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VIA ELECTRONIC CORRESPONDENCE

October 31, 2017

CCN: 61406
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
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Rachael Amy Kamons
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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 1.2 SDWWTP Oxygen Production**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on October 17, 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) 1.2 South District Wastewater Treatment Plant (SDWWTP) Oxygen Production. Delays occurred in the execution of this project during its procurement phase. The October 17th email stated that

it has become necessary for the County to cancel the current bid and re-bid this project, thereby delaying the completion of the project beyond the CD compliance deadline of December 12, 2019 as approved by EPA on September 14, 2017.

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; and 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

Pursuant to Section 2-8.2.12 of the Code of Miami-Dade County, the Board of County Commissioners (Board) delegated authority to the County Mayor or County Mayor's Designee to approve contract awards that meet certain conditions, thereby allowing for expedited procurement processing. On June 7, 2017, the County received two (2) bids for CD CIP 1.2 during an open competitive solicitation. Neither bid met the conditions required for expedited processing, and both were determined to be not in the best interest of the County. As a result, both bids will be rejected, and the County will advertise a solicitation to rebid the project by December 2017.

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

Because the project work is to be performed in an oxygen-enriched environment, for this solicitation, the County imposed minimum experience requirements in addition to licensure requirements. During the rebid, minimum bidder qualifications and experience requirements will be modified so as to increase competition while still protecting the County's investments.

Anticipated duration of the delay

The County anticipates that an additional 475 days will be required to complete this project because of the projected duration associated with the following items:

- (1) Evaluation of previous received bids and information coupled with market research by the Engineer to identify minimum bidder qualifications and experience requirements which will continue to protect the County's investments, can reasonably be achieved by bidders, and provide the County with increased competition,
- (2) Updating of the bid documents by the Engineer to revise the minimum bidder qualifications and incorporate the previously issued addenda from the prior bid,

- (3) Rebid including re-advertisement, convening for a pre-bid meeting and site visit, responding to requests for information (RFIs) from bidders, issuing of addenda, evaluating bids, and processing approval and award to the lowest responsible bidder.
- (4) Potential Board of County Commissioner approvals and subsequent County reviews of contract documents, bonds and insurance for award prior to Notice to Proceed issuance, and
- (5) Adequate time to allow for completion of construction

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

Steps	Measures Taken	Implementation (*)
1	Engage Design Consultant in updating the bid package with minimum bidder qualifications and incorporation of previous issued addenda	November 2017 – December 2017
2	Re-advertise bid package, convene pre-bid meeting and site visit with bidders, respond to RFIs, prepare and issue addenda	December 2017 – March 2018
3	Receive bids, evaluate bids, process approval and award of bid to lowest responsible bidder	April 2018 – June 2018
4	Issue Notice to Proceed (NTP) to lowest responsible bidder and initiate construction	July 2018
5	Final Projected Completion	March 2021

(*) Note: Dates provided are approximate and contingent upon a normal procurement process and construction duration.

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

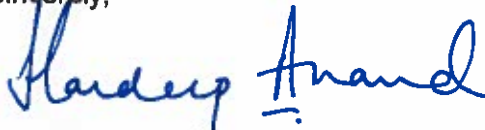
The rehabilitation of existing Oxygen Compressor 3 and installation of new Oxygen Compressor 4 is necessary to ensure continuous, uninterrupted treatment at the South District Wastewater Treatment Plant (SDWWTP). Until these improvements are completed, existing Oxygen Compressors 1 and 2, which are planned to be decommissioned, combined with liquid oxygen provided by outside suppliers can be used to provide reliable

service. 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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