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VIA ELECTRONIC CORRESPONDENCE

June 28, 2019

CCN: 62640
File No: 8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Tom Mariani
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,
Potential Delay Notification for Consent Decree Appendix D-2, Capital Improvement
Projects 1.11(1.1) General Electrical – Substations 9 thru 12**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on June 20, 2019, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Delay of CD Capital Improvement Project (CIP) 1.11(1.1) General Electrical – Substations 9 thru 12 at South District Wastewater Treatment Plant (SDWWTP). This project experienced delays during the procurement phase.

In accordance with Section XI, Paragraph 52, this update 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; County's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health or the environment, and documentation to support the force majeure claim.

Explanation and description of the reasons for the delay

The CD project description is the rehabilitation and replacement of electrical controls and wiring as needed. The scope of this project is furnishing all materials, labor and equipment necessary for the electrical improvements of existing Substations 9, 10, 11 and 12. The work involves demolition and replacement of existing electrical transformer and switchgear equipment, panels, busduct, conduits and cabling. The project scope also includes replacement of existing built up roofing and other architectural features.

Towards the end of the procurement phase, the County experienced the following delays: 1) the County was required to cancel all bids on May 28, 2019 due to a duplication of a portion of proposed work under another solicitation; 2) the low bidder protested the cancellation of the bids on May 31, 2019 and on June 14, 2019, the protest was rescinded by the low bidder; and 3) time impact to revise the bid package and advertise.

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

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The County is accelerating the re-bid of the project by coordinating with the design consultant (DC) to obtain the updated bid package. Currently, the Engineer of Record (EOR) adjusted the Small Business Enterprise (SBE) goals to initiate this process while the conformed plans are under revision to remove proposed roofing improvements. The County also requested the design consultant to re-evaluate the construction duration to identify any additional time that may be gained from the scope reduction. The County will closely monitor progress in the procurement phase and report any further delay to EPA immediately when it becomes known to the County.

Anticipated duration of the delay

The time impact of reinitiating the procurement phase will remain undetermined until the County is able to award and issue a Notice to Proceed to a responsible and responsive bidder for this project. The County will transmit the duration of the anticipated delay, upon completion of a time impact analysis and the completion of the procurement phase.

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 to prevent or mitigate delay or the effect of the delay:

1. County to accelerate the rebid of the project by coordinating with DC to timely obtain revised bid package
2. County to closely oversee the procurement phase and expedite the award if possible
3. County to report further delay to EPA when issue arises

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

Improvements performed under CD CIP 1.11 are needed to prevent failure of electrical controls or wiring which could result in plant shutdowns, wastewater overflows and effluent violations. There is no indication that delays in General Electrical – substation 9 thru 12 present an immediate endangerment to the public health, welfare or the environment.

I certify under penalty of law that this document and all attachments were 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.

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

Sincerely,


Lynnette M. Ramirez P.E.
Senior Advisor, Capital Improvement Programs & Regulatory Compliance

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