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

**VIA ELECTRONIC CORRESPONDENCE**

May 2, 2022

CCN: 64335  
File No: 8DC.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](mailto:Tom.Mariani@usdoj.gov)

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

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

Florida Department of Environmental Protection  
Southeast District – West Palm Beach  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
Attn: Compliance/Enforcement Section  
[Jason.Andreotta@dep.state.fl.us](mailto:Jason.Andreotta@dep.state.fl.us)

**RE: Consent Decree (Case: No. 1:12-cv-24400-FAM),  
Reference DOJ Case No. 90-5-1-1-4022/1,  
Section XI, Paragraph 52 – Potential Delay,  
Section XVII, Paragraph 77 Notices, Response to EPA’s Request for Additional  
Information on Consent Decree Projects Listed with Force Majeure and Delay  
Impacts**

Dear Sir/Madam:

This letter serves as a Response Letter to the United States Environmental Protection Agency (EPA) Letter dated March 7, 2022 for additional supplemental information needed from Miami-Dade County before determining whether Force Majeure criteria are met with respect to specific notices and the duration of any Force Majeure impacts in the attached list of project notifications reported. **Attachment A** is a copy of the EPA Letter on the Force Majeure/Delay Notifications dated March 7, 2022.

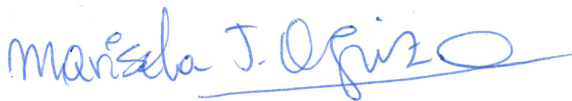
**Attachment B** is a Table of Force Majeure and Delay Notifications listed per project and the response to the EPA's request for Supplemental Information per project needed on Force Majeure and Delay Notifications.

**Attachment C** is the Supplemental/Supporting Documentation for the Force Majeure and Delay Notifications.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

Sincerely,



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

ec: Anita Patel  
Senior Assistant Attorney General, Complex Litigation,  
Office of the Attorney General  
PL 01 The Capitol  
Tallahassee, FL 32399-1050  
(850) 414-3694  
[anita.patel@myfloridalegal.com](mailto:anita.patel@myfloridalegal.com)

Elizabeth Teegen  
Senior Assistant Attorney General, Complex Litigation  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
850-414-3699  
[Elizabeth.Teegen@myfloridalegal.com](mailto:Elizabeth.Teegen@myfloridalegal.com)

Florida Department of Environmental Protection  
Southeast District – West Palm Beach  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
Attn: Compliance/Enforcement Section  
[Lisa.M.Self@dep.state.fl.us](mailto:Lisa.M.Self@dep.state.fl.us)  
[Sed.wastewater@dep.state.fl.us](mailto:Sed.wastewater@dep.state.fl.us)  
[Samantha.Cote@FloridaDEP.gov](mailto:Samantha.Cote@FloridaDEP.gov)  
[Bridjette.Bucell@FloridaDEP.gov](mailto:Bridjette.Bucell@FloridaDEP.gov)  
[Candistarr.Marti@FloridaDEP.gov](mailto:Candistarr.Marti@FloridaDEP.gov)

Madame Mayor Daniella Levine-Cava  
Miami-Dade County  
111 NW First Street 29<sup>th</sup> Floor  
Miami, Florida 33128  
[Daniella.Cava@miamidade.gov](mailto:Daniella.Cava@miamidade.gov)

Jimmy Morales, Office of the Mayor  
Miami-Dade County Chief Operations Officer  
111 NW 1st Street 29th Floor  
Miami, FL 33128  
[Jimmy.Morales2@miamidade.gov](mailto:Jimmy.Morales2@miamidade.gov)

Angela Benjamin  
Miami-Dade Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 NW First Street Suite 2810  
Miami, Florida 33128  
[Angela.Benjamin@miamidade.gov](mailto:Angela.Benjamin@miamidade.gov)

Roy Coley, Director  
Miami-Dade Water and Sewer Department  
3071 SW 38<sup>th</sup> Avenue  
Miami, Florida 33146  
[Roy.Coley@miamidade.gov](mailto:Roy.Coley@miamidade.gov)

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

Response to EPA's Request for Additional Information on Consent Decree Projects with Force Majeure  
and Delay Impacts

May 2, 2022

Page 4

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

**Attachment A**  
**EPA Letter on the Force Majeure/Delay Notifications dated March 7, 2022**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Mr. Roy Coley  
Miami-Dade County  
Director, Water and Sewer Department  
3071 SW 38<sup>th</sup> Avenue  
Miami, Florida 33146  
Roy.Coley@miamidade.gov

Re: Consent Decree (Case No. 1:12-cv-24400-FAM)  
Section XI, Paragraph 52 – Force Majeure/Delay Notifications

Dear Mr. Coley:

The Environmental Protection Agency, Region 4 and the Florida Department of Environmental Protection (FDEP) are in receipt of numerous Force Majeure and/or Delay Notifications, submitted pursuant to Paragraph 52 of the above-referenced Consent Decree. After review of these Force Majeure and Delay Notifications, the EPA and FDEP need additional information from Miami-Dade County (Miami-Dade) before determining whether force majeure criteria are met with respect to specific notices and, if so, the duration of any force majeure impacts. See Enclosure- List of Force Majeure/Delays Notifications, which includes notes regarding the additional information needed.

If you should have any questions regarding this matter, you may contact Mr. Brad Ammons at (404) 562-9769 or via email at [ammons.brad@epa.gov](mailto:ammons.brad@epa.gov). Your attorney may contact Mr. Paul Schwartz at (404) 562-9576 or via email at [schwartz.paul@epa.gov](mailto:schwartz.paul@epa.gov).

Sincerely,

Jairo Castillo, P.E., Chief  
Wastewater Enforcement Section  
Water Enforcement Branch

Enclosure

cc: Mr. Jonathan A. Glogau  
Office of the Attorney General

Mr. Kirk White  
Florida Department of Environmental Protection

Ms. Lisa Self  
Florida Department of Environmental Protection

Ms. Daniella L. Cava  
Miami-Dade County

Ms. Lourdes Gomez  
Miami-Dade Regulatory and Economic Resources

Ms. Angela Benjamin  
Miami-Dade County Attorney

Ms. Rachael Amy Kamons  
U.S. Department of Justice

**Miami-Dade Co., FL**

Consent Decree

List of Force Majeure + Delay Notifications

Date of Req/Notif	Proj. #	Req. Add'l Time	Cause of Delay	Supplemental Info needed	Compliance Deadline
6/1/2017	2.22	Unk	Groundwater contamination at site (Diesel) and stop work order issued for remediation.	Get more detail on length of delay with any supplemental info explaining how full extent of delay and various causes meet force majeure criteria or warrant discretion.	5/25/2019
6/6/2018	1.6, 1.8, 2.12, 2.13, 2.16, 2.18	"Super Project" based on design-build	Withdrawl from bid process by winning contractor. Require re-bid. County will transmit the duration of delay upon completion of time impact analysis (no followup since then).	Get more detail on length of delay. County will continue to provide regular updates regarding duration of and justification for delay regarding these projects that are not yet completed.	Various
3/6/2019	2.22	Unk	County now engaging with contractor's surety bond company for non-completion. County will transmit the duration of delay once Surety determines best course of action.	Get more detail on length of delay, see comment re 6/1/17 notice for this project above.	5/25/2019
6/28/2019	1.11	Unk	Bid protest due to some of the work being in another contract. County will transmit updated info once bid package is re-done.	Get more details on length of delay. County will continue to provide regular updates regarding duration of and justification for delay regarding this project that is not yet completed.	3/26/2021
9/13/2019	Projects in construction.	up to 6 days	Hurricane Dorian delays	Get more details on length of delay and project specific impacts and justifications.	Various
1/10/2020	2.19	Unk	Project 99% constructed on time. Can't test until gas system is upgraded (Fall of 2021)	County to provide regular updates and requests delay in EPA decision until project completion - County will provide details on length of delays and justifications for delays when project complete.	5/21/2020
4/3/2020	Multiple	Unk	COVID-19 pandemic effects.	Get County's response to EPA letter. See EPA letter covered this. Supplemental info on project specific duration and project-specific impacts.	Various



5/5/2020	3.6	Unk	COVID-19 pandemic effects. Impact from unforeseen field conditions in rehabilitating the NDWWTP disinfection building.	Get County's response to EPA letter re COVID impacts. See EPA letter covered this. Need supplemental info on duration of delay caused by FM events – with explanation of durational impact, how it meets FM criteria, of COVID and unforeseen field conditions separately.	9/9/2020
9/10/2020	2.15(3)	Unk	Plant 2/Cluster 3 sludge digesters impact. County decided to make this project subsequent to Projs. 2.15(1) and 2.15(2), which have themselves been delayed due to poor conditions of corbels in digesters. County to provide update once work on Projects 2.15(1) and 2.15(2) completed.	Ask for more details on how much delay in Clusters 1 and 2 and further clarification, when project complete, on to what extent various causes of delays are or are not being claimed as force majeure.	7/21/2022
10/13/2020	2.1(7)	Unk	Project delay for sub-project (7) only. Unforeseen field conditions and remediation needs as well as COVID-19 impact.	Get details on length of delay and whether the “unforeseen field conditions” are claimed as FM too or just COVID impacts are considered force majeure.	6/14/2021
1/15/2021	1.11	Update	Project had to be re-bid and re-advertised.	Get details on length of delay and justification. See comments re notice for this project of 6/28/19.	3/26/2021

**Attachment B**  
**Table of Force Majeure and Delay Notifications**

**Table  
Supplemental Information on Force Majeure and Delay Notifications**

Information Provided in the EPA Letter dated March 7, 2022							Miami-Dade Response for Supplemental Information Requested by EPA	
Date of Req/Notification	Project No.	Project Description	Req. Add'l Time	Cause of Delay	EPA Request for Supplemental Info Needed per Project	Compliance Deadline	Response Comments	Length of Delay
6/1/2017	2.22	CDWWTP Master Pump Station No. 2	Unknown	Groundwater contamination at site (Diesel) and stop work order issued for remediation.	Get more detail on length of delay with any supplemental info explaining how full extent of delay and various causes meet force majeure criteria or warrant discretion.	5/25/2019	This project experienced the following delays that meet the definition of Force Majeure due to discovery of ground water contamination and COVID-19. The delay occurred in the execution of this project when the contractor observed odors and a sheen on the groundwater during the start of excavation for the new foundation footings. Water and Sewer Department (WASD) ceased underground work until the analytical results were received for samples collected on May 11, 2017 from the exposed groundwater in the excavation by the WASD Environmental Compliance staff. The results confirmed petroleum contamination requiring the contractor to obtain an environmental consultant to prepare an approvable Soil and Groundwater Management Plan. The previously undocumented contamination found was not a result of County activities at the Pump Station site. The potential source of contamination is suspected to be related to historical petroleum facilities in the area which meets the criteria for force majeure. The Limited Stop Work Order issued on May 16, 2017 was rescinded on August 11, 2017 which amounts to 87-day delay and a copy of these letters are provided in Attachment C.	87-day
6/6/2018	1.6 1.8 2.12 2.13 2.16 2.18(2)	Thickening and Dewatering at CDWWTP and SDWWTP	"Super Project" based on design-build	Withdrawal from bid process by winning contractor. Require re-bid. County will transmit the duration of delay upon completion of time impact analysis (no follow-up since then).	Get more detail on length of delay. County will continue to provide regular updates regarding duration of and justification for delay regarding these projects that are not yet completed.	Various	On June 6, 2018, the County notified the EPA and FDEP of a Force Majeure which impacted the CD Compliance Date for the Thickening and Dewatering Project. On May 7, 2018, the County received a contractor withdrawal letter dated May 1, 2018 from the selected design-build team due to bid withdrawal from the sole qualifier, and the project was required to re-bid. The new Design-Builder was issued a Notice to Proceed on July 6, 2020. Refer to Attachment C for a copy of the Contractor's Withdrawal letter and Notice to Proceed letter. This caused a delay of approximately 2 years.	2-years
3/6/2019	2.22	CDWWTP Master Pump Station No. 2	Unknown	County now engaging with contractor's surety bond company for non-completion. County will transmit the duration of delay once Surety determines best course of action.	Get more detail on length of delay, see comment re 6/1/17 notice for this project above.	5/25/2019	On February 21, 2019, the County issued a Notice of Termination for Default to the Contractor. The County engaged in meetings and discussions with the Contractor's Surety. On March 6, 2019, the County submitted a Delay Notification Letter to EPA and FDEP. On April 15, 2019, a Memorandum of Understanding was executed between WASD and the Surety. The Surety managed the completion of the contract utilizing the existing contractors, subcontractors, and vendors. Notice to Proceed to restart construction work was issued on April 15, 2019, and the Surety's portion of the project achieved construction completion on August 23, 2021. This project experienced a 54-day delay from when the County terminated the Contractor to issuing the Notice to Proceed (NTP) to the Contractor's Surety. On April 24, 2020, the County submitted to EPA and FDEP a Project Update Notification Letter to advise that the flow meter work was removed from the Contractor's scope of work and will be performed by WASD Wastewater Collection and Transmission Line Division (WWCTLD). The notification also included Contractor delays in the execution of this project due to COVID-19. COVID impacted the Nation-wide delivery of construction materials as well as the ability to maintain healthy staff to execute work effectively (Manufacturers, Contractors, Administrators).  Flow meter installation is still pending for this project to achieve the Consent Decree Project's Substantial Completion.	54-day
6/28/2019	1.11	SDWTP Substations 9 thru 12	Unknown	Bid protest due to some of the work being in another contract. County will transmit updated info once bid package is re- done.	Get more details on length of delay. County will continue to provide regular updates regarding duration of and justification for delay regarding this project that is not yet completed.	3/26/2021	The project CD 1.11 is described as the rehabilitation and replacement of electrical controls and wiring as needed throughout the South District Wastewater Treatment Plant (SDWWTP). This project CD 1.11 was divided into multiple child/sub projects and CD 1.11(1.1) is a child/sub project for General Electrical Design of Substations No. 9, 10, 11 and 12 that experienced Force Majeure delays. The scope of this project is furnishing all materials, labor, and equipment necessary for the electrical improvements of existing Substations 9, 10, 11 and 12. The work involves demolition and replacement of existing electrical transformer and switchgear equipment, panels, busduct, conduits and cabling. The project scope also includes replacement of existing built up roofing and other architectural features. Towards the end of the procurement phase, the County experienced the following delays: 1) the County was required to cancel all bids on May 28, 2019, due to a duplication of a portion of proposed work under another solicitation; 2) the low bidder protested the cancellation of the bids on May 31, 2019, This project was re-advertised for bid on September 26, 2019 and a Notice to Proceed was issued to the Contractor on September 8, 2020. The total number of days delayed during the procurement phase between the bid cancellation on May 28, 2019 to the Notice to Proceed awarded in the procurement of the re-bid issued on September 8, 2020 was 470 -days. A copy of the bid cancellation and the Notice to Proceed issued for the re-bid is provided as an Attachment.	470-day
9/13/2019	Projects in construction.		up to 6 days	Hurricane Dorian delays	Get more details on length of delay and project specific impacts and justifications.	Various	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 a 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. Directive to return the construction sites to their normal condition and activities was given on September 3, 2019. The delays for projects in construction amounts to 5 days. The threat of Hurricane Dorian and the associated activities conducted to minimize the potential risk to public safety and of damage to property caused some delays impacting Capital Improvement Projects (CIP) in construction on the three (3) regional WWTP's, and multiple pump station and force main projects. The following projects were active in construction and impacted by Hurricane Dorian with a 5-day delay are: 1.1 Headworks; 1.2 Oxygen Production; 1.7 Digesters and Control Building; 2.2(2) Remodel Bathrooms, Locker Rooms & Showers; 2.8(1) Secondary Clarifiers Plant 2; 2.10 Return Sludge PS Plant 2; 2.11 Effluent Pump Station; 2.15* Digesters Plant 2 (Clusters 1 & 2); 2.19 (2a) Co-Gen Biogas Treatment Facilities; 2.19 (2b) Co-Gen Restroom and Building Rehab; 2.21 Pump Station No.1; 2.22 Pump Station No.2; 3.2 (2) Primary Clarifiers; 3.5 (2) Secondary Clarifiers; 3.6 Disinfection; 5.5 Replacement of Switchgear and Rehabilitation of Wetwell PS#0415; 5.7 Replacement of Switchgear and Rehabilitation of Wetwell PS#0417. One project required an additional day delay which is CD 2.15 and granted 6-day delay and a copy of the Contractor's request is provided in Attachment C.	5-day Project 2.15 (6-day)
1/10/2020	2.19	CD 2.19 CDWWTP Co-generation Facility	Unknown	Project 99% constructed on time. Can't test until gas system is upgraded (Fall of 2021)	County to provide regular updates and requests delay in EPA decision until project completion - County will provide details on length of delays and justifications for delays when project complete.	5/21/2020	The project installed a new Biological Hydrogen Sulfide (H2S) Biogas Treatment System including five (5) bioreactor vessels and equipment containers, a new Co-Gen Switchgear Building to replace the existing electrical rooms in the Co-Gen Building and Electrical Substation No. 17 and No. 18. A new Biogas Treatment Electrical Building was constructed, including conveyance from the Plant 1 Digesters to the H2S Treatment System and from the H2S Treatment System to the cogeneration engines in the Co-Gen Building. The project also replaced eight (8) rotary sliding vane compressor systems and appurtenances. Construction was completed on October 4, 2019. Currently, performance and acceptance testing of the equipment is pending availability of biogas from the Plant 1 Digesters, therefore this project continues to experience an on-going delay.	Construction completed on October 4, 2019, project continues to be delayed until the biogas for the performance and acceptance test becomes available.
4/3/2020	Multiple		Unknown	COVID-19 pandemic effects.	Get County's response to EPA letter. See EPA letter covered this. Supplemental info on project specific duration and project-specific impacts.	Various	This request for supplemental information on project specific duration and project-specific impacts will be presented in a Special Presentation to EPA at the end of May 2022. All projects in design, permitting, procurement and/or construction phases across Miami-Dade County continue to be impacted by the COVID-19 emergency. On March 19, 2020, the County Mayor extended the Local State of Emergency and identified government offices, open construction sites, engineering services as essential services to be maintained during the state of emergency. However, on March 28, 2020, County Emergency Order 14-20 was issued which suspended all laws, statutes, codes, and regulations relating to County employees performing building code functions including, but not limited to, the review of plans, issuance of permits, performance of inspections and issuance of certificates of occupancy, completion and temporary certificates of occupancy, and all activities related thereto. Project delays due to COVID-19 include 1) Positive cases within construction crews. 2) Quarantine and restrictions. 3) Material shortages and delay in mobilization. 4) Delays and shortages of plant inspections, remote work, and inadequate staffing. 5) National and Local State of Emergency.	Various times delays per project to be provided in a Special Presentation related to the COVID-19 Impacts on the projects.

5/5/2020	3.6	NDWWTP Disinfection Facility	Unknown	COVID-19 pandemic effects. Impact from unforeseen field conditions in rehabilitating the NDWWTP disinfection building.	Get County's response to EPA letter re COVID impacts. See EPA letter covered this. Need supplemental info on duration of delay caused by FM events – with explanation of durational impact, how it meets FM criteria, of COVID and unforeseen field conditions separately.	9/9/2020	This project experienced delays due to discovery of unforeseen corrosion of the building's roof deck that required additional extra work to be performed during the Pandemic and was impacted by a Force Majeure COVID-19. The force majeure delays included quarantine and restrictions, material shortages and delays in mobilization, and delays in plan review, issuance of permits, and inadequate staffing. The unexpected condition caused a 242-day delay in project completion. Refer to Attachment C for a copy of the Contractor's Notice of Force Majeure Event Notification. The Consent Decree project was substantially completed on March 5, 2022. The County previously notified the EPA and FDEP as follows: On April 21, 2020, the County electronically notified the EPA and FDEP of potential delays in construction including COVID-19 Pandemic impacts. On May 5, 2020, the County submitted the Delay and Force Majeure Notification Letter to EPA and FDEP. On September 9, 2020, the County submitted a Failure to Meet Compliance Date Letter to EPA and FDEP.	242-day
9/10/2020	2.15(3)	Plant 2 Digesters Cluster 3 at CDWWTP	Unknown	Plant 2/Cluster 3 sludge digesters impact. County decided to make this project subsequent to Projs. 2.15(1) and 2.15(2), which have themselves been delayed due to poor conditions of corbels in digesters. County to provide update once work on Projects 2.15(1) and 2.15(2) completed.	Ask for more details on how much delay in Clusters 1 and 2 and further clarification, when project complete, on to what extent various causes of delays are or are not being claimed as force majeure.	7/21/2022	This project experienced the following delays that meet the definition of Force Majeure due to faulty equipment and system failures. Procurement of this project is dependent on successful start-up, testing and completion of Consent Decree projects 2.15(1) and 2.15(2). Completion of 2.15(1) is delayed due to failure of start-up and testing of newly installed mixer and digester covers. The technical team, County, consultant, and contractor are currently identifying technical issues and developing a new start-up procedure for the system. Completion of 2.15(2) is delayed due to the delayed issues encountered with CD 2.15(1) and the revised start-up procedures required that are still in process to achieve steady state of operations and the system failures that the project has experienced. These projects have been and continue to be impacted by weather delays, delays in material availability and delivery, and the system failures. The County previously notified the EPA and FDEP as follows: On August 27, 2020, an electronic notification of a potential delay for Project 2.15(3) Digesters Plant 2 Cluster 3 was submitted to EPA and FDEP. On September 10, 2020, the written notification of a potential delay was submitted to EPA and FDEP.	On-going
10/13/2020	2.1(7)	CDWWTP Electrical Improvements	Unknown	Project delay for sub-project (7) only. Unforeseen field conditions and remediation needs as well as COVID-19 impact.	Get details on length of delay and whether the "unforeseen field conditions" are claimed as FM too or just COVID impacts are considered force majeure.	6/14/2021	This project experienced the following delay that meet the definition of Force Majeure due to the COVID-19 impact of the Test Pile Crew. On July 2, 2020, the Contractor notified the County of a delay in mobilization of the test pile crew due to a positive COVID-19 case. Refer to the Attachment C for a copy of the Contractor's Letter dated for the 3-day delay related to this event. The Consent Decree portion of this project was substantially completed on November 17, 2021.	3-day
1/15/2021	1.11	SDWWTP General Electrical	Update	Project had to be re-bid and re-advertised.	Get details on length of delay and justification. See comments re notice for this project of 6/28/19.	3/26/2021	This project experienced unforeseen delays in procurement and the delays that meet the definition of Force Majeure due to COVID-19.  The procurement process for this solicitation faced unforeseen issues and the project went out to bid three (3) times. The initial solicitation was cancelled on March 3, 2020 (see attached Notice of Cancellation) because the lowest bidder was unable to provide an extension of their bid bond. During the second solicitation, Recommendation for Award was issued on August 18, 2020, however, the award was rescinded on December 24, 2020 (See attached), due to post-bid conditions imposed by the awarded contractor. Bid documents were revised and submitted to procurement for third round of bid solicitation. The project was awarded to a construction contractor and the Notice to Proceed was issued on September 22, 2021. This project experienced a 569-day delay from March 3, 2020 when the solicitation was cancelled to September 22, 2021 when the Notice to Proceed was re-issued on the project. In addition, the COVID-19 impacted the procurement phase of the project with limiting gatherings of interested bidders to visit the site and maintaining social distancing, COVID-19 directive by the County impacted office closures to the public and no reports or submittals were being accepted, and the Contractors had delays with subcontractors and vendors bids due to the challenges in maintaining adequate staffing due to COVID-19 Pandemic. This project is currently in construction, at 25% complete, and substantial completion is estimated for November 15, 2024. Refer to Attachment C for a copy of the Notice of Project Cancellation; Rescinding Recommendation for Award and Cancellation of CD 1.11; Final Recommendation of Award; and the Final Notice to Proceed Letter.	569-day

**Attachment C**  
**Supplemental/Supporting Documentation for the**  
**Force Majeure and Delay Notifications**

**CD 2.22**  
**Pump Station No. 2**



Consent Decree PMCM Team  
135 San Lorenzo | Suite 600  
Coral Gables, FL 33146  
(O) 305.444.4691 | (F) 305.447.3580

May 16, 2017

Letter: CD2.22\_GNC-006

Felix Valdes  
President  
V Engineering & Consulting Corp.  
2929 SW 3<sup>rd</sup> Ave., Suite 340  
Miami, FL 33129

Re: Consent Decree Project 2.22 – CDWWTP Master Pump Station No. 2  
Limited Stop Work Order – Underground Construction  
RPQ No. T2250; ER No. S049346; PCTS No. 13162

Dear Mr. Valdes:

As a result of the soil sampling performed by WASD-Environmental Compliance on May 11, 2017 and the subsequent test results shared with the project team today there is evidence of contaminated soil in the area that V-Engineering and Consulting, Corp. (VEC) has started excavating.

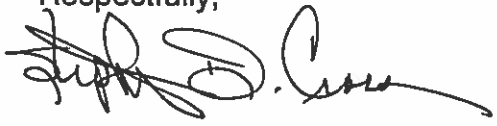
At today's meeting with WASD-Environmental Compliance, Stantec, CD PMCM and VEC Corp. the soil test results and the immediate steps that must be initiated were discussed. VEC is to cease all underground construction. This affects the foundation activities as well as any planned underground utility installation. VEC is to contract with an environmental consultant who shall provide direction on the corrective course of action, develop and monitor the Work Action Plan and fully document the process of working with the contaminated soil. No underground work can resume until the environmental consultant's evaluation and course of action is submitted for review and approval.

This limited Stop Work Directive does not preclude construction activities to continue on electrical and mechanical activities inside the existing pump station structure as well as above ground work associated with the temporary chemical tank configuration.

This letter acknowledges that V-Engineering and Consulting, Corp. will incur additional expenditures to address the contaminated soils. As the additional costs are difficult to quantify and this work needs to be expedited we suggest that this work be performed on a force account basis.

If there are questions on this direction, the construction activities impacted or any additional support required from the project team members, please contact me at 786-858-3210 to expedite resolution.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen D. Cross". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen D. Cross  
PMCM Area Construction Manager

cc: Daniel Edwards/WASD  
Victor Fernandez-Cuervo/WASD  
Ana Caveda/WASD  
David Wood/ CD PMCM  
Andrea Suarez/CD PMCM  
Scott Eckler/CD PMCM  
Abby Diaz/CD PMCM  
Tory Champlin/CD PMCM  
Warren Howard/CD PMCM  
Ricardo Rodriguez/CD PMCM  
Marcelino Gomez/CD PMCM  
Antonio Inojal/Stantec  
Susette Irizarry/Stantec  
Brantley Tate/VEC  
Ricardo Garcia/VEC  
Samantha Diaz/VEC  
Saide Randel/VEC-SCR





Consent Decree PMCM Team  
135 San Lorenzo | Suite 600  
Coral Gables, FL 33146  
(O) 305.444.4691 | (F) 305.447.3580

August 21, 2017

Letter: CD2.22\_GNC-009

Mr. Felix Valdes  
President  
V Engineering & Consulting Corp.  
2929 SW 3<sup>rd</sup> Ave., Suite 340  
Miami, FL 33129

Re: Consent Decree Project 2.22 – CDWWTP Master Pump Station No. 2  
Rescind Limited Stop Work Order – Underground Construction  
RPQ No. T2250; ER No. S049346; PCTS No. 13162

Reference: 1. Submittal 015719-001\_Draft Contaminated Soil Management Plan  
2. Letter CD2.22\_GNC-006\_Limited Stop Work Order-Underground Construction  
dated May 16, 2017

Dear Mr. Valdes:

With the acceptance (submittal review code "Make Corrections Noted") of Submittal 015719-001\_draft contaminated soil management plan (Reference No. 1) the limited stop work restricting below grade construction activities (Reference No. 2) is being rescinded with an effective date of August 11, 2017. This date reflects the meeting with representatives from WASD-Environmental, V-Engineering and Consulting, Corp., Nutting Environmental of Florida, Stantec and CD PMCM to review the requirements and responsibilities for the resumption of below grade work.

For scheduling purposes VEC's August 2017 monthly schedule update should incorporate the following dates associated with the Limited Stop Work-Underground Construction:

Start Date: May 16, 2017 (Calendar Day 113)  
End Date: August 11, 2017 (Calendar Day 200)

As previously indicated (Reference No. 2) V-Engineering and Consulting, Corp. will incur additional expenditures to address the contaminated soils. As previously noted the additional costs are difficult to quantify. The management of the contaminated soils and groundwater is to be performed on a force account basis.

While the management of the contaminated soils and groundwater has been identified as an unforeseen condition and the additional scope of work required to satisfy the requirements of the draft contaminated soil management plan, there are associated construction activities that remain within the original scope of work. Specifically, the excavation trench safety and dewatering activities remain contractual obligations that were known at the time of bid and not considered as additional scope of work.

Please prepare and submit the groundwater mitigation plan and dewatering permit for the project's excavation activities.

If there are questions on the cessation of the Limited Stop Work Order for underground construction and the responsibility for dewatering the excavations, please contact me at 786-858-3210 for clarification.

Respectfully,



Stephen D. Cross  
PMCM Area Construction Manager

Attachments: Submittal 015719-001\_draft contaminated soil management plan

cc: Daniel Edwards/WASD  
Victor Fernandez-Cuervo/WASD  
Ana Caveda/WASD  
David Wood/ CD PMCM  
Andrea Suarez/CD PMCM  
Scott Eckler/CD PMCM  
Abby Diaz/CD PMCM  
Tory Champlin/CD PMCM  
Warren Howard/CD PMCM  
Ricardo Rodriguez/CD PMCM  
Pedro Mendez/CD PMCM  
Antonio Inojal/Stantec  
Anamaria Sarmiento/Stantec  
Ricardo Garcia/VEC  
Samantha Diaz/VEC  
Saide Randel/VEC-SCR

**CD 1.6, 1.8, 2.12, 2.13, 2.16 and 2.18(2)**  
**Thickening and Dewatering at CDWWTP and SDWWTP**



May 1, 2018

Patty Palomo  
Chief Intergovernmental Affairs  
Miami-Dade Water and Sewer Department  
3071 SW 38<sup>th</sup> Ave  
Miami FL 33233

**VIA US MAIL & ELECTRONIC MAIL**

Re: Withdrawal of Proposal – SDWTP and CDWTP Sludge Thickening and Dewatering Buildings  
(Contracts No. S-884 and No. S-888)

Ms. Palomo,

This letter is to inform Miami Dade County (“County”) that PC Construction Company d/b/a PCEO, Inc. (“PC”) hereby withdraws its Proposal for the above-referenced Project. As you know, PC originally submitted its proposal on May 5, 2017, almost one year ago. That proposal was based on information and pricing available at that time as well as the representations from the County regarding the anticipated Notice to Proceed date of August 31, 2017. PC’s proposal included a bid bond securing the bid for only 180 days from proposal submission which has long since expired. If you have any questions please feel free to contact me.

Sincerely,

**PC Construction Company**

Brian Walker  
Vice President

CC: Clerk of the Board



July 06, 2020

VIA EMAIL

Mr. Patrick Carr  
Poole & Kent Company of Florida  
1781 N.W. North River Drive  
Miami, FL 33125

Email: patrickc@pkflorida.com

**Re: NOTICE TO PROCEED**

DESIGN-BUILD SERVICES FOR THE CONSTRUCTION OF THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT AND CENTRAL DISTRICT WASTEWATER TREATMENT SLUDGE THICKENING AND DEWATERING BUILDINGS, CONSENT DECREE PROJECTS 1.06/1.08/2.12/2.13/2.16/2.18(2)  
ISD Project No. DB18-WASD-02  
WASD Contract No. 19PKCOF002  
Work Orders: S-884 and S-888

Dear Mr. Carr:

This letter will serve as your notification that you are to proceed with the commencement of work as described in the Design Build ISD Project No. DB18-WASD-02 and Contract No. 19PKCOF002, starting July 6, 2020, and work must be completed in accordance with the Contract Documents. The complete execution of this NTP establishes the commencement date for the work described in the Request for Design Build Services (RDBS), DB18-WASD-02. The terms and conditions applicable to this contract are in DB18-WASD-02, executed June 12, 2020, and the complete contract documents, including but not limited to the Design Build RTI/RTA including special provisions contained therein, drawings, specifications, addenda, and any contract modifications or change orders, etcetera. The total contract value for this Contract is \$195,555,440.00, which includes contingencies and dedicated allowances. Any further amounts required for this Contract must be authorized by the County Mayor or the County Mayor’s designee in accordance with his County Mayor’s powers granted under Section 2-8.2.12.

The construction durations and completion dates shall be in accordance with the table below for all Milestones. In accordance with Article 6.2.2 Liquidated Damages, failure to complete the work on or before these Milestones dates shall result in Contract Liquidated Damages per the Table below.

<b>CD 1.06, 1.08 SDWWTP (S-884) Milestone No.</b>	<b>Milestone Type/Name</b>	<b>Calendar Days from NTP</b>	<b>Milestone Completion Date (NTP + Duration)</b>	<b>Contract Liquidated Damages</b>
1	Substantial Completion	909	12/31/2022	\$5,100/day
1A	Final Completion	1029	04/30/2023	\$2,500/day
<b>CD 2.12, 2.13, 2.16, 2.18(2) CDWWTP (S-888) Milestone No.</b>	<b>Milestone Type/Name</b>	<b>Calendar Days from NTP</b>	<b>Milestone Completion Date (NTP + Duration)</b>	<b>Contract Liquidated Damages</b>
2	Substantial Completion	966	02/26/2023	\$6,700/day
2A	Final Completion	1086	06/26/2023	\$2,500/day

**NOTICE TO PROCEED**

ISD Project No. DB18-WASD-02  
WASD Contract No. 19PKCOF002  
S-884 and S-888

Failure to complete Milestone 1 on or before the Consent Decree Compliance Date of January 06, 2023 shall result in Consent Decree Liquidated Damages per Article 6.2.3. Failure to complete Milestone 2 on or before the Consent Decree Compliance Date of January 13, 2023 shall result in Consent Decree Liquidated Damages per Article 6.2.3. The Design-Builder shall not be responsible for payment of penalties incurred by the County prior to the Milestones 1 and 2 deadlines. Please note these Consent Decree Liquidated Damages are in addition to the Contract Liquidated Damages and may be assessed separately and/or in combination.

This letter shall serve as a reminder that all work must be performed in accordance with the Contract Documents and all applicable Federal, State, and Local Laws, Codes, and Regulations. Please make sure to contact the PMCM assigned Project Manager and PMCM Construction Managers within 48 hours of receipt of this letter to coordinate design and construction activities.

**CD PMCM Project Manager**

Jie “Jane” House, P.E.  
Cell: (561) 523-8938  
Email: houja@miamidade.gov

**CD PMCM Construction Manager for SDWWTP (S-884) “CD1.08”**

Marcelino Torres, P.E.  
Cell (305) 746-1068  
Email: Marcelino.Torres@miamidade.gov

**CD PMCM Construction Manager for CDWWTP (S-888) “CD2.16”**

Julio Diamante, P.E.  
Office (786) 552-4329  
Cell (732) 900-7260  
Email: Julio.Diamante@miamidade.gov

It is the intent of the Department for the Design-Builder to fulfill all duties and obligations imposed by the contract documents, which can be reasonably assumed as necessary to fulfill the intent of the contract documents and to provide a complete, fully functional, and satisfactory Project.

Should you require any additional information, please do not hesitate to contact me.

Sincerely,



**Daniel J. Edwards, P.E.**  
Consent Decree Sr Program Manager  
**Miami-Dade Water and Sewer Department**  
Office 786-552-8354, Cell 786-232-5257

**NOTICE TO PROCEED**

ISD Project No. DB18-WASD-02  
WASD Contract No. 19PKCOF002  
S-884 and S-888

cc: Lynnette Ramirez (WASD)  
Patty Palomo (WASD)  
Robert Fergen (WASD)  
Wayne Myers (WASD)  
Leo Pou (WASD)  
Martin Dorward (PMCM)  
Aric Barto (PMCM)  
Andrea Suarez (PMCM)  
Scott Eckler (PMCM)  
Brian Stitt (PMCM)  
Jane House (PMCM)  
Marcelino Torres (PMCM)  
Julio Diamante (PMCM)  
Brian LaMay (Stantec)  
Ramon Castella (Stantec)  
Jeovanni Ayala-Lugo (Stantec)  
Edith Brown (WASD)  
Stephen Pollock, IG  
Alice Hildalgo-Gato, DSBD  
Surety Company  
File

**CD 1.11**  
**General Electrical Design Substation No. 9, 10, 11, and 12**



CLERK OF THE BOARD

2019 MAY 28 AM 8:37

# Memorandum



Date: CLERK OF THE BOARD & COUNTY CT'S  
MIAMI-DADE COUNTY, FLA.  
#1

To: Kevin Lynskey, Director  
Water and Sewer Department

From: *Alissa Penalzo*  
Alissa Penalzo, Assistant Director  
Intergovernmental and Internal Operations

Subject: Request to Reject all Bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 - Project No.: N/A; Contract No.: S-914

---

## RECOMMENDATION:

Pursuant to the Miami-Dade Water and Sewer Department (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance, Section 2-8.2.12 of the Code of Miami-Dade County, it is recommended that the County Mayor or County Mayor's designee approve this recommendation to reject all bids received by WASD in response to the open competitive solicitation for Contract No. S-914.

## DELEGATION OF AUTHORITY:

The County Mayor or County Mayor's designee is authorized to reject bids pursuant to the provisions of Sections 2-8.2.12 (4)(b) of the Code of Miami-Dade County.

## PROJECT NAME:

CD 1.11 General Electrical Design Substations 9, 10, 11 and 12

## PROJECT DESCRIPTION:

The scope of work includes, but is not limited to, furnishing all materials, labor, and equipment necessary for the electrical improvements for Substations 9 and 10 and 11 and 12. The work generally includes, but is not limited to, demolition and replacement of existing electrical transformer and switchgear equipment and panels, electrical busduct, conduits, and cabling; associated instrumentation and controls; and modifications to the existing substation buildings, including: replacement of existing built-up roofing, new interior and exterior lighting, power and lighting panels, new doors, louvers, equipment pads, exhaust fans, and air conditioning and filtration equipment; and new sidewalks, fencing, and site grading.

## PROJECT LOCATION:

The Project is located within WASD's South District Wastewater Treatment Plant at Electrical Substation Nos. 9, 10, 11 and 12, 8590 S.W. 232nd Street, Section 21, Township 56, Range 40, Miami-Dade, Florida 33190.

**FISCAL IMPACT / FUNDING SOURCE:**

There is no fiscal impact to the County for the rejection of bids.

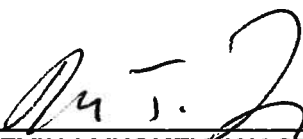
**TRACK RECORD / MONITOR/SBD HISTORY OF VIOLATIONS:**

Due diligence was conducted by WASD and the Internal Services Department (ISD) in accordance with ISD's Procurement Guidelines to determine responsibility, including verifying corporate status and performance, safety and compliance data.

**EXPLANATION:**

On December 6, 2018, the Department received bids for the Project. During a review of the bids, the County learned that it had already awarded the roofing repair work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

It is in the best interest of the County to proceed with roofing repairs to protect the contents of the electrical substations from water damage and avoid any potential interruption to plant operations. Therefore, WASD recommends rejecting all bids received and re-advertising the project with a revised scope of work.

  
\_\_\_\_\_  
KEVIN LYNSKEY, WASD DIRECTOR  
ON BEHALF OF MAYOR CARLOS A. GIMENEZ

5.24.19  
DATE

# Memorandum



**Date:** May 24, 2019

**To:** Lynnette Ramirez, Senior Advisor  
Capital Projects and Compliance

**From:**   
Isaac Smith, Chief  
Construction Contract Division

**Subject:** For the Director's Signature: Request to Reject all Bids for CD 1.11 General Electrical Design - Substations 9, 10, 11 and 12, Contract No.: S-914

---

Attached for your review and the Director's approval is the Rejection of All Bids (attached) received for construction Contract No. S-914, Consent Decree Project 1.11 General Electrical Design - Substations 9, 10, 11 and 12.

**The attached recommendation has been reviewed and approved by County Attorney's Office.**

On December 6, 2018, the Department received and opened five (5) bids for the subject project with base bids as follows:

Aarya Construction & Design, Inc.	\$ 4,648,000.00
Poole & Kent Company of Florida	\$ 4,996,000.00
Kiewit Infrastructure South	\$ 5,101,000.00
Solares Electrical Services	\$ 5,589,580.00
Lunacon Construction Group	\$ 5,794,957.43

During evaluation of bids, we learned that the Department had already awarded the roofing repair work for the electrical substations included in this project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms. Further, prior to opening bids, the Department also issued NTP to the SBE roofing contractor, which also has acquired necessary permits to begin construction.

Since we reserve the right to reject any and all bids and re-advertise for bids, when its in the best interest of the County, I recommend the following:

- Proceed with roofing repairs to protect the contents of the electrical substations from water damage and avoid any potential interruption to plant operations and
- Reject all bids received for CD 1.11 and re-advertising immediately with a revised scope of work.

## Attachments

**Cc:** Alissa Penalosa  
Dan Edwards



miamidade.gov

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

Construction Contracts Section  
Tel: (786) 552-8989

September 1, 2020

VIA EMAIL & OVERNIGHT DELIVERY

Aarya Construction and Design, Inc.  
7657 N.W. 50th Street  
Miami, FL 33166

RE: **NOTICE TO PROCEED**  
CD 1.11 GENERAL ELECTRICAL DESIGN – SUBSTATIONS 9,  
10, 11 AND 12, CONTRACT NO. S-914R, PCTS No. 13215  
(Site Address: South District Wastewater Treatment Plant, 8590 S.W.  
232nd Street, Miami, Florida 33190. District 8, Daniella Levine Cava)

Gentlemen:

In reference to the subject project, notice is hereby given to proceed with the work on September 8, 2020. The Department reserves the right to change the Notice to Proceed date. The awarded amount of this project is \$5,491,790.00. The construction durations and completion dates shall be in accordance to the table below for all Milestones. (Note if the NTP Date is changed, the Milestone Completion Date in the below table will be adjusted accordingly). In accordance with Special Provisions Section SP 3.1, failure to complete the work on or before the Milestones shall result in Contract Liquidated Damages per Table below.

Milestones	Description	Duration	Milestone Completion Date (NTP + Duration)	Contract Liquidated Damages
1	Substantial Completion for CD 1.11	600	5/01/2022	\$1,500 Per Day
2	Final Completion	690	7/30/2022	\$750 Per Day

The Contract Documents state that “Failure to complete Milestone 1 on or before the Consent Decree Compliance Date of March 26, 2021 shall result in Consent Decree Liquidated Damages per Special Provisions Section SP 3.2.” In the event the above Consent Decree Compliance Date occurs before the Substantial Completion date established in Section SP 3.1 Table 1, the Consent Decree Liquidated Damages shall commence on the later of the two dates. Please note these Consent Decree Liquidated Damages are in addition to the Contract Liquidated Damages and may be assessed separately and/or in combination.

In the event that the Contractor becomes entitled to a Compensable Time Extension, the established daily Liquidated Indirect Costs shall be \$1,150 per day.

This letter shall serve as reminder that all work must be performed in accordance with the Contract Documents and in accordance with all applicable Federal, State and local laws codes and regulations. Please contact Aaron Anderson, Project Manager, at least 48 hours before you begin construction by telephoning (786) 338-5393.

Very truly yours,

Isaac Smith, Chief  
Construction Contracts Division

cc: Dan Edwards  
Mayler Porro-Vazquez  
Robert Fergen  
Oscar Vasquez  
David Diffie  
Edith Brown  
Tory Champlin (PMCM)  
Jane House (PMCM)  
Aaron Anderson (PMCM)  
Antonio Inojal (Stantec)  
Brian LaMay (Stantec)  
Brian Stitt (Consultant)  
Stephen Pollock, IG  
Alice Hidalgo-Gato, DSBD  
Surety Company  
File

**CD 2.15**

**Contractor's Request for Time Extension for Hurricane Dorian (6-day Delay)**



Poole & Kent Company of Florida  
1781 N.W. North River Drive  
Miami, FL 33125  
P.O. Box 420556  
Miami, FL 33242

Phone: 305.325.1930  
Fax: 305.324.0522

March 13, 2020

Emailed to: [Stephen.Cross@miamidade.gov](mailto:Stephen.Cross@miamidade.gov)

Consent Decree PM/CM Team  
3071 SW 38<sup>th</sup> Ave, Suite 553  
Miami, Florida 33146

Attn: Stephen Cross

Re: **Central District WWTP CD2.15(1) Digester Cluster No.01  
Miami-Dade Contract S-889, Poole & Kent Job No. 16612  
Request for Time Extension - Hurricane Dorian**

Dear Mr. Cross:

On August 28th, 2019, Governor Ron DeSantis issued Executive Order 19-189, declaring a state of emergency for counties in the path of Hurricane Dorian. The Governor is urging all Floridians on the East Coast to prepare for impacts, as the latest forecasts from the National Hurricane Center projects Hurricane Dorian will make landfall on Florida's East Coast as a major hurricane.

Therefore, in accordance with Article 8, Section C, Part B of the General Terms and Conditions, please issue a Work Order / Change Order extending the project duration six (6) calendar days for the cumulative impact resulting from Force Majeure of Hurricane Dorian.

August 29<sup>th</sup>, 2019 thru September 3<sup>rd</sup>, 2019 = 6 Calendar Days

If you have any questions, please call me direct.

Sincerely,  
**Poole & Kent Company of Florida**

A handwritten signature in blue ink, appearing to read "Andrew Gershon".

Andrew Gershon  
Project Manager

**CD 3.6**  
**NDWWTP Disinfection Facility**  
**Contractor's Notice of Force Majeure Event**





ESTABLISHED 1879

**Daniel O'Connell's Sons**  
Construction Managers and  
General Contractors

2999 NE 191<sup>st</sup> St  
Suite 906  
Aventura, FL 33180  
786-864-0003  
www.oconnells.com

April 9, 2020

Transmittal Method: Via Email

Mr. Pedro Angel  
Construction Manager  
Consent Decree PM/CM Team

RE: CD 3.06 North District WWTP Disinfection Improvements  
NOTICE OF FORCE MAJEURE EVENT  
WASD Contract No. S-912, DOC 2018-104

Mr. Angel,

Please be advised Daniel O'Connell's Sons (DOC) continues to comply with applicable guidelines and direction from WASD regarding the current COVID 19 pandemic. These efforts have had an impact on productivity on a daily basis as initial screening and self certifications are required before work commences. DOC has complied with the WASD request for a COVID-19 plan and applies the plan requirements daily to mitigate the effects of the COVID-19 disease. However, this past week DOC received letters (Attachments A & B) from subcontractors and suppliers stating their concerns and expectations of the adverse impacts on their operations in prosecuting the work on this Project.

The COVID-19 pandemic is considered by DOC to be a Force Majeure event. We expect an impact on the availability of healthy workforce and potential impacts to the fabrication and delivery of materials and equipment to the project timely and meeting schedules.

Article 1 of the Supplemental General Terms and Conditions defines "Force Majeure" as an Act of God including but not limited to an epidemic which impacts the materials, supplies, labor, services, permits, etc required to complete the Project and is outside of the control of all parties involved.

DOC shall provide documentation of specific incidences as they occur. Accordingly, DOC reserves its rights under this Notice to claim relief from delays and damages incurred due to the COVID-19 pandemic.

Sincerely,  
**DANIEL O'CONNELL'S SONS**

Jaime Vélez  
Project Manager

CC: Robert Murphy, P.E. – DOC  
George Brodeur – DOC

José Murphy, P.E. – DOC  
Enrique Cardona – PMCM  
DOC File No. 2018-104

ATTACHMENT "A"



04/03/2020

### Notice of Force Majeure Event

Dear Clients:

We are closely monitoring the outbreak and spread of COVID-19 and the impact it may have on our business and our clients. We are working to continue providing and delivering the same level of work and service you have come to expect, while remaining in compliance with all guidelines issued by municipalities, counties, states and the federal government.

At this time, it is reasonable to expect that the COVID-19 virus will have an adverse impact upon our ability to continue providing labor and materials to your project and timely perform all of our obligations under our contract. The scope of this potential impact is currently unknown. We can expect a reduction in available labor due to policies requiring social distancing and self-isolation to prevent the spread of the virus. In addition, the impact on our supply chains for materials, many of which are shipped from overseas, may be severe.

Therefore, we write to provide notice that we consider the COVID-19 outbreak a Force Majeure event in relation to the Project. As a result, to the extent permitted by our contract, we reserve all rights to: (1) an extension of time based upon any delay to the project caused by COVID-19; (2) additional compensation based upon costs incurred related to any delay to the project caused by COVID-19; and (3) additional compensation based upon increased costs of materials.

While we provide this notice as a precaution, we assure you that we are doing everything in our power to avoid any delays or increased costs to the project, while remaining compliant with the directions, guidelines and requirements issued by municipalities, counties, states and the federal government.

We will continue to share information as it becomes available and do our very best to keep you informed about any further actions as it relates to your project. If you have any further questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Loveland', is written over a faint blue circular stamp.

David M Loveland

Vice President

Commercial Industrial Service  
1344 South Killian Drive Lake Park, Florida 33403 (561) 882-0401 Fax (561) 882-0555  
Lic #EC13007552

# CORRIM Company

Corrosion Immune Fiberglass Doors and Frames  
1870 Stillman Drive · Oshkosh, WI 54901-1010

ATTACHMENT "B"

[www.corrim.com](http://www.corrim.com)

P: (920) 231-2000 · F: (920) 231-2238

April 6, 2020

To whom it may concern,

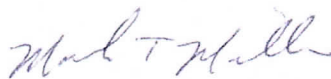
As a country we are going through difficult times with the Covid-19 Stay at Home orders by our state governments. With this being said Corrim Company has been classified as an essential company due to the product we supply.

Due to this essential manufacturer order, Corrim Company has received letters from the US Military classifying specific projects as Mission Essential which states that those orders have a priority and have preference ahead of all other orders.

Corrim Company is doing our best to get these orders through our plant and try to not upset our current lead time but due to the nature of these orders we may see a delay of the original estimated ship date by 2 to 4 weeks.

Please bear with us as we work through these strenuous times together.

Sincerely,



Mark Miller  
President



John Morelli  
Vice President

**CD 2.01(7)**

**Contractor's Notification of COVID-19 Impacts on Test Pile Crew**



ESTABLISHED 1879

**Daniel O'Connell's Sons**  
Construction Managers and  
General Contractors

2999 NE 191<sup>st</sup> St  
Suite 906  
Aventura, FL 33180  
786-864-0003  
www.oconnells.com

August 10, 2020

Transmittal Method: Via Email

Mr. Rennie Lopez  
Construction Manager  
Consent Decree PM/CM Team

RE: CD 2.01 (7) Electrical Improvements- Substations 7A, 8A, 9A, & 10A  
NOTICE OF DELAY DUE TO UNFORESEEN CONDITIONS  
Central District WWTP  
Contract No. S-943  
DOC 2020-103

Mr. Lopez,

With the following DOC wishes to hereby formalize a Contract Time Extension request for thirty-two (32) calendar days as communicated in separate previous correspondences due to unforeseen conditions, COVID-19, coordinate discrepancies, and weather events that prevented DOC from mobilizing earlier to commence the Auger Cast Piles (ACIP) testing program and impacting the progress of the work.

The following sequence of events transpired at the time and have evolved to date with regards to the unforeseen underground conditions and palm trees:

05-11-20 DOC received Notice to Proceed with the Project CD2.01 (7) Electrical Improvements  
05-21-20 Auger Cast Piles (ACIP) Testing submittal No 31 63 16-001 received as "No Exception Taken"  
05-21-20 Auger Cast Piles Production Piles submittal No 31 63 16-002 received as "No Exception Taken"  
05-27-20 DOC notified PMCM of criteria DOC was following to layout testing piles inside the project site  
05-28-20 DOC notified PMCM of existing unforeseen underground utilities in conflict with test location  
05-28-20 PMCM cancelled scheduled Pre-Con meeting with Engineer where test piles would be approved  
05-29-20 DOC met PMCM to discuss possible removal of two palm trees for testing piles location  
05-29-20 PMCM contacted WASD landscape architect to review possibility and schedule onsite meeting  
06-01-20 Scheduled Mobilization Delayed by Unforeseen Conditions  
06-08-20 DOC met with WASD landscape architect who approved the removal of existing palm trees  
06-10-20 DOC removed the palm trees and confirmed possible location for ACIP testing program

In accordance with Article 8.C.1.b with regards to non-compensable excusable delays beyond the Contractor's control not caused by Consultant and/or the Owner:

"Excusable delays are those delays to the critical path beyond the Contractor's control and without the active interference of the Owner, such as extreme weather (force majeure), strikes and delays caused by third parties (i.e. not the Contractor or the Owner). Contractors are granted a time extension but no additional compensation for the extended time of performance for the excusable delays."

As described above, materials and procedure submittals had been approved to commence with the ACIP testing program. A testing program location had been selected to proceed in accordance with the Contractor's understanding of the required criteria for the location of the testing program. This criteria was communicated to PMCM and the project team prior to proceeding any further. PMCM suggested contacting WASD's landscape architect as described above and proceeded with removal of the palm trees as instructed.

The unforeseen underground utilities and removal of the existing palm trees delayed the possible mobilization to commence the ACIP testing program from June 1, 2020 to June 10, 2020. Daniel O'Connell's Sons (DOC) requests a Contract Time Extension of nine (9) days due to the unforeseen underground utilities, as well as the existing palm trees and additional exploratory excavations performed by the Contractor in lieu of commencing the ACIP testing program.

On July 2, 2020 DOC notified PMCM that the crew that had been scheduled to mobilize to the project site with the intention to commence the ACIP testing program on July 6, 2020 had one member that had tested positive to COVID-19. As a result, the entire crew was sent for testing. Mobilization did not occur until July 8, 2020. DOC requests **three (3) days of Contract Time Extension due to the Force Majeure event** of a pandemic impacting the progress of the work.

The following sequence of events previously communicated in writing transpired at the time and evolved to date with regards to the discrepancy identified between the NAD83 Florida State Planes benchmark coordinates provided in Contract Drawing GC-1 and the plant coordinates provided on C-2.

05-28-20 RFI #07 was submitted by DOC stating the discrepancy between the coordinate systems provided  
06-02-20 RFI #07 response was issued to Contractor; information provided did not solve the discrepancy  
06-20-20 Location of ACIP Testing Piles program was approved  
06-23-20 WASD surveying crew provided three benchmarks based on plant coordinates  
07-02-20 RFI #15 submitted stating benchmarks provided by WASD did not match coordinates from GC-1  
07-09-20 RFI #15 response directed to disregard coordinates on GC-1 and utilize those WASD had provided

The discrepancy described above in the coordinate systems provided on the Contract Drawings prevented an earlier mobilization to commence the ACIP testing program whose location was approved on June 20, 2020 until July 7, 2020 when the lay-out of the ACIP testing piles was completed. Daniel O'Connell's Sons (DOC) requests a Contract Time Extension of seventeen (17) days due to the unforeseen discrepancy found in the Contract Documents.

As communicated via email to PMCM on July 17, 2020 Daniel O'Connell's Sons requests three (3) days of Contract Time Extension due to inclement weather encountered on that day which prevented critical construction of ACIP test piles that would have been gaining strength during the weekend towards achievement of 5,000psi to commence the testing phase of the piles.

We look forward to your response. Please contact me at (305) 433-1549 should you wish to further discuss.

Sincerely,

**DANIEL O'CONNELL'S SONS**



Jaime Vélez  
Project Manager

CC: Robert Murphy, P.E. DOC  
Kurt Waters, DOC  
Haneef Gardner, DOC  
Christian Espinoza, PMCM  
Joel Cruz, PMCM  
DOC File No. 2020-103



**CD 1.11**  
**Emergency Generators 1 through 4 Rehabilitation**

MIAMI-DADE COUNTY, FLORIDA



Miami-Dade Water & Sewer  
Douglas Building  
3071 SW 38 Ave.  
Miami, FL 33146

Date: 03/03/2020

Re: **Notice of Project Cancellation**

**RPQ# P0226- CD 1.11-Emergency Generators 1 Thru 4 Rehab SDWWTP**

This letter serves as your notification that as per Section 1.4 of the General Terms and Conditions of Contract No. MCC 7360 Plan. Miami-Dade County reserves the right to cancel any solicitation when it is in the best interest of the County.

The County hereby exercises its right to cancel this solicitation and will re-advertise this project in the near future.

Should you have any questions, please contact me at (786) 552-8055

Sincerely,



Jesus Salinas, Construction Contracts Specialist  
**Construction Contracts Division**  
**Miami-Dade Water and Sewer Department**  
3071 SW 38th Avenue, Suite 107-13, Miami, Florida 33146  
786-552-8055 **Phone** 786-552-8613 **Fax**  
**e-mail:** SALINAS@miamidade.gov  
[www.miamidade.gov/water](http://www.miamidade.gov/water)  
**Connect With Us** on [Twitter](#) | [Facebook](#)



**Water and Sewer**  
PO Box 330316 • 3071 SW 38 Avenue  
Miami, Florida 33233-0316  
T 305-665-7471  
Construction Contracts Section  
Tel: (786) 552-8989 – Fax: (305) 669-4053

December 24, 2020

VIA EMAIL: [jdao@fecbuild.com](mailto:jdao@fecbuild.com)

Florida Construction & Engineering, Inc.  
155 Bentley Drive  
Miami Springs, FL 33266-1426  
Attn: Mr. Johnny Dao, President

**RE: Rescinding Recommendation for Award and Cancellation of  
CD 1.11 Emergency Generators 1 through 4 Rehabilitation  
South District Wastewater Treatment Plant, RPQ No. P0226R**

Dear Mr. Dao,

On July 6<sup>th</sup>, 2020, the Miami-Dade Water and Sewer Department issued a Recommendation for Award of the subject project to Florida Construction & Engineering, Inc. (FCE), but has yet to issue Notice to Proceed. This solicitation required that you provide the services of a dedicated vendor to provide certain equipment and portions of the work, which is only possible by subcontracting with the general contracting firm of Condo Electric, Inc.

During a bid review meeting, which occurred after the award recommendation, you were requested to provide a written statement on your firm's letterhead that you stand by your total bid and will honor your prices bid. In response, you provided the attached correspondence, wherein you stated that:

“As per bid documents, (Sheet S-6), Hood “I” shall be removed and replaced. FCE bid includes completion of this work item. However, by the time FCE received a quote from Condo Electric for Hood I, our bid package was already prepared. Therefore, our proposal does not included item I to be manufactured by ESI.

FCE is prepared to accept the award under the premises that Hood “I” won't be manufacture by ESI.”

Section 1.2 of the General Terms and Conditions of Contract MCC Plan 7360, under Contents of Solicitation and Respondent's Responsibilities, states that:

“It is the responsibility of the Respondent to become thoroughly familiar with the requirements, terms and conditions of this solicitation. Pleas of ignorance by the Respondent of conditions that exist or that may exist will not be accepted as a basis for varying the requirements of the County, or the compensation to be paid to the contractor.”

It was a requirement of the bid documents that bidders provide a price proposal based on the terms and conditions of this solicitation. The above statements in FCE's correspondence to the County has essentially varied the requirements of the bid. The timing by which you received the quote from Condo Electric, Inc. does not release FCE from the requirements of the solicitation.

In addition, the above statements in FCE's correspondence also conditions their bid, which is unacceptable. As Section 2.22 paragraph C of the Special Conditions of Contract MCC Plan 7360 states, "Furthermore, RPQ's may not be conditioned on an unapproved revision to any term of the Contract or any requirement not set forth in the applicable RPQ."

According to Section 1.4, Cancellation of Solicitation, the County reserves the right to cancel, in whole or in part, any solicitation when it is in the best interest of the County. Also, according to Section 2.22, it is noted that the County reserves the right to reject any and all prices submitted or cancel an RPQ at any time.

**Therefore, the Miami-Dade Water and Sewer Department hereby rescinds the Recommendation for Award of RPQ No. P0226R to Florida Construction & Engineering, Inc. In addition, the County exercises it's reserved right and cancels the RPQ for this solicitation. The subject project will be re-advertised in the near future under a separate solicitation.**

Finally, please make arrangements to retrieve your bonds, as this decision is final. Should you have any questions, please feel free to email me at [Isaac.smith@miamidade.gov](mailto:Isaac.smith@miamidade.gov) or contact me at (786)552-8989.

Sincerely,



Isaac Smith, Chief  
Construction Contracts Division

cc: Stephen Pollock (OIG)  
Jose Enrique Cueto (WASD)  
Daniel Edwards (WASD)  
Li Gural (WASD)  
Victor Delgado (WASD)  
Jesus Salinas (WASD)  
Margaret Moss (WASD)  
Laurie Johnson (SBD)  
Edith Brown (WASD)  
Tory Champlain (PM/CM)  
Clerk of the Board  
All RPQ# P0226R Bidders



Daniella Levine Cava, Mayor

FILED FOR RECORD

2021 JUL -7 PM 1:38

CLERK, CIRCUIT & COUNTY CLKS  
MIAMI-DADE COUNTY, FL  
#1

Water and Sewer  
3071 SW 38 Avenue  
Douglas  
Miami, FL 33146  
786-552-8055

miamidade.gov

July 7, 2021

Luis E. Enriquez  
LEE Construction Group, Inc.  
9485 NW 12 Street  
Doral, FL 33172

CERTIFIED MAIL No:  
FACSIMILE: 305-599-7154  
TELEPHONE: 786-487-0876

Re: Recommendation for Award for CICC 7360-0/08 Contract - RPQ NO: P0226RR  
CD 1.11 - EMERGENCY GENERATORS 1 THRU 4 REHAB - SOUTH DISTRICT WASTE  
WATER TREATMENT PLANT  
23300 SW 88th AVENUE, MIAMI, FL 33190

Dear Luis E. Enriquez:

In accordance with Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County and Implementing Order 3-21, this letter serves to notify you and all bidders on this solicitation that your firm has been recommended for award of the referenced Request for Price Quotation (RPQ) based on the bid submitted on Tuesday, May 11, 2021. Pursuant to the referenced legislation, the three (3) day protest period shall commence upon the filing of this recommendation to award with the Clerk of the Board. This contract award will be effective only in accordance with the conditions of the solicitation, which requires execution by both parties of the Notice to Proceed (NTP).

The value at award is \$3,930,686.68. This includes your base bid amount of \$3,478,483.79, a contingency amount of \$347,848.38 and a Dedicated amount of \$104,354.51. The contract term is 365 calendar days. The award is contingent upon the submission and approval of Insurance Certificates listing the required coverage for General Liability, Auto Liability (Owned, Non-owned and Hired Vehicles) and Workers Compensation as required by Florida Statue Chapter 440. Additional documents may be required as listed below:

PERFORMANCE AND PAYMENT BOND REQUIRED WITHIN THE 10 DAY ALLOWABLE PERIOD.

The preceding Documents are required as outlined within the RPQ project specification and the MCC 7360 Plan. They must be submitted to the Water and Sewer within 10 business days of receipt of this letter. In the event additional insurance is required, it also must be submitted within 10 business days. Failure to submit the documents within the specified time frame, or an extension approved by the County, will result in the award being rescinded.

Subsequent to the review and approval of the referenced documents, you are required to obtain the necessary permits in the time frame stipulated in the RPQ. Upon obtaining the permit(s), copies must be submitted to the Project Manager prior to commencement of work. No work is to be performed without a permit (if applicable). Following receipt of the permit(s), the Project Manager may schedule a pre-construction conference and issue a Notice to Proceed authorizing the performance of the work.

This letter shall also serve as a reminder that all work must be performed in accordance with the scope of work and contract terms and conditions, all permits and inspections and in accordance with all applicable Federal, State and local laws, codes and regulations. Should you have any questions please contact VICTOR DELGADO, Project Manager, at 786-552-8055.

Sincerely,

Isaac Smith  
Chief, Construction Contracts Division

Jesus Salinas for ISAAC SMITH

Isaac Smith  
Chief, Construction Contracts Division

CC: file

Victor Delgado  
Jaime Ceballo



Daniella Levine Cava, Mayor

**Water and Sewer**  
3071 SW 38 Avenue  
Douglas  
Miami, FL 33146

September 8, 2021

Luis E. Enriquez  
LEE Construction Group, Inc.  
9485 NW 12 Street  
Doral, FL 33172

CERTIFIED MAIL No:  
FACSIMILE: 305-599-7154  
TELEPHONE: 786-487-0876

Re: Notice To Proceed for MCC 7360 Plan - RPQ NO: P0226RR  
CD 1.11 - EMERGENCY GENERATORS 1 THRU 4 REHAB - SOUTH DISTRICT WASTE WATER TREATMENT PLANT  
23300 SW 88th AVENUE, MIAMI, FL 33190

Dear Luis E. Enriquez:

This letter will serve as your notification that you are to proceed with the work described in RPQ #P0226RR starting Wednesday, September 22, 2021, and that all work must be completed on schedule in accordance with the contract documents. The time allotted for the contract is 420 consecutive calendar days which results in a scheduled completion date of Wednesday, November 16, 2022. **In the event the project is not completed by the scheduled completion date and a time extension has not been granted, your firm shall be subject to any liquidated and or stipulated damages as defined in the contract documents for this project.**

CD 1.11 - EMERGENCY GENERATORS 1 THRU 4 REHAB - SOUTH DISTRICT WASTE WATER TREATMENT PLANT

The complete execution of this notice to proceed shall constitute a contract for the work described in the Request for Price Quotation (RPQ) under the MCC 7360 Plan. **Failure to properly execute and return this document within ten (10) calendar days of the date of this letter may result in the County rescinding the award to your firm and awarding the subject project to the next lowest responsive and responsible bidder.**

The terms and conditions applicable to this contract are in the 7360 Contract dated 6/1/2003, and the totality of the contract documents (including but not limited to the RPQ including any special provisions contained therein, drawings and specifications, addenda, and any contract modifications or change orders etc).

This letter will also serve as a reminder that all work must be performed in accordance with the contract documents and in accordance with all applicable Federal, State and local laws, codes and regulations. In accordance with the contract procedure, the Miami-Dade County Purchase Order Release Number s are P0226RR and P0226RR.

Should you have any questions regarding this notification, please contact VICTOR DELGADO at 786-552-4368.

Sincerely,

A handwritten signature in cursive script that reads "Isaac Smith".

Isaac Smith  
Chief, Construction Contracts Division

CC: file

Jaime Ceballo  
Daniel Edwards