-Dade County (County) electronically notified United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a delay of CD Capital Improvement Project (CIP) 5.4 Replacement of Switchgear at PS No. 0414. Delays have occurred in the execution of this project during its procurement phase. The November 8th email stated that the anticipated Construction Phase Notice to Proceed issue date was not met, and as a result, the Contractor would not be able to complete the project within the predetermined contract duration required to meet the CD compliance date. This delay will impact the project CD compliance date of May 9, 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.

Explanation and description of the reasons for the delay

The scope of this project comprises the rehabilitation and conversion of the existing wet well to a dry well with new suction piping to allow Pump Station 0414 to operate as a booster pump station. It also includes the replacement of three (3) new in-kind pump and motors (rated at 250 Horsepower (HP)) as well as additional upgrades, i.e. Structural, Architectural, Electrical, Mechanical, HVAC and Civil works.

Based on concerns by the Water and Sewer Department (WASD) regarding contractor's experience in performing work associated with larger pump motors and associated Variable Frequency Drives (VFD), a minimum experience qualification was added to this contract. Contractors bidding on the project were required to demonstrate that they had completed at least one project involving a 100 HP (lowest HP) VFD during the past ten (10) years. During the bidding process, the contractor submitting the lowest bid was 0.51% below the Engineer's Estimate. Upon further review, it was determined that the lowest bidder had made a significant error in their bid preparation document and was allowed to withdraw their bid. The contractor submitting the second lowest bid (25.88% above Engineer's Estimate) failed to provide the evidence verifying that they had completed such a project. As is a County practice, the low bidder was given an opportunity to present evidence that they had performed a qualifying project. The low bidder failed to provide the required documentation and the County moved on to the next lowest bidder who had provided proof of two prior qualifying projects. The process of reviewing and rejecting the two (2) low bidders delayed the award of this project.

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

The Program Management and Construction Management (PMCM) Team will meet with the Contractor and discuss additional staffing resources and construction schedule changes to mitigate the time impacts associated with this late award of contract. 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 these discussions 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.

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

1. Monitor progress of re-sequenced work schedule.
2. Engage the Contractor in a focused schedule review of any potential change orders (PCOs) that may affect critical path.

Anticipated duration of the delay

Currently, there is a delay of one hundred seventy-seven (177) calendar days extending the CD compliance date from May 9, 2018 to November 2, 2018. There is no construction float that can be applied to compensate for the delay. Thus, this additional time is necessary for the Contractor to reach substantial 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 Pump Station 0414 is necessary to ensure capacity of future developments as well as equipment upgrade to continue the integrity of our collection system. It is the County's opinion that this delay will not present 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,



Hardeep Anand, P.E., ENV SP

Deputy Director, Capital Improvement Programs & Regulatory Compliance

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