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VIA ELECTRONIC CORRESPONDENCE

January 30, 2023

CCN: 64692
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
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

Rachael Amy Kamons
Environmental Enforcement Section
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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

**RE: Consent Decree (Case: No. 1:12-cv-24400-FAM),
Reference DOJ Case No. 90-5-1-1-4022/1,
Section XI, Paragraph 52 – Delay,
Appendix D-2, Capital Improvement Project 5.9 New Pump Station No. 0301 –
Request to Waive Stipulated Penalties for COVID-19 Force Majeure Delay**

Dear Sir/Madam:

The purpose of this letter is to request that the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) waive potential stipulated penalties, if any, associated with the Force Majeure delay to project completion of Consent Decree (CD) Capital Improvement Project (CIP) 5.9 New Pump Station No. 0301 located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Miami-Dade County FL 33160.

CD 5.9 New Pump Station No. 0301 involves replacing mechanical and electrical equipment including the pump station generator. On July 28, 2017, the County submitted to EPA and FDEP a Request for Scope Modification for this project which expanded the original CD project description to include the construction of a new pump station. The modified scope of work included furnishing all materials, labor, and equipment necessary for the construction of a new two-story building which will house all new electrical equipment, emergency generator, odor control system, and wet well with four (4) new submersible pumps.

On January 13, 2022, the County electronically notified EPA and FDEP that CD 5.9 has experienced delays during the construction phase that may impact the compliance date of January 24, 2022. Subsequently, written notification of a Failure to Meet Compliance (Exhibit A) was submitted to EPA and FDEP on January 24, 2022. On January 27, 2022, a Force Majeure Delay Notification (Exhibit B) was submitted that notified the EPA and FDEP that the project achieved substantial completion on January 25, 2022 with only a one (1) day delay.

The delay was directly attributed to COVID-19 Force Majeure circumstances that suspended the acceptance Testing phase of the project when infected staff were unable to report to the jobsite per CDC quarantine guidelines. The detailed events leading to the unavoidable COVID-19 Force Majeure project delay and mitigation efforts by the County are outlined below:

- The Final Acceptance Test for PS 301 was required to complete the Pump Station Certification Application to Miami Dade County Department of Regulatory and Economic Resources – Division of Environmental Resource Management (RER-DERM). Approval of the application was the critical path to reach substantial completion for the project. The Final Acceptance Test was originally scheduled for January 6, 2022. However, testing was postponed when the specialty subcontractor crew responsible for essential instrumentation and control work contracted COVID-19. The contractor was unable to identify alternative resources or a qualified subcontractor to complete the Final Acceptance Test, causing an eight (8) day delay. The attached letter (Exhibit C) from the contractor notified the County of the COVID-19 Force Majeure Event and identified the impacts to the Final Acceptance Test. The County worked with the contractor to expedite review and approval of the Pump Station Certification Application in an effort to mitigate the Force Majeure delay.

The continued efforts and mitigating actions by the County to limit the project delay resulted in substantial completion on January 25, 2022, one (1) day past the EPA compliance date.

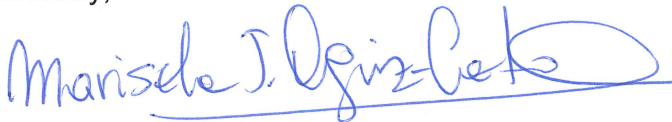
As defined in the Section XI Force Majeure, Paragraph 51 of the CD, “Force Majeure” is defined as any event arising from causes beyond the control of Miami-Dade, of any entity controlled by Miami-Dade, or of Miami-Dade’s consultants and contractors that delays or prevents the performance of any obligation under this Consent Decree despite Miami-Dade’s best efforts to fulfill the obligation. The requirement that Miami-Dade exercise “best efforts to fulfill the obligation” includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible... Miami-Dade may seek relief under the provisions of this Section XI of this Consent Decree (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation to the extent that Miami-Dade has submitted timely and complete applications and has taken all other actions required by law to obtain all such permits or approvals.”

As COVID-19 qualifies as a Force Majeure, outside of the County's control, and the County put forth best efforts to mitigate delays, we seek relief under Section XI of the Consent Decree. The County hereby requests that EPA and FDEP waive potential stipulated penalties, if any, associated with this Force Majeure delay.

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 or need additional information regarding this matter, please call me at (786) 552-8894.

Sincerely,



Marisela J. Aranguiz-Cueto, P.E.
Deputy Director
Miami-Dade Water and Sewer Department

Attachments: Exhibit A – Failure to Meet Compliance Date Letter
Exhibit B – Force Majeure Delay Notification Letter
Exhibit C – Contractor Force Majeure Notification Letter

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Bridjette.Bucell@FloridaDEP.gov
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VIA ELECTRONIC CORRESPONDENCE

January 24, 2022,

CCN: 64200
File No: 8.DC.21.52

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Environment and Natural Resources Division
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Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
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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, Failure to Meet Compliance for Consent
Decree Appendix D-2, Capital Improvement Projects 5.9 New Pump Station No. 0301**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on January 13, 2022, 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 Consent Decree (CD) Capital Improvement Project (CIP) 5.9 New Pump Station No. 0301 located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Florida. This project experienced delays during the construction phase due to the COVID 19 pandemic. The purpose of this letter is to notify EPA and FDEP that the County has missed the CD Compliance Date of January 24, 2022.

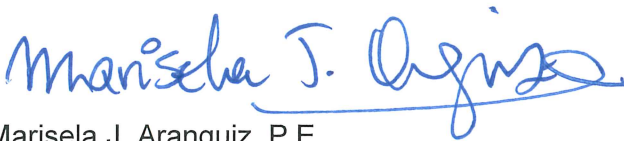
In accordance with Section XI, Paragraph 52, the County is preparing a report describing and explaining the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent 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. This report will be submitted on or before January 27, 2022.

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,



Marisela J. Aranguiz, P.E.,
Deputy Director
Miami-Dade Water and Sewer Department

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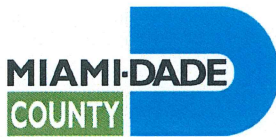
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VIA ELECTRONIC CORRESPONDENCE

January 27, 2022,

CCN: 64201
File No: 8.DC.20.52

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RE: DOJ No. 90-5-1-1-4022/1
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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 XI, Paragraph 51 – Force
Majeure, Section XVII, Paragraph 77 – Notices,
Force Majeure Delay Notification for Consent Decree Appendix D-2, Capital
Improvement 5.9 New Pump Station No. 0301**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on January 13, 2022, 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) 5.9 New Pump Station No. 0301 located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Miami-Dade County Florida 33160. This project experienced delays during the construction phase due to COVID-19 pandemic that impacted the Project CD compliance date of January 24, 2022.

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.

Background

The Consent Decree project description for CD 5.9 was to replace pumping and electrical equipment including the generator. On July 28, 2017, the County submitted to EPA and FDEP a Request for Scope Modification for this project which greatly expanded the original CD project description and consisted of the construction of a new pump station. The scope of work includes furnishing all materials, labor, and equipment necessary for the construction of a new two-story building which will house all new electrical equipment, MCCs, VFDs, power panels, supplementary/ancillary panels, junction boxes, instruments, switches, transmitters, sensing elements, new emergency generator, new odor control system and new wet well with four (4) new submersible pumps (110 HP).

Explanation and description of the reasons for the delay

The delays have been directly attributed to the need to suspend the Demonstration/Acceptance Testing phase of the project due to staff and labor being infected with COVID-19, rendering them unable to report to the jobsite due to CDC quarantine guidelines for Isolation and Quarantine. Details of the delay are outlined below.

- Prior to proceeding with the Final Demonstration/Acceptance Testing of a new pump station, the County was informed that the specialty subcontractor crew, responsible for essential instrumentation & control (I&C) work, was impacted by COVID-19. The COVID-19 positivity rates in Miami-Dade peaked at 35%. As a result, subcontractors were forced to completely shut-down operations, and staff were directed to be isolated or quarantined based on the CDC guidelines and County policies. The Contractor was unable to identify alternative resources or a qualified subcontractor to assist or complete the work. Consequently, the Contractor was forced to suspend the Demonstration/Acceptance Testing which impacted the project schedule.

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

The Acceptance Testing work resumed on January 14, 2022, and the County worked with the Contractor to mitigate the delays and expedite the RER-DERM review and approval of Pump Station Certification Package.

Duration of the delay

On January 25th, 2022, CD 5.9 achieved substantial completion and the duration of the delay is one (1) day.

Force majeure rationale

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. National, state, and local agencies are taking actions to suppress and control the spread of COVID-19. The County is 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 as it creates a labor shortage, affected supply chains, and resulted in interruptions to construction schedules.

This delay is a result of the subcontractor's employees testing positive for COVID-19 or being exposed to others that tested positive during the beginning of January 2022 and suspended activities on the site for 9 days. As a consequence, the County was forced to postpone and reschedule the Final Acceptance Testing which began on January 14, 2022. During this month, Miami-Dade was experiencing a COVID-19 positivity rate of 35%.

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

The County took the following steps to mitigate the delay or the effect of the delay:

1. Continued implementing preventative safety measures to limit the spread and impacts of COVID-19.
2. Resumed construction activities as soon as it was safe to do so
3. Required the Contractor to work extended hours when possible to accelerate the schedule.
4. Monitor the ongoing construction and promptly respond to issues that may arise.
5. Coordinated with County Department to expedite the review of the PS Certification Package.

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

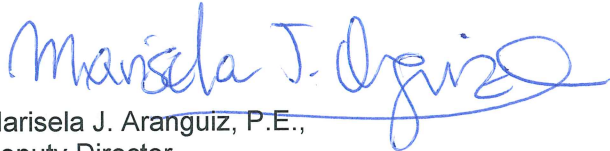
There is no indication that delays to CD 5.9, New Pump Station No. 0301 presented any immediate endangerment to the public health, welfare, or the environment.

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) 552-8894.

Sincerely,



Marisela J. Aranguiz, P.E.,
Deputy Director
Miami-Dade Water and Sewer Department

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January 27, 2022

Francisco Hernandez, P.E.
PM/CM - MDWASD
3071 SW 38th Ave | Miami, FL 33146

Reference: MDWASD - CD 5.9 Replacement of Regional Pump Station No. 0301
Contract No. S-940
AW 038 –Delays due to Omicron COVID Virus

Dear Mr. Hernandez,

The purpose of this letter is to present to you delays to the project with regards to a force majeure event (Omicron COVID Virus) which affected the performance of the work at the above referenced project over a certain time duration. Previous documentation was submitted notifying the PMCM Team (see attached letter dated January 13, 2022) of on-going delays due to contractor / sub-contractors having to cease operations due to the pandemic event. As such, and after determination of the delay, Lanzo Construction Co. (Lanzo) is requesting a non-compensable time extension. The concluded impact to the scheduled work was as follows:

- January 6, 2022: DERM Partial Certification approval allowed for the scheduling / commencement of the seven (7) day pump performance testing. However, at this time, Contractor / subcontractor personnel were unavailable to commence with the testing due to the virus.
- January 14, 2022: All Contractor personnel were available to commence with the seven (7) day testing which was performed beginning on January 14th, 2022, and extended to January 21st, 2022.

In view of the above time frame which delayed the seven (7) day pump performance testing, Lanzo Construction Co. is requesting an eight (8) day non-compensable time extension.

Should you have any questions, comments, or require any additional information, please do not hesitate to contact us.

Respectfully,

A handwritten signature in blue ink, appearing to read "Bob McSweeney", with a long, sweeping underline that extends across the width of the signature.

Bob McSweeney, P.E.
Project Manager / V.P.
Lanzo Construction Co., FL



January 13th, 2022

Francisco Hernandez, P.E.
PM/CM - MDWASD
3071 SW 38th Ave | Miami, FL 33146

Reference: MDWASD - CD 5.9 Replacement of Regional Pump Station No. 0301
Contract No. S-940
AW 038 - Delays Due to Omicron COVID Virus

Dear Mr. Hernandez,

The purpose of this letter is to advise you of the delays that have occurred as a result of the new Omicron COVID outbreak.

As you can see from the attached, emails, our subcontractors and suppliers have been affected with the virus and since had to shut down their operations until they received negative tests. These include CCT, our I&C supplier, Flygt, our pump supplier, and South Florida Electrical Consultants, our electrician.

Here is a summary of some of the delays we have experienced as a result our subcontractors/suppliers shutting down operations due to the virus:

- DERM Partial Certification approval was provided on January 6th, 2022, which would allow us to commence Acceptance Testing, however, due to [REDACTED] key personnel from CCT, still testing positive. This delayed our testing commencement as [REDACTED] is the person needed to run these tests.
 - o Acceptance Testing commencement has been scheduled to start tomorrow, January 14th, as [REDACTED] was able to test negative.
- Pump drawdown test using generator power, as well as pulling and landing the additional wires need for the extra signals from the generator, was scheduled for January 7th, 2022. This had to be postponed when South Florida Electrical Consultant's operations shut down due to virus outbreak in their company. SFEC was going to have to pull the wires with CCT, SCADA and Generator rep, present so everything would be landed and tested correctly.
 - o Pulling of the wires for additional generator signals is still pending to schedule as SFEC is still on COVID protocol.

Please note, all Flygt field technicians are currently out due to COVID, we are unsure at this time if/how this is/will affect our project, but will keep you abreast as it develops.

Per our Contract with the County, the Supplemental General Terms and Conditions and the General Conditions, attached herein as Exhibits "A" and "B", respectively, consider pandemics as Acts of God

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www.lanzo.net

(Force Majeure) and are excusable delays. At the end of these delays, we will evaluate and formally present the time extension request.

Respectfully,



Daniel Mesquita
Project Manager
Lanzo Construction Co., FL

SUPPLEMENTAL GENERAL TERMS AND CONDITIONS

The following language shall be added to each identified Article in the General Terms and Conditions and shall be considered part of the Contract Documents and given the full weight and consideration of the General Terms and Conditions.

ARTICLE 1. DEFINITIONS

Force Majeure: Force Majeure as used herein shall mean Acts of God, strikes, lockouts, any late delivery of the Owner's supplied material and equipment due to transportation delays beyond Department's control, or other industrial disturbances; acts of public enemy, blockades, wars, insurrections, or riots; epidemics, landslides, earthquakes, fire, storms, floods, or washouts; arrests, title disputes, or other litigation; governmental restraints, either Federal or County, civil or military; civil disturbances; explosions; inability to obtain necessary materials or equipment, supplies, labor, or permits whether due to existing or future rules, regulations, orders, laws, or proclamations, either Federal, State or County, civil or military, or otherwise; and other causes beyond the control of the Department or County, whether or not specifically enumerated herein.

ARTICLE 3. ARCHITECT/ENGINEER/FIELD REPRESENTATIVE

- J. Inspectors, employed by the Department, will be authorized to inspect all work and materials which are to become a part of the completed Project. Inspectors will have no authority to revoke, alter or waive any requirements of the Specifications or to make any changes in the Plans. Each Inspector will be authorized to call the attention of the Contractor to any failure of the work to conform to the Plans or the Specifications, and will have authority to suspend the work affected until any question at issue can be referred to and decided by the Engineer. The Inspector will have no authority to delay the Contractor by failure to inspect the work and materials with reasonable promptness.

ARTICLE 7. PROSECUTION OF THE WORK

A. Workmanship and Unauthorized Work

- 10) Ordinance 00-66 (County Code Section 2-103.1) relating to restoration after construction of utilities or works in the public right of way; and Ordinance 00-97 (County Code Section 21-221 through 228) relating to protection of underground utilities and requiring various Contractor activities; Resolution R-744-00, relating to retention in service of critical personnel. The County has adopted via Resolutions R749-00 and R161-01 a "Business Road Impact Assistance Loan Program". The Contractor shall make every effort to minimize construction impact to business in the area of the Project and as appropriate, the Department will recover any costs caused the County by Contract delays or other business impacting activities attributable to the Contractor. To this end the Contractor shall conduct its construction activities in a manner that will minimize these detrimental effects.

or compensation and the Owner may be allowed to assess Liquidated Damages or actual damages, depending on the contract provisions.

- b. Excusable delays are those delays to the critical path beyond the Contractor's control and without the active interference of the Owner, such as extreme weather (force majeure), strikes and delays caused by third parties (i.e. not the Contractor or the Owner). Contractors are granted a time extension but no additional compensation for the extended time of performance for excusable delays.
- c. Compensable delays are delays to the critical path caused by active interference or participation of the Owner or Owner's consultant. Examples of compensable delays are failure of the Owner to provide right-of-way, introducing late design changes, late review of shop drawings by the Owner or his Architect/Engineer and failure of the Owner to coordinate the work of various prime Contractors. In the case of a compensable delay, the compensation for the extended period of performance may cover, in addition to the direct cost due as a result of the changes, Liquidated Indirect Costs as specified in the Contract Documents.
- d. Concurrent delays involve two or more delays to the critical path occurring at the same time, either of which, had it occurred alone, would have affected the end date of the Project. In that event, the Contractor's sole remedy is a time extension and relief of Liquidated Damages with no compensation for extended cost for the concurrency delay period.
- e. The compensability of concurrent delays depends on the types of delays involved. The following shall determine the effects of concurrent delays on time extensions and compensable costs:
 - i. EXCUSABLE DELAY CONCURRENT WITH A NON-EXCUSABLE DELAY. For excusable delays concurrent with non-excusable delays, the Contractor is entitled to a time extension only. For example, it rains the day footings are to be excavated (excusable delay) but the excavation equipment was down for repairs (non-excusable delays).
 - ii. NON-EXCUSABLE DELAY CONCURRENT WITH A COMPENSABLE DELAY. For non-excusable delays concurrent with compensable delays, the Contractor is entitled to a time extension only. For example, if the Owner introduces a design change for a beam but the Contractor has failed to submit the shop drawings for said beam in a timely manner. This would be an example of a non-excusable delay (late shop drawings) concurrent with a compensable delay (Owner introducing design change).
 - iii. EXCUSABLE DELAY CONCURRENT WITH A COMPENSABLE DELAY. For excusable delays concurrent with compensable delays, the Contractor is entitled to a time extension only. For example, the Owner does not provide the

Daniel Mesquita

From: Gerry Gallo <gerry@cct-inc.com>
Sent: Friday, January 7, 2022 2:37 PM
To: Daniel Mesquita; Hernandez, Francisco (Consultant)
Cc: Robert McSweeney; Robert Hallo; Clifford Hime; hector@sfla-elec.com; Hector Rodriguez Sr.; La Hee, Samantha; Rafael Paneque-Reyes; Juan Pedraja; Michel, Magdala; Rick Reyes; Edwards, Daniel J. (WASD); Williams, Roger F. (Consultant); Barto, Aric (Consultant); Stern, Rena (Consultant); Martinez, Omar (Consultant); Torres, Marcelino (Consultant); Dorrian, Joan (Consultant); Castro, Carlos A. (WASD); Rodriguez, Ariel (WASD); Hernandez, Aroldo (WASD); Porro-Vazquez, Mayler (WASD); Reyes, Benjamin (WASD)
Subject: RE: CD 5.09_PS301_DERM Partial Certification of Completion_New Forcemain and Gravity Sewer System

Everyone,

We are continuously monitoring the situation, CCT has also acquired Home tests for our personnel which once they bring an official PCR negative result, we will conduct an office test with these Kits to assure That our personnel is safe to be on site.



Thank you for the understanding and cooperation during these difficult times, but safety is a number one priority to our employees and clients.

Best regards and be safe.

Thank you

Gerry Gallo E. E.



Vice-President COO

IEEE Member since 1985



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2230 West 77 Street

Hialeah, FL 33016

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Marietta, GA 30066

Phone : (770)-308-4110

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and Conditions located at: <https://cct-inc.com/terms-conditions>

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As we are all aware, COVID-19 has impacted and is expected to continue to impact all levels of the supply chain for the foreseeable future. The resulting product shortages, manufacturing delays, increased lead times and costs, shelter-in-place orders, border closures, and reallocations of supply by national, local, and foreign governments, among others, are all unforeseeable events outside of our control. Moreover, the ultimate duration and scope of these and other still unknown effects remain unclear. Accordingly, we must treat this pandemic as a force majeure event, which means that, for example, prior approaches, terms, conditions, commitments, and/or schedules, among others, may in certain circumstances require adjustment as we work together to navigate and mitigate the effects of this pandemic.

From: Daniel Mesquita <DanielM@Lanzo.org>

Sent: Friday, January 7, 2022 2:18 PM

To: Hernandez, Francisco (Consultant) <Francisco.Hernandez@miamidade.gov>

Cc: Robert McSweeney <RobertM@Lanzo.org>; Robert Hallo <Robert.Hallo@miamidade.gov>; Clifford Hime <CliffordH@Lanzo.org>; hector@sfla-elec.com; Hector Rodriguez Sr. <HRodriguez@sfla-elec.com>; La Hee, Samantha <samantha.lahee@hdrinc.com>; Rafael Paneque-Reyes <Rafael.Paneque-Reyes@miamidade.gov>; Juan Pedraja <juan@cct-inc.com>; Michel, Magdala <magdala.michel@hdrinc.com>; Rick Reyes <Rick.Reyes@Xylem.com>; Edwards, Daniel J. (WASD) <Daniel.Edwards@miamidade.gov>; Gerry Gallo <gerry@cct-inc.com>; Williams, Roger F. (Consultant) <Roger.Williams@miamidade.gov>; Barto, Aric (Consultant) <Aric.Barto@miamidade.gov>; Stern, Rena (Consultant) <Rena.Stern@miamidade.gov>; Martinez, Omar (Consultant) <Omar.Martinez@miamidade.gov>; Torres, Marcelino (Consultant) <Marcelino.Torres@miamidade.gov>; Dorrian, Joan (Consultant) <Joan.Dorrian@miamidade.gov>; Castro, Carlos A. (WASD) <Carlos.Castro@miamidade.gov>; Rodriguez, Ariel (WASD) <Ariel.Rodriguez@miamidade.gov>; Hernandez, Aroldo (WASD) <Aroldo.Hernandez@miamidade.gov>; Porro-Vazquez, Mayler (WASD) <Mayler.Porro-Vazquez@miamidade.gov>; Reyes, Benjamin (WASD) <Benjamin.Reyes@miamidade.gov>

Subject: RE: CD 5.09_PS301_DERM Partial Certification of Completion_New Forcemain and Gravity Sewer System

Francisco,

Unfortunately, I was too fast on the gun assuming CCT was out of COVID protocol. The attached email shows that key personnel required for the commencement of acceptance testing and County training of the Station is still out due to pandemic. We will keep you abreast as this develops, but as is right now, we will not be able to start the acceptance testing on Tuesday. The pump drawdown with generator power, however, is still on schedule for Tuesday.

Regards,

Daniel Mesquita

Lanzo Construction Co., FL
Project Manager
2199 Ponce de Leon, Ste. 202
Coral Gables, FL 33134
Mobile: [\(321\) 604-2490](tel:3216042490)
Email: DanielM@Lanzo.org
Website: www.lanzo.net

From: Daniel Mesquita

Sent: Friday, January 7, 2022 8:19 AM

To: Hernandez, Francisco (Consultant) <Francisco.Hernandez@miamidade.gov>

Cc: Robert McSweeney <RobertM@Lanzo.org>; Robert Hallo <Robert.Hallo@miamidade.gov>; Clifford Hime <CliffordH@Lanzo.org>; hector@sfla-elec.com; Hector Rodriguez Sr. <HRodriguez@sfla-elec.com>; La Hee, Samantha <samantha.lahee@hdrinc.com>; Rafael Paneque-Reyes <Rafael.Paneque-Reyes@miamidade.gov>; Juan CCT <juan@cct-inc.com>; Michel, Magdala <magdala.michel@hdrinc.com>; Rick Reyes <Rick.Reyes@Xylem.com>; Edwards, Daniel J. (WASD) <Daniel.Edwards@miamidade.gov>; 'Gerry Gallo' (<Gerry@cct-inc.com>) <Gerry@cct-inc.com>; Williams, Roger F. (Consultant) <Roger.Williams@miamidade.gov>; Barto, Aric (Consultant) <Aric.Barto@miamidade.gov>; Stern, Rena (Consultant) <Rena.Stern@miamidade.gov>; Martinez, Omar (Consultant) <Omar.Martinez@miamidade.gov>; Torres, Marcelino (Consultant) <Marcelino.Torres@miamidade.gov>; Dorrian, Joan (Consultant) <Joan.Dorrian@miamidade.gov>; Castro, Carlos A. (WASD) <Carlos.Castro@miamidade.gov>; Rodriguez, Ariel (WASD) <Ariel.Rodriguez@miamidade.gov>; Hernandez, Aroldo (WASD) <Aroldo.Hernandez@miamidade.gov>; Porro-Vazquez, Mayler (WASD) <Mayler.Porro-Vazquez@miamidade.gov>; Reyes, Benjamin (WASD) <Benjamin.Reyes@miamidade.gov>

Subject: Re: CD 5.09_PS301_DERM Partial Certification of Completion_New Forcemain and Gravity Sewer System

Francisco,

We would like to start the Acceptance testing on Tuesday after the Generator power pump test as CCT will be out of COVID protocol and on site.

We would like to ask that the County also help us with the floats on the existing station so that we can set it where the existing pump station be the backup should any issues arise with the new station.

Please confirm.

Thanks,

Daniel Mesquita

Lanzo Construction Co., FL

Project Manager

[2199 Ponce de Leon, Ste. 202](#)

[Coral Gables, FL 33134](#)

Mobile: [\(321\) 604-2490](#)

Email: DanielM@Lanzo.org

Website: www.lanzo.net

Sent from my iPhone

On Jan 6, 2022, at 10:34 PM, Hernandez, Francisco (Consultant)
<Francisco.Hernandez@miamidade.gov> wrote:

Hi Daniel,

See attached the **DERM Partial Certification of Completion for new forcemain and gravity sewer system for CD 5.09 – New Pump Station 0301.**

Please proceed with the Acceptance Testing Period (Demonstration Period) as soon as possible and confirm the dates for this testing period to send the official invitation to all parties.

Thanks for your prompt response to this email.

Best regards,

Francisco D. Hernandez

Construction Manager Assistant

Francisco.Hernandez@miamidade.gov

Miami-Dade Water and Sewer Department

Consent Decree PMCM Team

3071 S.W. 38th Avenue

Miami, FL 33146

Office: 305-718-4843

Cell: 787-692-1329

Daniel Mesquita

From: Gerry Gallo <gerry@cct-inc.com>
Sent: Friday, January 7, 2022 9:17 AM
To: Daniel Mesquita; Rick Reyes; Juan Pedraja; Robert McSweeney; Clifford Hime; Joe D'Alessandro Jr.; hector@sfla-elec.com; Hector Rodriguez Sr.
Cc: Edgar Bermudez; Francis Varela; Juan Pedraja
Subject: RE: CD 5.09_PS301_DERM Partial Certification of Completion_New Forcemain and Gravity Sewer System

Daniel,, Rick

For this to take place I'll need [REDACTED] on site, unfortunately, [REDACTED] tested positive to COVID 19 and we don't have a choice to wait at least 48 hours for a retest.

As soon as we get a negative result we can then schedule all any site visits including training required.

Thank you

Thank you

Gerry Gallo E. E.

Vice-President

IEEE Member since 1985



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and Conditions located at: <https://cct-inc.us/terms-conditions>

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As we are all aware, COVID-19 has impacted and is expected to continue to impact all levels of the supply chain for the foreseeable future. The resulting product shortages, manufacturing delays, increased lead times and costs, shelter-in-place orders, border closures, and reallocations of supply by national, local, and foreign governments, among others, are all unforeseeable events outside of our control. Moreover, the ultimate duration and scope of these and other still unknown effects remain unclear. Accordingly, we must treat this pandemic as a force majeure event, which means that, for example, prior approaches, terms, conditions, commitments, and/or schedules, among others, may in certain circumstances require adjustment as we work together to navigate and mitigate the effects of this pandemic.

From: Daniel Mesquita <DanielM@Lanzo.org>

Sent: Friday, January 7, 2022 7:39 AM

To: Rick Reyes <Rick.Reyes@xylem.com>; Gerry Gallo <gerry@cct-inc.com>; Juan Pedraja <juan@cct-inc.com>; Robert McSweeney <RobertM@Lanzo.org>; Clifford Hime <CliffordH@Lanzo.org>; Joe D'Alessandro Jr. <JoeJr@Lanzo.org>; hector@sfla-elec.com; Hector Rodriguez Sr. <HRodriguez@sfla-elec.com>

Subject: Fwd: CD 5.09_PS301_DERM Partial Certification of Completion_ New Forcemain and Gravity Sewer System

Rick,

DERM partial certification is approved. We want to gear up to start acceptance testing on Tuesday since CCT will be on site they can train Dale on how to run the station. Are the levels on the transducer set correctly? Does CCT want to do training with the County on Tuesday as well? Let me know so I can schedule.

Thanks,

Daniel Mesquita

Lanzo Construction Co., FL

Project Manager

[2199 Ponce de Leon, Ste. 202](#)

[Coral Gables, FL 33134](#)

Mobile: [\(321\) 604-2490](#)

Email: DanielM@Lanzo.org

Website: www.lanzo.net

Sent from my iPhone

Begin forwarded message:

From: "Hernandez, Francisco (Consultant)" <Francisco.Hernandez@miamidade.gov>

Date: January 6, 2022 at 10:34:41 PM EST

To: Daniel Mesquita <DanielM@lanzo.org>

Cc: Robert McSweeney <RobertM@lanzo.org>, Clifford Hime <CliffordH@lanzo.org>, "La Hee, Samantha" <samantha.lahee@hdrinc.com>, "Michel, Magdala" <magdala.michel@hdrinc.com>, "Edwards, Daniel J. (WASD)" <Daniel.Edwards@miamidade.gov>, "Williams, Roger F. (Consultant)" <Roger.Williams@miamidade.gov>, "Barto, Aric (Consultant)" <Aric.Barto@miamidade.gov>, "Stern, Rena (Consultant)" <Rena.Stern@miamidade.gov>, "Martinez, Omar (Consultant)" <Omar.Martinez@miamidade.gov>, "Torres, Marcelino (Consultant)" <Marcelino.Torres@miamidade.gov>, "Dorrian, Joan (Consultant)" <Joan.Dorrian@miamidade.gov>, "Castro, Carlos A. (WASD)" <Carlos.Castro@miamidade.gov>, "Rodriguez, Ariel (WASD)" <Ariel.Rodriguez@miamidade.gov>, "Hernandez, Aroldo (WASD)"

<Aroldo.Hernandez@miamidade.gov>, "Porro-Vazquez, Mayler (WASD)" <Mayler.Porro-Vazquez@miamidade.gov>, "Reyes, Benjamin (WASD)" <Benjamin.Reyes@miamidade.gov>
Subject: CD 5.09_PS301_DERM Partial Certification of Completion_New Forcemain and Gravity Sewer System

Hi Daniel,

See attached the **DERM Partial Certification of Completion** for **new forcemain and gravity sewer system** for **CD 5.09 – New Pump Station 0301**.

Please proceed with the Acceptance Testing Period (Demonstration Period) as soon as possible and confirm the dates for this testing period to send the official invitation to all parties.

Thanks for your prompt response to this email.

Best regards,

Francisco D. Hernandez
Construction Manager Assistant
Francisco.Hernandez@miamidade.gov
Miami-Dade Water and Sewer Department
Consent Decree PMCM Team
3071 S.W. 38th Avenue
Miami, FL 33146
Office: 305-718-4843
Cell: 787-692-1329

Daniel Mesquita

From: Daniel Mesquita
Sent: Monday, January 10, 2022 3:14 PM
To: Francisco Hernandez; Aric Barto
Cc: Juan CCT; 'Gerry Gallo' (Gerry@cct-inc.com); Wayne Leonard; Michael Bright; Clifford Hime; hector@sfla-elec.com; Hector Rodriguez Sr.; Rick Reyes; Magdala Michel; Samantha La Hee; Aroldo Hernandez; Robert Hallo; Rafael Paneque-Reyes; Robert McSweeney
Subject: RE: CD5.9 PS0301 Running Pumps with Generator Power
Attachments: Covid

Francisco,

Please see attached backup.

Regards,

Daniel Mesquita

Lanzo Construction Co., FL
Project Manager
2199 Ponce de Leon, Ste. 202
Coral Gables, FL 33134
Mobile: [\(321\) 604-2490](tel:3216042490)
Email: DanielM@Lanzo.org
Website: www.lanzo.net

From: Daniel Mesquita
Sent: Sunday, January 9, 2022 7:32 PM
To: Francisco Hernandez <Francisco.Hernandez@miamidade.gov>; Aric Barto <Aric.Barto@miamidade.gov>
Cc: Juan CCT <juan@cct-inc.com>; 'Gerry Gallo' (Gerry@cct-inc.com) <Gerry@cct-inc.com>; Wayne Leonard <wleonard@gensetservices.com>; Michael Bright <mbright@gensetservices.com>; Clifford Hime <CliffordH@Lanzo.org>; hector@sfla-elec.com; Hector Rodriguez Sr. <HRodriguez@sfla-elec.com>; Rick Reyes <Rick.Reyes@xylem.com>; Magdala Michel <Magdala.Michel@hdrinc.com>; Samantha La Hee <Samantha.LaHee@hdrinc.com>; Aroldo Hernandez <aroldo.hernandez@miamidade.gov>; Robert Hallo <Robert.Hallo@miamidade.gov>; Rafael Paneque-Reyes <Rafael.Paneque-Reyes@miamidade.gov>; Robert McSweeney <RobertM@Lanzo.org>
Subject: Re: CD5.9 PS0301 Running Pumps with Generator Power

Francisco,

Due to Covid outbreak in my electrician's company, we will have to postponed Tuesday's pump drawdown using generator power. I will send you the backup tomorrow, but wanted to advise now.

Thanks,

Daniel Mesquita

Lanzo Construction Co., FL
Project Manager
[2199 Ponce de Leon, Ste. 202](http://www.lanzo.net)

[Coral Gables, FL 33134](#)

Mobile: [\(321\) 604-2490](tel:(321)604-2490)

Email: DanielM@Lanzo.org

Website: www.lanzo.net

Sent from my iPhone

On Jan 5, 2022, at 8:10 AM, Daniel Mesquita <DanielM@lanzo.org> wrote:

Aric/Francisco,

Both CCT and Genset will be on site Tuesday, January 11th to land the extra signals as requested. I would like to take that day as an opportunity to run the pumps simultaneously using the generator as is a requirement of Substantial Completion. We would be doing one drawdown test of the wetwell. We would like to schedule this for 11am on Tuesday. Please confirm.

Thanks,

Daniel Mesquita

Lanzo Construction Co., FL

Project Manager

[2199 Ponce de Leon, Ste. 202](#)

[Coral Gables, FL 33134](#)

Mobile: [\(321\) 604-2490](tel:(321)604-2490)

Email: DanielM@Lanzo.org

Website: www.lanzo.net

Sent from my iPhone

Daniel Mesquita

From: Hector Rodriguez Jr <hector@sfla-elec.com>
Sent: Sunday, January 9, 2022 7:20 PM
To: Daniel Mesquita
Subject: Covid

Daniel,

We need to reschedule Tuesday. I'm having an outbreak of Covid within my company. Since Friday 5 have tested positive.

Thanks,

Hector Rodriguez Jr
South Florida Electrical Cons.
786.299.2337 Direct
305.269.1630
4234 SW 75th Ave
Miami, FL 33155

Daniel Mesquita

From: Reyes, Rick - Xylem <Rick.Reyes@xylem.com>
Sent: Wednesday, January 12, 2022 4:35 PM
To: Daniel Mesquita
Subject: RE: Xylem field service staff setbacks

Daniel,

Yes, unfortunately you are correct.

Thank you,

Rick



How are we doing?

RICHARD "RICK" REYES

Sales Representative
561.699.4077

3295 ST Charles Way
Boca Raton, FL 33434

rick.reyes@xylem.com

[CONTACT SUPPORT](#) // [LEAVE FEEDBACK](#)



From: Daniel Mesquita <DanielM@Lanzo.org>
Sent: Wednesday, January 12, 2022 4:33 PM
To: Reyes, Rick - Xylem <Rick.Reyes@xylem.com>
Subject: RE: Xylem field service staff setbacks

Rick,

That is 100% of your field forces, correct?

Daniel Mesquita

Lanzo Construction Co., FL
Project Manager
2199 Ponce de Leon, Ste. 202
Coral Gables, FL 33134
Mobile: [\(321\) 604-2490](tel:3216042490)

Email: DanielM@Lanzo.org

Website: www.lanzo.net

From: Reyes, Rick - Xylem <Rick.Reyes@xylem.com>

Sent: Wednesday, January 12, 2022 4:32 PM

To: Daniel Mesquita <DanielM@Lanzo.org>

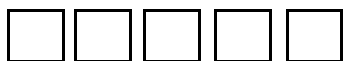
Subject: Xylem field service staff setbacks

Hello Daniel,

Per our conversation please be advised that our field service reps reported COVID-19 symptoms on Monday of this week. They are both home bound and are not expected to return to work until January 24th. I will update you next week on their status.

Thank you,

Rick



How are we doing?

RICHARD "RICK" REYES

Sales Representative
561.699.4077

3295 ST Charles Way
Boca Raton, FL 33434
rick.reyes@xylem.com

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