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**Water and Sewer**  
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T 305-665-7471

**VIA ELECTRONIC CORRESPONDENCE**

September 30, 2016

CCN: 60590  
File No: 8.DC.52 & 77

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
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  
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Florida Department of Environmental Protection  
Southeast District – West Palm Beach  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
Attn: Compliance/Enforcement Section  
[Diane.Pupa@dep.state.fl.us](mailto:Diane.Pupa@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 Follow-up Letter for Consent Decree Appendix D-2, Capital Improvement Project 4.8, Rehabilitation of 54-inch PCCP FM in the City of Miami**

Dear Sir/Madam:

On September 8, 2016, in accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), Miami-Dade (County) notified EPA and FDEP of a potential delay in the Appendix D-2 Capital Improvement Project (CIP) 4.8 Rehabilitation of approximately 2 miles of 54 inch PCCP Force Main in the City of Miami between the intersection of NW 2<sup>nd</sup> St and NW 67th Ave and NW 37 Ave and NW 11<sup>th</sup> St due to a bid protest.

The notification letter described and explained 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. Below is an update since the submittal of that notification.

On September 12, 2016, the protesting Contractor withdrew their protest. As a result, the award of the Contract will be allowed to proceed (see Attachment). However, this process delayed the award by thirty calendar days from August 19, 2016 to September 19, 2016. The County is requesting a project delay of thirty (30) calendar days extending the completion date from April 9, 2017 to May 9, 2017.

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

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,



Hardeep Anand, PE  
Deputy Water and Sewer Director

Attachment: Miami-Dade County Clerk of the Board Letter

ec: Jonathan A. Glogau  
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Chief, Complex Litigation  
Office of the Attorney General  
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Tallahassee, FL 32399-1050  
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Mayor Carlos A. Gimenez  
Miami-Dade County  
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Miami, Florida 33128

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Miami, Florida 33146

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**Attachment:  
Miami-Dade County Clerk of the Board Letter**

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**Harvey Ruvin**  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
Miami-Dade County, Florida



**CLERK OF THE BOARD OF COUNTY COMMISSIONERS**  
STEPHEN P. CLARK CENTER  
SUITE 17-202  
111 N.W. 1<sup>st</sup> Street  
Miami, FL 33128-1983  
Telephone: (305) 375-5126

September 13, 2016

Mr. Neal I. Sklar, Esq.  
Peckar & Abramson, P.C.  
One Southwest Third Avenue, Suite 3100  
Miami, Florida 33131

Re: Bid Protest

Contract No. S-899 (PCTS #13157) - RTQ No. 00298 CD 4.8 Rehabilitation of 54" inch  
PCCP FM from the intersection of NW 11th Street & NW 37th Ave to the intersection of  
NW 2nd St and NW 67th Ave

Dear Mr. Sklar:

The Clerk of the Board Division is in receipt of your email dated Monday, September 12, 2016, regarding Instituform Technologies, LLC's Notice of Withdrawal of Bid Protest in connection with the above referenced contract. Therefore, the bid protest hearing previously scheduled for Wednesday, September 14, 2016, at 9:30 AM, is **cancelled**.

If you have any questions regarding this matter, please do not hesitate to contact Daysha McBride at 305-375-1293.

HARVEY RUVIN, Clerk  
Circuit and County Courts

By

Christopher Agrippa, Director  
Clerk of the Board Division

CA:dmcb

Cc: Honorable Carlos A. Gimenez, Mayor, Miami-Dade County (via email)  
Jack Osterholt, Deputy Mayor (via email)  
Abigail Price-Williams, County Attorney (via email)  
Geri Bonzon-Keenan, First Assistant County Attorney (via email)  
Hugo Benitez, Assistant County Attorney (via email)

Mr. Neal I. Sklar, Esq.  
Peckar & Abramson, P.C.  
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September 13, 2016

Henry Gillman, Assistant County Attorney (via email)  
Sarah Davis, Assistant County Attorney (via email)  
Yolanda Negrin, County Attorney's Office (via email)  
Elizabeth Alfonso Ruiz, County Attorney's Office (via email)  
Ureaka Wyche, County Attorney's Office (via email)  
Tara C. Smith, Director, Internal Services Department (via email)  
Miriam Singer, Senior Assistant Director, Internal Services Department (via email)  
Amos Roundtree, Director, Purchasing Division, Internal Services Department (via email)  
Lester Sola, Director, Water and Sewer Department (via email)  
Arlyn Rull, Senior Executive Assistant to the Director, Water and Sewer Department (via email)  
Daniel Edwards, P.E., Project Manager, Water and Sewer Department (via email)  
Isaac Smith, Manager, Construction Contracts Section. Water and Sewer Department (via email)  
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