



miamidade.gov

**Water and Sewer**  
PO Box 330316 • 3071 SW 38 Avenue  
Miami, Florida 33233-0316  
T 305-665-7471

**VIA ELECTRONIC CORRESPONDENCE**

April 24, 2020

CCN: 63171  
File No: 8.DC.20.82

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](mailto:Tom.Mariani@usdoj.gov)

Chief, Clean Water Enforcement Branch  
Water Protection Division  
Attn: Brad Ammons  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
[Ammons.Brad@epa.gov](mailto:Ammons.Brad@epa.gov)

Rachael Amy Kamons  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611  
[Rachael.Kamons@usdoj.gov](mailto:Rachael.Kamons@usdoj.gov)

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](mailto: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 – Notices,  
Section XVII, Paragraph 77 – Notices,  
Project Update for Consent Decree Appendix D-2, Capital Improvement Project 2.22 –  
Pump Station No. 2 at CDWWTP**

Dear Sir/Madam:

Pursuant to Section XI, Paragraph 52 of the above referenced Consent Decree (CD), this correspondence serves as a project update to the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) for CD Capital Improvement Project (CIP) 2.22 – Master Pump Station No. 2 located at 1075 Biscayne Boulevard, Miami, FL and operated by the Central District Wastewater Treatment Plant (CD WWTP), 3989 Rickenbacker Causeway, Virginia Key, Florida.

In accordance with Section XI, Paragraph 52, this update letter shall further describe and explain the reasons for the delays and Force Majeure; 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.

**Background information**

CD project description for Project 2.22 is the rehabilitation of the pump station odor control system, rehabilitation of bar screen mechanisms, and replacement of the pump station flow metering to improve maintenance activities. The rehabilitation of the bar screen mechanisms was completed by WASD, and it is not part of the CD contractor's scope of work. The scope of work under the current construction contract includes the replacement of the existing pump station effluent flowmeter, replacement of the existing odor control system, replacement of the existing odor control system chemical storage and feed systems, and replacement of the dry-well ventilation system.

*John*  
On June 1, 2017, the County submitted a force majeure notification due to unforeseen groundwater contamination encountered at the project site during initial excavation activities, resulting in a Limited Stop Work Order being issued to the Contractor. Subsequent to EPA and FDEP requesting additional information, the County provided a project status update letter submitted in October 2017 to advise that the Limited Stop Work Order was rescinded on August 11, 2017. Also included in the October 2017 Update Letter was a cautionary disclaimer of ongoing contractor non-performance challenges.

On December 22, 2017, the County requested schedule modifications for several projects, including the one discussed herein. On April 11, 2018, EPA and FDEP approved the requested schedule modifications and modified the Compliance Date for the referenced project to May 25, 2019.

On March 6, 2019, the County notified EPA and FDEP that the County issued a Notice of Termination for Default to Contractor due to the Contractor's lack of performance on February 21, 2019.

On May 20, 2019, the County submitted a Project Update and Failure to Meet Compliance Date Letter to EPA and FDEP. The Surety elected to use the Contractor's staff, under the supervision of a Surety Project Manager, to complete the project. The formal Memorandum of Understanding (MOU) became effective and construction work for this project resumed on April 15, 2019. Based on the information known in May 2019, the substantial completion was anticipated to be reached by April 25, 2020.

**Project Update**

On August 22, 2019, EPA, FDEP and WASD attended a teleconference to discuss the progress on CD Project 2.22. During this meeting, FDEP recommended the County to re-evaluate whether the contractor should perform the flowmeter replacement due to the continued performance challenges and the inherent risk of sanitary sewer overflow to nearby surface water associated with the replacement of the flowmeter located under Biscayne Boulevard. The location of the manhole used to calibrate and service the existing flowmeter is now located in traffic lanes due to the widening of Biscayne Boulevard, the. Improving the maintenance accessibility was, therefore, identified in the CD Exhibit D-1 project description. The existing flowmeter continues to be operational and is calibrated on a quarterly maintenance cycle to prevent periods without proper flow measurement.

In the months of October and November 2019, the Contractor attempted to excavate around the flowmeter to allow for measurements and site preparation activities ahead of the flowmeter replacement scheduled to be performed at the end of February 2020. Unforeseen conditions were encountered within the Florida Department of Transportation (FDOT) right of way for Biscayne Blvd including an unreported 24-inch corrugated metal drainage pipe running under the sidewalk perpendicular to the sewer line. Further, different material of sanitary sewer piping (cast iron vs. ductile iron) was found resulting in a non-standard pipe diameter for the required restrained couplings for the plug valve installation. These unforeseen site conditions encountered during the excavation elevated the complexity of the flowmeter replacement beyond the required qualifications and experience levels specified for this project.

The County reached the decision to remove the activities associated with the flowmeter replacement from the Contractor's scope of work and intends to perform the flowmeter replacement in-house after the contractor has completed the remaining work under their contract. The County will install the flowmeter using a different means and method to minimize the installation duration. As a result, additional materials and equipment have been procured. WASD is working with a vendor, but due to COVID-19 impacts and restrictions on the local economy, the delivery of the additional material and equipment cannot yet be determined.

The Contractor notified the County on March 19, 2020, of delays in programming the odor control unit panel due to COVID-19 travel restriction (see attachment A). On March 23 and March 27, 2020, the County received additional notices related to the local electrical subcontractor ceasing field work and the fence manufacturer in Ohio closing operations and due to COVID-19 (see attachment A). On March 30, 2020, the Contractor working under the Surety submitted a delay notice for this project citing labor and material availability and overall productivity impacts due to COVID-19 (see attachment A).

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

Odor complaints could result from an improperly functioning odor control system. Failure of the bar screen could result in the blinding of the bar screen and cause an overflow of raw sewage from the pump station towards nearby surface waters, especially during peak wet weather flow events. There is no indication that delays in the completion of CD Project 2.22 present an immediate endangerment to the public health, welfare or the environment.

**Force majeure rationale**

On April 3, 2020, the County notified the EPA and FDEP of COVID-19 Force Majeure impacting the Consent Decree Capital Improvement Projects. The construction progress on CD Project 2.22 is impacted by COVID-19. The County continues taking preventative measures to contain the spread and the impacts of the virus. The County attributes any delays resulting from impacts of COVID-19 as a force majeure event.

**Anticipated duration of the delay**

Based on the information provided herein, this project will not be completed by April 25, 2020 as anticipated in the previously communicated in May 2019 due to the recent delays and the ongoing COVID-19 impacts. The County will continue updating the EPA and FDEP on the status of this project as construction advances. The County will closely monitor construction progress and report any further delays to EPA and FDEP when it becomes known to the County and as required by CD Section XI, Paragraph 52.

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

**Attachment A: COVID-19 Delay Notifications**

ec: Barbara Jean Throne  
Senior Assistant Attorney General, Complex Litigation  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
850-414-3808  
[Barbara.throne@myfloridalegal.com](mailto:Barbara.throne@myfloridalegal.com)

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  
[Lisa.M.Self@dep.state.fl.us](mailto:Lisa.M.Self@dep.state.fl.us)  
[Mike.Bechtold@dep.state.fl.us](mailto:Mike.Bechtold@dep.state.fl.us)  
[Sed.wastewater@dep.state.fl.us](mailto:Sed.wastewater@dep.state.fl.us)

Mayor Carlos A. Gimenez  
Miami-Dade County  
111 NW First Street 29<sup>th</sup> Floor  
Miami, Florida 33128

Kevin T. Lynskey, Director  
Miami-Dade Water and Sewer Department  
3071 SW 38<sup>th</sup> Avenue  
Miami, Florida 33146

Jack Osterholt, Deputy Mayor/Director  
Miami-Dade Regulatory and  
Economic Resources  
111 NW 1st Street. 29th Floor  
Miami, FL 33128  
[Josterholt@miamidade.gov](mailto:Josterholt@miamidade.gov)

Henry Gillman  
Miami-Dade Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 NW First Street Suite 2810  
Miami, Florida 33128

Richard Elliott, P.E., PMP  
Environmental Engineer  
Water Protection Division  
U.S. Environmental Protection Agency - Region 4  
61 Forsyth Street. S.W.  
Atlanta, GA 30303  
[Elliott.Richard@epa.gov](mailto:Elliott.Richard@epa.gov)

Paul Schwartz  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303  
[Schwartz.Paul@epa.gov](mailto:Schwartz.Paul@epa.gov)

William A. Weinischke  
Senior Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044  
[Bill.Weinischke@usdoj.gov](mailto:Bill.Weinischke@usdoj.gov)

## **Attachment A**

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### COVID-19 Delay Notifications

Cross, Stephen D. (Consultant)

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From: Andy Stogiannes <astogiannes@continental-carbon.com>  
Sent: Thursday, March 19, 2020 10:08 AM  
To: 'Paul Jacobs'; Cross, Stephen D. (Consultant)  
Cc: Champlin, Tory (Consultant); Deepak Angl  
Subject: RE: CD2.22\_Carbon Absorption Unit Control Panel replacement components

EMAIL RECEIVED FROM EXTERNAL SOURCE.

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Paul,

Our supplier is expected to receive them by the end of next week, then the HMI/PLC have to be programmed. But, due to the quarantines things are moving much slower than usual and can be further delayed. Also, due to the travel restrictions, we will have to wait until they are lifted for us to set a date.

Regards,  
Andy Stogiannes  
1100 South Service Road, Suite 321  
Stoney Creek, ON L8E 0C5  
905-643-7615 (Phone) ext 226  
905-643-5403 (Fax)  
905-730-7877 (Cell)  
[astogiannes@continental-carbon.com](mailto:astogiannes@continental-carbon.com)



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From: Paul Jacobs <paul@tscjacobs.com>  
Sent: Wednesday, March 18, 2020 10:00 AM  
To: Cross, Stephen D. (Consultant) <Stephen.Cross@miamidade.gov>; 'Andy Stogiannes' <astogiannes@continental-carbon.com>  
Cc: Champlin, Tory (Consultant) <Tory.Champlin@miamidade.gov>  
Subject: RE: CD2.22\_Carbon Absorption Unit Control Panel replacement components

Andy,  
Do you have an update for the HMI/MMI order we placed with you for the above referenced project? We know travel will be delayed but looking for timing so we can all coordinate.  
Regards,

Paul S. Jacobs



11023 Countryway Blvd  
Tampa, FL 33626  
[paul@tscjacobs.com](mailto:paul@tscjacobs.com)  
813/888-5556



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From: Cross, Stephen D. (Consultant) <[Stephen.Cross@miamidade.gov](mailto:Stephen.Cross@miamidade.gov)>  
Sent: Wednesday, March 18, 2020 7:44 AM  
To: Paul Jacobs <[paul@tscjacobs.com](mailto:paul@tscjacobs.com)>  
Cc: Champlin, Tory (Consultant) <[Tory.Champlin@miamidade.gov](mailto:Tory.Champlin@miamidade.gov)>  
Subject: CD2.22\_Carbon Absorption Unit Control Panel replacement components

Good morning, Paul,

We know the virus is affecting all aspects of daily life and areas of New York have been severely impacted.

Do you have update/status on the Control Panel HMI and PLC replacements?

We understand the order was released, but don't know any status on manufacturing/shipment. With people now working from home we don't know the status of procurement.

Please provide any updates you have.

Thank you

Cross, Stephen D. (Consultant)

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From: Carlos Carrillo <CCarrillo@csfllc.com>  
Sent: Monday, March 23, 2020 11:00 AM  
To: Cross, Stephen D. (Consultant); Rodriguez, Ricardo (Consultant)  
Cc: Felix Valdes (Felix@VECCORP.NET); Brantley Tate (Brantley@veccorp.net); Ricardo Garcia (Ricky@veccorp.net); william@veccorp.net; Martin, Michael (Michael.Martin@phly.com); Ramirez, Lynnette M. (WASD)  
Subject: CD2.22 - 92:1901 Phly / VECC / CDWWTP Master Pump Station No. 2 - FW: MDWASD - Master Pump Station 2 - COVID-19

EMAIL RECEIVED FROM EXTERNAL SOURCE.

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Dear Mr. Cross:

Please be advise that we have received the first confirmation of a sub closing doors temporarily, starting today, due to the current critical health situation caused by COVID-19 (see below e-mail from Super America Electric). As I stated before, this is the first notice received from a subcontractor. We will keep you informed of any additional sub/vendor in the same situation. This COVID-19 situation is a+ cause for delays on the project.

Thanks,

Carlos F. Carrillo, PE, M.ASCE  
Regional Manager  
**CASHIN SPINELLI & FERRETTI, LLC**  
14221 SW 120<sup>th</sup> St., Suite 124  
Miami, FL 33186  
Tel: (786) 212-1694  
Cell: (305) 978-9872

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From: Ricardo Garcia [mailto:Ricky@veccorp.net]  
Sent: Monday, March 23, 2020 8:33 AM  
To: Carlos Carrillo <CCarrillo@csfllc.com>  
Cc: Felix Valdes <felix@veccorp.net>; BRANTLEY TATE <BRANTLEY@veccorp.net>; William Warner <william@veccorp.net>  
Subject: FW: MDWASD - Master Pump Station 2 - COVID-19

Carlos,

Please see Super Americas Electric's email temporarily stop field work effective Monday.

Please advise Stephen Cross.

*Sincerely,  
Ricky Garcia*



V-Engineering & Consulting Corp.  
2929 SW 3<sup>rd</sup> AVE, Suite 340  
Miami, FL 33129  
Phone: (786) 420-5950  
Cell: (305) 323-1627  
Fax: (786) 420-5289

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From: Sergio Estape <[sestape@superamericalelectric.com](mailto:sestape@superamericalelectric.com)>  
Sent: Monday, March 23, 2020 8:28 AM  
To: Felix Valdes <[felix@veccorp.net](mailto:felix@veccorp.net)>; Ricardo Garcia <[Ricky@veccorp.net](mailto:Ricky@veccorp.net)>  
Subject: MDWASD - Master Pump Station 2 - COVID-19

Felix/Ricky,

The well-being of our employees and their families is our top priority so we have decided to temporarily stop field work effective Monday, March 23<sup>rd</sup>, 2020 in order to limit the spread of the Coronavirus (COVID-19). We will continue to monitor the CDC's updates and recommendations. Please take this email as documentation of the beginning of a delay we are encountering due to the COVID-19 pandemic. Please advise us of any issues VEC, CD-PMCM, or WASD may have with this.

Thank you,

Cross, Stephen D. (Consultant)

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From: Cross, Stephen D. (Consultant)  
Sent: Friday, March 27, 2020 4:18 PM  
To: Dorward, Martin (Consultant); Barto, Aric (Consultant); Pinnamareddy, Ravi (Consultant)  
Cc: Rodriguez, Ricardo (Consultant); Champlin, Tory (Consultant)  
Subject: FW: CD2.22 - 92:1901 Phly / VECC / CDWWTP - FW: Master Station II - Ametco Manufacturing Corp is shut down due to the Covid-19 Pandemic

All,  
Be advised, the 2<sup>nd</sup> notification affecting CD2.22. This is vendor supplying the ornamental fencing and gates.

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From: Carlos Carrillo <CCarrillo@csfllc.com>  
Sent: Friday, March 27, 2020 4:11 PM  
To: Cross, Stephen D. (Consultant) <Stephen.Cross@miamidade.gov>; Rodriguez, Ricardo (Consultant) <Ricardo.Rodriguez4@miamidade.gov>  
Cc: Felix Valdes (Felix@VECCORP.NET) <Felix@VECCORP.NET>; Brantley Tate (Brantley@veccorp.net) <Brantley@veccorp.net>; Ricardo Garcia (Ricky@veccorp.net) <Ricky@veccorp.net>; william@veccorp.net; Martin, Michael (Michael.Martin@phly.com) <Michael.Martin@phly.com>; Ramirez, Lynnette M. (WASD) <Lynnette.Ramirez@miamidade.gov>  
Subject: CD2.22 - 92:1901 Phly / VECC / CDWWTP - FW: Master Station II - Ametco Manufacturing Corp is shut down due to the Covid-19 Pandemic

EMAIL RECEIVED FROM EXTERNAL SOURCE.

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Dear Mr. Cross:

This is to inform of the notification VECC received from Fence Masters (enclosed below) of the temporary closed down of Ametco Manufacturing Corp. ("Ametco"). Per the e-mail, by order of Ohio State Governor, Ametco was to comply with a close down mandate which started 03/23/20 through 04/06/20. Ametco is the ornamental fencing and gates manufacturer for the project. This Covid-19 Pandemic is a project time impact delay.

Thanks,

Carlos F. Carrillo, PE, M.ASCE  
Regional Manager  
**CASHIN SPINELLI & FERRETTI, LLC**  
14221 SW 120<sup>th</sup> St., Suite 124  
Miami, FL 33186  
Tel: (786) 212-1694  
Cell: (305) 978-9872

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From: Ricardo Garcia [<mailto:Ricky@veccorp.net>]  
Sent: Friday, March 27, 2020 3:19 PM  
To: Carlos Carrillo <[CCarrillo@csfllc.com](mailto:CCarrillo@csfllc.com)>  
Cc: Felix Valdes <[felix@veccorp.net](mailto:felix@veccorp.net)>; BRANTLEY TATE <[BRANTLEY@veccorp.net](mailto:BRANTLEY@veccorp.net)>; William Warner

<[william@veccorp.net](mailto:william@veccorp.net)>

Subject: FW: Master Station II - Ametco Manufacturing Corp is shut down due to the Covid-19 Pandemic

Carlos,

Please see the email from Fence Masters. Their ornamental gate fencing manufacturer Ametco Manufacturing Corp is shut down due to the Covid-19 Pandemic causing us a major delay for the approved gates to be fabricated.

Please Advise Stephen Cross of the Impact Delay.

Sincerely,  
Ricky Garcia



*V-Engineering & Consulting Corp.*

2929 SW 3<sup>rd</sup> AVE, Suite 340

Miami, FL 33129

Phone: (786) 420-5950

Cell: (305) 323-1627

Fax: (786) 420-5289

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From: Carlo Cortina <[ccortina@fencemastersinc.net](mailto:ccortina@fencemastersinc.net)>

Sent: Friday, March 27, 2020 3:06 PM

To: Ricardo Garcia <[Ricky@veccorp.net](mailto:Ricky@veccorp.net)>

Cc: Steve Ernst <[sernst@fencemastersinc.net](mailto:sernst@fencemastersinc.net)>; FenceMasters Purchasing <[Purchase@fencemastersinc.net](mailto:Purchase@fencemastersinc.net)>

Subject: FW: Master Station II

Please read below the manufacturer is closed for now. We have to wait till they open up again.

Carlo

**Carlo Cortina** | Project Manager

e: [ccortina@fencemastersinc.net](mailto:ccortina@fencemastersinc.net) |

p: 305.635.7777

a: 3550 NW 54<sup>th</sup> Street, Miami, FL 33142

w: [www.fencemastersinc.net](http://www.fencemastersinc.net)



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From: Brad Van Pelt Jr. [<mailto:bvanpeltjr@ametco.com>]

Sent: Friday, March 27, 2020 3:05 PM

To: Carlo Cortina  
Subject: Automatic reply: Master Station II

The governor of the State of Ohio has ordered all non-essential business close down effective at 11:59 p.m. on March 23, 2020 until April 6, 2020. During this time period all of our plant operations will cease.

Brad Van Pelt

Ametco Manufacturing Corp  
4326 Hamann Parkway  
P O Box 1210  
Willoughby, OH 44096  
Phone 800-321-7042 x230  
Fax 440-951-2542

Cross, Stephen D. (Consultant)

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From: Carlos Carrillo <CCarrillo@csfllc.com>  
Sent: Monday, March 30, 2020 2:16 PM  
To: Cross, Stephen D. (Consultant); Rodriguez, Ricardo (Consultant)  
Cc: Felix Valdes (Felix@VECCORP.NET); Brantley Tate (Brantley@veccorp.net); Ricardo Garcia (Ricky@veccorp.net); SAMANTHA DIAZ; Martin, Michael (Michael.Martin@phly.com); Ramirez, Lynnette M. (WASD)  
Subject: CD2.22 - 92:1901 / VECC / CDWWTP Master Pump Station No. 2 - FW: Notice of Potential Delay COVID-19  
Attachments: T2250.pdf

EMAIL RECEIVED FROM EXTERNAL SOURCE.

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Dear Mr. Cross:

Attached please find VECC's Notice of Potential Delay, due to the current COVID-19 situation.

Thanks,

Carlos F. Carrillo, PE, M.ASCE  
Regional Manager  
**CASHIN SPINELLI & FERRETTI, LLC**  
14221 SW 120<sup>th</sup> St., Suite 124  
Miami, FL 33186  
Tel: (786) 212-1694  
Cell: (305) 978-9872

---

From: SAMANTHA DIAZ [mailto:SAMANTHA@veccorp.net]  
Sent: Monday, March 30, 2020 1:50 PM  
To: Carlos Carrillo <CCarrillo@csfllc.com>  
Cc: Felix Valdes <felix@veccorp.net>; Ricardo Garcia <Ricky@veccorp.net>  
Subject: Notice of Potential Delay COVID-19

Good Afternoon,

Please see attached our Notice of Potential delay due to COVID-19.  
Please send the attached letter to Stephen Cross.

Thank you,  
*Samantha Diaz*



*V-Engineering & Consulting Corp.*

2929 SW 3<sup>rd</sup> Ave, Suite 340

Miami, FL 33129

Phone: (786) 420-5950

Fax: (786) 420-5289





## V ENGINEERING & CONSULTING CORP.

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### **NOTICE OF POTENTIAL DELAY AND RESERVATION OF RIGHTS**

Stephen Cross, Miami-Dade Water and Sewer Department, Consent Decree PMCM Team, 135 San Lorenzo Ave, Suite 600 Coral Gables, FL 33146  
T2250 CDWWTP Mater Pump Station No. 2

March 30<sup>th</sup> 2020

***Re: COVID-19 Pandemic***

To Whom It May Concern:

We are all aware of the ongoing outbreak of the Coronavirus 2019 (COVID-19), which was recently declared a pandemic by the World Health Organization and the President and Governor have declared a national and state emergency, respectively. Although the situation continues to evolve rapidly, V Engineering & Consulting Corp. remains fully committed to pursuing the completion of our work in a safe, diligent and reasonable manner under the current circumstances. We must recognize, however, there is a strong likelihood that we will encounter certain delays as a result of this pandemic.

We anticipate our work will be delayed and our productivity will be negatively impacted by the cumulative effect of this outbreak. Potential impacts may include, but are not limited to, labor shortages due to infection or quarantine as well as material shortages and significant delays in lead times as a result of factory closings across the globe. In addition, we are monitoring whether there will be a mandatory shut down. At this time, it is not possible to quantify the delay or compute the impact costs.

While this notice may seem premature, our contract requires that we furnish you written notice of any delays in a timely fashion. Accordingly, pursuant to the terms of our contract, please consider this correspondence to be our formal notice of potential delays to our performance through no fault of our own and that are beyond our control, including, but not limited to, changed conditions, constructive suspension of work, constructive change, force majeure/act of God, etc. V Engineering & Consulting Corp. hereby reserves all rights it may have under our contract and applicable law to protect its legal and commercial interests, including without limitation the right to seek an extension of time and an increase in our contract price. Please keep records as you deem appropriate to confirm any extensions or increased or unabsorbed costs if we do, in fact, submit same. I can assure you that we are evaluating all options to minimize and mitigate the impact to your Project. As more information becomes available, we would like to discuss our options for successfully completing this Project.

We will continue to keep your project representatives informed of these delays and their effect on overall job completion. We will diligently seek to minimize to the best of our ability, the effects of these delays on our work. Your cooperation in minimizing these impacts are appreciated as we work our way through this unprecedented event.



Sincerely yours,

Felix Valdes, President  
V Engineering & Consulting Corp.