



Daniella Levine Cava, Mayor

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VIA ELECTRONIC CORRESPONDENCE

CCN: 65336

File No: 8.DC.09.33

March 27, 2024

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
Sirena.Davila@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 51 – Force Majeure,
Appendix D-2, Capital Improvement Project 2.2 Building Improvements – Request to Waive
Potential Stipulated Penalties**

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 Force Majeure delays to project completion of Consent Decree (CD) Capital Improvement Project (CIP) 2.2 Building Improvements at the Central District Wastewater Plant (CDWWTP) located at 3989 Rickenbacker Causeway, Virginia Key, Florida. The CD project description for CD 2.2 is repairs to the maintenance and operations, control, and administration buildings to include refurbishing of roofs and staff facilities. The project was executed as four (4) separate child projects:



Project Number	Description	Completion Date	Compliance Status
CD 2.2(1a)	Building Improvements - Administration Building Asbestos Abatement	June 1, 2015	Met compliance date
CD 2.2(1b)	Administration Building Interior Improvements	January 17, 2018	Met compliance date
CD 2.2(1c)	Miscellaneous Roof Improvements	October 19, 2016	Met compliance date
CD 2.2(2)	Repairs to Various Buildings - Remodel Bathrooms, Locker Rooms & Showers	January 17, 2020	113-day delay

Three out of the four child projects met the compliance date; however, CD 2.2(2) (the "Project") was subject to several Force Majeure claims that resulted in a 113-day delay.

On May 11, 2017, the County submitted a Force Majeure Notification Letter due to a subcontractor's failure to perform, before the start of construction, which impacted the Project's overall schedule. (See Exhibit A attached hereto). On December 22, 2017, the County submitted a Request for Non-Material Schedule Modifications related to the projects in Appendix D and E of the Consent Decree, which included CD 2.2. The request was approved by EPA and FDEP, and the compliance date for CD 2.2. was extended to September 26, 2019. (See Exhibit B attached hereto).

Although the schedule was updated, the contractor continued to struggle with non-performance issues, and despite numerous notifications and attempts to negotiate with the contractor to complete the Project, the construction contract was terminated on June 7, 2018.

To procure a new contractor for the Project through competitive solicitation, the Project required a full redesign to meet the newly adopted 2017 Florida Building Code. In addition, City of Miami permit requirements were updated since the original contract had been procured and now included an Art in Public Places (AIPP) permit to complete the City's Dry Run Permit, which had to be addressed before a solicitation for a new contractor could be advertised. Once permits were approved, the Project was advertised and awarded with Board of County Commissioners' approval.

The Project redevelopment process was completed in 312 days, and the new construction Notice to Proceed was issued on April 15, 2019. Despite the efforts taken to minimize schedule impacts from termination of the previous contractor, the County missed the compliance date and submitted a Project Status and Failure to Meet the CD Compliance Date letter on September 25, 2019. (See Exhibit C attached hereto).

In addition to the problems the County encountered with procurement of a contractor to complete this Project, the Project experienced delays due to unforeseen circumstances and include a force majeure delay:

1. Unforeseen construction delays:
 - Delay of seven (7) days for replacement of drywall with sheetrock to install bathroom tiles (See Exhibit D attached hereto)
 - One (1) day delay to replace corroded wall studs in Building No. 2 (See Exhibit E attached hereto)
 - Delay of 26 days to address plumbing and HVAC conflicts discovered during construction (See Exhibit F attached hereto)
 - Delay of 34 days due to a design conflict caused by equipment specifications that were not taken into consideration by the County's consultant during design (See Exhibit G attached hereto)
2. Hurricane Dorian delay - On September 13, 2019, the County submitted a Force Majeure Notification Letter regarding time needed to secure the construction site and protect public safety and property because of Hurricane Dorian. The contractor submitted a 2-day Force Majeure delay notification (See Exhibit H attached hereto).

The following steps were taken by the County to mitigate the project delays:

1. Accelerated the redesign schedule
2. Involved the permitting office in design reviews prior to final permit submittal
3. Fast-tracked the contract award process

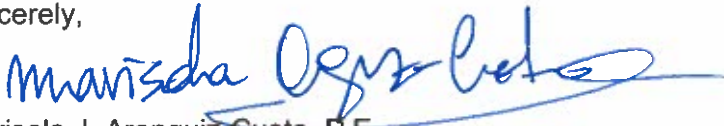
The continued efforts and mitigating actions by the County to limit Project delays resulted in Substantial Completion on January 17, 2020, 113-days past the EPA compliance date.

Section X, Paragraph 44 of the Consent Decree states, "Either sovereign may waive stipulated penalties or reduce the amount of stipulated penalties it demands, in the unreviewable exercise of its discretion and in accordance with this Paragraph 44." Because the County put forth best efforts to mitigate delays, completed three out of the four child projects ahead of schedule, and did not impact plant operations during construction, the County respectfully requests that EPA and FDEP use their discretion and waive potential stipulated penalties, if any, associated with this Project. Moreover, the County was transparent in communicating the hardships and potential delays associated with this Project. Any stipulated penalties assessed due to Project delays would be better invested toward additional improvements to the system.

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

Attachment: Exhibits A-H

cc:

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Thomas Pfiester
Ana Caveda (WASD)
Marcelino Torres (WASD)
Katherine Sanchez (CAO)
Rashid Istambouli (RER-DERM)
Galo Pacheco (RER-DERM)
Roger Williams (CD PMCM)

Exhibit A



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VIA ELECTRONIC CORRESPONDENCE

May 11, 2017

CCN: 61055
File No: 8.DC.52 & 77

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
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RE: DOJ No. 90-5-1-1-4022/1
Tom.Mariani@usdoj.gov

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
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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 – Force Majeure
Section XVII, Paragraph 77 – Notices
Force Majeure Notification Letter for Consent Decree Appendix D-2, Capital Improvement Project 2.02 (2), CDWWTP Building Improvements

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), Miami-Dade County (County) notified United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP), via email, on April 27, 2017 of a potential schedule delay in the Capital Improvement Project (CIP) 2.02 (2) Building Improvements located at the Central District Wastewater Treatment Plant (CDWWTP), 3989 Rickenbacker Causeway, Virginia Key, FL. The delay has occurred in the execution of this project when one of the contractors' sub-contractor failed to perform, thereby creating a potential delay in the contractor's overall schedule.

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; 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, welfare or the environment, and documentation to support the force majeure claim.

Initial schedule challenges

In the course of setting up the process to address all of the Consent Decree projects, the County recognized the need to bring on additional staff to meet the aggressive schedules mandated by the Consent Decree. This was done by contracting with a professional consultant team of experts (led by AECOM) to assist the County in Program Management and oversight of multiple Design Services contracts. The process for hiring Engineering firms in the State of Florida is regulated under Florida Statute 287.055 "The Consultants Competitive Negotiation Act". As detailed in the First Status Report to the Court dated August 29, 2014, there was a lengthy delay in procuring the Program Management and Design Professional Firms. This resulted in a late start in the validation and design of several projects, specifically those with CD compliance dates ending 2016 through 2019, which includes this project. In addition, dates for downstream activities have been affected as is evident in the County's requests for modification of interim milestones. (Five requests submitted to EPA/FDEP in 2016 and three in 2017 to date.) Overlapping/expediting of interim activities planned to complete respective projects in accordance with the final CD milestone date has proven to be a challenge.

Explanation and description of the reasons for the delay

The project consists of Interior Restrooms and Lockers Renovations for the Old Maintenance Building No.1, Storage Building No. 33, and Operations and Controls Building No. 2 at the CDWWTP.

During the administration phase near the beginning of the project, submittals were not being provided by the electrical and HVAC sub-contractor. The contractor followed on the submittal delays and was assured that the sub-contractor intended to perform the work but had yet to supply the necessary submittals required prior to the start of work. On April 25, 2017, however, the contractor notified Water and Sewer Department (WASD) that the sub-contractor had submitted their Intent to Cancel, see Attachment A.

Regarding the contractor, on April 13, 2017, a third letter was issued from the County notifying issues regarding the contractor's lack of performance and requesting a written corrective action plan to mitigate the delay including a recovery construction schedule. The major issues include: (1) no building permit pulled by the contractor, (2) missing long lead items submittals, (3) field work has not commenced. On April 25, 2017, the contractor responded with providing the Intent to Cancel from the sub-contractor and a recovery construction schedule with a completion date beyond the CD compliance date of September 6, 2017.

As of May 11, 2017, the County is processing the approval of the replacement sub-contractor. However, no construction progress has been performed by the contractor including field work and permitting. The County has determined that the contractor is in default of their contract obligations due to lack of performance and will immediately initiate the termination process, which will include the following steps: (1) the County to issue the Contractor with a Notice of Deficiency (NOD) requesting a written plan of action within a specified period of time, (2) the County to issue the Contractor with a Notice to Cure (NOC) for not responding to NOD or the responses are not acceptable by the County, (3) the County to issue Termination For Default to the Contractor for failing to perform.

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

The contractor has received approval of the replacement sub-contractor by the County’s Internal Services Department Small Business Development (“SBD”) and is in the process of getting a signed agreement in place. Upon execution and approval by SBD of the agreement, a revised schedule with a project completion date will be available.

Anticipated duration of the delay

It is anticipated that the replacement sub-contractor will be officially under contract in the next 30 days. A follow-up letter will be provided once the new sub-contractor is on board and has provided a project schedule. It is WASD intent to work closely with the contractor to identify mitigation efforts to reduce the schedule delay.

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

WASD has taken or will take the following steps (in sequence) to prevent or mitigate delay or the effect of the delay:

1. Contractor submit replacement sub-contractor agreement to SBD for approval
2. Expedite negotiation, and execution of new agreement with new SBD approved sub-contractor
3. Contractor provides revised project schedule
4. Commence work related to the new subcontract.

Rationale for attributing such delay to a force majeure event

As defined in Section XI, Paragraph 51, “Force Majeure,” is defined as any event arising from causes beyond the control of the County. It is out of the County’s control when a contractor or subcontractor defaults on a contract.

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

The rehabilitation to the buildings as part of this Contract will ensure that employees have acceptable facilities in which to conduct their work. There is no indication that the lack of this work being complete represents any immediate endangerment to the public health, welfare or the environment.

Should you have any questions regarding this matter, please call me at (786) 552-8894.

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.

Sincerely,



Maricela Fuentes, P.E.
Assistant Director, Capital Projects

Attachments: Intent to Cancel

ec: Jonathan A. Glogau
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Chief, Complex Litigation
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PL-01, The Capitol
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Richard O'Rourke
Howard Fallon
Robert Fergen
Al Galambos
Dan Edwards
Rolando Roque
Juan Bedoya
Lee N. Hefty (RER-DERM)
Carlos Hernandez (RER-DERM)
Rashid Istambouli (RER-DERM)
David Wood (CD PMCM)
Andrea Suarez Abastida (CD PMCM)
Abby Diaz (CD PMCM)

Attachment A
Intent to Cancel Letter



DONE WRIGHT A/C & ELECTRIC SERVICE, INC.

10711 SW 216TH STREET, SUITE 109 • MIAMI, FL 33170

(305) 851-2137 • FAX (305) 278-9218

April 21, 2017

RE: Contract No. RPQ NO. T2255 – SOI
CDWWTP BUILDING REPAIRS

This letter shall serve as Written Notice of Intent to cancel my services on the above referenced project due to obligations made on other projects while waiting for this project to begin. I regret that I am unable to perform the work and wish to rescind my participation on this contract with immediate effect.

Respectfully,

David Wright
President/Done Wright A/C and Electric Service Inc.

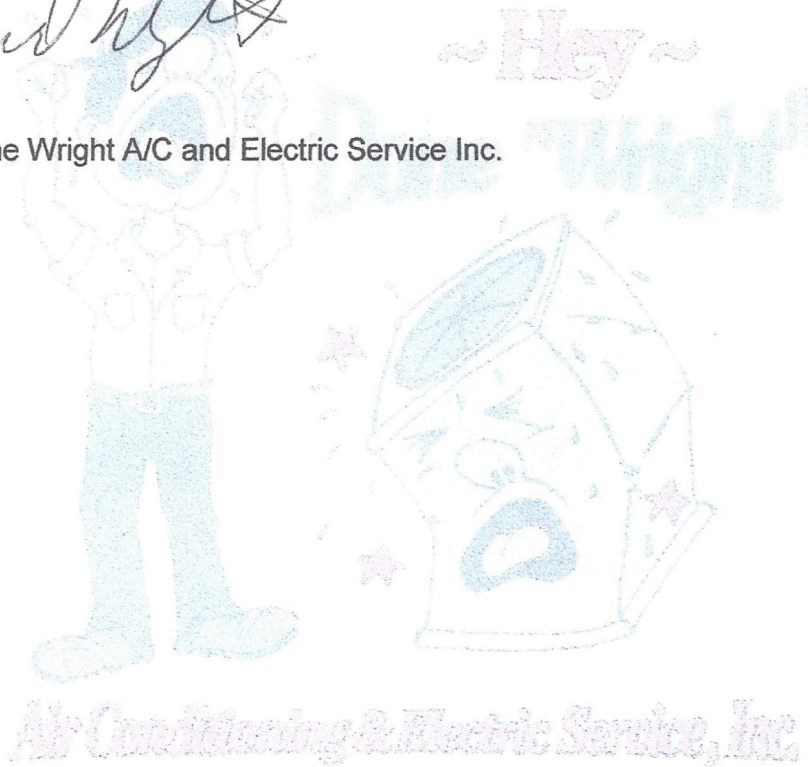


Exhibit B



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VIA ELECTRONIC CORRESPONDENCE

December 22, 2017

CCN: 61576
File No: 8.DC.52 & 77

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
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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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Atlanta, Georgia 30303
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Rachael Amy Kamons
Environmental Enforcement Section
U.S. Department of Justice
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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 VI, Paragraph 19(i) – Specific Capital Improvement Project
Section VIII – Supplemental Environmental Project
Section XX – Modification
Request for Schedule Modifications

AMM

Dear Sir/Madam:

Miami Dade County (County) continues to be fully engaged with the successful implementation and compliance of the above referenced Consent Decree (CD). Specifically, with the execution of the eighty-one (81) capital improvement projects included in Appendix D which have an approximate total cost of \$1.55 billion, and the Supplemental Environmental Project (SEP) included in Appendix E. As of today, eighteen (18) projects with a total cost of \$224M have been completed and more than forty (40) projects with an approximate total cost of \$1.07 billion are currently in the procurement and construction phases. Despite the significant efforts and progress up to date, the County has encountered challenges that have delayed the completion of certain capital improvement projects.

In accordance with the provisions of Section XX (Modifications) and Section VI, Paragraph 19(i) (Specific Capital Improvement Projects), of the CD, and pursuant to our discussions during our December 7, 2017 conference call, the County requests modifications to the schedule of forty two (42) projects contained in Appendix D and the SEP included in Appendix E of the CD. This correspondence summarizes the basis for this request.

While setting up the process to address all the CD projects, the County recognized the need to bring on additional staff to meet the aggressive schedules mandated by the CD. This was achieved by contracting with a professional consultant team of experts (led by AECOM) to assist the County in Program and Construction Management and oversight of multiple Design Services contracts. The process for hiring Engineering firms in the State of Florida is regulated under Florida Statute 287.055 "The Consultants Competitive Negotiation Act". To comply with the act (as detailed in the First Status Report to the Court dated August 29, 2014), the County experienced a lengthy delay in procuring the Program Management and Design Professional Firms. This resulted in a late start in the validation and design of multiple projects. In addition, dates for downstream activities have been affected as has been presented in the County's requests for modification.

To optimize program execution, the original eighty-one (81) CD projects were split into one hundred seventy-nine (179) individual projects as a result of: 1) multiple project components being performed by different entities, i.e. in-house vs. Contractors, 2) multiple components located far from each other, such as in the case of the smaller pump stations and CD Capital Improvement Project 4.9 Asbestos Containing (AC) pipelines, 3) multiple components required to be performed either in phases or during separate dry seasons due to operational concerns.

gml
Through the CD Program validation process, most of the projects have undergone scope of work changes. In addition, consideration of the County's Ordinance to proactively address sea level rise, the assessment and decision to build new facilities (e.g. new Pump Station (PS) #0301 and new thickening/dewatering buildings), and evaluation of potential adoption of new technology, have and are effectively extending the schedule of the projects.

Furthermore, in many instances, the permitting process has been cumbersome and prolonged due to additional requirements not initially anticipated. Some examples include: changes in the County's hydraulic models (static to dynamic model) which necessitated updates of project model runs for the Pump Stations (PSs) and Force Mains (FMs), tree and property boundary surveys at the plants requiring six month updates, multiple agency review of permits that must be performed in series, and coordination with various municipalities.

Compounding the late start of CD implementation, scope changes, and permitting delays, the County has experienced difficulties in procurement. On September 3, 2014, the County proactively developed and approved an Ordinance to accelerate CD projects through the procurement process (the "Acceleration Ordinance"). The County's standard procurement process requires contracts to be reviewed by a commission committee and subsequently by the Board of County Commissioners ("BCC")

prior to being awarded and executed. The Acceleration Ordinance authorizes the County Mayor or his designee to take certain actions, including the award and execution of contracts, which are subject to ratification by the BCC. However, for the County Mayor or his designee to award such a contract, there must be no bid protests, the contractor must meet certain ratings and submit required documentation and the base value of a recommended award cannot exceed the base estimate by more than ten percent (10%). Unfortunately, the County has experienced all the above listed exceptions and other extenuating circumstances on multiple occasions. This has resulted in the County submitting to EPA and FDEP potential delay and delay notifications due to bid protests, unavoidable re-bids, non-responsive bidders, and bids over 10% of the Opinion of Construction Cost (OPCC). The County has tried to mitigate delays by overlapping and expediting project phases to meet the final CD milestone.

Another challenge has been the limited number of contractors, market saturation and the County's Miscellaneous Construction Contracts Program, which is mandated by County ordinance to provide contracting opportunities for Small Business Enterprises ("SBE") was used to procure many of the CIP projects. Complying with this requirement has resulted in multiple delay and potential delay notifications. This method of procurement for SBEs is somewhat different from methods used for traditional, larger projects. It requires smaller contractors to comply with some non-traditional means and methods. Compliance with this program proved challenging for some of the SBE contractors and resulted in performance and resource shortfalls, ultimately causing delay of some projects.

Additional challenges include unforeseen conditions such as contamination, pipe failure, underground structures encountered during construction and wet weather restrictions, among others. These challenges have been described in the delay and potential delay letters submitted to EPA and FDEP to date.

Full
Attachment 1 presents the forty-three (43) projects for which a schedule modification is requested. The projects are grouped into three categories. The first category highlighted in purple, represents projects under the Wastewater Treatment Plant Thickening/Dewatering contract. The second category highlighted in green, represents projects for which EPA and FDEP have already been notified of anticipated delays, however, additional time is required. The third group in white represents projects that require extensions based on anticipated delays.

Attachment 2 includes a list of projects that have been completed and for which requested time extensions are pending resolution.

Based on the reasons stated in this letter, the County respectfully requests EPA and FDEP, approval of the modifications of final deadlines for the projects included in Attachments 1 and 2. All the requested schedule modifications are within the 15-year period established in the CD for the completion of capital improvement projects included in Appendix D and Appendix E.

Should you have any questions regarding this matter, please call me at (786) 552-8204.

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,


Lynnette M. Ramirez, P.E.
Senior Advisor, Capital Projects & Compliance

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Special Counsel
Chief, Complex Litigation
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Robert Fergen
Al Galambos
Dan Edwards
Rolando Roque
Juan Bedoya
Lee N. Hefty (RER-DERM)
Carlos Hernandez (RER-DERM)
Rashid Istambouli (RER-DERM)
David Wood (CD PMCM)
Andrea Suarez Abastida (CD PMCM)
Scott Eckler (CD PMCM)
Abby Diaz (CD PMCM)

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Attachment 1 - CD Capital Improvement Projects Schedule Extensions Request										
CD Number	Title	Current Phase	CD Project Compliance Date	Anticipated/Actual Construction Start Date	Anticipated Construction End Date	Contingency Factor (Months)	New Recommended CD Project Compliance Date	Previously Requested EPA Extension	Justification	Previously Requested Extension Correspondence
1.06	Thickening Facility	Procurement	9/24/2022	5/7/2018	1/6/2021	24 Months	1/6/2023		Projects combined as one for operational efficiency, similar layout and equipment Procurement delays	
1.08	Dewatering Facility	Procurement	11/28/2019 12/04/2020 (Not Approved)	5/7/2018	1/6/2021	24 Months	1/6/2023	Previously requested new CD Project Compliance Date: 12/04/2020 Letter dated 3/31/2017	Projects combined as one for operational efficiency, similar layout and equipment Procurement delays	Request for Schedule Extension
2.12	Gravity Sludge Thickeners Plant 1	Procurement	4/23/2021	5/7/2018	1/13/2021	24 Months	1/13/2023		Projects combined as one for operational efficiency, similar layout and equipment Procurement delays	
2.13	Gravity Sludge Thickeners Plant 2	Procurement	10/23/2019 12/04/2020 (Not Approved)	5/7/2018	1/13/2021	24 Months	1/13/2023	Previously requested new CD Project Compliance Date: 12/04/2020 Letter dated 3/31/2017	Projects combined as one for operational efficiency, similar layout and equipment Procurement delays	Request for Schedule Extension
2.16	Dewatering Facility	Procurement	8/7/2021	5/7/2018	1/13/2021	24 Months	1/13/2023		Projects combined as one for operational efficiency, similar layout and equipment Procurement delays	
2.18	Odor Control Systems	Construction	7/9/2020 12/04/2020 (Not Approved)	5/7/2018	1/13/2021	24 Months	1/13/2023	Previously requested new CD Project Compliance Date: 12/04/2020 Letter dated 3/31/2017	Multiple child/sub projects Projects combined as one for operational efficiency, similar layout and equipment Procurement delays	Request for Schedule Extension
1.02	Oxygen Production	Procurement	9/13/2019 12/12/2019 (Approved)	7/16/2018	8/24/2020	18 Months (9 Months Re-Bid, 9 Months Construction Contingency)	2/25/2022	Previously requested new CD Compliance Date: 3/31/2021 Letter dated 10/31/2017	Procurement delays Bids cancelled and awaiting re-bid date	Delay Notification
1.09	FOG Removal Facility	Construction	12/7/2017 4/6/2018 (Approved)	6/30/2017	5/24/2018	12 Months	5/24/2019	Previously requested new CD Project Compliance Date: 04/06/2018 Letter dated 1/27/2017	Procurement delays Hurricane delay Construction delays Design changes	Force Majeure Notification
2.02	Building Improvements	Construction	9/6/2017	1/18/2017	3/25/2018	18 Months	9/26/2019	Previously requested new CD Compliance Date: 10/6/2017 Letter dated 11/3/2017	Contractor non-performance Re-design required	Update of Delay Notification
2.03	Headworks/Grit Basin Plant 1	Construction	10/22/2017	8/30/2016	6/19/2018	9 Months	3/16/2019	Previously requested new CD Compliance Date: 5/21/2018 Letter dated 11/7/2017	Design changes Unforeseen conditions Portions of work can only be performed during the dry season Hurricane delay	Failure to Meet Compliance Date Notification
2.04	Headworks/Grit Basin Plant 2	Construction	5/22/2018	8/30/2016	11/26/2018	9 Months	8/23/2019	Previously requested new CD Compliance Date: 4/12/2019 Letter dated 11/18/2017	Design changes Unforeseen conditions Portions of work can only be performed during the dry season Hurricane delay	Delay Notification
2.17	Chlorination Facilities	Construction	9/29/2017	4/18/2016	4/18/2018	6 Months	10/15/2018	Previously requested new CD Compliance Date: 12/31/2017 Letter dated 8/17/2017	Design changes Procurement delays Hurricane delay	Delay Notification
2.19	Co-Gen Improvements	Construction	3/31/2019	7/20/2017	5/22/2019	12 Months	5/21/2020	Previously requested new CD Compliance Date: 8/22/2019 Letter dated 5/18/2017	Procurement delays Hurricane delay	Potential Delay Notification

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CD Number	Title	Current Phase	CD Project Compliance Date	Anticipated/Actual Construction Start Date	Anticipated Construction End Date	Contingency Factor (Months)	New Recommended CD Project Compliance Date	Previous Requested EPA Extension	Justification	Previous Requested Extension Correspondence
2.22	Pump Station No.2	Construction	10/22/2017	1/24/2017	5/25/2018	12 Months	5/25/2019	Previously requested new CD Compliance Date: 4/30/2018 Letter dated 10/19/2017	Procurement delays Unforeseen conditions (contamination) Contractor non-performance	Update of Delay Notification
2.27	Oxygen Production	Procurement	12/30/2019	5/1/2018	2/14/2020	24 Months	2/13/2022	Previously requested new CD Compliance Date: 1/23/2021 Letter dated 12/15/2017	Procurement delays Scope change (cryogenic to VPSA)	Potential Delay Notification
4.05	South Dade 54 inch PCCP FM Rehabilitation	Construction	11/27/2017	10/19/2016	3/28/2018	9 Months	12/23/2018	Previously requested new CD Compliance Date: 6/1/2018 Letter dated 12/7/2017	Design changes Contractor initiated changes Pre-purchase material delays Hurricane delay	Failure to Meet Compliance Date Notification
5.01	Conversion of Sewage Pump Station 418 to Booster Station	Construction	11/24/2018	5/28/2016	10/22/2018	12 Months	10/22/2019	Previously requested new CD Compliance Date: 9/5/2019 Letter dated 12/13/2017	Unforeseen conditions Additional work required Sequencing requirements	Potential Delay Notification
5.04	Replacement of Switchgear PS#0414	Construction	5/9/2018	9/21/2017	9/18/2018	9 Months	6/15/2019	Previously requested new CD Compliance Date: 11/2/2018 Letter dated 11/21/2017	Procurement delays Delay caused by I/I	Delay Notification
5.06	Replacement of Switchgear PS#0416	Construction	5/9/2018	7/20/2017	9/16/2018	9 Months	6/13/2019	Previously requested new CD Compliance Date: 11/1/2018 Letter dated 11/9/2017	Procurement delays Hurricane delay Unforeseen condition (plug valves)	Delay Notification
5.07	Replacement of Switchgear and Rehabilitation of Wetwell PS#0417	Procurement	1/27/2019	6/1/2018	7/26/2019	12 Months	7/25/2020	Previously requested new CD Compliance Date: TBD, will provide update Letter dated 12/15/2017	Procurement delays NTP was not provided on 10/31/17 Awaiting re-bid date	Potential Delay Notification
5.09	Replacement of Pumping and Electrical Equipment at PS#0301	Design	5/9/2018	1/26/2019	1/24/2021	12 Months	1/24/2022	Submitted scope modification and schedule revision request for 10/25/2020 Letter dated 7/28/2017	Change of scope and revised baseline	Scope Modification Request and Schedule Revision Letter
5.11	Installation of 48 inch FM from Kendall Dr. to the Suction Side of PS#0536	Construction	5/9/2018	8/30/2017	5/18/2018	12 Months	5/18/2019	Previously requested new CD Compliance Date: 5/17/2017 Letter dated 12/11/2017	Design changes Procurement delays Hurricane delay Work can only be performed during the dry season	Delay Notification
5.12	Replacement of Switchgear at PS#0187	Construction	5/9/2018	3/9/2017	6/29/2018	9 Months	3/26/2019	Previously requested new CD Compliance Date: 11/9/2018 Letter dated 11/28/2017	Design changes Unforeseen conditions Procurement delays Hurricane delay	Delay Notification

CD Number	Title	Current Phase	CD Project Compliance Date	Anticipated/Actual Construction Start Date	Anticipated Construction End Date	Contingency Factor (Months)	New Recommended CD Project Compliance Date	Previous Requested EPA Extension	Justification	Previous Requested Extension Correspondence
5.16	Upgrade of PS#0198, 0437, 0466, 0680	Construction	12/31/2016	4/25/2016	3/1/2018	10 Months	12/31/2018	Previously requested new CD Project Compliance Date: 12/31/17 Letter dated 9/22/2017	Contractor non-performance	Update of Delay Notification
5.17	Upgrade of PS#0037, 0351, 0370, 0403	Construction	12/31/2017	5/9/2017	2/23/2018	9 Months	11/20/2018	Previously requested new CD Compliance Date: 3/30/2018 Letter dated 12/5/2017	Contractor non-performance Hurricane delay	Delay Notification
1.04	Chlorine Building	Pre -Design	6/1/2022	6/16/2020	8/7/2021	24 Months	8/7/2023		Potential project deferrals Delays to design start Anticipated future conflicts/changes	
1.07	Digesters and Control Building	Procurement	10/28/2021	8/10/2018	11/21/2021	24 Months	11/21/2023		Procurement delays Re-design to incorporate acid phase alternate Future unknown impact of Biosolids P3 project and potential date deferral	
2.01	Miscellaneous Electrical Improvements	Various	3/6/2020	Various	6/14/2020	12 Months	6/14/2021		Multiple child/sub projects Design delays Anticipated future conflicts/changes	
2.05	Oxygenation Trains Plant 1	Procurement	4/15/2018	12/29/2017	4/12/2018	12 Months	4/12/2019		Procurement delays Work can only be performed during the dry season	
2.08	Secondary Clairifiers Plant 2	Procurement	9/12/2023	8/24/2018	5/31/2023	18 Months	12/1/2024		Phasing/Operational Constraints Work can only be performed during the dry season	
2.10	Return Sludge Pump Stations Plant 2	Procurement	9/12/2023	8/24/2018	5/31/2023	18 Months	12/1/2024		Phasing/Operational Constraints Work can only be performed during the dry season	
2.11	Effluent Pump Station	Permitting	5/9/2020	10/26/2018	12/19/2019	18 Months	6/21/2021		Potential Impact from OOL Program with respect to change in motor Hp that may require design changes prior to award. Anticipated future conflicts/changes Electrical conduits are dependent on electrical ductbank installed as part of 2.27	
2.15	Digesters Plant 2	Construction Procurement Design Planning	8/19/2022	Various	6/18/2022	12 Months	6/18/2023		Multiple cluster projects Design changes (jet mixing to linear mixing) Unforeseen conditions (ductbank relocation, soil contamination)	
2.21	Pump Station No.1	Permitting	10/23/2019	7/12/2018	8/26/2019	18 Months	2/26/2021		Design Issues. Potential delay in permitting and procurement due to addition of temp odor control.	
3.02	Primary Clarifiers and Odor Control	Construction/ Procurement	4/18/2021	7/12/2018	4/6/2021	24 Months	4/6/2023		Phasing/Operational Constraints Work can only be performed during the dry season	

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CD Number	Title	Current Phase	CD Project Compliance Date	Anticipated/Actual Construction Start Date	Anticipated Construction End Date	Contingency Factor (Months)	New Recommended CD Project Compliance Date	Previous Requested EPA Extension	Justification	Previous Requested Extension Correspondence
3.03	Oxygenation Trains	Pre-Design	1/17/2024	12/3/2021	3/6/2024	24 Months	3/6/2026		Phasing/Operational Constraints Portions of work can only be performed during the dry season Potential project deferrals Delays to design start Anticipated future conflicts/changes	
3.04	Oxygen Production	Pre-Design	1/12/2024	12/3/2021	3/6/2024	24 Months	3/6/2026		Phasing/Operational Constraints Potential project deferrals Delays to design start Anticipated future conflicts/changes	
4.09	Replace Approximately 30 miles of AC FM Transmission System	Construction	10/8/2019	Various	10/18/2019	12 Months	10/17/2020		Permitting delays (hydraulic model update) Multiple projects county wide Procurement delays Road moratoriums	
4.10	Opa-Locka Airport 48" PCCP Force Main Replacement	Construction	1/28/2018	10/12/2016	1/28/2018	9 Months	10/25/2018		Unforeseen conditions Hurricane delay	
5.03	Upgrade of PS#0692	Procurement	1/27/2019	5/14/2018	6/18/2019	12 Months	6/17/2020		Permitting delays Operational constraints tied to Project 4.05	
5.05	Replacement of Switchgear and Rehabilitation of Wetwell PS#0415	Construction	1/27/2019	10/11/2017	12/6/2018	9 Months	9/2/2019		Permitting delays Procurement delays Unforeseen conditions	
5.18	Upgrade of PS#0441, 0491, 0710, 0827, 0852, 1236	Permitting	12/31/2018	5/7/2018	3/18/2019	9 Months	12/13/2019		Hurricane delay (affecting permitting) Multiple small contracts	
6.0 SEP	Supplemental Environmental Project (SEP)	Procurement	4/8/2019	1/17/2018	2/21/2019	9 Months	11/18/2019		Change of scope (addition of water main) Utility easement challenges Densely industrialized area	

Projects under the Thickening/Dewatering Contract
 EPA has been notified, however, additional time is requested
 Additional float is requested

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Attachment 2 - Projects Completed and Pending Resolution									
CD Number	Title	Original CD Project Compliance Date	Actual Construction Start Date	Actual Construction Completion Date	Approved CD Compliance Date	Days Past CD Compliance Date	Previous Requested EPA Extension	Justification	Correspondence
2.24	Gas Monitoring and Alarms	9/19/2017	4/13/2015	9/29/2017	9/19/2017	10 days	Previously requested new CD Project Compliance Date: 10/3/2017 Letter dated: 9/29/2017	Hurricane delay	Notification of Completion
4.8	Rehabilitation of 54-inch PCCP FM in the City of Miami	4/9/2017	3/12/2015	6/16/2017	5/28/2017	19 days	Previously requested new CD Project Compliance Date: 5/28/2017 Letter dated: 5/16/2017	Hurricane delay, defective isolation valve and pipe failure of the newly rehabilitated 54-inch force main at 25% of its rated pressure	Force Majeure Notification

Exhibit Ô



miamidade.gov

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

VIA ELECTRONIC CORRESPONDENCE

September 25, 2019

CCN: 62788
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
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
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 – Force Majeure,
Section XVII, Paragraph 77 – Notices,
Project Update on Delay and Failure to Meet Compliance Date Notification for Consent
Decree Appendix D-2, Capital Improvement Projects 2.2(2) – Repairs to Various Buildings
- Remodel Bathrooms, Locker Rooms & Showers**

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Dear Sir/Madam:

Miami-Dade County submitted a Force Majeure notification and a project update letter on May 11, 2017 and November 3, 2017, respectively. On January 22, 2019, Miami-Dade County (County) submitted a Potential Delay notification letter to the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) regarding a schedule delay to Consent Decree (CD) Capital Improvement Project (CIP) 2.2(2) – Repairs to Various Buildings - Remodel Bathrooms, Locker Rooms & Showers located at the Central District Wastewater Treatment Plant (CDWWTP), 3989 Rickenbacker Causeway, Virginia Key, Florida. The purpose of this letter is to provide an update on the

project status and to notify the EPA and FDEP of the failure to meet the CD compliance date. This project experienced delays during past construction and project re-implementation phases.

Further, this letter is to 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 information

The previous notifications issued in May and November 2017 to advise EPA and FDEP that CD 2.2(2) was delayed due to Contractor's lack of performance and its Subcontractor default during construction. In April 2018, EPA and FDEP approved the County's request to extend the CD compliance date for this project to September 26, 2019. Despite numerous notifications of concern and attempted negotiations, the Contractor continued to struggle with non-performance issues leading to the Contractor's termination for convenience on June 7, 2018.

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Despite the County's efforts to re-assess and re-implement the project in a proactive manner, additional issues were encountered. The contract termination required re-design of the project in order to memorialize existing conditions and to update the design to meet the requirements of the newly adopted 2017 Florida Building Code (FBC). Also, during the re-permitting phase, the City of Miami Building Department (COM) noted that a new permit requirement, Art in Public Places (AIPP), was flagged around September 2018 with an effective date of January 2017. The COM informed that all County projects, including 2.2(2), submitted after the effective date were required to comply. The County was not able to issue a contract Notice to Proceed to the responsible and responsive bidder until AIPP was resolved and a dry run permit was obtained from the COM.

On January 8, 2019, the County electronically notified EPA and FDEP of a potential delay for this project, and on January 22, 2019, the County submitted the Potential Delay Notification Letter mentioned above.

The following mitigation events have occurred since the last notification:

- On February 2, 2019, the Board of County Commissioners approved the amendment to Section 2-11.15 of the Code of Miami-Dade County Florida related to Art in Public Places (AIPP). The amendment provides exclusive County jurisdiction over AIPP for County facilities being developed in municipalities.
- On March 4, 2019, the County Building Department provided an official certified copy of the approved amendment and a notification letter to the City of Miami Building Department.

- On April 8, 2019, the City of Miami Building Department waived the permit requirement of AIPP and dry run permit approval was issued for CD 2.2(2).
- On April 15, 2019, the County issued Notice to Proceed (NTP) to CAMO Consulting, LLC (CAMO) to recommence the construction phase of CD 2.2(2).

Explanation and description of the reasons for the delay

The County successfully accomplished the mitigation steps identified in the January 22, 2019 notice. Despite the effort undertaken to recoup the lost time due to the termination of the previous contractor, the CD Compliance Date of September 26, 2019 will be impacted.

Even though the Contractor has been performing to date, several unforeseen conditions such as asbestos containing materials not previously identified that expanded the abatement plan, and different site conditions that could not have been anticipated prior to construction were encountered during the demolition phase and affected progress. The County anticipates the Contractor will substantially complete the project on or before April, 2020.

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

The County has completed re-permitting and re-procurement phases of the project by taking the mitigation steps identified in the January 22, 2019 notice. Since the initiation of the re-construction phase, the County has worked closely with CAMO to kickoff construction, mobilize to site and continue to closely monitor the construction progress in order to mitigate the effects of known anticipated delays.

and
Anticipated duration of the delay

Based on the Contractor's construction progress and contingency for unforeseen conditions, the anticipated completion date in April 2020. The County will closely monitor construction progress and report any further delay to EPA immediately when it becomes known to the County.

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 work closely with the Contractor to promptly resolve any unforeseen conditions
2. County to report further delay to EPA when issues arises
3. Contractor to substantially complete the project per contract documents (re-construction)

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

Improvements performed under CD 2.2 are needed to provide staff with adequate and safe facilities to perform their jobs. There is no indication that delays in Repairs to Various Buildings - Remodel Bathrooms, Locker Rooms & Showers 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

ec: Barbara Jean Throne
Senior Assistant Attorney General, Complex Litigation
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
850-414-3699
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
Mike.Bechtold@dep.state.fl.us
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Mayor Carlos A. Gimenez
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Richard Elliott, P.E., PMP
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Water Protection Division
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street. S.W.
Atlanta, GA 30303

Project Update on Delay and Failure to Meet Compliance Date Notification for CD CIP 2.2(2) Repairs to Various Buildings - Remodel Bathrooms, Locker Rooms & Showers
September 25, 2019
Page 6

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Exhibit D

CHANGE ORDER PROPOSAL #002

Date: 6-04-2019

From:

Vendor: CAMO Consulting LLC
Contact: Carlos Serrano
Address: 1428 Brickell Ave. Suite 401
City/Zip: Miami 33131

To: Miami Dade Water & Sewer Department

Attention: Sergio Hoyos
Project No.: CD 2.02(2)
Project Name: WWTP Building Improvements
Address: 3989 Rickenbacker Cswy Virginia Key
33233

Re: Notice of Proposed Change Order #002

Detailed description of Change Order

Work to include but not limited to all labor, material, tools, and equipment required to:

Description:

In response to RFP 001 Demolition of Dry-Wall Bldg #2, from RFI #011.
To demolish interior side of existing walls for locker rooms and restrooms of building #2. To furnish and install cement board.

Detailed description of credits

- The total Applicable credits for all labor, material, tools, and equipments previously estimated is \$ _____.
- No applicable credits.

See attached detailed "Credit Breakdown" form.

Time Extension

- The above-described work will affect the Critical Path of the schedule requiring a time extension of 07 calendar days. See attached updated construction schedule reflection impact to critical path.
- Will not affect the Critical Path of the schedule.

Total of Change Order

The total amount of deduct add change order including overhead and profit less any applicable credits is \$ ~~6,041.28~~ 5,926.37. See attached Detailed Contractor and Subcontractor breakdown.

Thank you,

MAV 8/5/19 AMU 8/9/19

Name: Carlos Serrano
Title: President

* The CONTRACTOR agrees the Change Order Proposal will in no event include a combined profit and home office overhead rate in excess of fifteen (15%) percent of the direct labor and material costs. See section 2.94, letter C of the contract for further reference.

Summary of delays

PMCM Team,

Find here a summary of the delays on Chlorine Building No. 2 and the updated schedule of work with the delays.

- ID Restrictions

Notice to proceed was given on April 8th.

List of time it took for our workers to obtain their ID Badges.

NAME	COMPANY	Date started application	Date ID Badge received
[REDACTED]	Camo Consulting	April 11th 2019	April 29th 2019
[REDACTED]	Camo Consulting	April 11th 2019	April 29th 2019
[REDACTED]	Camo Consulting	April 11th 2019	May 8th 2019
[REDACTED]	Camo Consulting	April 11th 2019	April 30th 2019
[REDACTED]	Camo Consulting	April 11th 2019	April 30th 2019

Increased demolition activity by 14 days up to 5/8/19

- Locker rooms clear out on building 2

Start date:

On 4/14/19 it was asked via email when would the area on Building 2 would be cleared for demo.

RFI 003 was sent on 4/25/19 it was responded on the 4/29/19 but the issue was still pending.

End date:

Locker rooms area was finally cleared on 5/14/19

From 5/8/19, activity extended 6 days up to 5/14/19, the day that demolition began.

- Change Order #002 Existing walls demolition

Start date: RFI 011 sent on 5/17/19, responded 5/17/19

End date: 5/30/19

Demolition activity increased 7 days

- /Change Order #003 Existing metal studs repair

Start date: RFI 012 sent on 5/22/19, answered on 5/28/19

End date: 5/31/19

Demo activity increased 1 day since it was overlapping with COR 002

- RFI #017 Plumbing issue on Building 2

Start date: RFI 017 sent on 5/31/19, responded 6/19/19

End date: Up to 6/27/19 it is still open since COR 005 has not been approved yet

Total delay: 54 Days

Exhibit 0



To: PM/CM Team

Attention: Mario Vargas

Subject: Request for additional time. Contract CD2.02(2)

Hereby, we are requesting additional time as per:

- 1- **ID restrictions:** NTP was given on April 15th. List of the time that took to obtain the badges for CAMO personnel once application was started on April 11th. This increased the demolition activity by **8 days**.
 - a. [REDACTED] April 29th
 - b. [REDACTED] April 29th
 - c. [REDACTED] May 8th
 - d. [REDACTED] April 30th
 - e. [REDACTED] April 30th
- 2- **Locker rooms clear-out on Building 2.** On 04/14/19 was asked via email when the area on Building 2 would be cleared for demolition. RFI 003 was sent on 04/25 and it was responded on 04/29 but the request for clear-out was still pending. Looker room area was finally cleared on 05/14. This meant **20 days'** delay.
- 3- **Existing walls additional demolition (Change Order Request 002).** As per RFI 011 (sent 05/17 and answered 05/17) was requested the additional demolition of existing walls, this meant an increase of **7 days** for the demolition activity.
- 4- **Existing metal studs' repairs (Change Order Request 004).** As per RFI 012 (sent 05/22 and answered on 05/28) was requested the existing studs repair. This meant a **1-day** increase for the framing activity.
- 5- **Plumbing Issue on Building 2 (Change Order Request 005).** As per RFI 017 (sent 05/31 and answered on 06/19) changes to the plumbing lay-out were made. Change order was finally approved on 07/09. This meant a **26-days** increase for the plumbing rough activity.
- 6- **Asbestos Abatement:** This activity was planned to do according with the approved SoW from 04/25 to 05/14, we received a new Asbestos Report on 05/16, this new Report changed the initial conditions and was re-evaluated. The Change Order Request according the new Asbestos Report was sent 05/23 and we received the approval on 07/08. Finally, the Abatement was done from 07/10 to 07/17. Additional time request is for 64 days.

The additional time required in items 1 through 5 are concurrent with the additional time in item 6 therefore the total additional time request considering the previous descriptions in items 1 to 6 is **54 days**. Attached is the updated SoW.

Sincerely,

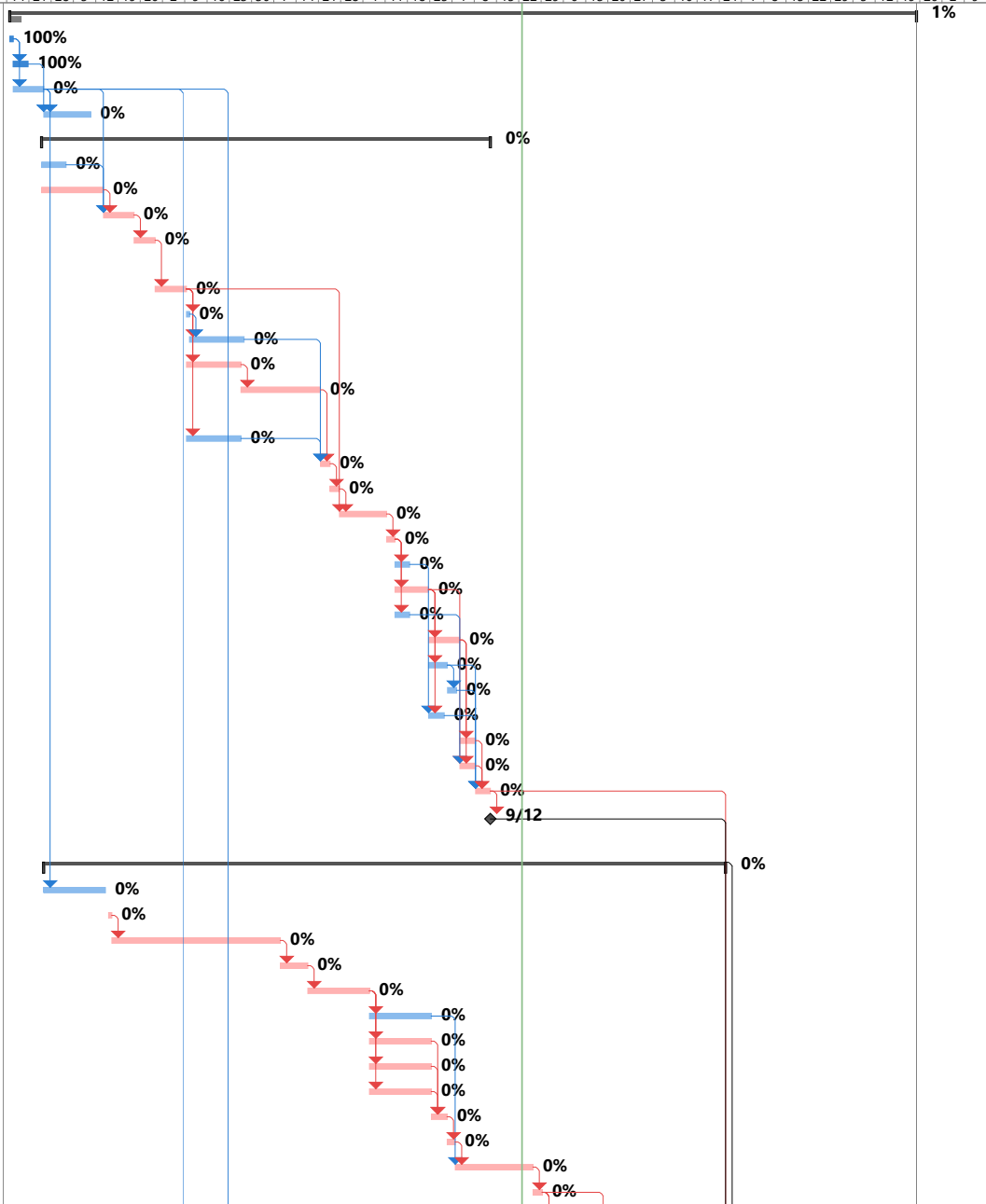
Luis Angueira

Project Manager

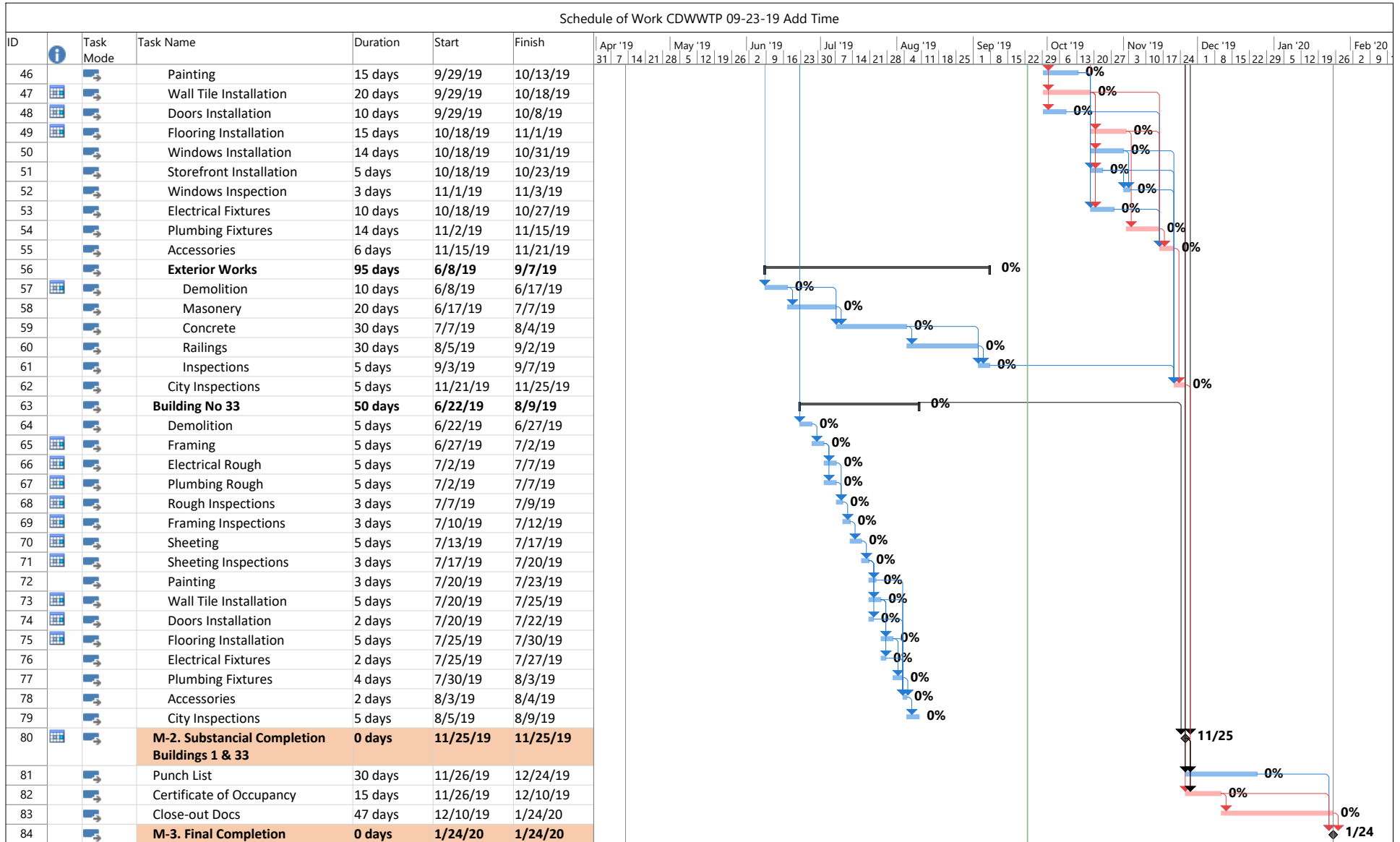
CAMO Consulting LLC

Schedule of Work CDWWTP 09-23-19 Add Time

ID	Task Mode	Task Name	Duration	Start	Finish	Schedule																											
						Apr '19	May '19	Jun '19	Jul '19	Aug '19	Sep '19	Oct '19	Nov '19	Dec '19	Jan '20	Feb '20																	
1		CDWWTP Building Renovations	295 days	4/15/19	1/24/20	1%																											
2	✓	NTP	1 day	4/15/19	4/15/19																												
3	✓	Obtain Building Permits	5 days	4/16/19	4/20/19																												
4		Mobilize on Site	10 days	4/16/19	4/25/19																												
5		Restroom Trailers	15 days	4/25/19	5/10/19																												
6		Building No. 2	146 days	4/25/19	9/12/19																												
7		Badging Delay	8 days	4/25/19	5/2/19																												
8		WASD delay clearing lockers	20 days	4/25/19	5/14/19																												
9		Demolition	10 days	5/14/19	5/23/19																												
10		Additional Demo existing walls	7 days	5/24/19	5/30/19																												
11		Framing	10 days	5/30/19	6/9/19																												
12		Framing Repairs	1 day	6/9/19	6/10/19																												
13		Electrical Rough	18 days	6/10/19	6/27/19																												
14		Plumbing Rough	18 days	6/9/19	6/26/19																												
15		Additional Plumbing for Ladies Shower	26 days	6/26/19	7/21/19																												
16		HVAC Rough	18 days	6/9/19	6/26/19																												
17		Rough Inspections	3 days	7/21/19	7/24/19																												
18		Framing Inspections	3 days	7/24/19	7/27/19																												
19		Sheeting	15 days	7/27/19	8/11/19																												
20		Sheeting Inspections	3 days	8/11/19	8/13/19																												
21		Painting	5 days	8/14/19	8/18/19																												
22		Wall Tile Installation	11 days	8/14/19	8/24/19																												
23		Doors Installation	5 days	8/14/19	8/18/19																												
24		Flooring Installation	10 days	8/24/19	9/3/19																												
25		Windows Installation	6 days	8/24/19	8/30/19																												
26		Windows Inspection	3 days	8/30/19	9/2/19																												
27		Electrical Fixtures	5 days	8/24/19	8/29/19																												
28		Plumbing Fixtures	5 days	9/3/19	9/8/19																												
29		Accessories and others	5 days	9/3/19	9/8/19																												
30		City Inspections	5 days	9/8/19	9/12/19																												
31		M-1. Substantial Completion Building 2	0 days	9/12/19	9/12/19																												
32		Building No. 1	222 days	4/25/19	11/25/19																												
33		Asbestos Abatement	20 days	4/25/19	5/14/19																												
34		New Asbestos Report	1 day	5/16/19	5/16/19																												
35		Change Order Approval	55 days	5/17/19	7/8/19																												
36		Asbestos performing	9 days	7/9/19	7/17/19																												
37		Demolition	20 days	7/17/19	8/5/19																												
38		Framing	20 days	8/6/19	8/25/19																												
39		Electrical Rough	20 days	8/6/19	8/25/19																												
40		Plumbing Rough	20 days	8/6/19	8/25/19																												
41		HVAC Rough	20 days	8/6/19	8/25/19																												
42		Rough Inspections	5 days	8/25/19	8/30/19																												
43		Framing Inspections	3 days	8/30/19	9/1/19																												
44		Sheeting	25 days	9/2/19	9/26/19																												
45		Sheeting Inspections	3 days	9/26/19	9/29/19																												

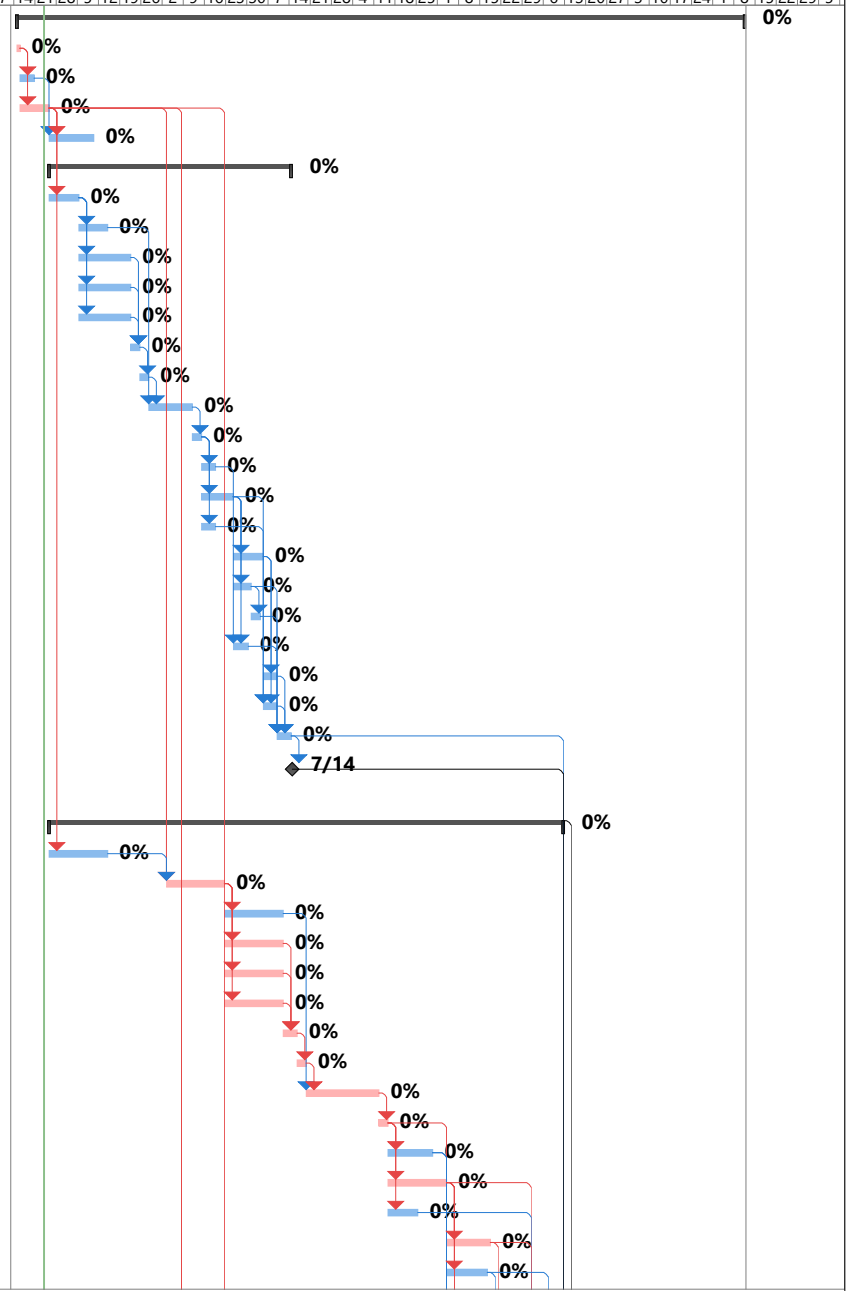


Schedule of Work CDWWTP 09-23-19 Add Time



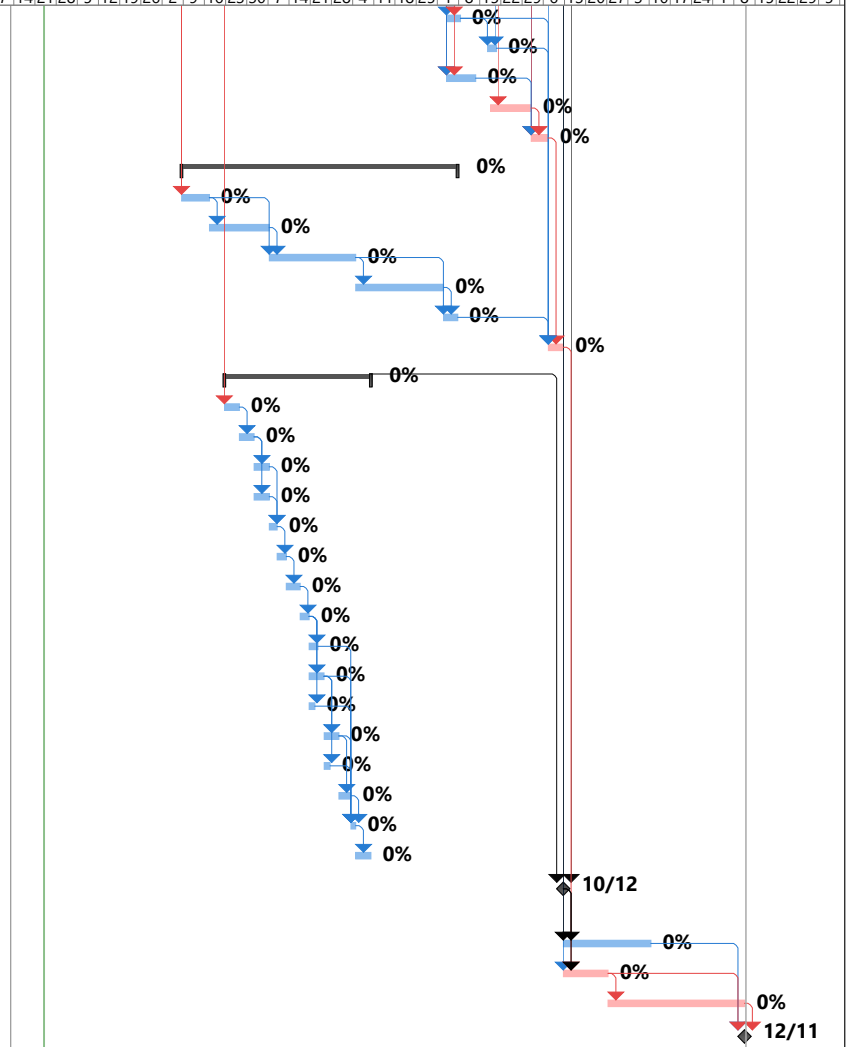
Schedule of Work CDWWTP 04-24-19

ID	Task Mode	Task Name	Duration	Start	Finish	Total Slack	Schedule of Work											
							Apr '19	May '19	Jun '19	Jul '19	Aug '19	Sep '19	Oct '19	Nov '19	Dec '19	Jan '20		
1		CDWWTP Building Renovations	249 days	4/15/19	12/11/19	0 days	0%											
2		NTP	1 day	4/15/19	4/15/19	0 days	0%											
3		Obtain Building Permits	5 days	4/16/19	4/20/19	192.5 days	0%											
4		Mobilize on Site	10 days	4/16/19	4/25/19	0 days	0%											
5		Restroom Trailers	15 days	4/25/19	5/10/19	223 days	0%											
6		Building No. 2	83 days	4/25/19	7/14/19	0.25 days	0%											
7		Demolition	10 days	4/25/19	5/5/19	0.25 days	0%											
8		Framing	10 days	5/5/19	5/14/19	14.25 days	0%											
9		Electrical Rough	18 days	5/5/19	5/22/19	0.25 days	0%											
10		Plumbing Rough	18 days	5/5/19	5/22/19	0.25 days	0%											
11		HVAC Rough	18 days	5/5/19	5/22/19	0.25 days	0%											
12		Rough Inspections	3 days	5/22/19	5/25/19	0.25 days	0%											
13		Framing Inspections	3 days	5/25/19	5/28/19	0.25 days	0%											
14		Sheeting	15 days	5/28/19	6/11/19	0.25 days	0%											
15		Sheeting Inspections	3 days	6/12/19	6/14/19	0.25 days	0%											
16		Painting	5 days	6/15/19	6/19/19	16.25 days	0%											
17		Wall Tile Installation	11 days	6/15/19	6/25/19	0.25 days	0%											
18		Doors Installation	5 days	6/15/19	6/19/19	16.25 days	0%											
19		Flooring Installation	10 days	6/25/19	7/5/19	0.25 days	0%											
20		Windows Installation	6 days	6/25/19	7/1/19	6.25 days	0%											
21		Windows Inspection	3 days	7/1/19	7/4/19	6.25 days	0%											
22		Electrical Fixtures	5 days	6/25/19	6/30/19	10.25 days	0%											
23		Plumbing Fixtures	5 days	7/5/19	7/9/19	0.25 days	0%											
24		Accessories and others	5 days	7/5/19	7/9/19	0.25 days	0%											
25		City Inspections	5 days	7/10/19	7/14/19	0.25 days	0%											
26		M-1. Substantial Completion Building 2	0 days	7/14/19	7/14/19	0 days	0%											
27		Building No. 1	176 days	4/25/19	10/12/19	0 days	0%											
28		Asbestos Abatement	20 days	4/25/19	5/14/19	20 days	0%											
29		Demolition	20 days	6/3/19	6/22/19	0 days	0%											
30		Framing	20 days	6/22/19	7/11/19	8 days	0%											
31		Electrical Rough	20 days	6/22/19	7/11/19	0 days	0%											
32		Plumbing Rough	20 days	6/22/19	7/11/19	0 days	0%											
33		HVAC Rough	20 days	6/22/19	7/11/19	0 days	0%											
34		Rough Inspections	5 days	7/12/19	7/16/19	0 days	0%											
35		Framing Inspections	3 days	7/16/19	7/19/19	0 days	0%											
36		Sheeting	25 days	7/19/19	8/12/19	0 days	0%											
37		Sheeting Inspections	3 days	8/12/19	8/15/19	0 days	0%											
38		Painting	15 days	8/15/19	8/30/19	24 days	0%											
39		Wall Tile Installation	20 days	8/15/19	9/3/19	0 days	0%											
40		Doors Installation	10 days	8/15/19	8/25/19	39 days	0%											
41		Flooring Installation	15 days	9/4/19	9/18/19	0 days	0%											
42		Windows Installation	14 days	9/4/19	9/17/19	18 days	0%											



Schedule of Work CDWWTP 04-24-19

ID	Task Mode	Task Name	Duration	Start	Finish	Total Slack	Apr '19	May '19	Jun '19	Jul '19	Aug '19	Sep '19	Oct '19	Nov '19	Dec '19	Jan '20																								
							31	7	14	21	28	5	12	19	26	2	9	16	23	30	7	14	21	28	4	11	18	25	1	8	15	22	29	6	13	20	27	3	10	17
43		Storefront Installation	5 days	9/4/19	9/8/19	27 days																																		
44		Windows Inspection	3 days	9/17/19	9/20/19	18 days																																		
45		Electrical Fixtures	10 days	9/4/19	9/13/19	19 days																																		
46		Plumbing Fixtures	14 days	9/18/19	10/1/19	0 days																																		
47		Accessories	6 days	10/2/19	10/7/19	0 days																																		
48		Exterior Works	95 days	6/8/19	9/7/19	31 days																																		
49		Demolition	10 days	6/8/19	6/17/19	31 days																																		
50		Masonry	20 days	6/17/19	7/7/19	31 days																																		
51		Concrete	30 days	7/7/19	8/4/19	31 days																																		
52		Railings	30 days	8/5/19	9/2/19	31 days																																		
53		Inspections	5 days	9/3/19	9/7/19	31 days																																		
54		City Inspections	5 days	10/7/19	10/12/19	0 days																																		
55		Building No 33	50 days	6/22/19	8/9/19	66 days																																		
56		Demolition	5 days	6/22/19	6/27/19	66 days																																		
57		Framing	5 days	6/27/19	7/2/19	66 days																																		
58		Electrical Rough	5 days	7/2/19	7/7/19	66 days																																		
59		Plumbing Rough	5 days	7/2/19	7/7/19	66 days																																		
60		Rough Inspections	3 days	7/7/19	7/9/19	66 days																																		
61		Framing Inspections	3 days	7/10/19	7/12/19	66 days																																		
62		Sheeting	5 days	7/13/19	7/17/19	66 days																																		
63		Sheeting Inspections	3 days	7/17/19	7/20/19	66 days																																		
64		Painting	3 days	7/20/19	7/23/19	77 days																																		
65		Wall Tile Installation	5 days	7/20/19	7/25/19	66 days																																		
66		Doors Installation	2 days	7/20/19	7/22/19	78 days																																		
67		Flooring Installation	5 days	7/25/19	7/30/19	66 days																																		
68		Electrical Fixtures	2 days	7/25/19	7/27/19	73 days																																		
69		Plumbing Fixtures	4 days	7/30/19	8/3/19	66 days																																		
70		Accessories	2 days	8/3/19	8/4/19	66 days																																		
71		City Inspections	5 days	8/5/19	8/9/19	66 days																																		
72		M-2. Substantial Completion Buildings 1 & 33	0 days	10/12/19	10/12/19	0 days																																		
73		Punch List	30 days	10/12/19	11/10/19	20 days																																		
74		Certificate of Occupancy	15 days	10/12/19	10/27/19	0 days																																		
75		Close-out Docs	47 days	10/27/19	12/11/19	0 days																																		
76		M-3. Final Completion	0 days	12/11/19	12/11/19	0 days																																		





Request of Information

Water and Sewer Department

Project Name: **CDWWTP CD 2.02 Building Improvements
Bathrooms, Lockers, and Showers Renovations**

PCTS No: **13276** Contract: **T-2255R**

Contractor: CAMO Consulting LLC.

Request No: Date Requested:

012 ~~5/17/19~~ ← **5/22/19**

Subject: This date was modified to reflect actual date when RFI-012 was submitted to PMCM.

Information Requested:

After the drywall demo was done on locker rooms in building 2, we discovered that many metal studs and the track are rusted. Please provide your solution.

By: Alejandro Maldonado

Date response needed: 5/9/19

Response

Remove oxidize portion of existing metal stud and bottom track, if necessary. Provide new bottom track, minimum 22 gage with 3/16" tapcon screws with 1 1/2" embedment to existing concrete floor. Splice new metal stud 22 gage to existing stud, secure with at least 4-#8 screws at 12" o.c., minimum 24" splice to existing stud, also secure to bottom track with #8 screws to each side of stud.

By: Julio Sanchez

Date: 5-28-19

Attachments: Pictures

Reference:

CC:

This is not an authorization to proceed with work involving additional cost and/or time. Notification must be given in accordance with the Contract Documents if any response causes any changes in the contract.



Exhibit F

CHANGE ORDER PROPOSAL #005

Date: 7-8-2019

From:

Vendor: CAMO Consulting LLC
Contact: Carlos Serrano
Address: 1428 Brickell Ave. Suite 401
City/Zip: Miami 33131

To: Miami Dade Water & Sewer Department

Attention: Sergio Hoyos
Project No.: CD 2.02(2)
Project Name: WWTP Building Improvements
Address: 3989 Rickenbacker Cswy Virginia Key
33233

Re: Notice of Proposed Change Order #005

Detailed description of Change Order

Work to include but not limited to all labor, material, tools, and equipment required to:

Description:

In response to RFI #017. To modify plumbing issue and ladies locker room layout in building 2

Detailed description of credits

wa The total Applicable credits for all labor, material, tools, and equipments previously estimated is \$ _____.

No applicable credits.

See attached detailed "Credit Breakdown" form.

Time Extension

The above-described work will affect the Critical Path of the schedule requiring a time extension of calendar days. See attached updated construction schedule reflection impact to critical path.

Will not affect the Critical Path of the schedule.

Total of Change Order

The total amount of deduct add change order including overhead and profit less any applicable credits is \$ 6,430.51. See attached Detailed Contractor and Subcontractor breakdown.

Thank you, 6,425.33
MAV AMU
8/5/19 8/9/19

Name: Carlos Serrano
Title: President

* The CONTRACTOR agrees the Change Order Proposal will in no event include a combined profit and home office overhead rate in excess of fifteen (15%) percent of the direct labor and material costs. See section 2.94, letter C of the contract for further reference.



To: PM/CM Team

Attention: Mario Vargas

Subject: Request for additional time. Contract CD2.02(2)

Hereby, we are requesting additional time as per:

- 1- **ID restrictions:** NTP was given on April 15th. List of the time that took to obtain the badges for CAMO personnel once application was started on April 11th. This increased the demolition activity by **8 days**.
 - a. [REDACTED] April 29th
 - b. [REDACTED] April 29th
 - c. [REDACTED] May 8th
 - d. [REDACTED] April 30th
 - e. [REDACTED] April 30th
- 2- **Locker rooms clear-out on Building 2.** On 04/14/19 was asked via email when the area on Building 2 would be cleared for demolition. RFI 003 was sent on 04/25 and it was responded on 04/29 but the request for clear-out was still pending. Locker room area was finally cleared on 05/14. This meant **20 days'** delay.
- 3- **Existing walls additional demolition (Change Order Request 002).** As per RFI 011 (sent 05/17 and answered 05/17) was requested the additional demolition of existing walls, this meant an increase of **7 days** for the demolition activity.
- 4- **Existing metal studs' repairs (Change Order Request 004).** As per RFI 012 (sent 05/22 and answered on 05/28) was requested the existing studs repair. This meant a **1-day** increase for the framing activity.
- 5- **Plumbing Issue on Building 2 (Change Order Request 005).** As per RFI 017 (sent 05/31 and answered on 06/19) changes to the plumbing lay-out were made. Change order was finally approved on 07/09. This meant a **26-days** increase for the plumbing rough activity.
- 6- **Asbestos Abatement:** This activity was planned to do according with the approved SoW from 04/25 to 05/14, we received a new Asbestos Report on 05/16, this new Report changed the initial conditions and was re-evaluated. The Change Order Request according the new Asbestos Report was sent 05/23 and we received the approval on 07/08. Finally, the Abatement was done from 07/10 to 07/17. Additional time request is for 64 days.

The additional time required in items 1 through 5 are concurrent with the additional time in item 6 therefore the total additional time request considering the previous descriptions in items 1 to 6 is **54 days**. Attached is the updated SoW.

Sincerely,

Luis Angueira

Project Manager

CAMO Consulting LLC

Schedule of Work CDWWTP 09-23-19 Add Time

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2	✓	NTP	1 day	4/15/19	4/15/19	100%																											
3	✓	Obtain Building Permits	5 days	4/16/19	4/20/19	100%																											
4		Mobilize on Site	10 days	4/16/19	4/25/19	0%																											
5		Restroom Trailers	15 days	4/25/19	5/10/19	0%																											
6		Building No. 2	146 days	4/25/19	9/12/19	0%																											
7		Badging Delay	8 days	4/25/19	5/2/19	0%																											
8		WASD delay clearing lockers	20 days	4/25/19	5/14/19	0%																											
9		Demolition	10 days	5/14/19	5/23/19	0%																											
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11		Framing	10 days	5/30/19	6/9/19	0%																											
12		Framing Repairs	1 day	6/9/19	6/10/19	0%																											
13		Electrical Rough	18 days	6/10/19	6/27/19	0%																											
14		Plumbing Rough	18 days	6/9/19	6/26/19	0%																											
15		Additional Plumbing for Ladies Shower	26 days	6/26/19	7/21/19	0%																											
16		HVAC Rough	18 days	6/9/19	6/26/19	0%																											
17		Rough Inspections	3 days	7/21/19	7/24/19	0%																											
18		Framing Inspections	3 days	7/24/19	7/27/19	0%																											
19		Sheeting	15 days	7/27/19	8/11/19	0%																											
20		Sheeting Inspections	3 days	8/11/19	8/13/19	0%																											
21		Painting	5 days	8/14/19	8/18/19	0%																											
22		Wall Tile Installation	11 days	8/14/19	8/24/19	0%																											
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24		Flooring Installation	10 days	8/24/19	9/3/19	0%																											
25		Windows Installation	6 days	8/24/19	8/30/19	0%																											
26		Windows Inspection	3 days	8/30/19	9/2/19	0%																											
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30		City Inspections	5 days	9/8/19	9/12/19	0%																											
31		M-1. Substantial Completion Building 2	0 days	9/12/19	9/12/19	0%																											
32		Building No. 1	222 days	4/25/19	11/25/19	0%																											
33		Asbestos Abatement	20 days	4/25/19	5/14/19	0%																											
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35		Change Order Approval	55 days	5/17/19	7/8/19	0%																											
36		Asbestos performing	9 days	7/9/19	7/17/19	0%																											
37		Demolition	20 days	7/17/19	8/5/19	0%																											
38		Framing	20 days	8/6/19	8/25/19	0%																											
39		Electrical Rough	20 days	8/6/19	8/25/19	0%																											
40		Plumbing Rough	20 days	8/6/19	8/25/19	0%																											
41		HVAC Rough	20 days	8/6/19	8/25/19	0%																											
42		Rough Inspections	5 days	8/25/19	8/30/19	0%																											
43		Framing Inspections	3 days	8/30/19	9/1/19	0%																											
44		Sheeting	25 days	9/2/19	9/26/19	0%																											
45		Sheeting Inspections	3 days	9/26/19	9/29/19	0%																											

Schedule of Work CDWWTP 04-24-19

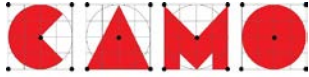
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1		CDWWTP Building Renovations	249 days	4/15/19	12/11/19	0 days	0%											
2		NTP	1 day	4/15/19	4/15/19	0 days	0%											
3		Obtain Building Permits	5 days	4/16/19	4/20/19	192.5 days	0%											
4		Mobilize on Site	10 days	4/16/19	4/25/19	0 days	0%											
5		Restroom Trailers	15 days	4/25/19	5/10/19	223 days	0%											
6		Building No. 2	83 days	4/25/19	7/14/19	0.25 days	0%											
7		Demolition	10 days	4/25/19	5/5/19	0.25 days	0%											
8		Framing	10 days	5/5/19	5/14/19	14.25 days	0%											
9		Electrical Rough	18 days	5/5/19	5/22/19	0.25 days	0%											
10		Plumbing Rough	18 days	5/5/19	5/22/19	0.25 days	0%											
11		HVAC Rough	18 days	5/5/19	5/22/19	0.25 days	0%											
12		Rough Inspections	3 days	5/22/19	5/25/19	0.25 days	0%											
13		Framing Inspections	3 days	5/25/19	5/28/19	0.25 days	0%											
14		Sheeting	15 days	5/28/19	6/11/19	0.25 days	0%											
15		Sheeting Inspections	3 days	6/12/19	6/14/19	0.25 days	0%											
16		Painting	5 days	6/15/19	6/19/19	16.25 days	0%											
17		Wall Tile Installation	11 days	6/15/19	6/25/19	0.25 days	0%											
18		Doors Installation	5 days	6/15/19	6/19/19	16.25 days	0%											
19		Flooring Installation	10 days	6/25/19	7/5/19	0.25 days	0%											
20		Windows Installation	6 days	6/25/19	7/1/19	6.25 days	0%											
21		Windows Inspection	3 days	7/1/19	7/4/19	6.25 days	0%											
22		Electrical Fixtures	5 days	6/25/19	6/30/19	10.25 days	0%											
23		Plumbing Fixtures	5 days	7/5/19	7/9/19	0.25 days	0%											
24		Accessories and others	5 days	7/5/19	7/9/19	0.25 days	0%											
25		City Inspections	5 days	7/10/19	7/14/19	0.25 days	0%											
26		M-1. Substantial Completion Building 2	0 days	7/14/19	7/14/19	0 days	0%											
27		Building No. 1	176 days	4/25/19	10/12/19	0 days	0%											
28		Asbestos Abatement	20 days	4/25/19	5/14/19	20 days	0%											
29		Demolition	20 days	6/3/19	6/22/19	0 days	0%											
30		Framing	20 days	6/22/19	7/11/19	8 days	0%											
31		Electrical Rough	20 days	6/22/19	7/11/19	0 days	0%											
32		Plumbing Rough	20 days	6/22/19	7/11/19	0 days	0%											
33		HVAC Rough	20 days	6/22/19	7/11/19	0 days	0%											
34		Rough Inspections	5 days	7/12/19	7/16/19	0 days	0%											
35		Framing Inspections	3 days	7/16/19	7/19/19	0 days	0%											
36		Sheeting	25 days	7/19/19	8/12/19	0 days	0%											
37		Sheeting Inspections	3 days	8/12/19	8/15/19	0 days	0%											
38		Painting	15 days	8/15/19	8/30/19	24 days	0%											
39		Wall Tile Installation	20 days	8/15/19	9/3/19	0 days	0%											
40		Doors Installation	10 days	8/15/19	8/25/19	39 days	0%											
41		Flooring Installation	15 days	9/4/19	9/18/19	0 days	0%											
42		Windows Installation	14 days	9/4/19	9/17/19	18 days	0%											

Original Schedule

Schedule of Work CDWWTP 04-24-19

ID	Task Mode	Task Name	Duration	Start	Finish	Total Slack	Apr '19	May '19	Jun '19	Jul '19	Aug '19	Sep '19	Oct '19	Nov '19	Dec '19	Jan '20
							31	7	14	21	28	5	12	19	26	2
43		Storefront Installation	5 days	9/4/19	9/8/19	27 days						0%				
44		Windows Inspection	3 days	9/17/19	9/20/19	18 days						0%				
45		Electrical Fixtures	10 days	9/4/19	9/13/19	19 days						0%				
46		Plumbing Fixtures	14 days	9/18/19	10/1/19	0 days						0%				
47		Accessories	6 days	10/2/19	10/7/19	0 days						0%				
48		Exterior Works	95 days	6/8/19	9/7/19	31 days						0%				
49		Demolition	10 days	6/8/19	6/17/19	31 days						0%				
50		Masonry	20 days	6/17/19	7/7/19	31 days						0%				
51		Concrete	30 days	7/7/19	8/4/19	31 days						0%				
52		Railings	30 days	8/5/19	9/2/19	31 days						0%				
53		Inspections	5 days	9/3/19	9/7/19	31 days						0%				
54		City Inspections	5 days	10/7/19	10/12/19	0 days						0%				
55		Building No 33	50 days	6/22/19	8/9/19	66 days						0%				
56		Demolition	5 days	6/22/19	6/27/19	66 days						0%				
57		Framing	5 days	6/27/19	7/2/19	66 days						0%				
58		Electrical Rough	5 days	7/2/19	7/7/19	66 days						0%				
59		Plumbing Rough	5 days	7/2/19	7/7/19	66 days						0%				
60		Rough Inspections	3 days	7/7/19	7/9/19	66 days						0%				
61		Framing Inspections	3 days	7/10/19	7/12/19	66 days						0%				
62		Sheeting	5 days	7/13/19	7/17/19	66 days						0%				
63		Sheeting Inspections	3 days	7/17/19	7/20/19	66 days						0%				
64		Painting	3 days	7/20/19	7/23/19	77 days						0%				
65		Wall Tile Installation	5 days	7/20/19	7/25/19	66 days						0%				
66		Doors Installation	2 days	7/20/19	7/22/19	78 days						0%				
67		Flooring Installation	5 days	7/25/19	7/30/19	66 days						0%				
68		Electrical Fixtures	2 days	7/25/19	7/27/19	73 days						0%				
69		Plumbing Fixtures	4 days	7/30/19	8/3/19	66 days						0%				
70		Accessories	2 days	8/3/19	8/4/19	66 days						0%				
71		City Inspections	5 days	8/5/19	8/9/19	66 days						0%				
72		M-2. Substantial Completion Buildings 1 & 33	0 days	10/12/19	10/12/19	0 days							10/12			
73		Punch List	30 days	10/12/19	11/10/19	20 days							0%			
74		Certificate of Occupancy	15 days	10/12/19	10/27/19	0 days							0%			
75		Close-out Docs	47 days	10/27/19	12/11/19	0 days										0%
76		M-3. Final Completion	0 days	12/11/19	12/11/19	0 days										12/11

Exhibit A



1428 Brickell Ave. Miami Fl. 33131

To: PM/CM Team

Attention: Mario Vargas

Subject: Delays at Contract CD2.02(2)

Hereby, find the summary of delays on Contract and the updated schedule of work with the delays within.

- 1- **Fire Rated Doors:** As per RFI#48 sent on 10/30 we received directions to change the janitor's closet aluminum door in Building 01 and 02 to a fire rated door. Submittal for new door was sent and it was approved on 11/11; COR was sent and it is in revision. As per PM/CM Team directions this should be move after the Substantial Completion milestone, in that case this delay shall be concurrent and is not critical path.
- 2- **Lockers Manufacturing:** Lockers' manufacturer informed a delivery initially on 10/14; on 10/18 we were written that the factory had some internal issues and the lockers were being sent on 11/04. The last date lockers are supposed to arrive is 11/13. This meant a 30 days' increase for both Buildings (concurrent days, is not critical path).
- 3- **Water Heater Location Building 01:** As per RFI#43 sent on 09/23 and replied by RFI#44 on 10/22 we received directions to relocate the Building 01 water heater. Considering the pipes installation this meant a 34 days' increase for Building 01 and it is critical path.

The total Contract delay request considering the previous descriptions in items 1 to 3 and reflected by the attached Schedule of Work is **34 days**. The new dates as follows:

- Substantial Completion Bldg 2: 12/22/19 (without Final City Inspections)
- Substantial Completion Bldg 33 and Bldg 1: 12/30/2019 (without Final City Inspections)

Sincerely,

Luis Angueira

Project Manager

CAMO Consulting LLC

Schedule of Work CDWWTP 11-20-19 delays

ID	Task Mode	Task Name	Duration	Start	Finish	Apr '19	May '19	Jun '19	Jul '19	Aug '19	Sep '19	Oct '19	Nov '19	Dec '19	Jan '20	Feb '20	Mar '20																																								
						31	7	14	21	28	5	12	19	26	2	9	16	23	30	7	14	21	28	4	11	18	25	1	8	15	22	29	6	13	20	27	3	10	17	24	1	8	15	22	29	5	12	19	26	2	9	16	23	1	8	15	22
1		CDWWTP Building Renovations	331.75 days	4/15/19	2/29/20																		72%																																		
2	✓	NTP	1 day	4/15/19	4/15/19																		100%																																		
3	✓	Obtain Building Permits	5 days	4/16/19	4/20/19																		100%																																		
4	✓	Mobilize on Site	10 days	4/16/19	4/25/19																		100%																																		
5	✓	Restroom Trailers	15 days	4/25/19	5/10/19																		100%																																		
6		Building No. 2	250.25 days	4/25/19	12/22/19																		89%																																		
7	✓	Badging Delay	8 days	4/25/19	5/2/19																		100%																																		
8	✓	WASD delay clearing lockers	20 days	4/25/19	5/14/19																		100%																																		
9	✓	Demolition	10 days	5/14/19	5/23/19																		100%																																		
10	✓	Additional Demo existing walls	7 days	5/24/19	5/30/19																		100%																																		
11	✓	Framing	10 days	5/30/19	6/9/19																		100%																																		
12	✓	Framing Repairs	1 day	6/9/19	6/10/19																		100%																																		
13	✓	Electrical Rough	18 days	6/10/19	6/27/19																		100%																																		
14	✓	Plumbing Rough	18 days	6/9/19	6/26/19																		100%																																		
15	✓	Additional Plumbing for Ladies Shower	26 days	6/26/19	7/21/19																		100%																																		
16	✓	HVAC Rough	18 days	6/9/19	6/26/19																		100%																																		
17	✓	Rough Inspections	3 days	7/21/19	7/24/19																		100%																																		
18	✓	Framing Inspections	3 days	7/24/19	7/27/19																		100%																																		
19	✓	Sheeting	15 days	7/27/19	8/11/19																		100%																																		
20	✓	Sheeting Inspections	3 days	8/11/19	8/13/19																		100%																																		
21	✓	Painting	5 days	8/14/19	8/18/19																		100%																																		
22	✓	Wall Tile Installation	11 days	8/14/19	8/24/19																		100%																																		
23	✓	Doors Installation	5 days	8/14/19	8/18/19																		100%																																		
24	✓	Fire rated door RFI	6 days	10/30/19	11/4/19																		100%																																		
25	✓	Fire rated door Submittal and Approval	3 days	11/8/19	11/11/19																		100%																																		
26		Fire rated door COR approval	7 days	11/14/19	11/20/19																		0%																																		
27		Fire rated door Procurement	28 days	11/20/19	12/17/19																		0%																																		
28		Fire rated door installation	5 days	12/17/19	12/22/19																		0%																																		
29	✓	Flooring Installation	10 days	8/24/19	9/3/19																		100%																																		
30	✓	Windows Installation	30 days	8/24/19	9/22/19																		100%																																		
31	✓	Windows Inspection	3 days	8/30/19	9/2/19																		100%																																		
32	✓	Electrical Fixtures	5 days	8/24/19	8/29/19																		100%																																		
33	✓	Plumbing Fixtures	30 days	9/3/19	10/2/19																		100%																																		
34		Accessories and others	30 days	9/3/19	10/2/19																		95%																																		
35	✓	Lockers manufacturer Delay	32 days	10/14/19	11/13/19																		100%																																		
36	✓	Lockers installation	6 days	11/14/19	11/19/19																		100%																																		
37		M-1. Substantial Completion Building 2	0 days	12/22/19	12/22/19																		12/22																																		
38		Building No. 1	257.75 days	4/25/19	12/30/19																		69%																																		
39	✓	Asbestos Abatement	20 days	4/25/19	5/14/19																		100%																																		
40	✓	New Asbestos Report	1 day	5/16/19	5/16/19																		100%																																		
41	✓	Change Order Approval	55 days	5/17/19	7/8/19																		100%																																		

Schedule of Work CDWWTP 11-20-19 delays

ID	Task Mode	Task Name	Duration	Start	Finish	Apr '19	May '19	Jun '19	Jul '19	Aug '19	Sep '19	Oct '19	Nov '19	Dec '19	Jan '20	Feb '20	Mar '20
						31 7	14 21 28	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	2 9 16 23 30
42	✓	Asbestos performing	9 days	7/9/19	7/17/19												
43	✓	Demolition	20 days	7/17/19	8/5/19												
44	✓	Framing	20 days	8/6/19	8/25/19												
45	✓	Electrical Rough	20 days	8/6/19	8/25/19												
46	✓	Plumbing Rough	20 days	8/6/19	8/25/19												
47	✓	HVAC Rough	20 days	8/6/19	8/25/19												
48	✓	Rough Inspections	5 days	8/25/19	8/30/19												
49	✓	Framing Inspections	3 days	8/30/19	9/1/19												
50	✓	Water Heater Location RFI	31 days	9/23/19	10/22/19												
51	✓	Water Heater pipes installation	7 days	10/23/19	10/29/19												
52		Sheeting	30 days	9/2/19	11/5/19												
53		Sheeting Inspections	3 days	9/26/19	11/7/19												
54		Painting	15 days	11/7/19	11/21/19												
55		Wall Tile Installation	20 days	11/7/19	11/26/19												
56		Doors Installation	10 days	11/7/19	11/17/19												
57	✓	Fire rated door RFI	6 days	10/30/19	11/4/19												
58	✓	Fire rated door Submittal and Approval	3 days	11/8/19	11/11/19												
59		Fire rated door COR approval	7 days	11/14/19	11/20/19												
60		Fire rated door Procurement	28 days	11/20/19	12/17/19												
61		Fire rated door installation	3 days	12/17/19	12/20/19												
62		Flooring Installation	15 days	11/26/19	12/11/19												
63	✓	Windows Installation	14 days	10/18/19	10/31/19												
64	✓	Storefront Installation	5 days	10/18/19	10/23/19												
65		Windows Inspection	3 days	11/1/19	11/3/19												
66		Electrical Fixtures	10 days	11/26/19	12/6/19												
67		Plumbing Fixtures	14 days	12/11/19	12/24/19												
68		Accessories	6 days	12/24/19	12/30/19												
69		Exterior Works	95 days	6/8/19	9/7/19												
75		Building No 33	105.5 days	6/22/19	10/2/19												
93		M-2. Substantial Completion Buildings 1 & 33	0 days	12/30/19	12/30/19												
94		Punch List	30 days	12/30/19	1/28/20												
95		City Inspections	15 days	12/30/19	1/13/20												
96		Certificate of Completion	3 days	1/14/20	1/16/20												
97		Close-out Docs	45 days	1/17/20	2/29/20												
98		M-3. Final Completion	0 days	2/29/20	2/29/20												

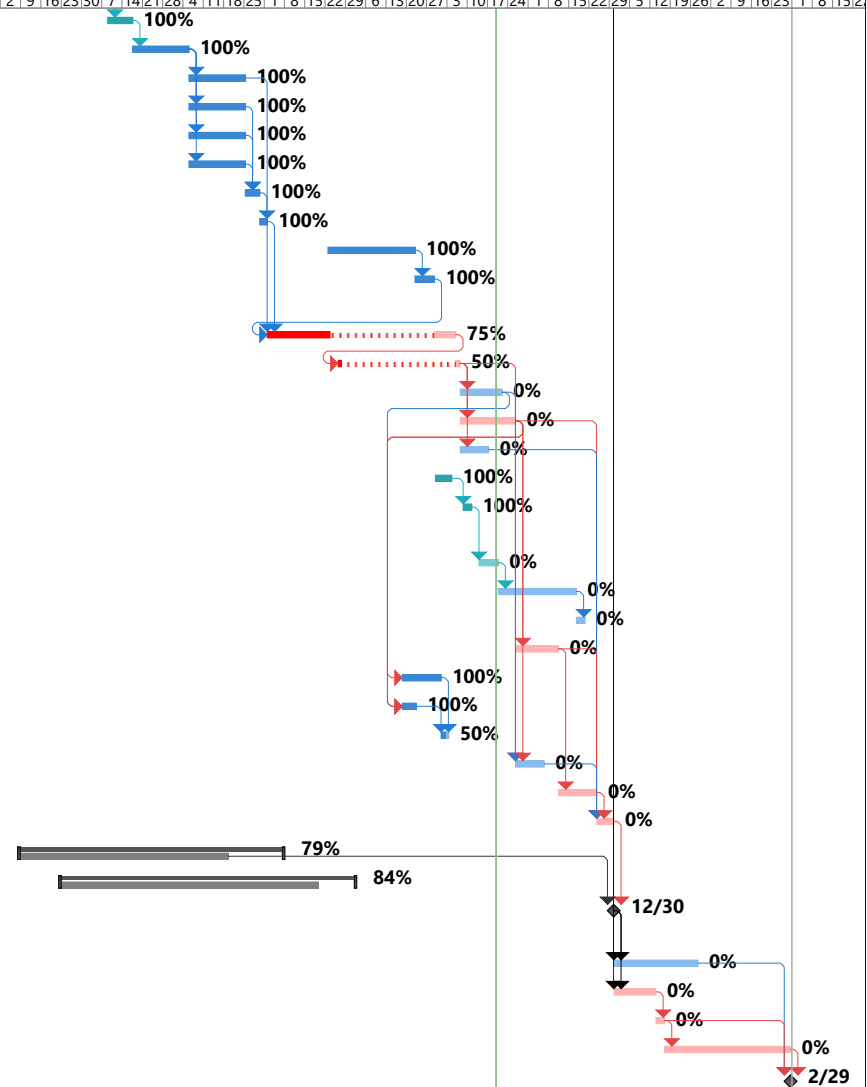


Exhibit H



miamidade.gov

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

VIA ELECTRONIC CORRESPONDENCE

September 13, 2019

CCN: 62779
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
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Rachael Amy Kamons
Environmental Enforcement Section
U.S. Department of Justice
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Ben Franklin Station
Washington, D.C. 20044-7611
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 – Potential Force Majeure,
Section XVII, Paragraph 77 – Notices,
Force Majeure Notification for Consent Decree Appendix D-2, Capital Improvement
Projects in Construction due to Hurricane Dorian**

 Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on August 30, 2019, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Force Majeure of CD Capital Improvement Projects (CIPs) in Construction due to Hurricane Dorian.

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 County's Water and Sewer Department (WASD) and their contractors have hurricane preparedness guidelines designed to maximize the safety of the public and employees and mitigate potential damages due to hurricanes. On August 29, 2019, WASD issued directive to their contractors to have the construction site secured per their Responsive Hurricane Preparedness Plan by the close of business day on August 30, 2019. The threat of Hurricane Dorian and the associated activities conducted to minimize the potential risk to public safety and of damage to property may have caused some delays impacting CIP projects in construction on the three (3) regional WWTP's, and multiple pump station and force main projects.

Contractors have a right to claim delays in association with a Force Majeure event. The County will evaluate the time-extension submittals from contractors and will provide updates of the schedule impacts on the projects in construction.

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

The County believes that the implementation of these preparation activities, initiated on August 29th, were appropriate in order to ensure safety and prevent damage to life and property. Direction to return the construction sites to their normal condition and activities was given on Tuesday September 3, 2019. The County will continue to work closely with their contractors to evaluate any claims for damage and/or time impacts.

pm
Anticipated duration of the delay

At this time, the County anticipates that each project in construction may see delays of up to 6 calendar days resulting from the impacts of Hurricane Dorian. Each claim for time will be evaluated for merit on a case by case basis and the County will transmit to EPA and FDEP the duration of any delay upon completion of the time impact analysis.

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

WASD will review each claim on merit and issue time extensions to the contractors. As more information is obtained, the County will update EPA and FDEP.

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

There is no indication that delay caused by the preventative hurricane preparedness activities present an immediate 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

ec: Barbara Jean Throne
Senior Assistant Attorney General, Complex Litigation
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
850-414-3699
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
Mike.Bechtold@dep.state.fl.us
Sed.wastewater@dep.state.fl.us

Mayor Carlos A. Gimenez
Miami-Dade County
111 NW First Street 29th Floor
Miami, Florida 33128
Kevin T. Lynskey, Director
Miami-Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

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

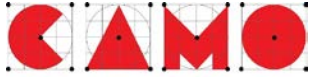
Jack Osterholt, Deputy Mayor/Director
Miami-Dade Regulatory and
Economic Resources
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Henry Gillman
Miami-Dade Assistant County Attorney
Miami-Dade County Attorney's Office
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Richard Elliott, P.E., PMP
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Paul Schwartz
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William A. Weinischke
Senior Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
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Washington, D.C. 20044
Bill.Weinischke@usdoj.gov



1428 Brickell Ave. Miami Fl. 33131

September 19th, 2019

To: PM/CM Team

Attention: Mario Vargas

Subject: Additional time request. Contract CD2.02(2)

Hereby, we are requesting additional time as per:

- 1- Hurricane Dorian: As part of the Hurricane Preparedness Plan we had to stop the regular activities to ensure the best conditions to confront a possible passing through hurricane. Additional time request is for 2 days.

The total additional time request considering the previous description is for **02 days**.

Sincerely,

Luis Angueira

Project Manager

CAMO Consulting LLC